

HOUSE BILL 964

C4

7lr2807
CF SB 702

By: **Delegate Kramer**

Introduced and read first time: February 6, 2017

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Property and Casualty Insurance – Travel Insurance – Regulation**

3 FOR the purpose of specifying that a certain insurer that offers or sells a travel insurance
4 policy is required to pay a certain premium tax on certain premiums paid by certain
5 persons; requiring travel insurance to be classified and filed as inland marine
6 insurance; providing for the scope and construction of certain coverage; providing
7 that eligibility and underwriting standards for travel insurance may be developed
8 and provided based on certain travel protection plans; providing that travel
9 insurance included as part of a travel protection plan may be offered in a certain
10 manner; providing that a travel protection plan may be offered for one price under
11 certain circumstances; subjecting a person that offers or sells travel insurance to the
12 Consumer Protection Act, with certain exceptions; providing that this Act controls in
13 the event of a certain conflict between certain provisions of law; making it an unfair
14 or deceptive trade practice for a person to offer or sell a travel insurance policy that
15 could never result in a certain payment; requiring that documents provided to a
16 consumer prior to the purchase of travel insurance be consistent with a certain travel
17 insurance policy; requiring that a travel insurance policy or certificate containing a
18 certain preexisting condition exclusion clearly disclose the exclusion in a certain
19 manner; providing that a certain policyholder or certificate holder has at least a
20 certain number of days to review and cancel a certain travel insurance policy or
21 certificate under certain circumstances; requiring a person to disclose in a travel
22 insurance policy and in certain materials whether the travel insurance is primary or
23 secondary to other applicable insurance coverage; providing that it is not an unfair
24 or deceptive trade practice if travel insurance is marketed directly to a consumer
25 through an insurer's Web site or by others through an aggregator site under certain
26 circumstances; prohibiting a person from offering or selling travel insurance or a
27 travel protection plan using a certain negative option or opt-out provision; providing
28 that it is not an unfair or deceptive trade practice for a person to include blanket
29 travel insurance with the purchase of a trip under certain circumstances; prohibiting
30 a person from acting or representing itself as a travel administrator except under
31 certain circumstances; authorizing the Insurance Commissioner to adopt certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 regulations; altering a certain defined term; defining certain terms; providing for the
2 construction of certain terms; and generally relating to the regulation of travel
3 insurance.

4 BY repealing and reenacting, without amendments,
5 Article – Insurance
6 Section 1–101(a) and 10–101(a) and (o)
7 Annotated Code of Maryland
8 (2011 Replacement Volume and 2016 Supplement)

9 BY repealing and reenacting, with amendments,
10 Article – Insurance
11 Section 1–101(z)
12 Annotated Code of Maryland
13 (2011 Replacement Volume and 2016 Supplement)

14 BY adding to
15 Article – Insurance
16 Section 19–1001 through 19–1008 to be under the new subtitle “Subtitle 10. Travel
17 Insurance”
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2016 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Insurance**

23 1–101.

24 (a) In this article the following words have the meanings indicated.

25 (z) (1) “Marine insurance” includes:

26 (i) insurance against loss or damage in connection with any risk of
27 navigation, transit, or transportation, including war risks, marine builder’s risks and
28 personal property floater risks, to vessels, craft, aircraft, automobiles, trailers, or vehicles
29 of any kind, as well as all goods, freight, cargoes, merchandise, effects, disbursements,
30 profits, money, bullion, precious stones, securities, choses in action, evidences of debt,
31 valuable papers, bottomry and respondentia interests, and all other kinds of property and
32 interests:

33 1. on or under water, on land, or in the air;

34 2. while being assembled, packed, crated, baled, compressed,
35 or similarly prepared for shipment or while awaiting shipment; or

1 3. during any delay, storage, transshipment, or incidental
2 reshipment;

3 (ii) except as provided in paragraph (2) of this subsection, insurance
4 against:

