

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



HOUSE BILL 24-1060

BY REPRESENTATIVE(S) Snyder, Amabile, Bird, Brown, Clifford, Duran, Herod, Lieder, Lindstedt, Marshall, Mauro, Ricks; also SENATOR(S) Roberts, Hinrichsen, Priola.

CONCERNING IMPLEMENTING PROVISIONS OF THE TRAVEL INSURANCE MODEL ACT.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 10-2-414.5, **amend** (1)(a), (1)(c), (1)(d), (2)(a), (2)(b) introductory portion, (2)(c), (4) introductory portion, (6), and (7); and **add** (10), (11), and (12) as follows:

10-2-414.5. Travel insurance - limited lines license - travel insurance producers - definitions - rules. (1) As used in this section:

(a) "Limited lines travel insurance producer" means:

(I) A licensed insurance producer, including a limited lines producer, who is designated by an insurer as the travel insurance supervising entity; OR

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(II) A TRAVEL ADMINISTRATOR, AS DEFINED IN SECTION 10-4-1903
(11).

(c) (I) "Travel insurance" means insurance coverage for personal risks incident to planned travel, including:

(A) Interruption or cancellation of a trip or event;

(B) Loss of baggage or personal effects;

(C) Damages to accommodations or rental vehicles; ~~or~~

(D) Sickness, accident, disability, or death occurring during travel;

(E) EMERGENCY EVACUATION;

(F) REPATRIATION OF REMAINS; OR

(G) ANY OTHER PERSONAL RISKS FOR WHICH A CONTRACTUAL OBLIGATION EXISTS TO INDEMNIFY OR PAY A SPECIFIED AMOUNT TO THE TRAVELER UPON DETERMINABLE CONTINGENCIES RELATED TO TRAVEL, AS APPROVED BY THE COMMISSIONER.

(II) "Travel insurance" does not include major medical plans that provide comprehensive medical protection for travelers with trips lasting LONGER THAN six months, ~~or longer~~, including ~~those~~ A PERSON working overseas as an expatriate, ~~or military personnel being deployed~~ OR ANY OTHER PRODUCT THAT REQUIRES A SPECIFIC INSURANCE PRODUCER LICENSE.

(d) "Travel retailer" means a business entity that makes, arranges, or offers travel services and may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a limited lines travel insurance producer. ~~For the purposes of this definition, the term "business entity" may include any individual working for or acting on behalf of the travel retailer.~~

(2) (a) (I) The commissioner may issue a limited lines travel insurance producer license to an individual or business entity that ~~authorizes the limited lines travel insurance producer to sell, solicit, or negotiate travel insurance through a licensed insurer~~ HAS FILED AN APPLICATION WITH THE

COMMISSIONER in a form and manner prescribed by the commissioner AND HAS PAID ALL APPLICABLE LICENSING FEES, AS SET FORTH IN THE APPLICABLE STATE LAW.

(II) A LIMITED LINES TRAVEL INSURANCE PRODUCER MUST BE LICENSED IN ORDER TO SELL, SOLICIT, OR NEGOTIATE TRAVEL INSURANCE THROUGH A LICENSED INSURER.

(III) A PERSON SHALL NOT ACT AS A LIMITED LINES TRAVEL INSURANCE PRODUCER OR TRAVEL RETAILER UNLESS THE PERSON IS PROPERLY LICENSED OR REGISTERED AS A LIMITED LINES TRAVEL INSURANCE PRODUCER OR TRAVEL RETAILER, RESPECTIVELY.

(b) A travel retailer may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a business entity that holds a limited lines travel insurance producer license. In doing so, the travel retailer ~~must~~ OR LIMITED LINES TRAVEL INSURANCE PRODUCER SHALL provide to prospective purchasers of travel insurance:

(c) (I) At the time of licensure, the limited lines travel insurance producer shall establish and maintain a register of each travel retailer that offers travel insurance on the limited lines TRAVEL INSURANCE producer's behalf on a form prescribed by the commissioner. The limited lines travel insurance producer must maintain and update the register annually and include:

(A) The name, address, and contact information of each travel retailer;

(B) The name, address, and contact information of an officer or person who directs or controls the travel retailer's operations; and

(C) The travel retailer's federal tax identification number.

