

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1156 By: Quinn of the Senate
3 and
4 Mulready of the House
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8 [travel insurance - limited lines producers -
9 licensure - Travel Insurance Act - applicability -
10 certain license - conditions for certain license -
11 compensation - compliance - tax - Travel Protection
12 Plans - Unfair Trade Practices Act - marketing
13 procedures - rules - Insurance Adjuster Licensing Act
14 - promulgate rules - repealers - codification -
15 effective date]

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AMENDMENT NO. 1. Replace the stricken title, enacting clause and
entire bill and insert

"An Act relating to travel insurance; amending 36
O.S. 2011, Section 1435.20, as last amended by
Section 1, Chapter 145, O.S.L. 2014 (36 O.S. Supp.
2017, Section 1435.20), which relates to limited
lines producers; modifying category in which limited
line producer may qualify for licensure; creating
the Travel Insurance Act; providing applicability of
act; defining terms; authorizing Insurance
Commissioner to issue certain license; establishing
conditions for certain license; requiring travel
retailers to offer certain literature; prohibiting
certain persons from operating as licensed insurance
producer; authorizing certain persons to receive
compensation; requiring compliance with act by
certain persons; requiring payment of certain tax;

1 authorizing Travel Protection Plans be offered under
2 certain conditions; extending application of Unfair
3 Trade Practices Act to certain persons; clarifying
4 certain acts of unfair trade practice; establishing
5 marketing procedures; establishing rules for acting
6 as Travel Administrator; exempting certain persons
7 from Insurance Adjuster Licensing Act; authorizing
8 certain policies to offer travel insurance;
9 authorizing Commissioner to promulgate rules;
10 repealing Section 3, Chapter 145, O.S.L. 2014,
11 Section 4, Chapter 145, O.S.L. 2014, Section 5,
12 Chapter 145, O.S.L. 2014, Section 6, Chapter 145,
13 O.S.L. 2014, Section 7, Chapter 145, O.S.L. 2014 and
14 Section 8, Chapter 145, O.S.L. 2014 (36 O.S. Supp.
15 2017, Sections 6680, 6681, 6682, 6683, 6684 and
16 6685), which relate to limited lines insurance
17 providers; providing for codification; and providing
18 an effective date.

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

20 SECTION 1. AMENDATORY 36 O.S. 2011, Section 1435.20, as
21 last amended by Section 1, Chapter 145, O.S.L. 2014 (36 O.S. Supp.
22 2017, Section 1435.20), is amended to read as follows:

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

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

1 2. Crop - insurance providing protection against damage to
2 crops from unfavorable weather conditions, fire or lightning, flood,
3 hail, insect infestation, disease or other yield-reducing conditions
4 or perils provided by the private insurance market, or that is
5 subsidized by the Federal Crop Insurance Corporation, including
6 Multi-Peril Crop Insurance;

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

12 a. is nontransferable,

13 b. applies only to the rental car that is the subject of
14 the rental agreement, and

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

16 (1) personal accident insurance for renters and other
17 rental car occupants, for accidental death or
18 dismemberment, and for medical expenses resulting
19 from an accident that occurs with the rental car
20 during the rental period,

21 (2) liability insurance that provides protection to
22 the renters and other authorized drivers of a
23 rental car for liability arising from the
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1 operation or use of the rental car during the
2 rental period,

3 (3) personal effects insurance that provides coverage
4 to renters and other vehicle occupants for loss
5 of, or damage to, personal effects in the rental
6 car during the rental period,

7 (4) roadside assistance and emergency sickness
8 protection insurance, or

9 (5) any other coverage designated by the Insurance
10 Commissioner.

