

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 1156

By: Quinn of the Senate

and

Mulready of the House

7  
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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to travel insurance; amending 36 O.S.  
12                   2011, Section 1435.20, as last amended by Section 1,  
13                   Chapter 145, O.S.L. 2014 (36 O.S. Supp. 2017, Section  
14                   1435.20), which relates to limited lines producers;  
15                   modifying category in which limited line producer may  
16                   qualify for licensure; creating the Travel Insurance  
17                   Act; providing applicability of act; defining terms;  
18                   authorizing Insurance Commissioner to issue certain  
19                   license; establishing conditions for certain license;  
20                   requiring travel retailers to offer certain  
21                   literature; prohibiting certain persons from  
22                   operating as licensed insurance producer; authorizing  
23                   certain persons to receive compensation; requiring  
24                   compliance with act by certain persons; requiring  
                  payment of certain tax; authorizing Travel Protection  
                  Plans be offered under certain conditions; extending  
                  application of Unfair Trade Practices Act to certain  
                  persons; clarifying certain acts of unfair trade  
                  practice; establishing marketing procedures;  
                  establishing rules for acting as Travel  
                  Administrator; exempting certain persons from  
                  Insurance Adjuster Licensing Act; authorizing certain  
                  policies to offer travel insurance; authorizing  
                  Commissioner to promulgate rules; repealing Section  
                  3, Chapter 145, O.S.L. 2014, Section 4, Chapter 145,  
                  O.S.L. 2014, Section 5, Chapter 145, O.S.L. 2014,  
                  Section 6, Chapter 145, O.S.L. 2014, Section 7,

1 Chapter 145, O.S.L. 2014 and Section 8, Chapter 145,  
2 O.S.L. 2014 (36 O.S. Supp. 2017, Sections 6680, 6681,  
3 6682, 6683, 6684 and 6685), which relate to limited  
4 lines insurance providers; providing for  
5 codification; and providing an effective date.

6 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

7 SECTION 1. AMENDATORY 36 O.S. 2011, Section 1435.20, as  
8 last amended by Section 1, Chapter 145, O.S.L. 2014 (36 O.S. Supp.  
9 2017, Section 1435.20), is amended to read as follows:

10 Section 1435.20 A. A limited lines producer may receive  
11 qualification for a license in one or more of the following  
12 categories:

13 1. Prepaid legal liability insurance, which means the  
14 assumption of an enforceable contractual obligation to provide  
15 specified legal services or to reimburse policyholders for specified  
16 legal expenses, pursuant to the provisions of a group or individual  
17 policy;

18 2. Crop - insurance providing protection against damage to  
19 crops from unfavorable weather conditions, fire or lightning, flood,  
20 hail, insect infestation, disease or other yield-reducing conditions  
21 or perils provided by the private insurance market, or that is  
22 subsidized by the Federal Crop Insurance Corporation, including  
23 Multi-Peril Crop Insurance;

1           3. Car rental - insurance offered, sold or solicited in  
2 connection with and incidental to the rental of rental cars for a  
3 period of two (2) years, whether at the rental office or by  
4 preselection of coverage in master, corporate, group or individual  
5 agreements that:

6           a. is nontransferable,

7           b. applies only to the rental car that is the subject of  
8 the rental agreement, and

9           c. is limited to the following kinds of insurance:

10           (1) personal accident insurance for renters and other  
11 rental car occupants, for accidental death or  
12 dismemberment, and for medical expenses resulting  
13 from an accident that occurs with the rental car  
14 during the rental period,

15           (2) liability insurance that provides protection to  
16 the renters and other authorized drivers of a  
17 rental car for liability arising from the  
18 operation or use of the rental car during the  
19 rental period,

20           (3) personal effects insurance that provides coverage  
21 to renters and other vehicle occupants for loss  
22 of, or damage to, personal effects in the rental  
23 car during the rental period,  
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1 (4) roadside assistance and emergency sickness  
2 protection insurance, or

3 (5) any other coverage designated by the Insurance  
4 Commissioner.