(II) The limited lines travel insurance producer ~~must~~ SHALL submit the register to the commissioner upon request. The limited lines travel insurance producer ~~must~~ SHALL also certify that the travel retailer registered is not in violation of 18 U.S.C. sec. 1033.

(III) THE GROUNDS FOR SUSPENSION AND REVOCATION AND THE

PENALTIES APPLICABLE TO RESIDENT INSURANCE PRODUCERS UNDER SECTION 10-2-801 ARE APPLICABLE TO LIMITED LINES TRAVEL INSURANCE PRODUCERS AND TRAVEL RETAILERS.

(4) Any travel retailer offering or disseminating travel insurance shall make brochures or other written materials available to prospective purchasers that HAVE BEEN APPROVED BY THE TRAVEL INSURER. THE MATERIALS MUST INCLUDE INFORMATION THAT, AT A MINIMUM:

(6) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, a travel retailer whose insurance-related activities, and those of its employees and authorized representatives, are limited to offering and disseminating travel insurance on behalf of and under the direction of a limited lines travel insurance producer meeting the conditions stated in this section is authorized to receive related compensation for the services upon registration by the limited lines travel insurance producer.

(7) Travel insurance may be provided under an individual, ~~policy or under a group,~~ or ~~master~~ BLANKET policy.

(10) ANY PERSON LICENSED IN A MAJOR LINE OF AUTHORITY AS AN INSURANCE PRODUCER IS AUTHORIZED TO SELL, SOLICIT, AND NEGOTIATE TRAVEL INSURANCE. A PROPERTY AND CASUALTY INSURANCE PRODUCER IS NOT REQUIRED TO BE APPOINTED BY AN INSURER IN ORDER TO SELL, SOLICIT, OR NEGOTIATE TRAVEL INSURANCE.

(11) ELIGIBILITY AND UNDERWRITING STANDARDS FOR TRAVEL INSURANCE MAY BE DEVELOPED AND PROVIDED BASED ON TRAVEL PROTECTION PLANS DESIGNED FOR INDIVIDUAL OR IDENTIFIED MARKETING OR DISTRIBUTION CHANNELS, IF THOSE STANDARDS ALSO MEET THE STATE'S UNDERWRITING STANDARDS FOR INLAND MARINE.

(12) THE COMMISSIONER MAY PROMULGATE RULES NECESSARY TO IMPLEMENT THIS SECTION.

SECTION 2. In Colorado Revised Statutes, **add** part 19 to article 4 of title 10 as follows:

PART 19
TRAVEL INSURANCE MODEL ACT

10-4-1901. Short title. THE SHORT TITLE OF THIS PART 19 IS THE "TRAVEL INSURANCE MODEL ACT".

10-4-1902. Scope and purpose. (1) THE PURPOSE OF THIS PART 19 IS TO PROMOTE THE PUBLIC WELFARE BY CREATING A COMPREHENSIVE LEGAL FRAMEWORK WITHIN WHICH TRAVEL INSURANCE MAY BE SOLD IN THIS STATE.

(2) (a) THE REQUIREMENTS OF THIS PART 19 APPLY TO TRAVEL INSURANCE THAT SATISFIES ALL OF THE FOLLOWING CRITERIA:

(I) THE TRAVEL INSURANCE COVERS A RESIDENT OF THIS STATE;

(II) THE TRAVEL INSURANCE IS SOLD, SOLICITED, NEGOTIATED, OR OFFERED IN THIS STATE; AND

(III) THE POLICIES AND CERTIFICATES ARE DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE.

