



General Assembly

**Amendment**

February Session, 2022

LCO No. 6382



Offered by:  
REP. WOOD K., 29<sup>th</sup> Dist.

To: Subst. House Bill No. 5411

File No. 376

Cal. No. 265

**"AN ACT CONCERNING TRAVEL INSURANCE."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Section 38a-1 of the 2022 supplement to the general  
4 statutes is repealed and the following is substituted in lieu thereof  
5 (*Effective October 1, 2022*):

6 Terms used in this title, and sections 3 to 8, inclusive, of this act,  
7 unless it appears from the context to the contrary, shall have a scope and  
8 meaning as set forth in this section.

9 (1) "Affiliate" or "affiliated" means a person that directly, or indirectly  
10 through one or more intermediaries, controls, is controlled by or is  
11 under common control with another person.

12 (2) "Alien insurer" means any insurer that has been chartered by or  
13 organized or constituted within or under the laws of any jurisdiction or

14 country without the United States.

15 (3) "Annuities" means all agreements to make periodical payments  
16 where the making or continuance of all or some of the series of the  
17 payments, or the amount of the payment, is dependent upon the  
18 continuance of human life or is for a specified term of years. This  
19 definition does not apply to payments made under a policy of life  
20 insurance.

21 (4) "Commissioner" means the Insurance Commissioner.

22 (5) "Control", "controlled by" or "under common control with" means  
23 the possession, direct or indirect, of the power to direct or cause the  
24 direction of the management and policies of a person, whether through  
25 the ownership of voting securities, by contract other than a commercial  
26 contract for goods or nonmanagement services, or otherwise, unless the  
27 power is the result of an official position with the person.

28 (6) "Domestic insurer" means any insurer that has been chartered by,  
29 incorporated, organized or constituted within or under the laws of this  
30 state.

31 (7) "Domestic surplus lines insurer" means any domestic insurer that  
32 has been authorized by the commissioner to write surplus lines  
33 insurance.

34 (8) "Foreign country" means any jurisdiction not in any state, district  
35 or territory of the United States.

36 (9) "Foreign insurer" means any insurer that has been chartered by or  
37 organized or constituted within or under the laws of another state or a  
38 territory of the United States.

39 (10) "Insolvency" or "insolvent" means, for any insurer, that it is  
40 unable to pay its obligations when they are due, or when its admitted  
41 assets do not exceed its liabilities plus the greater of: (A) Capital and  
42 surplus required by law for its organization and continued operation;  
43 or (B) the total par or stated value of its authorized and issued capital

44 stock. For purposes of this subdivision "liabilities" shall include but not  
45 be limited to reserves required by statute or by regulations adopted by  
46 the commissioner in accordance with the provisions of chapter 54 or  
47 specific requirements imposed by the commissioner upon a subject  
48 company at the time of admission or subsequent thereto.

49 (11) "Insurance" means any agreement to pay a sum of money,  
50 provide services or any other thing of value on the happening of a  
51 particular event or contingency or to provide indemnity for loss in  
52 respect to a specified subject by specified perils in return for a  
53 consideration. In any contract of insurance, an insured shall have an  
54 interest which is subject to a risk of loss through destruction or  
55 impairment of that interest, which risk is assumed by the insurer and  
56 such assumption shall be part of a general scheme to distribute losses  
57 among a large group of persons bearing similar risks in return for a  
58 ratable contribution or other consideration.

59 (12) "Insurer" or "insurance company" includes any person or  
60 combination of persons doing any kind or form of insurance business  
61 other than a fraternal benefit society, and shall include a receiver of any  
62 insurer when the context reasonably permits.

63 (13) "Insured" means a person to whom or for whose benefit an  
64 insurer makes a promise in an insurance policy. The term includes  
65 policyholders, subscribers, members and beneficiaries. This definition  
66 applies only to the provisions of this title and does not define the  
67 meaning of this word as used in insurance policies or certificates.

68 (14) "Life insurance" means insurance on human lives and insurances  
69 pertaining to or connected with human life. The business of life  
70 insurance includes granting endowment benefits, granting additional  
71 benefits in the event of death by accident or accidental means, granting  
72 additional benefits in the event of the total and permanent disability of  
73 the insured, and providing optional methods of settlement of proceeds.  
74 Life insurance includes burial contracts to the extent provided by  
75 section 38a-464.