5 A car rental limited lines license issued to a rental or leasing  
6 company shall authorize any employee or authorized representative of  
7 the rental or leasing company to sell or offer coverage at each  
8 location at which the rental or leasing company operates. Employees  
9 or authorized representatives are not required to be individually  
10 licensed;

11 4. Credit - credit life, credit disability, credit property,  
12 credit unemployment, involuntary unemployment, mortgage life,  
13 mortgage guaranty, mortgage disability, guaranteed automobile  
14 protection insurance, or any other form of insurance offered in  
15 connection with an extension of credit that is limited to partially  
16 or wholly extinguishing that credit obligation and that is  
17 designated by the Insurance Commissioner as limited line credit  
18 insurance;

19 5. Surety - insurance or bond that covers obligations to pay  
20 the debts of, or answer for the default of another, including  
21 faithlessness in a position of public or private trust. For purpose  
22 of limited line licensing, surety does not include surety bail  
23 bonds; and

1           6. ~~Travel — insurance coverage for personal risks incident to~~  
2 ~~planned travel, including, but not limited to:~~

3           a. ~~interruption or cancellation of trip or event,~~

4           b. ~~loss of baggage or personal effects,~~

5           c. ~~damages to accommodations or rental vehicles, or~~

6           d. ~~sickness, accident, disability or death occurring~~  
7           ~~during travel.~~

8           ~~Travel insurance does not include major medical plans, which~~  
9 ~~provide comprehensive medical protections for travelers with trips~~  
10 ~~lasting six (6) months or longer, including, but not limited to,~~  
11 ~~those working overseas as expatriate or military personnel deployed~~  
12 ~~overseas.~~

13           B. 1. An insurance producer or limited lines producer may  
14 solicit applications for and issue travel accident policies or  
15 baggage insurance by means of mechanical vending machines supervised  
16 by the insurance producer or limited lines producer only if the  
17 Insurance Commissioner shall determine that the form of policy to be  
18 sold is reasonably suited for sale and issuance through vending  
19 machines, that use of vending machines for the sale of policies  
20 would be of convenience to the public, and that the type of vending  
21 machine to be used is reasonably suitable and practical for the sale  
22 and issuance of policies. Policies so sold do not have to be  
23 countersigned.

1           2. The Commissioner shall issue to the insurance agent or  
2 limited insurance representative a special vending machine license  
3 for each such machine to be used. The license shall specify the  
4 name and address of the insurer and licensee, the kind of insurance  
5 and type of policy to be sold, and the place where the machine is to  
6 be in operation. The license shall expire, be renewable, and be  
7 suspended or revoked coincidentally with the insurance agent license  
8 or limited representative license of the licensee. The license fee  
9 for each vending machine shall be that stated in the provisions of  
10 Section 1435.23 of this title. Proof of existence of the license  
11 shall be displayed on or about each machine in such manner as the  
12 Commissioner may reasonably require.

13           SECTION 2.           NEW LAW           A new section of law to be codified  
14 in the Oklahoma Statutes as Section 6710 of Title 36, unless there  
15 is created a duplication in numbering, reads as follows:

16           This act shall be known and may be cited as the "Travel  
17 Insurance Act".

18           SECTION 3.           NEW LAW           A new section of law to be codified  
19 in the Oklahoma Statutes as Section 6711 of Title 36, unless there  
20 is created a duplication in numbering, reads as follows:

21           A. The requirements of the act shall apply to travel insurance  
22 where policies and certificates are delivered or issued for delivery  
23 in this state. It shall not apply to cancellation fee waivers and  
24 travel assistance services, except as expressly provided herein.

1 B. All other applicable provisions of this state's insurance  
2 laws shall continue to apply to travel insurance except that the  
3 specific provisions of this act shall supersede any general  
4 provisions of law that would otherwise be applicable to travel  
5 insurance.