5 1. loss or damage to a person or property in connection with
6 or as part of marine, inland marine, transit, or transportation insurance arising out of or
7 in connection with the construction, repair, operation, maintenance, or use of the subject
8 matter of the insurance; and

9 2. legal liability of the insured for loss of or damage to the
10 person or property;

11 (iii) **TRAVEL INSURANCE, AS DEFINED IN § 10-101 OF THIS**
12 **ARTICLE;**

13 (IV) insurance against loss or damage to precious stones, jewels,
14 jewelry, gold, silver and other precious metals, whether used in business or trade or
15 otherwise or whether in course of transportation or otherwise; and

16 [(iv)] (V) except as provided in paragraph (2) of this subsection,
17 insurance against loss or damage to bridges, tunnels, other instrumentalities of
18 transportation and communication, auxiliary facilities and related equipment, piers,
19 wharves, docks, slips, other aids to navigation and transportation, dry docks, and marine
20 railways.

21 (2) “Marine insurance” does not include:

22 (i) life insurance, surety bonds, or insurance against loss because of
23 bodily injury to a person arising out of ownership, maintenance, or use of an automobile; or

24 (ii) insurance against loss or damage to buildings that are
25 instrumentalities of transportation and communication, their furniture and furnishings,
26 and fixed contents and supplies stored in the buildings.

27 10-101.

28 (a) In this subtitle the following words have the meanings indicated.

29 (o) (1) “Travel insurance” means insurance coverage for personal risk incident
30 to planned travel, including:

31 (i) interruption or cancellation of a trip or an event;

32 (ii) loss of baggage or personal effects;

1 (iii) damage to accommodations or a rental vehicle; or

2 (iv) sickness, accident, disability, or death occurring during travel, if
3 issued as incidental to the coverage provided by item (i), (ii), or (iii) of this paragraph.

4 (2) "Travel insurance" does not include a major medical plan that provides
5 comprehensive medical protection for a traveler on a trip lasting 6 months or longer, such
6 as an individual working outside the United States or military personnel being deployed.

7 **SUBTITLE 10. TRAVEL INSURANCE.**

8 **19-1001.**

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) "AGGREGATOR SITE" MEANS A WEB SITE THAT PROVIDES ACCESS TO
12 INFORMATION REGARDING INSURANCE PRODUCTS AND OTHER INSURER
13 INFORMATION FROM MORE THAN ONE INSURER FOR USE IN COMPARISON
14 SHOPPING.

15 (C) "BLANKET TRAVEL INSURANCE" MEANS TRAVEL INSURANCE THAT
16 PROVIDES COVERAGE FOR AN ELIGIBLE GROUP UNDER A TRAVEL INSURANCE
17 POLICY ISSUED TO AND PURCHASED BY A POLICYHOLDER FOR WHICH:

18 (1) SPECIFIED CIRCUMSTANCES AND SPECIFIC CLASSES OF PERSONS
19 COVERED UNDER THE POLICY ARE DEFINED IN THE POLICY; AND

20 (2) PERSONS COVERED UNDER THE POLICY ARE NOT SPECIFICALLY
21 NAMED, BY CERTIFICATE OR OTHERWISE, IN THE POLICY.

22 (D) "CANCELLATION WAIVER" MEANS A CONTRACTUAL AGREEMENT
23 BETWEEN A PERSON ENGAGED IN THE BUSINESS OF PROVIDING TRAVEL
24 ARRANGEMENTS OR TRAVEL SERVICES AND A CUSTOMER TO WAIVE SOME OR ALL OF
25 A NONREFUNDABLE CANCELLATION FEE OR PENALTY PROVISION UNDER A
26 CONTRACT FOR TRAVEL ARRANGEMENTS OR TRAVEL SERVICES.