(b) THE REQUIREMENTS OF THIS PART 19 DO NOT APPLY TO CANCELLATION FEE WAIVERS OR TRAVEL ASSISTANCE SERVICES, EXCEPT AS EXPRESSLY PROVIDED IN THIS PART 19.

(3) ALL OTHER APPLICABLE PROVISIONS OF COLORADO'S INSURANCE LAWS CONTINUE TO APPLY TO TRAVEL INSURANCE; EXCEPT THAT THE SPECIFIC PROVISIONS OF THIS PART 19 SUPERSEDE ANY GENERAL PROVISIONS OF LAW THAT WOULD OTHERWISE BE APPLICABLE TO TRAVEL INSURANCE.

10-4-1903. Definitions. AS USED IN THIS PART 19, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AGGREGATOR SITE" MEANS A WEBSITE THAT PROVIDES ACCESS TO INFORMATION REGARDING INSURANCE PRODUCTS FROM MORE THAN ONE INSURER, INCLUDING PRODUCT AND INSURER INFORMATION, FOR USE IN COMPARISON SHOPPING.

(2) "BLANKET TRAVEL INSURANCE" MEANS TRAVEL INSURANCE THAT:

(a) IS ISSUED TO AN ELIGIBLE GROUP; AND

(b) PROVIDES COVERAGE FOR SPECIFIC CLASSES OF PERSONS DEFINED IN THE POLICY WITH COVERAGE PROVIDED TO ALL MEMBERS OF THE ELIGIBLE GROUP WITHOUT REQUIRING INDIVIDUAL MEMBERS OF THE ELIGIBLE GROUP TO PAY A CHARGE.

(3) "CANCELLATION FEE WAIVER" MEANS A CONTRACTUAL AGREEMENT BETWEEN A SUPPLIER OF TRAVEL SERVICES AND ITS CUSTOMER TO WAIVE SOME OR ALL OF THE NONREFUNDABLE CANCELLATION FEE PROVISIONS OF THE SUPPLIER'S UNDERLYING TRAVEL CONTRACT WITH OR WITHOUT REGARD TO THE REASON FOR THE CANCELLATION OR FORM OF REIMBURSEMENT. A "CANCELLATION FEE WAIVER" IS NOT INSURANCE.

(4) "ELIGIBLE GROUP" MEANS, SOLELY FOR THE PURPOSES OF TRAVEL INSURANCE, A GROUP OF TWO OR MORE PERSONS WHO ARE ENGAGED IN A COMMON ENTERPRISE, OR HAVE AN ECONOMIC, EDUCATIONAL, OR SOCIAL AFFINITY OR RELATIONSHIP, INCLUDING ANY OF THE FOLLOWING:

(a) AN ENTITY ENGAGED IN THE BUSINESS OF PROVIDING TRAVEL OR TRAVEL SERVICES , INCLUDING TOUR OPERATORS, LODGING PROVIDERS, VACATION PROPERTY OWNERS, HOTELS, RESORTS, TRAVEL CLUBS, TRAVEL AGENCIES, PROPERTY MANAGERS, CULTURAL EXCHANGE PROGRAMS, AND COMMON CARRIERS, AS DEFINED IN SECTION 40-1-102 (3), OR OTHER OPERATOR, OWNER, OR LESSOR OF A MEANS OF TRANSPORTATION OF PASSENGERS, INCLUDING AIRLINES, CRUISE LINES, RAILROADS, STEAMSHIP COMPANIES, AND PUBLIC BUS CARRIERS, IN WHICH, WITH REGARD TO ANY PARTICULAR TRAVEL OR TYPE OF TRAVEL OR TRAVELERS, ALL MEMBERS OR CUSTOMERS OF THE GROUP MUST HAVE A COMMON EXPOSURE TO RISKS ATTENDANT TO SUCH TRAVEL;

(b) A COLLEGE, SCHOOL, OR OTHER INSTITUTION OF LEARNING COVERING STUDENTS, TEACHERS, EMPLOYEES, OR VOLUNTEERS;