6 SECTION 4. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 6712 of Title 36, unless there  
8 is created a duplication in numbering, reads as follows:

9 As used in this act, the term:

10 1. "Aggregator site" means a website that provides access to  
11 information regarding insurance products from more than one insurer,  
12 including product and insurer information, for use in comparison  
13 shopping;

14 2. "Blanket travel insurance" means a policy of travel  
15 insurance issued to any eligible group providing coverage for  
16 specific classes of persons defined in the policy, with coverage  
17 provided to all members of the eligible group without a separate  
18 charge to individual members of the eligible group;

19 3. "Cancellation fee waiver" means a contractual agreement  
20 between a supplier of travel services and its customer to waive some  
21 or all of the nonrefundable cancellation fee provisions of the  
22 supplier's underlying travel contract, with or without regard to the  
23 reason for the cancellation or form of reimbursement. A  
24 cancellation fee waiver is not insurance;

1 4. "Commissioner" means the Oklahoma Insurance Commissioner;

2 5. "Eligible group" means, solely for the purposes of travel  
3 insurance, two or more persons who are engaged in a common  
4 enterprise, or have an economic, educational or social affinity or  
5 relationship, including, but not limited to, any of the following:

- 6 a. any entity engaged in the business of providing travel  
7 or travel services, including, but not limited to,  
8 tour operators, lodging providers, vacation property  
9 owners, hotels and resorts, travel clubs, travel  
10 agencies, property managers, cultural exchange  
11 programs and common carriers or the operator, owner or  
12 lessor of a means of transportation of passengers,  
13 including, but not limited to, airlines, cruise lines,  
14 railroads, steamship companies and public bus  
15 carriers, wherein with regard to any particular travel  
16 or type of travel or travelers, all members or  
17 customers of the group must have a common exposure to  
18 risk attendant to such travel,
- 19 b. any college, school or other institution of learning  
20 covering students, teachers, employees or volunteers,
- 21 c. any employer covering any group of employees,  
22 volunteers, contractors, Board of Directors,  
23 dependents or guests,



- 1 d. any sports team, camp or sponsor thereof covering  
2 participants, members, campers, employees, officials,  
3 supervisors or volunteers,
- 4 e. any religious, charitable, recreational, educational  
5 or civic organization or branch thereof covering any  
6 group of members, participants or volunteers,
- 7 f. any financial institution or financial institution  
8 vendor, or parent-holding company, trustee or agent of  
9 or designated by one or more financial institutions or  
10 financial institution vendors, including  
11 accountholders, credit card holders, debtors,  
12 guarantors or purchasers,
- 13 g. any incorporated or unincorporated association,  
14 including labor unions, having a common interest,  
15 constitution and bylaws and organized and maintained  
16 in good faith for purposes other than obtaining  
17 insurance for members or participants of such  
18 association covering its members,
- 19 h. any trust or the trustees of a fund established,  
20 created or maintained for the benefit of and covering  
21 members, employees or customers, subject to the  
22 Insurance Commissioner authorizing the use of a trust  
23 and the state's premium tax provisions in Section 5 of  
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1 this act of one or more associations meeting the above  
2 requirements of this paragraph,

3 i. any entertainment production company covering any  
4 group of participants, volunteers, audience members,  
5 contestants or workers,

6 j. any volunteer fire department, ambulance, rescue,  
7 police, court or any first aid, civil defense or other  
8 such volunteer group,

9 k. preschools, daycare institutions for children or  
10 adults and senior citizen clubs,

11 l. any automobile or truck rental or leasing company  
12 covering a group of individuals who may become  
13 renters, lessees or passengers defined by their travel  
14 status on the rented or leased vehicles. The common  
15 carrier, the operator, owner or lessor of a means of  
16 transportation or the automobile or truck rental or  
17 leasing company is the policyholder under a policy to  
18 which this paragraph applies, or