76 (15) "Mutual insurer" means any insurer without capital stock, the  
77 managing directors or officers of which are elected by its members.

78 (16) "Person" means an individual, a corporation, a partnership, a  
79 limited liability company, an association, a joint stock company, a  
80 business trust, an unincorporated organization or other legal entity.

81 (17) "Policy" means any document, including attached endorsements  
82 and riders, purporting to be an enforceable contract, which  
83 memorializes in writing some or all of the terms of an insurance  
84 contract.

85 (18) "State" means any state, district, or territory of the United States.

86 (19) "Subsidiary" of a specified person means an affiliate controlled  
87 by the person directly, or indirectly through one or more intermediaries.

88 (20) "Unauthorized insurer" or "nonadmitted insurer" means an  
89 insurer that has not been granted a certificate of authority by the  
90 commissioner to transact the business of insurance in this state or an  
91 insurer transacting business not authorized by a valid certificate.

92 (21) "United States" means the United States of America, its territories  
93 and possessions, the Commonwealth of Puerto Rico and the District of  
94 Columbia.

95 Sec. 2. Section 38a-398 of the general statutes is repealed and the  
96 following is substituted in lieu thereof (*Effective October 1, 2022*):

97 (a) [As used in] For the purposes of this section and sections 3 to 8,  
98 inclusive, of this act:

99 [(1) "Travel insurance" means insurance, provided under an  
100 individual or a group or master insurance policy, for the following  
101 personal risks incident to planned travel: (A) Interruption or  
102 cancellation of a trip or an event; (B) loss of baggage or personal effects;  
103 (C) damage to accommodations or rental vehicles; or (D) sickness,  
104 accident, disability or death occurring during travel;]

105 (1) "Aggregator web site" means an Internet web site that provides  
106 access to information concerning insurance products from more than  
107 one insurer, including, but not limited to, product and insurer  
108 information, for use in insurance product comparison shopping.

109 (2) "Blanket travel insurance policy" means a policy of travel  
110 insurance issued to an eligible group that provides coverage: (A) For  
111 specific classes of persons defined in such policy of travel insurance; and  
112 (B) to all members of such eligible group without imposing a separate  
113 charge on any individual member of such eligible group.

114 (3) "Cancellation fee waiver" means a noninsurance contractual  
115 agreement between a supplier of travel services and a consumer to  
116 wave some or all of the nonrefundable cancellation fee provisions of  
117 such supplier's underlying travel contract regardless of the reason for  
118 the cancellation or form of reimbursement.

119 (4) "Designated travel retailer" means a travel retailer designated by  
120 a limited lines travel insurance producer to offer and disseminate travel  
121 insurance to residents of this state on behalf of the limited lines travel  
122 insurance producer.

123 (5) "Eligible group" means, with respect to travel insurance, a group  
124 of two or more persons who are engaged in a common enterprise or  
125 have an economic, educational or social affinity or relationship,  
126 including, but not limited to: (A) Any entity that is engaged in the  
127 business of providing travel or travel services, including, but not limited  
128 to, tour operators, lodging providers, vacation property owners, hotels,  
129 resorts, travel clubs, travel agencies, property managers, cultural  
130 exchange programs and common carriers, including, but not limited to,  
131 airlines, cruise lines, railroads, steamship companies and public bus  
132 carriers, provided all members or customers of such group have a  
133 common exposure to risk attendant to travel with respect to a particular  
134 type of travel or traveler; (B) a college, school or other institution of  
135 learning, provided any blanket travel insurance policy issued to the  
136 college, school or other institution of learning provides coverage for the