(c) AN EMPLOYER COVERING ANY GROUP OF EMPLOYEES, VOLUNTEERS, CONTRACTORS, BOARD OF DIRECTORS, DEPENDENTS, OR GUESTS;

(d) A SPORTS TEAM, CAMP, OR SPONSOR OF A SPORTS TEAM COVERING PARTICIPANTS, MEMBERS, CAMPER, EMPLOYEES, OFFICIALS, SUPERVISORS, OR VOLUNTEERS;

(e) A RELIGIOUS, CHARITABLE, RECREATIONAL, EDUCATIONAL, OR CIVIC ORGANIZATION, OR BRANCH OF THE ORGANIZATION COVERING ANY GROUP OF MEMBERS, PARTICIPANTS, OR VOLUNTEERS;

(f) A FINANCIAL INSTITUTION OR FINANCIAL INSTITUTION VENDOR, OR A PARENT HOLDING COMPANY, TRUSTEE, OR AGENT OF, OR DESIGNATED BY, ONE OR MORE FINANCIAL INSTITUTIONS OR FINANCIAL INSTITUTION VENDORS, INCLUDING ACCOUNT HOLDERS, CREDIT CARD HOLDERS, DEBTORS, GUARANTORS, OR PURCHASERS;

(g) AN INCORPORATED OR UNINCORPORATED ASSOCIATION, INCLUDING A LABOR UNION, THAT HAS A COMMON INTEREST, CONSTITUTION, AND BYLAWS AND IS ORGANIZED AND MAINTAINED IN GOOD FAITH FOR PURPOSES OTHER THAN OBTAINING INSURANCE FOR MEMBERS OR PARTICIPANTS OF SUCH ASSOCIATION COVERING ITS MEMBERS;

(h) SUBJECT TO THE COMMISSIONER'S PERMITTING THE USE OF A TRUST AND THE STATE'S PREMIUM TAX PROVISIONS IN SECTION 10-4-1904, A TRUST OR THE TRUSTEES OF A FUND THAT IS ESTABLISHED, CREATED, OR MAINTAINED FOR THE BENEFIT OF AND COVERING MEMBERS, EMPLOYEES, OR CUSTOMERS OF ONE OR MORE ASSOCIATIONS MEETING THE REQUIREMENTS OF SUBSECTION (4)(g) OF THIS SECTION;

(i) AN ENTERTAINMENT PRODUCTION COMPANY COVERING ANY GROUP OF PARTICIPANTS, VOLUNTEERS, AUDIENCE MEMBERS, CONTESTANTS, OR WORKERS;

(j) A VOLUNTEER FIRE DEPARTMENT, AMBULANCE, RESCUE, POLICE, COURT, OR ANY FIRST AID, CIVIL DEFENSE, OR OTHER SIMILAR VOLUNTEER GROUP;

(k) A PRESCHOOL, DAY CARE, OR OTHER CARE INSTITUTION FOR CHILDREN, ADULTS, OR SENIOR CITIZENS;

(l) AN AUTOMOBILE OR TRUCK RENTAL OR LEASING COMPANY COVERING A GROUP OF INDIVIDUALS WHO MAY BECOME RENTERS, LESSEES, OR PASSENGERS, AS DEFINED BY THEIR TRAVEL STATUS ON THE RENTED OR LEASED VEHICLES; EXCEPT THAT THE POLICYHOLDER IS THE COMMON CARRIER; THE OPERATOR, OWNER, OR LESSOR OF A MEANS OF TRANSPORTATION; OR THE AUTOMOBILE OR TRUCK RENTAL OR LEASING

COMPANY; OR

(m) ANY OTHER GROUP MEMBERS THAT ARE ENGAGED IN A COMMON ENTERPRISE OR HAVE AN ECONOMIC, EDUCATIONAL, OR SOCIAL AFFINITY OR RELATIONSHIP AND TO WHICH ISSUANCE OF A TRAVEL INSURANCE POLICY WOULD NOT BE CONTRARY TO THE PUBLIC INTEREST, AS DETERMINED BY THE COMMISSIONER.