19 m. any other group where the Commissioner has determined  
20 that the members are engaged in a common enterprise,  
21 or have an economic, educational or social affinity or  
22 relationship, and that issuance of the policy would  
23 not be contrary to the public interest;

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1       6. "Fulfillment materials" means documentation sent to the  
2 purchaser of a travel protection plan confirming the purchase and  
3 providing the coverage and assistance details of the travel  
4 protection plan;

5       7. "Group travel insurance" means travel insurance issued to  
6 any eligible group;

7       8. "Limited lines travel insurance producer" means any of the  
8 following:

9           a. licensed managing general agent or third-party  
10            administrator,

11           b. licensed insurance producer, including a limited lines  
12            producer, or

13           c. travel administrator;

14       9. "Offer and disseminate" means providing general information,  
15 including a description of the coverage and price, as well as  
16 processing the application and collecting premiums;

17       10. "Travel administrator" means a person who directly or  
18 indirectly underwrites, collects charges, collateral or premiums  
19 from or adjusts or settles claims on residents of this state, in  
20 connection with travel insurance, except that a person shall not be  
21 considered a travel administrator if the only actions of the person  
22 are those that would otherwise cause the person to be considered a  
23 travel administrator are among the following:

- a. a person working for a travel administrator whose activities are subject to the supervision and control of the travel administrator,
- b. an insurance producer selling insurance or engaged in administrative and claims-related activities within the scope of the license of the producer,
- c. a travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with this act,
- d. an individual adjusting or settling claims in the normal course of practice or employment of the individual as an attorney at law and who does not collect charges or premiums in connection with insurance coverage, or
- e. a business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer;

11. "Travel assistance services" means noninsurance services that may be distributed by limited lines travel insurance producers or other entities, and for which there is no indemnification for the travel protection plan customer based on a fortuitous event, nor any transfer or shifting of risk that would constitute the business of

1 insurance. Travel assistance services include, but are not limited  
2 to: security advisories; destination information; vaccination and  
3 immunization information services; travel reservation services;  
4 entertainment; activity and event planning; translation assistance;  
5 emergency messaging; international legal and medical referrals;  
6 medical case monitoring; coordination of transportation  
7 arrangements; emergency cash transfer assistance; medical  
8 prescription replacement assistance; passport and travel document  
9 replacement assistance; lost luggage assistance; concierge services;  
10 and any other service that is furnished in connection with planned  
11 travel that is not related to the adjudication of a travel insurance  
12 claim, unless otherwise approved by the Commissioner in a travel  
13 insurance filing. Travel assistance services are not insurance and  
14 not related to insurance;

15 12. "Travel insurance" means insurance coverage for personal  
16 risks incident to planned travel, including:

- 17 a. interruption or cancellation of trip or event,
- 18 b. loss of baggage or personal effects,
- 19 c. damages to accommodations or rental vehicles,
- 20 d. sickness, accident, disability or death occurring  
21 during travel,
- 22 e. emergency evacuation,
- 23 f. repatriation of remains, or

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1 g. any other contractual obligations to indemnify or pay  
2 a specified amount to the traveler upon determinable  
3 contingencies related to travel as approved by the  
4 Commissioner.

5 Travel insurance does not include major medical plans that provide  
6 comprehensive medical protection for travelers with trips lasting  
7 longer than six (6) months, including, but not limited to, those  
8 working or residing overseas as an expatriate, or any other product  
9 that requires a specific insurance producer license;

10 13. "Travel protection plans" means plans that provide one or  
11 more of the following: travel insurance, travel assistance services  
12 and cancellation fee waivers; and

13 14. "Travel retailer" means a business entity that makes,  
14 arranges or offers planned travel and may offer and disseminate  
15 travel insurance as a service to its customers on behalf of and  
16 under the direction of a limited lines travel insurance producer.