137 students, teachers, employees or volunteers of such college, school or  
138 institution of higher learning; (C) an employer, provided any blanket  
139 travel insurance policy issued to the employer provides coverage for a  
140 group of employees, volunteers, contractors, directors, dependents or  
141 guests of such employer; (D) a sports team, camp or sponsor of such  
142 sports team or camp, provided any blanket travel insurance policy  
143 issued to such team, camp or sponsor provides coverage for  
144 participants, members, campers, employees, officials, supervisors or  
145 volunteers of such team, camp or sponsor; (E) a religious, charitable,  
146 recreational, educational or civic organization, or branch of such  
147 religious, charitable, recreational, educational or civic organization,  
148 provided any blanket travel insurance policy issued to such  
149 organization or branch provides coverage for a group of members,  
150 participants or volunteers of such organization or branch; (F) a financial  
151 institution or financial institution vendor, or a parent holding company,  
152 trustee or agent of, or designated by, one or more financial institutions  
153 or financial institution vendors, including, but not limited to, account  
154 holders, credit card holders, debtors, guarantors or purchasers; (G) an  
155 incorporated or unincorporated association, including, but not limited  
156 to, a labor union, that has a common interest, constitution and bylaws  
157 and is maintained, in good faith, for a purpose other than obtaining  
158 insurance for members of, or participants in, such association covering  
159 the members of such association; (H) a trust or the trustees of a fund  
160 approved by the commissioner and established, created or maintained  
161 for the benefit of, and covering, members, employees or customers of  
162 one or more of the associations described in subparagraph (G) of this  
163 subdivision; (I) an entertainment production company, provided any  
164 blanket travel insurance policy issued to the entertainment production  
165 company provides coverage for a group of participants, volunteers,  
166 audience members, contestants or workers of such entertainment  
167 production company; (J) a volunteer fire department, police  
168 department, ambulance service, first aid service, rescue service, court or  
169 civil defense organization, or any similar voluntary group; (K) a  
170 preschool, daycare institution for children or adults or a senior citizen  
171 club; (L) an automobile or truck rental or leasing company covering,

172 under a blanket travel insurance policy, a group of individuals who may  
173 become renters or lessees of, or passengers on, a rented or leased  
174 automobile or truck due to their travel status on such rented or leased  
175 automobile or truck, provided the common carrier, operator, owner or  
176 lessor of the rented or leased automobile or truck, or the automobile or  
177 truck rental or leasing company, is the policyholder of the blanket travel  
178 insurance policy providing such coverage; or (M) any other group if the  
179 commissioner determines the members are engaged in a common  
180 enterprise, or have an economic, educational or social affinity or  
181 relationship and issuance of the policy is not in conflict with the public  
182 interest.

183 (6) "Fulfillment materials" means documentation sent to a purchaser  
184 of a travel protection plan that (A) confirms purchase of such travel  
185 protection plan, and (B) provides the coverage and assistance details for  
186 such travel protection plan.

187 (7) "Group travel insurance" means travel insurance issued to an  
188 eligible group.

189 [(2)] (8) "Limited lines travel insurance producer" means [an  
190 individual who or business entity that is authorized under subsection  
191 (b) of this section to sell, solicit or negotiate travel insurance;] a (A)  
192 licensed managing general agent or third-party administrator, (B)  
193 licensed insurance producer, including a limited lines producer,  
194 designated by an insurer as the travel insurance supervising entity, or  
195 (C) travel administrator.

196 [(3) "Offer and disseminate,"] (9) "Offer and disseminate" means, with  
197 respect to travel insurance, [means] the provision of general information  
198 about or general services for travel insurance, including: (A) A  
199 description of the coverage and price of a policy of travel insurance;  
200 [policy;] (B) the processing of an application for a policy of travel  
201 insurance; [policy;] (C) the collection of a premium for a policy of travel  
202 insurance; [policy;] or (D) the performance of other activities not  
203 requiring a license and permitted in this state concerning a policy of

204 travel insurance. [policy;]

205 (10) "Primary certificate holder" means an individual who elects  
206 coverage under and purchases travel insurance provided under a policy  
207 of group travel insurance.

208 (11) "Primary policyholder" means an individual who elects and  
209 purchases travel insurance provided under an individual policy of  
210 travel insurance.