11 A car rental limited lines license issued to a rental or leasing
12 company shall authorize any employee or authorized representative of
13 the rental or leasing company to sell or offer coverage at each
14 location at which the rental or leasing company operates. Employees
15 or authorized representatives are not required to be individually
16 licensed;

17 4. Credit - credit life, credit disability, credit property,
18 credit unemployment, involuntary unemployment, mortgage life,
19 mortgage guaranty, mortgage disability, guaranteed automobile
20 protection insurance, or any other form of insurance offered in
21 connection with an extension of credit that is limited to partially
22 or wholly extinguishing that credit obligation and that is
23 designated by the Insurance Commissioner as limited line credit
24 insurance;

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

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

- 8 a. ~~interruption or cancellation of trip or event,~~
- 9 b. ~~loss of baggage or personal effects,~~
- 10 c. ~~damages to accommodations or rental vehicles, or~~
- 11 d. ~~sickness, accident, disability or death occurring~~
12 ~~during travel.~~

13 ~~Travel insurance does not include major medical plans, which~~
14 ~~provide comprehensive medical protections for travelers with trips~~
15 ~~lasting six (6) months or longer, including, but not limited to,~~
16 ~~those working overseas as expatriate or military personnel deployed~~
17 ~~overseas.~~

18 B. 1. An insurance producer or limited lines producer may
19 solicit applications for and issue travel accident policies or
20 baggage insurance by means of mechanical vending machines supervised
21 by the insurance producer or limited lines producer only if the
22 Insurance Commissioner shall determine that the form of policy to be
23 sold is reasonably suited for sale and issuance through vending
24 machines, that use of vending machines for the sale of policies

1 would be of convenience to the public, and that the type of vending
2 machine to be used is reasonably suitable and practical for the sale
3 and issuance of policies. Policies so sold do not have to be
4 countersigned.

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

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

20 This act shall be known and may be cited as the "Travel
21 Insurance Act".

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

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

5 B. All other applicable provisions of this state's insurance
6 laws shall continue to apply to travel insurance except that the
7 specific provisions of this act shall supersede any general
8 provisions of law that would otherwise be applicable to travel
9 insurance.

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

13 As used in this act, the term:

14 1. "Aggregator site" means a website that provides access to
15 information regarding insurance products from more than one insurer,
16 including product and insurer information, for use in comparison
17 shopping;

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

23 3. "Cancellation fee waiver" means a contractual agreement
24 between a supplier of travel services and its customer to waive some

1 or all of the nonrefundable cancellation fee provisions of the
2 supplier's underlying travel contract, with or without regard to the
3 reason for the cancellation or form of reimbursement. A
4 cancellation fee waiver is not insurance;

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

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

10 a. any entity engaged in the business of providing travel
11 or travel services, including, but not limited to,
12 tour operators, lodging providers, vacation property
13 owners, hotels and resorts, travel clubs, travel
14 agencies, property managers, cultural exchange
15 programs and common carriers or the operator, owner or
16 lessor of a means of transportation of passengers,
17 including, but not limited to, airlines, cruise lines,
18 railroads, steamship companies and public bus
19 carriers, wherein with regard to any particular travel
20 or type of travel or travelers, all members or
21 customers of the group must have a common exposure to
22 risk attendant to such travel,

23 b. any college, school or other institution of learning
24 covering students, teachers, employees or volunteers,

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

1 Insurance Commissioner authorizing the use of a trust
2 and the state's premium tax provisions in Section 6 of
3 this act of one or more associations meeting the above
4 requirements of this paragraph,

- 5 i. any entertainment production company covering any
6 group of participants, volunteers, audience members,
7 contestants or workers,
- 8 j. any volunteer fire department, ambulance, rescue,
9 police, court or any first aid, civil defense or other
10 such volunteer group,
- 11 k. preschools, daycare institutions for children or
12 adults and senior citizen clubs,
- 13 l. any automobile or truck rental or leasing company
14 covering a group of individuals who may become
15 renters, lessees or passengers defined by their travel
16 status on the rented or leased vehicles. The common
17 carrier, the operator, owner or lessor of a means of
18 transportation or the automobile or truck rental or
19 leasing company is the policyholder under a policy to
20 which this paragraph applies, or
- 21 m. any other group where the Commissioner has determined
22 that the members are engaged in a common enterprise,
23 or have an economic, educational or social affinity or
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1 relationship, and that issuance of the policy would
2 not be contrary to the public interest;