27 (E) "ELIGIBLE GROUP" MEANS:

28 (1) A PERSON ENGAGED IN THE BUSINESS OF PROVIDING TRAVEL
29 ARRANGEMENTS OR TRAVEL SERVICES, INCLUDING:

30 (I) A TOUR OPERATOR;

- 1 **(II) A LODGING PROVIDER;**
- 2 **(III) A VACATION PROPERTY OWNER;**
- 3 **(IV) A HOTEL AND RESORT;**
- 4 **(V) A TRAVEL CLUB;**
- 5 **(VI) A PROPERTY MANAGER;**
- 6 **(VII) A CULTURAL EXCHANGE PROGRAM; AND**
- 7 **(VIII) A COMMON CARRIER OF PASSENGERS, INCLUDING:**
 - 8 **1. AN AIRLINE COMPANY;**
 - 9 **2. A CRUISE LINE COMPANY;**
 - 10 **3. A RAILROAD COMPANY;**
 - 11 **4. A STEAMSHIP COMPANY; AND**
 - 12 **5. A PUBLIC BUS CARRIER.**

13 **(2) A COLLEGE, A SCHOOL, OR ANY OTHER INSTITUTION OF LEARNING**
14 **PROVIDING TRAVEL INSURANCE COVERAGE FOR STUDENTS, TEACHERS, OR**
15 **EMPLOYEES;**

16 **(3) AN EMPLOYER PROVIDING TRAVEL INSURANCE COVERAGE FOR**
17 **EMPLOYEES, CONTRACTORS, OR DEPENDENTS OR GUESTS OF EMPLOYEES OR**
18 **CONTRACTORS;**

19 **(4) A SPORTS TEAM, CAMP, OR SPONSOR OF THE TEAM OR CAMP**
20 **PROVIDING TRAVEL INSURANCE COVERAGE FOR PARTICIPANTS, MEMBERS,**
21 **CAMPERS, EMPLOYEES, OFFICIALS, SUPERVISORS, OR VOLUNTEERS;**

22 **(5) A RELIGIOUS, CHARITABLE, RECREATIONAL, EDUCATIONAL, OR**
23 **CIVIC ORGANIZATION OR A BRANCH OF THE RELIGIOUS, CHARITABLE,**
24 **RECREATIONAL, EDUCATIONAL, OR CIVIC ORGANIZATION PROVIDING TRAVEL**
25 **INSURANCE COVERAGE FOR MEMBERS, PARTICIPANTS, OR VOLUNTEERS;**

26 **(6) A FINANCIAL INSTITUTION OR FINANCIAL INSTITUTION VENDOR,**
27 **OR PARENT HOLDING COMPANY, TRUSTEE, OR AGENT OF, OR DESIGNATED BY, A**

1 FINANCIAL INSTITUTION OR FINANCIAL INSTITUTION VENDOR, PROVIDING TRAVEL
2 INSURANCE COVERAGE FOR ACCOUNT HOLDERS, CREDIT CARD HOLDERS, DEBTORS,
3 GUARANTORS, OR PURCHASERS;

4 (7) AN INCORPORATED OR UNINCORPORATED ASSOCIATION,
5 INCLUDING A LABOR UNION:

6 (I) HAVING A COMMON INTEREST, CONSTITUTION, AND
7 BYLAWS;

8 (II) ORGANIZED AND MAINTAINED IN GOOD FAITH FOR
9 PURPOSES OTHER THAN OBTAINING INSURANCE FOR MEMBERS OR PARTICIPANTS
10 OF THE ASSOCIATION; AND

11 (III) PROVIDING TRAVEL INSURANCE COVERAGE FOR MEMBERS
12 OR PARTICIPANTS;

13 (8) A TRUST OR THE TRUSTEES OF A FUND:

14 (I) ESTABLISHED, CREATED, OR MAINTAINED FOR THE
15 BENEFIT OF MEMBERS OR CUSTOMERS OF ONE OR MORE ASSOCIATIONS;

16 (II) MAINTAINED IN GOOD FAITH FOR PURPOSES OTHER THAN
17 OBTAINING INSURANCE FOR MEMBERS OR PARTICIPANTS; AND

18 (III) PROVIDING TRAVEL INSURANCE COVERAGE FOR MEMBERS
19 OR PARTICIPANTS;