211 (12) "Travel administrator" means a person who, directly or  
212 indirectly, underwrites travel insurance, collects charges, collateral or  
213 premiums in connection with travel insurance or adjusts or settles travel  
214 insurance claims for residents of this state, unless such person: (A)  
215 Works for, and to the extent that such person's activities are subject to  
216 the supervision and control of, a travel administrator; (B) is a licensed  
217 insurance producer selling insurance or engaged in administrative and  
218 claims-related activities within the scope of such insurance producer's  
219 license; (C) is a designated travel retailer offering and disseminating  
220 travel insurance and registered under the license of a limited lines travel  
221 insurance producer; (D) is an individual adjusting or settling claims in  
222 such individual's normal course of business or practice, or a lawyer  
223 settling a client's claim and who does not collect charges or premiums  
224 in connection with insurance transactions; or (E) is a business entity  
225 affiliated with a licensed insurer and administering the direct and  
226 assumed travel insurance business of such licensed affiliated insurer.

227 (13) "Travel assistance services" means any noninsurance services for  
228 which a consumer is not indemnified based on a fortuitous event and  
229 where providing such noninsurance services does not transfer or shift  
230 any risk in a manner that constitutes the business of insurance,  
231 including, but not limited to: (A) Security advisories; (B) destination  
232 information; (C) vaccination and immunization information services;  
233 (D) travel reservation services; (E) entertainment; (F) activity and event  
234 planning; (G) translation assistance; (H) emergency messaging; (I)  
235 international legal and medical referrals; (J) medical case monitoring;



236 (K) transportation arrangement coordination; (L) emergency cash  
237 transfer assistance; (M) medical prescription replacement assistance; (N)  
238 passport and other travel document replacement assistance; (O) lost  
239 luggage assistance; (P) concierge services; and (Q) any service furnished  
240 in connection with a planned trip or travel.

241 (14) (A) "Travel insurance" means insurance, provided under an  
242 individual, group or blanket insurance policy, for the following  
243 personal risks incident to planned travel: (i) Interruption or cancellation  
244 of a trip or an event; (ii) loss of baggage or personal effects; (iii) damage  
245 to accommodations or rental vehicles; (iv) sickness, accident, disability  
246 or death occurring during travel; (v) emergency evacuation; (vi)  
247 repatriation of remains; or (vii) any other contractual obligation to  
248 indemnify or pay a specified amount to a traveler upon determinable  
249 contingencies that are related to travel as approved by the  
250 commissioner.

251 (B) "Travel insurance" does not include: (i) Major medical plans that  
252 provide comprehensive medical protection for a traveler with a trip  
253 lasting longer than six months, including, but not limited to, a traveler  
254 working or residing outside of the United States as an expatriate; or (ii)  
255 a product that requires a specific insurance producer license.

256 (15) "Travel protection plan" means a plan that includes travel  
257 insurance, travel assistance services or a cancellation fee waiver.

258 [(4)] (16) "Travel retailer" means a business entity that makes,  
259 arranges or offers [travel services; and] planned travel and may offer  
260 and disseminate travel insurance as a service to its customers on behalf  
261 of a limited lines travel insurance producer and under the direction of  
262 such travel insurance producer.

263 [(5) "Designated travel retailer" means a travel retailer designated by  
264 a limited lines travel insurance producer to offer and disseminate travel  
265 insurance to residents of this state on such producer's behalf.]

266 (b) (1) (A) Any individual or business entity that wishes to act as a

267 limited lines travel insurance producer in this state may apply to the  
268 Insurance Commissioner for authorization to act as a limited lines travel  
269 insurance producer and to sell, solicit or negotiate travel insurance  
270 through an insurance company licensed or authorized to do business in  
271 this state. Such application shall be submitted on such form and in such  
272 manner as prescribed by the commissioner and shall be accompanied  
273 by the fee required under section 38a-11. The commissioner shall not  
274 approve such application unless (i) the applicant has paid all applicable  
275 filing and licensing fees required under this title, and (ii) for an applicant  
276 that is a business entity, the employee designated pursuant to  
277 subparagraph (A) of subdivision (3) of this subsection and the president,  
278 secretary, treasurer and any other officer or individual who directs or  
279 controls the insurance operations of the applicant has complied with  
280 any fingerprinting requirements applicable to insurance producers in  
281 the resident state of the applicant.