(5) "FULFILLMENT MATERIALS" MEANS DOCUMENTS SENT TO THE PURCHASER OF A TRAVEL PROTECTION PLAN CONFIRMING THE PURCHASE AND PROVIDING THE TRAVEL PROTECTION PLAN'S COVERAGE AND ASSISTANCE DETAILS.

(6) "GROUP TRAVEL INSURANCE" MEANS TRAVEL INSURANCE ISSUED TO ANY ELIGIBLE GROUP.

(7) "LIMITED LINES TRAVEL INSURANCE PRODUCER" HAS THE MEANING SET FORTH IN SECTION 10-2-414.5 (1)(a).

(8) "OFFER AND DISSEMINATE" HAS THE MEANING SET FORTH IN SECTION 10-2-414.5 (1)(b).

(9) "PRIMARY CERTIFICATE HOLDER" MEANS A PERSON THAT ELECTS AND PURCHASES TRAVEL INSURANCE UNDER A GROUP TRAVEL INSURANCE POLICY.

(10) "PRIMARY POLICYHOLDER" MEANS AN INDIVIDUAL WHO ELECTS AND PURCHASES INDIVIDUAL TRAVEL INSURANCE.

(11) "TRAVEL ADMINISTRATOR" MEANS A PERSON WHO DIRECTLY OR INDIRECTLY UNDERWRITES; COLLECTS CHARGES, COLLATERAL, OR PREMIUMS FROM; OR ADJUSTS OR SETTLES CLAIMS OF COLORADO RESIDENTS IN CONNECTION WITH TRAVEL INSURANCE. THE FOLLOWING PERSONS ARE NOT CONSIDERED TRAVEL ADMINISTRATORS SO LONG AS THEY FUNCTION ONLY AS FOLLOWS:

(a) A PERSON WORKING FOR A TRAVEL ADMINISTRATOR, TO THE EXTENT THAT THE PERSON'S 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 PRODUCER'S LICENSE;

(c) A TRAVEL RETAILER OFFERING AND DISSEMINATING TRAVEL INSURANCE AND REGISTERED UNDER THE LICENSE OF A LIMITED LINES TRAVEL INSURANCE PRODUCER IN ACCORDANCE WITH SECTION 10-2-414.5;

(d) AN INDIVIDUAL ADJUSTING OR SETTling CLAIMS IN THE NORMAL COURSE OF THE INDIVIDUAL'S PRACTICE OR EMPLOYMENT AS AN ATTORNEY 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.

(12) (a) "TRAVEL ASSISTANCE SERVICES" MEANS NONINSURANCE SERVICES FOR WHICH THE CONSUMER IS NOT INDEMNIFIED BASED ON A FORTUITOUS EVENT AND WHERE THE PROVISION OF THE SERVICE DOES NOT RESULT IN TRANSFER OR SHIFTING OF RISK THAT WOULD CONSTITUTE THE BUSINESS OF INSURANCE.

(b) "TRAVEL ASSISTANCE SERVICES" INCLUDE SECURITY ADVISORIES, DESTINATION INFORMATION, VACCINATION AND IMMUNIZATION INFORMATION SERVICES, TRAVEL RESERVATION SERVICES, ENTERTAINMENT, ACTIVITY AND EVENT PLANNING, TRANSLATION ASSISTANCE, EMERGENCY MESSAGING, INTERNATIONAL LEGAL AND MEDICAL REFERRALS, MEDICAL CASE MONITORING, COORDINATION OF TRANSPORTATION ARRANGEMENTS, EMERGENCY CASH TRANSFER ASSISTANCE, MEDICAL PRESCRIPTION REPLACEMENT ASSISTANCE, PASSPORT AND TRAVEL DOCUMENT REPLACEMENT ASSISTANCE, LOST LUGGAGE ASSISTANCE, CONCIERGE SERVICES, AND ANY OTHER SERVICE THAT IS FURNISHED IN CONNECTION WITH PLANNED TRAVEL.