20 (9) AN ENTERTAINMENT PRODUCTION COMPANY PROVIDING TRAVEL
21 INSURANCE COVERAGE FOR PARTICIPANTS, VOLUNTEERS, AUDIENCE MEMBERS,
22 CONTESTANTS, OR WORKERS;

23 (10) A NEWSPAPER OR ANY OTHER PUBLISHER PROVIDING TRAVEL
24 INSURANCE COVERAGE FOR JOURNALISTS OR CARRIERS;

25 (11) A VOLUNTEER FIRE DEPARTMENT, FIRST AID OR CIVIL DEFENSE
26 GROUP, OR ANY OTHER VOLUNTEER AGENCY HAVING JURISDICTION AS A FIRST AID
27 OR CIVIL DEFENSE GROUP AND PROVIDING TRAVEL INSURANCE COVERAGE FOR
28 MEMBERS, PARTICIPANTS, OR VOLUNTEERS; AND

29 (12) ANY OTHER GROUP FOR WHICH THE COMMISSIONER DETERMINES
30 THAT:

1 **(I) THE MEMBERS OF THE GROUP ARE ENGAGED IN A COMMON**
2 **ENTERPRISE OR HAVE AN ECONOMIC, EDUCATIONAL, OR SOCIAL AFFINITY OR**
3 **RELATIONSHIP; AND**

4 **(II) ISSUANCE OF A TRAVEL INSURANCE POLICY WOULD NOT BE**
5 **CONTRARY TO THE BEST INTERESTS OF THE PUBLIC.**

6 **(F) “GROUP TRAVEL INSURANCE” MEANS TRAVEL INSURANCE THAT**
7 **PROVIDES COVERAGE FOR CERTIFICATE HOLDERS OF AN ELIGIBLE GROUP UNDER**
8 **A TRAVEL INSURANCE POLICY ISSUED TO A POLICYHOLDER.**

9 **(G) (1) “TRAVEL ADMINISTRATOR” MEANS A PERSON THAT, IN**
10 **CONNECTION WITH TRAVEL INSURANCE:**

11 **(I) DIRECTLY OR INDIRECTLY UNDERWRITES POLICIES;**

12 **(II) COLLECTS CHARGES, COLLATERAL, OR PREMIUMS; OR**

13 **(III) ADJUSTS OR SETTLES CLAIMS.**

14 **(2) “TRAVEL ADMINISTRATOR” DOES NOT INCLUDE A PERSON THAT**
15 **FUNCTIONS ONLY IN CONNECTION WITH TRAVEL INSURANCE AS:**

16 **(I) AN INDIVIDUAL EMPLOYED OR CONTRACTED BY A TRAVEL**
17 **ADMINISTRATOR TO THE EXTENT THAT THE INDIVIDUAL’S ACTIVITIES ARE SUBJECT**
18 **TO THE SUPERVISION AND CONTROL OF THE TRAVEL ADMINISTRATOR;**

19 **(II) A LIMITED LINES TRAVEL INSURANCE PRODUCER SELLING**
20 **TRAVEL INSURANCE OR ENGAGING IN ADMINISTRATIVE AND CLAIMS ACTIVITIES**
21 **WITHIN THE SCOPE OF LICENSURE AS AN INSURANCE PRODUCER;**

22 **(III) A TRAVEL RETAILER OFFERING AND DISSEMINATING**
23 **TRAVEL INSURANCE ON BEHALF OF A LIMITED LINES TRAVEL INSURANCE**
24 **PRODUCER IN ACCORDANCE WITH § 10–122 OF THIS ARTICLE;**

25 **(IV) AN INDIVIDUAL WHO:**

26 **1. IN THE NORMAL COURSE OF THE INDIVIDUAL’S**
27 **PRACTICE OR EMPLOYMENT AS AN ATTORNEY AT LAW, ADJUSTS OR SETTLES**
28 **CLAIMS; AND**

29 **2. DOES NOT COLLECT CHARGES, COLLATERAL, OR**
30 **PREMIUMS; OR**

1 (V) A BUSINESS ENTITY THAT IS AFFILIATED WITH AN INSURER
2 WHILE ACTING AS A TRAVEL ADMINISTRATOR FOR THE DIRECT AND ASSUMED
3 TRAVEL INSURANCE BUSINESS OF THE AFFILIATED INSURER.