282 (B) The commissioner may approve or deny such application. Any  
283 such authorization shall be in force until the commissioner suspends or  
284 revokes such authorization or the commissioner suspends, revokes or  
285 refuses to renew the individual's or insurance company's license or  
286 authorization to do business in this state.

287 (2) Each limited lines travel insurance producer that is a business  
288 entity shall, at the time such application is approved by the  
289 commissioner, establish and maintain a registry, on a form prescribed  
290 by the commissioner, of its designated travel retailers. Such producer  
291 shall update the registry annually and shall include: (A) The name,  
292 address and contact information of each designated travel retailer; (B)  
293 the name, address and contact information of an officer or individual  
294 who directs or controls each designated travel retailer's operations; (C)  
295 the federal tax identification number of each designated travel retailer;  
296 and (D) a certification by such producer that the designated travel  
297 retailer has not engaged in conduct prohibited under 18 USC 1033, as  
298 amended from time to time. Upon request by the commissioner, a  
299 limited lines travel insurance producer shall make such registry  
300 available to the commissioner or the commissioner's designee for

301 inspection and examination during the regular business hours of such  
302 limited lines travel insurance producer.

303 (3) (A) Each limited lines travel insurance producer that is a business  
304 entity shall designate an employee, who is an insurance producer  
305 licensed in this state, as the individual responsible for the limited lines  
306 travel insurance producer's compliance with this section, including  
307 supervision of its designated travel retailers.

308 (B) Each limited lines travel insurance producer that is a business  
309 entity shall be responsible for the acts of its designated travel retailers  
310 and shall use reasonable means to ensure each designated travel  
311 retailer's compliance with this section.

312 (4) Each limited lines travel insurance producer that is a business  
313 entity shall require each employee and authorized representative of its  
314 designated travel retailers to receive instruction or training on the offer  
315 and dissemination of travel insurance. Such instruction or training may  
316 be subject to review by the commissioner and shall include, at a  
317 minimum, information about (A) the types of travel insurance offered  
318 through the travel retailer, (B) ethical sales practices, and (C) required  
319 disclosures to prospective insureds.

320 (5) Each limited lines travel insurance producer that is a business  
321 entity or designated travel retailer shall provide to purchasers of a travel  
322 insurance policy: (A) A description or a copy of the material terms of  
323 such policy; (B) a description of the process for filing a claim under such  
324 policy; (C) a description of the process for the review or cancellation of  
325 such policy; and (D) the identity of and contact information for the  
326 insurance company issuing such policy and the limited lines travel  
327 insurance producer.

328 (c) (1) A travel retailer that does not employ a licensed insurance  
329 producer or is not licensed or authorized to transact the business of  
330 insurance in this state may offer and disseminate travel insurance to  
331 residents of this state, if (A) it is a designated travel retailer, and (B) its  
332 travel insurance-related activities are limited to those authorized under

333 this section.

334 (2) A travel retailer shall make available to prospective insureds  
335 brochures or other written materials that: (A) Provide the identity of and  
336 contact information for the insurance company issuing the travel  
337 insurance policy and the limited lines travel insurance producer; (B)  
338 explain that the purchase of travel insurance is not required to purchase  
339 any other product or service from the travel retailer; and (C) explain that  
340 such travel retailer is permitted to provide general information about  
341 the travel insurance offered through the travel retailer, including a  
342 description of the coverage and price, but is not qualified or authorized  
343 to answer questions about the terms and conditions of such travel  
344 insurance or evaluate the adequacy of the prospective insured's existing  
345 insurance coverage.

346 (3) A designated travel retailer may receive compensation from a  
347 limited lines travel insurance producer or the insurance company  
348 issuing a travel insurance policy for services related to the offer and  
349 dissemination of travel insurance as agreed to by such designated travel  
350 retailer and such limited lines travel insurance producer or insurance  
351 company.

352 (4) An employee or authorized representative of a travel retailer shall  
353 not be required to be licensed as an insurance producer unless such  
354 employee or authorized representative: (A) Evaluates or interprets the  
355 terms, benefits or conditions of travel insurance offered by the travel  
356 retailer; (B) evaluates or provides advice regarding a prospective  
357 insured's existing insurance coverage; or (C) holds himself or herself out  
358 as a licensed insurance producer or an insurance expert.