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

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

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

- 11 a. licensed managing general agent or third-party
12 administrator,
- 13 b. licensed insurance producer, including a limited lines
14 producer, or
- 15 c. travel administrator;

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

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

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

22 11. "Travel assistance services" means noninsurance services
23 that may be distributed by limited lines travel insurance producers
24 or other entities, and for which there is no indemnification for the

1 travel protection plan customer based on a fortuitous event, nor any
2 transfer or shifting of risk that would constitute the business of
3 insurance. Travel assistance services include, but are not limited
4 to: security advisories; destination information; vaccination and
5 immunization information services; travel reservation services;
6 entertainment; activity and event planning; translation assistance;
7 emergency messaging; international legal and medical referrals;
8 medical case monitoring; coordination of transportation
9 arrangements; emergency cash transfer assistance; medical
10 prescription replacement assistance; passport and travel document
11 replacement assistance; lost luggage assistance; concierge services;
12 and any other service that is furnished in connection with planned
13 travel that is not related to the adjudication of a travel insurance
14 claim, unless otherwise approved by the Commissioner in a travel
15 insurance filing. Travel assistance services are not insurance and
16 not related to insurance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 5. The limited lines travel insurance producer has paid all
23 applicable insurance producer licensing fees as set forth in Section
24 1435.23 of Title 36 of the Oklahoma Statutes; and

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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1 Passed the House of Representatives the 11th day of April, 2018.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2018.

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7
8 _____
9 Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 1156

By: Quinn of the Senate

3 and

4 Mulready of the House

5
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 14. AMENDATORY 36 O.S. 2011, Section 1435.20, as
14 last amended by Section 1, Chapter 145, O.S.L. 2014 (36 O.S. Supp.
15 2017, Section 1435.20), is amended to read as follows:

16 Section 1435.20. A. A limited lines producer may receive
17 qualification for a license in one or more of the following
18 categories:

19 1. Prepaid legal liability insurance, which means the
20 assumption of an enforceable contractual obligation to provide
21 specified legal services or to reimburse policyholders for specified
22 legal expenses, pursuant to the provisions of a group or individual
23 policy;

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1 2. Crop - insurance providing protection against damage to
2 crops from unfavorable weather conditions, fire or lightning, flood,
3 hail, insect infestation, disease or other yield-reducing conditions
4 or perils provided by the private insurance market, or that is
5 subsidized by the Federal Crop Insurance Corporation, including
6 Multi-Peril Crop Insurance;

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

- 12 a. is nontransferable,
- 13 b. applies only to the rental car that is the subject of
14 the rental agreement, and
- 15 c. is limited to the following kinds of insurance:
 - 16 (1) personal accident insurance for renters and other
17 rental car occupants, for accidental death or
18 dismemberment, and for medical expenses resulting
19 from an accident that occurs with the rental car
20 during the rental period,
 - 21 (2) liability insurance that provides protection to
22 the renters and other authorized drivers of a
23 rental car for liability arising from the

24

1 operation or use of the rental car during the
2 rental period,

3 (3) personal effects insurance that provides coverage
4 to renters and other vehicle occupants for loss
5 of, or damage to, personal effects in the rental
6 car during the rental period,

7 (4) roadside assistance and emergency sickness
8 protection insurance, or

9 (5) any other coverage designated by the Insurance
10 Commissioner.

11 A car rental limited lines license issued to a rental or leasing
12 company shall authorize any employee or authorized representative of
13 the rental or leasing company to sell or offer coverage at each
14 location at which the rental or leasing company operates. Employees
15 or authorized representatives are not required to be individually
16 licensed;

17 4. Credit - credit life, credit disability, credit property,
18 credit unemployment, involuntary unemployment, mortgage life,
19 mortgage guaranty, mortgage disability, guaranteed automobile
20 protection insurance, or any other form of insurance offered in
21 connection with an extension of credit that is limited to partially
22 or wholly extinguishing that credit obligation and that is
23 designated by the Insurance Commissioner as limited line credit
24 insurance;