4 (H) (1) “TRAVEL ASSISTANCE SERVICE” MEANS A
5 NONINSURANCE-RELATED SERVICE:

6 (I) THAT MAY BE PROVIDED BY A LIMITED LINES TRAVEL
7 INSURANCE PRODUCER OR ANOTHER ENTITY; AND

8 (II) FOR WHICH THERE IS:

9 1. NO INDEMNIFICATION FOR A CUSTOMER BASED ON A
10 FORTUITOUS EVENT; AND

11 2. NO TRANSFER OR SHIFTING OF RISK THAT WOULD
12 CONSTITUTE THE BUSINESS OF INSURANCE.

13 (2) “TRAVEL ASSISTANCE SERVICE” INCLUDES:

14 (I) A SECURITY ADVISORY SERVICE;

15 (II) A DESTINATION INFORMATION SERVICE;

16 (III) A VACCINATION AND IMMUNIZATION INFORMATION
17 SERVICE;

18 (IV) A TRAVEL RESERVATION SERVICE;

19 (V) AN ENTERTAINMENT SERVICE;

20 (VI) AN ACTIVITY AND EVENT PLANNING SERVICE;

21 (VII) TRANSLATION ASSISTANCE;

22 (VIII) AN EMERGENCY MESSAGING SERVICE;

23 (IX) AN INTERNATIONAL LEGAL AND MEDICAL REFERRAL
24 SERVICE;

25 (X) A MEDICAL CASE MONITORING SERVICE;

- 1 (XI) COORDINATION OF A TRANSPORTATION ARRANGEMENT;
- 2 (XII) EMERGENCY CASH TRANSFER ASSISTANCE;
- 3 (XIII) MEDICAL PRESCRIPTION REPLACEMENT ASSISTANCE;
- 4 (XIV) PASSPORT AND TRAVEL DOCUMENT REPLACEMENT
- 5 ASSISTANCE;
- 6 (XV) LOST LUGGAGE ASSISTANCE;
- 7 (XVI) A CONCIERGE SERVICE; AND
- 8 (XVII) ANY OTHER SERVICE PROVIDED IN CONNECTION WITH
- 9 PLANNED TRAVEL THAT IS NOT RELATED TO TRAVEL INSURANCE OR THE DIRECT
- 10 ADJUDICATION OF A TRAVEL INSURANCE CLAIM.

11 (I) "TRAVEL INSURANCE" HAS THE MEANING STATED IN § 10-101 OF THIS
12 ARTICLE.

13 (J) "TRAVEL PROTECTION PLAN" MEANS A PLAN THAT PROVIDES ONE OR
14 MORE OF THE FOLLOWING:

- 15 (1) TRAVEL INSURANCE;
- 16 (2) A TRAVEL ASSISTANCE SERVICE; OR
- 17 (3) A CANCELLATION WAIVER.

18 **19-1002.**

19 (A) THE FOLLOWING MAY NOT BE CONSTRUED TO BE INSURANCE, AS THAT
20 TERM IS DEFINED IN § 1-101 OF THIS ARTICLE:

- 21 (1) A CANCELLATION WAIVER; OR
- 22 (2) A TRAVEL ASSISTANCE SERVICE.

23 (B) THE TRAVEL COVERAGE THAT IS OFFERED OR SOLD FOR AN ELIGIBLE
24 GROUP UNDER THIS SUBTITLE MAY BE DEFINED BY REFERENCE TO SPECIFIED
25 HAZARDS INCIDENT TO ACTIVITIES OR OPERATIONS OF THE ELIGIBLE GROUP.