17 SECTION 5. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 6713 of Title 36, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. The Insurance Commissioner may issue a limited lines travel  
21 insurance producer license to an individual or business entity that  
22 has filed with the Commissioner an application for such license in a  
23 form and manner prescribed by the Commissioner. The limited lines  
24 travel insurance producer shall be licensed to sell, solicit or

1 negotiate travel insurance through a licensed insurer. No person  
2 may act as a limited lines travel insurance producer or travel  
3 insurance retailer unless properly licensed or registered,  
4 respectively.

5 B. A travel retailer may offer and disseminate travel insurance  
6 under a limited lines travel insurance producer business entity  
7 license only if:

8 1. The limited lines travel insurance producer or travel  
9 retailer provides to purchasers of travel insurance:

- 10 a. a description of the material terms or the actual  
11 material terms of the insurance coverage,
- 12 b. a description of the process for filing a claim,
- 13 c. a description of the review or cancellation process  
14 for the travel insurance policy, and
- 15 d. the identity and contact information of the insurer  
16 and limited lines travel insurance producer;

17 2. At the time of licensure, the limited lines travel insurance  
18 producer shall establish and maintain a register on a form  
19 prescribed by the Commissioner of each travel retailer that offers  
20 travel insurance on behalf of the limited lines travel insurance.  
21 The register shall be maintained and updated by the limited lines  
22 travel insurance producer and shall include the name, address and  
23 contact information of the travel retailer and an officer or person  
24 who directs or controls the operations of the travel retailer and

1 the federal tax identification number of the travel retailer. The  
2 limited lines travel insurance producer shall submit the register to  
3 the Insurance Department upon reasonable request. The limited lines  
4 travel insurance producer shall also certify that the registered  
5 travel retailer complies with 18 U.S.C., Section 1033. The grounds  
6 for the suspension, revocation and the penalties applicable to  
7 resident insurance producers, pursuant to Section 1435.13 of Title  
8 36 of the Oklahoma Statutes, shall be applicable to the limited  
9 lines travel insurance producers and travel retailers;

10 3. The limited lines travel insurance producer has designated  
11 one of its employees, a designated responsible producer, who is a  
12 licensed individual producer as the person responsible for the  
13 compliance with the travel insurance laws and regulations applicable  
14 to the limited lines travel insurance producer and its registrants;

15 4. The designated responsible producer, president, secretary,  
16 treasurer and any other officer or person who directs or controls  
17 the limited lines travel insurance producer's insurance operations  
18 comply with the fingerprinting requirements applicable to insurance  
19 producers in the resident state of the limited lines travel  
20 insurance producer;

21 5. The limited lines travel insurance producer has paid all  
22 applicable insurance producer licensing fees as set forth in Section  
23 1435.23 of Title 36 of the Oklahoma Statutes; and

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1           6. The limited lines travel insurance producer requires each  
2 employee and authorized representative of the travel retailer whose  
3 duties include offering and disseminating travel insurance to  
4 receive a program of instruction or training, which is subject to  
5 the discretion of the Commissioner to review and approve. The  
6 training material shall, at a minimum, contain adequate instructions  
7 on the types of insurance offered, ethical sales practices and  
8 required disclosures to prospective customers.

9           C. Any travel retailer offering or disseminating travel  
10 insurance shall make available to prospective purchasers brochures  
11 or other written materials that have been approved by the travel  
12 insurer. Such materials shall include information which, at a  
13 minimum:

14           1. Provides the identity and contact information of the insurer  
15 and the limited lines travel insurance producer;

16           2. Explains that the purchase of travel insurance is not  
17 required in order to purchase any other product or service from the  
18 travel retailer; and

19           3. Explains that an unlicensed travel retailer is permitted to  
20 provide only general information about the insurance offered by the  
21 travel retailer, including a description of the coverage and price,  
22 but is not qualified or authorized to answer technical questions  
23 about the terms and conditions of the insurance offered by the  
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1 travel retailer or to evaluate the adequacy of the customer's  
2 existing insurance coverage.