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

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

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

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

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

11 d. ~~sickness, accident, disability or death occurring~~
12 ~~during travel.~~

13 Travel insurance does not include major medical plans, which
14 ~~provide comprehensive medical protections for travelers with trips~~
15 ~~lasting six (6) months or longer, including, but not limited to,~~
16 ~~those working overseas as expatriate or military personnel deployed~~
17 ~~overseas.~~

18 B. 1. An insurance producer or limited lines producer may
19 solicit applications for and issue travel accident policies or
20 baggage insurance by means of mechanical vending machines supervised
21 by the insurance producer or limited lines producer only if the
22 Insurance Commissioner shall determine that the form of policy to be
23 sold is reasonably suited for sale and issuance through vending
24 machines, that use of vending machines for the sale of policies

1 would be of convenience to the public, and that the type of vending
2 machine to be used is reasonably suitable and practical for the sale
3 and issuance of policies. Policies so sold do not have to be
4 countersigned.

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

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

20 This act shall be known and may be cited as the "Travel
21 Insurance Act".

22 SECTION 16. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 6711 of Title 36, unless there
24 is created a duplication in numbering, reads as follows:

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

5 B. All other applicable provisions of this state's insurance
6 laws shall continue to apply to travel insurance except that the
7 specific provisions of this act shall supersede any general
8 provisions of law that would otherwise be applicable to travel
9 insurance.

10 SECTION 17. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 6712 of Title 36, unless there
12 is created a duplication in numbering, reads as follows:

13 As used in this act, the term:

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

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

20 3. "Cancellation fee waiver" means a contractual agreement
21 between a supplier of travel services and its customer to waive some
22 or all of the nonrefundable cancellation fee provisions of the
23 supplier's underlying travel contract, with or without regard to the
24

1 reason for the cancellation or form of reimbursement. A
2 cancellation fee waiver is not insurance;

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

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

8 a. any entity engaged in the business of providing travel
9 or travel services, including but not limited to tour
10 operators, lodging providers, vacation property
11 owners, hotels and resorts, travel clubs, travel
12 agencies, property managers, cultural exchange
13 programs and common carriers or the operator, owner or
14 lessor of a means of transportation of passengers,
15 including but not limited to airlines, cruise lines,
16 railroads, steamship companies and public bus
17 carriers, wherein with regard to any particular travel
18 or type of travel or travelers, all members or
19 customers of the group must have a common exposure to
20 risk attendant to such travel,

21 b. any college, school or other institution of learning
22 covering students, teachers or employees or
23 volunteers,
24

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

1 Insurance Commissioner authorizing the use of a trust
2 and the state's premium tax provisions in Section 5 of
3 this act of one or more associations meeting the above
4 requirements of this paragraph,

- 5 i. any entertainment production company covering any
6 group of participants, volunteers, audience members,
7 contestants or workers,
- 8 j. any volunteer fire department, ambulance, rescue,
9 police, court or any first aid, civil defense or other
10 such volunteer group,
- 11 k. preschools, daycare institutions for children or
12 adults and senior citizen clubs,
- 13 l. any automobile or truck rental or leasing company
14 covering a group of individuals who may become
15 renters, lessees or passengers defined by their travel
16 status on the rented or leased vehicles. The common
17 carrier, the operator, owner or lessor of a means of
18 transportation or the automobile or truck rental or
19 leasing company is the policyholder under a policy to
20 which this paragraph applies, or
- 21 m. any other group where the Commissioner has determined
22 that the members are engaged in a common enterprise,
23 or have an economic, educational or social affinity or
24

1 relationship, and that issuance of the policy would
2 not be contrary to the public interest;

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

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

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

11 a. licensed managing general agent or third party
12 administrator,

13 b. licensed insurance producer, including a limited lines
14 producer, or

15 c. travel administrator;

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

19 10. "Travel administrator" means a person who directly or
20 indirectly underwrites, collects charges, collateral or premiums
21 from or adjusts or settles claims on residents of this state, in
22 connection with travel insurance, except that a person shall not be
23 considered a travel administrator if the only actions of the person
24