26 **19-1003.**

1 (A) AN INSURER THAT ISSUES OR SELLS A TRAVEL INSURANCE POLICY IN
2 THE STATE SHALL PAY THE PREMIUM TAX AS PROVIDED IN TITLE 6 OF THIS ARTICLE
3 ON ALL NEW AND RENEWAL GROSS DIRECT TRAVEL INSURANCE PREMIUMS PAID BY:

4 (1) A RESIDENT OF THE STATE WHO PURCHASES AN INDIVIDUAL
5 TRAVEL INSURANCE POLICY;

6 (2) A RESIDENT OF THE STATE WHO PURCHASES COVERAGE AS A
7 CERTIFICATE HOLDER UNDER A GROUP TRAVEL INSURANCE POLICY; OR

8 (3) A RESIDENT OF THE STATE, OR AN INDIVIDUAL WHOSE PRINCIPAL
9 PLACE OF BUSINESS IS IN THE STATE, WHO PURCHASES AS THE GROUP
10 POLICYHOLDER A BLANKET TRAVEL INSURANCE POLICY.

11 (B) AN INSURER SHALL OBTAIN AND MAINTAIN DOCUMENTATION
12 NECESSARY TO DETERMINE THE STATE TO WHICH THE PREMIUM TAX ON GROSS
13 DIRECT TRAVEL INSURANCE PREMIUMS SHOULD BE REPORTED BASED ON
14 INFORMATION PROVIDED BY THE POLICYHOLDER OR CERTIFICATE HOLDER, AS
15 APPLICABLE.

16 19-1004.

17 (A) TRAVEL INSURANCE SHALL BE CLASSIFIED AND FILED AS INLAND
18 MARINE INSURANCE.

19 (B) (1) ELIGIBILITY AND UNDERWRITING STANDARDS FOR TRAVEL
20 INSURANCE MAY BE DEVELOPED AND PROVIDED BASED ON TRAVEL PROTECTION
21 PLANS DESIGNED FOR INDIVIDUAL OR IDENTIFIED MARKETING OR DISTRIBUTION
22 CHANNELS.

23 (2) TRAVEL INSURANCE INCLUDED AS PART OF A TRAVEL
24 PROTECTION PLAN MAY BE OFFERED AS:

25 (I) INDIVIDUAL TRAVEL INSURANCE;

26 (II) GROUP TRAVEL INSURANCE; OR

27 (III) BLANKET TRAVEL INSURANCE.

28 19-1005.

29 A TRAVEL PROTECTION PLAN MAY BE OFFERED FOR ONE PRICE IF:

1 **(1) THE COMMISSIONER DETERMINES THAT:**

2 **(I) IN ACCORDANCE WITH § 11-308(C) OF THIS ARTICLE, A**
3 **REASONABLE DEGREE OF COMPETITION EXISTS WITHIN THE TRAVEL INSURANCE**
4 **MARKET IN THE STATE;**

5 **(II) THE TRAVEL PROTECTION PLAN DOES NOT:**

6 **1. RESTRICT COMPETITION BY SIGNIFICANTLY**
7 **DECREASING OUTPUT OR EFFICIENCY IN THE MARKET; AND**

8 **2. INCLUDE BURDENSOME TERMS THAT WOULD NOT**
9 **EXIST IN A COMPETITIVE MARKET; AND**

10 **(III) A TRAVEL INSURER, LIMITED LINES TRAVEL INSURANCE**
11 **PRODUCER, OR TRAVEL RETAILER IS NOT EXERTING SUFFICIENT MARKET POWER IN**
12 **PROVIDING TRAVEL INSURANCE OR A TRAVEL PROTECTION PLAN IN A MANNER**
13 **THAT ADVERSELY IMPACTS COMPETITION;**