3 D. A travel retailer employee or authorized representative who  
4 is not licensed as an insurance producer may not:

5 1. Evaluate or interpret the technical terms, benefits and  
6 conditions of the offered travel insurance coverage;

7 2. Evaluate or provide advice concerning existing insurance  
8 coverage for a prospective purchaser; or

9 3. Hold himself, herself or itself out as a licensed insurer,  
10 licensed producer or insurance expert.

11 E. Notwithstanding any other provision in law, a travel  
12 retailer whose insurance-related activities, and those of its  
13 employees and authorized representatives, are limited to offering  
14 and disseminating travel insurance on behalf of and under the  
15 direction of a limited lines travel insurance producer meeting the  
16 conditions stated in this act, is authorized to receive related  
17 compensation, upon registration by the limited lines travel  
18 insurance producer as described in paragraph 2 of subsection B of  
19 this section.

20 F. As the insurer designee, the limited lines travel insurance  
21 producer is responsible for the acts of the travel retailer and  
22 shall use reasonable means to ensure compliance by the travel  
23 retailer with this act.

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1 SECTION 6. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 6714 of Title 36, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. A travel insurer shall pay premium tax, as provided in  
5 Section 624 of Title 36 of the Oklahoma Statutes, on travel  
6 insurance premiums paid by any of the following:

7 1. An individual primary policyholder who is a resident of this  
8 state;

9 2. A primary certificate-holder who is a resident of this state  
10 who elects coverage under a group travel insurance policy; or

11 3. A blanket travel insurance policyholder that is a resident,  
12 or has its principal place of business or the principal place of an  
13 affiliate or subsidiary that has purchased blanket travel insurance  
14 in this state for eligible blanket group members, subject to any  
15 apportionment rules which apply to the insurer across multiple  
16 taxing jurisdictions or that permits the insurer to allocate premium  
17 on an apportioned basis in a reasonable and equitable manner in  
18 those jurisdictions.

19 B. A travel insurer shall:

20 1. Document the state of residence or principal place of  
21 business of the policyholder or certificate-holder, as required in  
22 Subsection A of this section; and

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1           2. Report as premium only the amount allocable to travel  
2 insurance and not any amounts received for travel assistance  
3 services or cancellation fee waivers.

4           SECTION 7.       NEW LAW       A new section of law to be codified  
5 in the Oklahoma Statutes as Section 6715 of Title 36, unless there  
6 is created a duplication in numbering, reads as follows:

7           Travel protection plans may be offered for one price for the  
8 combined features that the travel protection plan offers in this  
9 state if:

10          1. The travel protection plan clearly discloses to the consumer  
11 at, or prior to, the time of purchase that it includes travel  
12 insurance, travel assistance services and cancellation fee waivers  
13 as applicable, and provides information and an opportunity at, or  
14 prior to, the time of purchase for the consumer to obtain additional  
15 information regarding the features and pricing of each; and

16          2. The fulfillment materials:  
17           a. describe and delineate the travel insurance, travel  
18 assistance services and cancellation fee waivers in  
19 the travel protection plan, and  
20           b. include the applicable travel insurance disclosures  
21 and the contact information for persons providing  
22 travel assistance services and cancellation fee  
23 waiver.

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1           SECTION 8.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 6716 of Title 36, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. All persons offering travel insurance to residents of this  
5 state are subject to the Unfair Trade Practices Act pursuant to  
6 Sections 1201 through 1219 of Title 36 of the Oklahoma Statutes,  
7 except as otherwise provided in this section. In the event of a  
8 conflict between this act and other provisions of Title 36 of the  
9 Oklahoma Statutes regarding the sale and marketing of travel  
10 insurance and travel protection plans, the provisions of this act  
11 shall control.

12           B. Offering or selling a travel insurance policy that could  
13 never result in payment of any claims for any insured under the  
14 policy is an unfair trade practice under Section 1203 of Title 36 of  
15 the Oklahoma Statutes.