1 are those that would otherwise cause the person to be considered a
2 travel administrator are among the following:

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

22 11. "Travel assistance services" means noninsurance services
23 that may be distributed by limited lines travel insurance producers
24 or other entities, and for which there is no indemnification for the

1 travel protection plan customer based on a fortuitous event, nor any
2 transfer or shifting of risk that would constitute the business of
3 insurance. Travel assistance services include, but are not limited
4 to: security advisories; destination information; vaccination and
5 immunization information services; travel reservation services;
6 entertainment; activity and event planning; translation assistance;
7 emergency messaging; international legal and medical referrals;
8 medical case monitoring; coordination of transportation
9 arrangements; emergency cash transfer assistance; medical
10 prescription replacement assistance; passport and travel document
11 replacement assistance; lost luggage assistance; concierge services;
12 and any other service that is furnished in connection with planned
13 travel that is not related to the adjudication of a travel insurance
14 claim, unless otherwise approved by the Commissioner in a travel
15 insurance filing. Travel assistance services are not insurance and
16 not related to insurance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 5. The limited lines travel insurance producer has paid all
23 applicable insurance producer licensing fees as set forth in Section
24 1435.23 of Title 36 of the Oklahoma Statutes; and

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
24

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.

24

1 SECTION 19. 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

23
24

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 20. 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.

24

1 SECTION 21. 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 at Sections 1201
6 through 1219 of Title 36 of the Oklahoma Statutes, except as
7 otherwise provided in this section. In the event of a conflict
8 between this act and other provisions of Title 36 of the Oklahoma
9 Statutes regarding the sale and marketing of travel insurance and
10 travel protection plans, the provisions of this act shall control.

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

15 C. Marketing.

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

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

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

9 4. The company shall disclose in the policy fulfillment and
10 documentation whether the travel insurance is primary or secondary
11 to other applicable coverage.

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

18 D. Unless otherwise permitted by state or federal law, no
19 person offering travel insurance or travel protection plans on an
20 individual or group basis may do so using negative option or opt-
21 out, which would require a consumer to take an affirmative action to
22 deselect coverage such as unchecking a box on an electronic form
23 when they purchase a trip.
24

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

4 SECTION 22. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 6717 of Title 36, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Notwithstanding any other provisions law, no person shall
8 act or represent itself as a travel administrator in this state
9 unless that person:

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

12 2. Holds a valid managing general agent license in this state;
13 or

14 3. Holds a valid third-party administrator license in this
15 state.

16 B. A travel administrator and its employees are exempt from the
17 licensing requirements of the Insurance Adjuster Licensing Act
18 pursuant to Sections 6201 et seq. of Title 36 of the Oklahoma
19 Statutes.

20 SECTION 23. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 6718 of Title 36, unless there
22 is created a duplication in numbering, reads as follows:

23 Travel insurance may be provided under an individual policy or
24 under a group or master policy.

1 SECTION 24. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 6719 of Title 36, unless there
3 is created a duplication in numbering, reads as follows:

4 The Insurance Commissioner may promulgate rules to implement the
5 provisions of this act.

6 SECTION 25. REPEALER Section 3, Chapter 145, O.S.L.
7 2014, Section 4, Chapter 145, O.S.L. 2014, Section 5, Chapter 145,
8 O.S.L. 2014, Section 6, Chapter 145, O.S.L. 2014, Section 7, Chapter
9 145, O.S.L. 2014 and Section 8, Chapter 145, O.S.L. 2014 (36 O.S.
10 Supp. 2017, Sections 6680, 6681, 6682, 6683, 6684 and 6685), are
11 hereby repealed.

12 SECTION 26. This act shall become effective November 1, 2018.
13 Passed the Senate the 15th day of March, 2018.

14
15 _____
16 Presiding Officer of the Senate

17 Passed the House of Representatives the ____ day of _____,
18 2018.

19
20 _____
21 Presiding Officer of the House
22 of Representatives
23
24