14 **(2) (I) IN ACCORDANCE WITH ITEM (3) OF THIS SECTION, TRAVEL**
15 **INSURANCE, A TRAVEL ASSISTANCE SERVICE, AND A CANCELLATION WAIVER, AS**
16 **APPLICABLE, ARE CLEARLY DELINEATED IN THE TRAVEL PROTECTION PLAN'S**
17 **FULFILLMENT MATERIALS; AND**

18 **(II) THE TRAVEL PROTECTION PLAN'S FULFILLMENT**
19 **MATERIALS INCLUDE:**

20 **1. THE TRAVEL INSURANCE DISCLOSURES REQUIRED**
21 **UNDER STATE LAW; AND**

22 **2. THE CONTACT INFORMATION FOR THE PERSON**
23 **PROVIDING THE TRAVEL ASSISTANCE SERVICE OR CANCELLATION WAIVER, AS**
24 **APPLICABLE; AND**

25 **(3) THE TRAVEL PROTECTION PLAN CLEARLY DISCLOSES TO THE**
26 **CONSUMER AT, OR PRIOR TO THE TIME OF PURCHASE AND FULFILLMENT, THAT THE**
27 **TRAVEL PROTECTION PLAN:**

28 **(I) INCLUDES TRAVEL INSURANCE, A TRAVEL ASSISTANCE**
29 **SERVICE, AND A CANCELLATION WAIVER, AS APPLICABLE; AND**

1 **(II) PROVIDES AN OPPORTUNITY FOR THE CONSUMER TO**
2 **OBTAIN ADDITIONAL INFORMATION REGARDING THE FEATURES AND PRICING OF**
3 **TRAVEL INSURANCE, A TRAVEL ASSISTANCE SERVICE, OR A CANCELLATION WAIVER.**

4 **19-1006.**

5 **(A) (1) EXCEPT AS PROVIDED IN THIS SECTION, A PERSON OFFERING OR**
6 **SELLING TRAVEL INSURANCE TO RESIDENTS OF THE STATE IS SUBJECT TO THE**
7 **CONSUMER PROTECTION ACT, TITLE 13 OF THE COMMERCIAL LAW ARTICLE.**

8 **(2) IN THE EVENT OF A CONFLICT BETWEEN THIS SUBTITLE AND**
9 **OTHER PROVISIONS OF THIS ARTICLE REGARDING THE SALE AND MARKETING OF**
10 **TRAVEL INSURANCE AND A TRAVEL PROTECTION PLAN, THIS SUBTITLE SHALL**
11 **CONTROL.**

12 **(B) IT IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER TITLE 13 OF**
13 **THE COMMERCIAL LAW ARTICLE FOR A PERSON TO OFFER OR SELL A TRAVEL**
14 **INSURANCE POLICY THAT COULD NEVER RESULT IN PAYMENT OF ANY CLAIMS FOR**
15 **ANY INSURED UNDER THE TRAVEL INSURANCE POLICY.**

16 **(C) (1) DOCUMENTS PROVIDED TO A CONSUMER PRIOR TO THE**
17 **PURCHASE OF TRAVEL INSURANCE, INCLUDING SALES MATERIALS, ADVERTISING**
18 **MATERIALS, AND MARKETING MATERIALS, SHALL BE CONSISTENT WITH THE**
19 **TRAVEL INSURANCE POLICY BEING OFFERED, INCLUDING THE POLICY'S FORMS,**
20 **ENDORSEMENTS, RATE FILINGS, AND CERTIFICATES OF INSURANCE.**

21 **(2) A TRAVEL INSURANCE POLICY OR CERTIFICATE THAT CONTAINS**
22 **A PREEXISTING CONDITION EXCLUSION SHALL CLEARLY DISCLOSE THE EXCLUSION**
23 **IN THE TRAVEL PROTECTION PLAN'S FULFILLMENT MATERIALS.**