(c) "TRAVEL ASSISTANCE SERVICES" ARE NOT INSURANCE AND ARE NOT RELATED TO INSURANCE.

(13) "TRAVEL INSURANCE" HAS THE MEANING SET FORTH IN SECTION 10-2-414.5 (1)(c).

(14) "TRAVEL PROTECTION PLAN" MEANS A PLAN THAT PROVIDES ONE OR MORE OF THE FOLLOWING: TRAVEL INSURANCE, TRAVEL ASSISTANCE SERVICES, AND CANCELLATION FEE WAIVERS.

(15) "TRAVEL RETAILER" HAS THE MEANING SET FORTH IN SECTION 10-2-414.5 (1)(d).

10-4-1904. Premium tax. (1) AN INSURER SHALL PAY PREMIUM TAX, AS PROVIDED IN SECTION 10-3-209, ON TRAVEL INSURANCE PREMIUMS PAID BY ANY OF THE FOLLOWING:

(a) A PRIMARY POLICYHOLDER WHO IS A RESIDENT OF THIS STATE;

(b) A PRIMARY CERTIFICATE HOLDER WHO IS A RESIDENT OF THIS STATE AND WHO ELECTS COVERAGE UNDER A GROUP TRAVEL INSURANCE POLICY; OR

(c) SUBJECT TO ANY APPORTIONMENT RULES THAT APPLY TO THE INSURER ACROSS MULTIPLE TAXING JURISDICTIONS OR THAT PERMIT THE INSURER TO ALLOCATE PREMIUM ON AN APPORTIONED BASIS IN A REASONABLE AND EQUITABLE MANNER IN THOSE JURISDICTIONS, A POLICYHOLDER OF BLANKET TRAVEL INSURANCE:

(I) WHO IS A RESIDENT OF THIS STATE;

(II) WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE; OR

(III) WHOSE AFFILIATE OR SUBSIDIARY HAS A PRINCIPAL PLACE OF BUSINESS IN THIS STATE, IF THE AFFILIATE OR SUBSIDIARY HAS PURCHASED BLANKET TRAVEL INSURANCE IN THIS STATE FOR MEMBERS OF AN ELIGIBLE GROUP.

(2) A TRAVEL INSURER SHALL:

(a) DOCUMENT THE STATE OF RESIDENCE OR PRINCIPAL PLACE OF BUSINESS OF A POLICYHOLDER OR CERTIFICATE HOLDER, FOR PURPOSES OF PAYING PREMIUM TAX AS REQUIRED IN SUBSECTION (1) OF THIS SECTION; AND

(b) REPORT AS PREMIUM ONLY THE AMOUNT ALLOCABLE TO TRAVEL

INSURANCE AND NOT ANY AMOUNTS RECEIVED FOR TRAVEL ASSISTANCE SERVICES OR CANCELLATION FEE WAIVERS.

10-4-1905. Travel protection plans. (1) A TRAVEL PROTECTION PLAN MAY BE OFFERED FOR ONE PRICE FOR THE COMBINED FEATURES THAT THE TRAVEL PROTECTION PLAN OFFERS IN THIS STATE IF:

(a) THE TRAVEL PROTECTION PLAN CLEARLY DISCLOSES TO THE CONSUMER, AT OR PRIOR TO THE TIME OF PURCHASE, THAT IT INCLUDES TRAVEL INSURANCE, TRAVEL ASSISTANCE SERVICES, OR CANCELLATION FEE WAIVERS, AS APPLICABLE, AND PROVIDES INFORMATION AND AN OPPORTUNITY, AT OR PRIOR TO THE TIME OF PURCHASE, FOR THE CONSUMER TO OBTAIN ADDITIONAL INFORMATION REGARDING THE FEATURES AND PRICING OF EACH; AND