16           C. Marketing.

17           1. All documents provided to consumers prior to the purchase of  
18 travel insurance, including, but not limited to, sales materials,  
19 advertising materials and marketing materials, shall be consistent  
20 with all travel insurance policy documents, including, but not  
21 limited to, forms, endorsements, policies, rate filings and  
22 certificates of insurance.

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1           2. Travel insurance policies or certificates that contain pre-  
2 existing condition exclusions must clearly disclose the exclusion in  
3 the fulfillment materials of the coverage.

4           3. Policyholders or certificate holders shall have a minimum of  
5 ten (10) days from the later of the date of purchase of a travel  
6 protection plan or the delivery of the fulfillment materials of the  
7 plan to review and cancel the policy or certificate for a full  
8 refund of the travel protection plan price, unless the insured has  
9 either started the covered trip or has filed a claim under the  
10 travel insurance coverage. For the purposes of this paragraph,  
11 sending documentation confirming the purchase and providing the  
12 coverage and assistance details of the travel protection plan, as  
13 applicable, to a physical or electronic mail address provided by the  
14 purchaser of a travel protection plan shall constitute delivery of  
15 the travel protection plan's fulfillment materials.

16           4. The company shall disclose in the policy fulfillment and  
17 documentation whether the travel insurance is primary or secondary  
18 to other applicable coverage.

19           5. Where travel insurance is marketed directly to a consumer  
20 through a website of the insurer or by others through an aggregator  
21 site, it shall not be an unfair trade practice or other violation of  
22 law where an accurate summary or short description of coverage is  
23 provided on the web page, so long as the consumer has access to the  
24 full provisions of the policy through electronic means.

1 D. Unless otherwise permitted by state or federal law, no  
2 person offering travel insurance or travel protection plans on an  
3 individual or group basis may do so using negative option or opt-  
4 out, which would require a consumer to take an affirmative action to  
5 deselect coverage such as unchecking a box on an electronic form  
6 when they purchase a trip.

7 E. It shall not be an unfair trade practice to include blanket  
8 travel insurance coverage with the purchase of a trip, provided the  
9 coverage is not marketed as free.

10 SECTION 9. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 6717 of Title 36, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. Notwithstanding any other provisions of law, no person shall  
14 act or represent itself as a travel administrator in this state  
15 unless that person:

16 1. Is a licensed producer for property insurance in this state  
17 with an inland marine line of authority;

18 2. Holds a valid managing general agent license in this state;  
19 or

20 3. Holds a valid third-party administrator license in this  
21 state.

22 B. A travel administrator and its employees are exempt from the  
23 licensing requirements of the Insurance Adjuster Licensing Act

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1 pursuant to Sections 6201 et seq. of Title 36 of the Oklahoma  
2 Statutes.

3 SECTION 10. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 6718 of Title 36, unless there  
5 is created a duplication in numbering, reads as follows:

6 Travel insurance may be provided under an individual policy or  
7 under a group or master policy.

8 SECTION 11. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 6719 of Title 36, unless there  
10 is created a duplication in numbering, reads as follows:

11 The Insurance Commissioner may promulgate rules to implement the  
12 provisions of this act.

13 SECTION 12. REPEALER Section 3, Chapter 145, O.S.L.  
14 2014, Section 4, Chapter 145, O.S.L. 2014, Section 5, Chapter 145,  
15 O.S.L. 2014, Section 6, Chapter 145, O.S.L. 2014, Section 7, Chapter  
16 145, O.S.L. 2014 and Section 8, Chapter 145, O.S.L. 2014 (36 O.S.  
17 Supp. 2017, Sections 6680, 6681, 6682, 6683, 6684 and 6685), are  
18 hereby repealed.

19 SECTION 13. This act shall become effective November 1, 2018.

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21 COMMITTEE REPORT BY: COMMITTEE ON INSURANCE, dated 04/04/2018 - DO  
22 PASS, As Amended.

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