359 (d) (1) A violation of this section by a limited lines travel insurance  
360 producer shall be deemed an unfair or deceptive insurance practice  
361 under section 38a-816.

362 (2) A violation of this section by a travel retailer shall be deemed an  
363 unfair or deceptive trade practice under subsection (a) of section 42-  
364 110b.

365       Sec. 3. (NEW) (*Effective October 1, 2022*) (a) Travel insurance shall be  
366 classified and filed in this state, for the purposes of rates and forms,  
367 under an inland marine line of insurance, except if travel insurance  
368 provides coverage for sickness, accident, disability or death occurring  
369 during travel, either exclusively or in conjunction with related  
370 coverages of emergency evacuation or repatriation of remains, or  
371 incidental limited property and casualty benefits such as baggage or trip  
372 cancellation, such travel insurance may be filed in this state under either  
373 an accident and health line of insurance or an inland marine line of  
374 insurance.

375       (b) Travel insurance may be in the form of an individual, group or  
376 blanket policy.

377       (c) The commissioner may prescribe eligibility and underwriting  
378 standards for travel insurance, provided such standards are based on  
379 travel protection plans designed for individual or identified marketing  
380 or distribution channels and meet this state's underwriting standards  
381 for inland marine lines of insurance.

382       Sec. 4. (NEW) (*Effective October 1, 2022*) (a) All persons offering travel  
383 insurance in this state are subject to section 38a-816 of the general  
384 statutes, except as otherwise provided in this section.

385       (b) Offering or selling a travel insurance policy that cannot  
386 reasonably result in payment of claims for an insured under the policy  
387 is an unfair trade practice under section 38a-816 of the general statutes.

388       (c) All documents provided to a consumer prior to the purchase of a  
389 policy of travel insurance, including, but not limited to, sales materials,  
390 advertising materials and marketing materials, shall be consistent with  
391 the policy of travel insurance, including, but not limited to, forms,  
392 endorsements, policies, rate filings and certificates of insurance.

393       (d) If a policy or certificate of travel insurance contains any  
394 preexisting condition exclusion, information concerning, and an  
395 opportunity to learn more about, such preexisting condition exclusion

396 shall be provided to a consumer at any time prior to the time that the  
397 consumer purchases such policy or certificate of travel insurance, and  
398 any such preexisting condition exclusion shall be provided to a  
399 consumer in the fulfillment materials for a travel protection plan that  
400 includes travel insurance.

401 (e) (1) If a consumer purchases a travel protection plan in this state,  
402 the following shall be provided to the consumer as soon as practicable  
403 following the time that such consumer purchases such travel protection  
404 plan:

405 (A) The fulfillment materials for such travel protection plan;

406 (B) A description, or a copy of, the material terms of any travel  
407 insurance coverage included in such travel protection plan;

408 (C) A description of the process for filing a claim under any travel  
409 insurance coverage included in such travel protection plan;

410 (D) A description of the process for review or cancellation of any  
411 travel insurance coverage included in such travel protection plan; and

412 (E) The identity of, and contact information for, the insurer issuing  
413 any travel insurance coverage included in such travel protection plan.

414 (2) Unless the insured departs on a covered trip, or files a claim under  
415 such coverage, the policyholder or certificate holder may cancel the  
416 policy or certificate for a full refund of the travel protection plan price  
417 from the date of purchase of the travel protection plan until at least:

418 (A) Fifteen days following the date of delivery of such travel  
419 protection plan's fulfillment materials by mail; or

420 (B) Ten days following the date of delivery of such travel protection  
421 plan's fulfillment materials by any means other than mail. For the  
422 purposes of this subparagraph and subparagraph (A) of subdivision (2)  
423 of subsection (e) of this section, delivery means handling fulfillment  
424 materials to the policyholder or certificate holder or sending fulfillment

425 materials by mail or electronic means to the policyholder or certificate  
426 holder.