(b) THE FULFILLMENT MATERIALS:

(I) DESCRIBE AND DELINEATE THE TRAVEL INSURANCE, TRAVEL ASSISTANCE SERVICES, AND CANCELLATION FEE WAIVERS IN THE TRAVEL PROTECTION PLAN; AND

(II) INCLUDE THE TRAVEL INSURANCE DISCLOSURES AND THE CONTACT INFORMATION FOR PERSONS PROVIDING TRAVEL ASSISTANCE SERVICES OR CANCELLATION FEE WAIVERS, AS APPLICABLE.

10-4-1906. Sales practices. (1) ANY PERSON OFFERING TRAVEL INSURANCE TO RESIDENTS OF THIS STATE IS SUBJECT TO PART 11 OF ARTICLE 3 OF THIS TITLE 10, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION. IN THE EVENT OF A CONFLICT BETWEEN THIS PART 19 AND OTHER PROVISIONS OF THIS TITLE 10 REGARDING THE SALE AND MARKETING OF TRAVEL INSURANCE AND TRAVEL PROTECTION PLANS, THE PROVISIONS OF THIS PART 19 CONTROL.

(2) OFFERING OR SELLING A TRAVEL INSURANCE POLICY THAT COULD NEVER RESULT IN PAYMENT OF ANY CLAIMS FOR ANY INSURED UNDER THE POLICY IS AN UNFAIR OR DECEPTIVE PRACTICE PURSUANT TO SECTION 10-3-1104.

(3) (a) ALL DOCUMENTS PROVIDED TO CONSUMERS PRIOR TO THE PURCHASE OF TRAVEL INSURANCE, INCLUDING BUT NOT LIMITED TO SALES

MATERIALS, ADVERTISING MATERIALS, AND MARKETING MATERIALS, MUST BE CONSISTENT WITH THE TRAVEL INSURANCE POLICY ITSELF, INCLUDING BUT NOT LIMITED TO FORMS, ENDORSEMENTS, POLICIES, RATE FILINGS, AND CERTIFICATES OF INSURANCE.

(b) FOR TRAVEL INSURANCE POLICIES OR CERTIFICATES THAT CONTAIN PREEXISTING CONDITION EXCLUSIONS, THE PERSON OFFERING THE POLICY OR CERTIFICATE SHALL PROVIDE INFORMATION AND AN OPPORTUNITY TO LEARN MORE ABOUT THE PREEXISTING CONDITION EXCLUSIONS AT ANY TIME PRIOR TO THE TIME OF PURCHASE AND IN THE COVERAGE'S FULFILLMENT MATERIALS.

(c) (I) AS USED IN THIS SUBSECTION (3)(c), "DELIVERY" MEANS HANDING FULFILLMENT MATERIALS TO THE POLICYHOLDER OR CERTIFICATE HOLDER OR SENDING FULFILLMENT MATERIALS BY MAIL OR ELECTRONIC MEANS TO THE POLICYHOLDER OR CERTIFICATE HOLDER.

(II) THE FULFILLMENT MATERIALS AND THE INFORMATION DESCRIBED IN SECTION 10-2-414.5 (2)(b)(I) TO (2)(b)(IV) SHALL BE PROVIDED TO A POLICYHOLDER OR CERTIFICATE HOLDER AS SOON AS PRACTICABLE FOLLOWING THE PURCHASE OF A TRAVEL PROTECTION PLAN.