24 **(3) UNLESS A POLICYHOLDER OR CERTIFICATE HOLDER HAS**
25 **STARTED A TRIP OR FILED A CLAIM THAT IS COVERED UNDER A TRAVEL INSURANCE**
26 **POLICY OR CERTIFICATE, THE POLICYHOLDER OR CERTIFICATE HOLDER SHALL**
27 **HAVE AT LEAST 10 DAYS AFTER THE DATE OF PURCHASE OF THE TRAVEL INSURANCE**
28 **POLICY OR CERTIFICATE TO REVIEW AND CANCEL THE TRAVEL INSURANCE POLICY**
29 **OR CERTIFICATE FOR A FULL REFUND OF THE TRAVEL PROTECTION PLAN PRICE.**

30 **(4) A PERSON SHALL DISCLOSE IN A TRAVEL INSURANCE POLICY AND**
31 **IN THE FULFILLMENT MATERIALS OF A TRAVEL PROTECTION PLAN WHETHER THE**
32 **TRAVEL INSURANCE IS PRIMARY OR SECONDARY TO OTHER APPLICABLE**
33 **INSURANCE COVERAGE.**

1 **(5) IT IS NOT AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER**
2 **TITLE 13 OF THE COMMERCIAL LAW ARTICLE OR A VIOLATION OF OTHER LAW IF:**

3 **(I) TRAVEL INSURANCE IS MARKETED DIRECTLY TO A**
4 **CONSUMER THROUGH AN INSURER'S WEB SITE OR BY OTHERS THROUGH AN**
5 **AGGREGATOR SITE;**

6 **(II) THE WEB SITE OR AGGREGATOR SITE PROVIDES AN**
7 **ACCURATE SUMMARY OR SHORT DESCRIPTION OF TRAVEL INSURANCE COVERAGE;**
8 **AND**

9 **(III) THE CONSUMER HAS ACCESS TO THE FULL PROVISIONS OF**
10 **THE TRAVEL INSURANCE POLICY THROUGH ELECTRONIC MEANS.**

11 **(D) UNLESS OTHERWISE AUTHORIZED BY FEDERAL OR STATE LAW, A**
12 **PERSON OFFERING OR SELLING TRAVEL INSURANCE OR A TRAVEL PROTECTION**
13 **PLAN MAY NOT OFFER OR SELL TRAVEL INSURANCE OR THE TRAVEL PROTECTION**
14 **PLAN USING A NEGATIVE OPTION OR OPT-OUT PROVISION THAT REQUIRES A**
15 **CONSUMER TO TAKE AN AFFIRMATIVE ACTION TO DESELECT TRAVEL INSURANCE**
16 **COVERAGE, INCLUDING UNCHECKING A BOX ON AN ELECTRONIC FORM.**

17 **(E) IT IS NOT AN UNFAIR OR DECEPTIVE TRADE PRACTICE UNDER TITLE 13**
18 **OF THE COMMERCIAL LAW ARTICLE FOR A PERSON TO INCLUDE BLANKET TRAVEL**
19 **INSURANCE WITH THE PURCHASE OF A TRIP, IF THE BLANKET TRAVEL INSURANCE**
20 **IS NOT MARKETED AS FREE OF CHARGE.**

21 **19-1007.**

22 **A PERSON MAY NOT ACT OR REPRESENT ITSELF AS A TRAVEL ADMINISTRATOR**
23 **UNLESS THE PERSON:**

24 **(1) IS REGISTERED AS A THIRD PARTY ADMINISTRATOR UNDER**
25 **TITLE 8, SUBTITLE 3 OF THIS ARTICLE; OR**

26 **(2) HOLDS A CERTIFICATE OF QUALIFICATION AS A MANAGING**
27 **GENERAL AGENT UNDER TITLE 8, SUBTITLE 2 OF THIS ARTICLE.**

28 **19-1008.**

29 **THE COMMISSIONER MAY ADOPT REGULATIONS TO CARRY OUT THIS**
30 **SUBTITLE.**

31 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
32 **October 1, 2017.**