427 (3) The fulfillment materials for a travel protection plan, and the  
428 documents concerning any travel insurance coverage included in the  
429 travel protection plan, shall disclose whether the travel insurance  
430 coverage included in such travel protection plan is primary or  
431 secondary to other applicable coverage.

432 (f) It shall not be an unfair trade practice when travel insurance  
433 coverage is directly marketed to a consumer through an insurer's  
434 Internet web site or an aggregator web site, and the consumer may  
435 access all provisions of such travel insurance coverage by electronic  
436 means, and an accurate summary or short description of such travel  
437 insurance coverage is provided on the insurer's Internet web site or  
438 aggregator web site.

439 (g) No person offering, soliciting or negotiating travel insurance or  
440 travel protection plans to consumers in this state on an individual or  
441 group basis may do so by using a negative option or opt-out, which  
442 would require a consumer to take an affirmative action to deselect travel  
443 insurance coverage, by, for example, unchecking a box on an electronic  
444 form, when the consumer purchases a trip.

445 (h) It shall be an unfair trade practice to market blanket travel  
446 insurance coverage as free.

447 (i) When a consumer's destination jurisdiction requires insurance  
448 coverage, it shall not be an unfair trade practice to require a consumer  
449 to choose between the following options as a condition of purchasing a  
450 trip or travel package:

451 (1) Purchasing the coverage required by the destination jurisdiction  
452 through the designated travel retailer, as that term is defined in  
453 subdivision (5) of subsection (a) of section 38a-398 of the general  
454 statutes, as amended by this act, or limited lines travel insurance  
455 producer supplying the trip or travel package; or

456 (2) Agreeing to obtain and provide proof of coverage that meets the  
457 destination jurisdiction's requirements prior to departure.

458 Sec. 5. (NEW) (*Effective October 1, 2022*) (a) No person shall act as, or  
459 hold itself out to be, a travel administrator in this state unless such  
460 person is:

461 (1) An insurance producer licensed for property and casualty  
462 insurance lines in this state;

463 (2) A managing general agent, as defined in section 38a-90a of the  
464 general statutes, that is licensed as an insurance producer and holds an  
465 appointment by an insurer in this state; or

466 (3) A third-party administrator licensed pursuant to section 38a-720j  
467 of the general statutes.

468 (b) A travel administrator and its employees are exempt from the  
469 licensing requirements of section 38a-792 of the general statutes, as  
470 amended by this act, for travel insurance it administers.

471 (c) Each insurer shall be responsible for the conduct of each travel  
472 administrator administering travel insurance in this state underwritten  
473 by such insurer, and shall ensure that each such travel administrator  
474 maintains, and makes available to the commissioner upon request, all  
475 books and records concerning such insurer.

476 Sec. 6. (NEW) (*Effective October 1, 2022*) A travel protection plan may  
477 be offered to a consumer in this state for a single price reflecting any  
478 combined features offered by the travel protection plan if:

479 (1) Such travel protection plan:

480 (A) Discloses to the consumer, at or before the time of purchase, that  
481 such travel protection plan includes travel insurance, travel assistance  
482 services and cancellation fee waivers, as applicable, and that such  
483 consumer may obtain additional information regarding the individual  
484 features and pricing of such travel insurance, travel assistance services



485 and cancellation fee waivers, as applicable; and

486 (B) Provides to the consumer, at or before the time of purchase, an  
487 opportunity to obtain the additional information described in  
488 subparagraph (A) of this subdivision; and

489 (2) The fulfillment materials for such travel protection plan:

490 (A) Describe and delineate the travel insurance, travel assistance  
491 services and cancellation fee waivers, if any, in such travel protection  
492 plan; and

493 (B) Include any required disclosure concerning the travel insurance  
494 coverage included in such travel protection plan, if any, and the contact  
495 information for the persons providing the travel assistance services and  
496 cancellation fee waivers included in such travel protection plan, if any.

497 Sec. 7. (NEW) (*Effective October 1, 2022*) (a) (1) A travel insurer shall  
498 be subject to the tax imposed under sections 12-202 and 12-210 of the  
499 general statutes for travel insurance premiums paid by:

500 (A) The primary policyholder of an individual policy of travel  
501 insurance if such primary policyholder is a resident of this state;

502 (B) The primary certificate holder of a policy of group travel  
503 insurance if such primary certificate holder is a resident of this state; or

504 (C) A policyholder of a blanket travel insurance policy if the  
505 policyholder is a resident of this state, maintains such policyholder's  
506 principal place of business in this state or an affiliate or subsidiary of  
507 such policyholder maintains such affiliate's or subsidiary's principal  
508 place of business in this state.

509 (2) If a domestic insurer, alien insurer or foreign insurer that writes a  
510 blanket travel insurance policy described in subparagraph (C) of  
511 subdivision (1) of this subsection is subject to rules across multiple  
512 taxing jurisdictions that permit such insurer to allocate premiums across  
513 such jurisdictions on an apportioned basis and in a reasonable and

514 equitable manner, such insurer's liability under said subparagraph shall  
515 be subject to such premium allocation.

516 (b) Each domestic insurer, alien insurer and foreign insurer that is  
517 subject to the provisions of subsection (a) of this section shall:

518 (1) Document the state in which each primary policyholder, primary  
519 certificate holder, policyholder, affiliate or subsidiary described in  
520 subsection (a) of this section maintains such primary policyholder's,  
521 primary certificate holder's, policyholder's, affiliate's or subsidiary's  
522 primary residence or principal place of business, as applicable; and

523 (2) Report as premium only the amount allocable to travel insurance  
524 and not any amounts received for travel assistance services or  
525 cancellation fee waivers.

526 Sec. 8. (NEW) (*Effective October 1, 2022*) The commissioner may adopt  
527 regulations, in accordance with chapter 54 of the general statutes, to  
528 implement the provisions of section 38a-398 of the general statutes, as  
529 amended by this act, and sections 3 to 7, inclusive, of this act.

530 Sec. 9. Subsection (d) of section 38a-792 of the general statutes is  
531 repealed and the following is substituted in lieu thereof (*Effective October*  
532 *1, 2022*):

533 (d) The provisions of this section shall not apply to any:

534 (1) (A) Individual who, for purposes of claims for portable electronics  
535 insurance, as defined in section 38a-397, only (i) collects claim  
536 information from or furnishes claim information to insureds or  
537 claimants, and (ii) conducts data entry, including data entry into an  
538 automated claims adjudication system, provided (I) such individual is  
539 an employee of a casualty insurance company licensed in this state, an  
540 employee of a casualty claims adjuster licensed in this state or an  
541 employee of an affiliate of such insurance company or adjuster, and (II)  
542 not more than twenty-five such individuals are under the supervision  
543 of a casualty claims adjuster licensed in this state or an insurance

544 producer who adjusts portable electronics insurance claims and is  
 545 licensed in this state. A licensed insurance producer who adjusts  
 546 portable electronics insurance claims or supervises individuals  
 547 pursuant to this subparagraph shall not be required to be licensed as a  
 548 casualty claims adjuster.

549 (B) For purposes of this subdivision, "automated claims adjudication  
 550 system" means a preprogrammed computer system, designed for the  
 551 collection, data entry, calculation and final resolution of portable  
 552 electronics insurance claims, that (i) is used only by a supervised  
 553 individual, a casualty claims adjuster licensed in this state or an  
 554 insurance producer licensed in this state, in accordance with  
 555 subparagraph (A) of this subdivision, and (ii) complies with all  
 556 applicable claims payment requirements under this title; [or]

557 (2) Member of the bar of this state in good standing who is engaged  
 558 in the general practice of the law; or

559 (3) Travel administrator, as defined in section 38a-398, as amended  
 560 by this act, or employee of a travel administrator for travel insurance, as  
 561 defined in said section, administered by such travel administrator."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	38a-1
Sec. 2	October 1, 2022	38a-398
Sec. 3	October 1, 2022	New section
Sec. 4	October 1, 2022	New section
Sec. 5	October 1, 2022	New section
Sec. 6	October 1, 2022	New section
Sec. 7	October 1, 2022	New section
Sec. 8	October 1, 2022	New section
Sec. 9	October 1, 2022	38a-792(d)