(III) UNLESS THE INSURED HAS EITHER STARTED A COVERED TRIP OR FILED A CLAIM UNDER THE TRAVEL INSURANCE COVERAGE, A POLICYHOLDER OR CERTIFICATE HOLDER MAY CANCEL A POLICY OR CERTIFICATE FOR A FULL REFUND OF THE TRAVEL PROTECTION PLAN PRICE FROM THE DATE OF PURCHASE OF A TRAVEL PROTECTION PLAN UNTIL AT LEAST:

(A) FIFTEEN DAYS FOLLOWING THE DATE OF DELIVERY OF THE TRAVEL PROTECTION PLAN'S FULFILLMENT MATERIALS BY MAIL; OR

(B) TEN DAYS FOLLOWING THE DATE OF DELIVERY OF THE TRAVEL PROTECTION PLAN'S FULFILLMENT MATERIALS BY MEANS OTHER THAN MAIL.

(d) AN INSURER SHALL DISCLOSE IN THE POLICY DOCUMENTATION AND FULFILLMENT MATERIALS WHETHER THE TRAVEL INSURANCE IS PRIMARY OR SECONDARY TO OTHER APPLICABLE COVERAGE.

(e) WHEN TRAVEL INSURANCE IS MARKETED DIRECTLY TO A CONSUMER THROUGH AN INSURER'S WEBSITE OR BY OTHERS THROUGH AN

AGGREGATOR SITE, IT IS NOT AN UNFAIR OR DECEPTIVE PRACTICE OR OTHER VIOLATION OF LAW WHEN AN ACCURATE SUMMARY OR SHORT DESCRIPTION OF COVERAGE IS PROVIDED ON THE WEB PAGE, SO LONG AS THE CONSUMER HAS ACCESS TO THE FULL PROVISIONS OF THE POLICY THROUGH ELECTRONIC MEANS.

(4) A PERSON OFFERING, SOLICITING, OR NEGOTIATING TRAVEL INSURANCE OR TRAVEL PROTECTION PLANS ON AN INDIVIDUAL OR GROUP BASIS SHALL NOT DO SO BY USING NEGATIVE OPTION OR OPT OUT, WHICH WOULD REQUIRE A CONSUMER TO TAKE AN AFFIRMATIVE ACTION TO DESELECT COVERAGE, SUCH AS UNCHECKING A BOX ON AN ELECTRONIC FORM, WHEN THE CONSUMER PURCHASES A TRIP.

(5) IT IS AN UNFAIR OR DECEPTIVE PRACTICE PURSUANT TO SECTION 10-3-1104 TO MARKET BLANKET TRAVEL INSURANCE COVERAGE AS FREE.

(6) WHERE A CONSUMER'S DESTINATION JURISDICTION REQUIRES INSURANCE COVERAGE, IT IS NOT AN UNFAIR OR DECEPTIVE PRACTICE TO REQUIRE THAT A CONSUMER CHOOSE BETWEEN THE FOLLOWING OPTIONS AS A CONDITION OF PURCHASING A TRIP OR TRAVEL PACKAGE:

(a) PURCHASING THE COVERAGE REQUIRED BY THE DESTINATION JURISDICTION THROUGH THE TRAVEL RETAILER OR LIMITED LINES TRAVEL INSURANCE PRODUCER SUPPLYING THE TRIP OR TRAVEL PACKAGE; OR

(b) AGREEING TO OBTAIN AND PROVIDE PROOF OF COVERAGE THAT MEETS THE DESTINATION JURISDICTION'S REQUIREMENTS PRIOR TO DEPARTURE.

10-4-1907. Travel administrators. (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE 10, A PERSON SHALL NOT ACT AS OR REPRESENT THAT THE PERSON IS A TRAVEL ADMINISTRATOR FOR TRAVEL INSURANCE IN COLORADO UNLESS THE PERSON IS A LICENSED INSURANCE PRODUCER FOR PROPERTY AND CASUALTY INSURANCE IN COLORADO FOR ACTIVITIES PERMITTED UNDER THAT LICENSE.

(2) AN INSURER IS RESPONSIBLE FOR THE ACTS OF A TRAVEL ADMINISTRATOR ADMINISTERING TRAVEL INSURANCE UNDERWRITTEN BY THE INSURER AND IS RESPONSIBLE FOR ENSURING THAT THE TRAVEL ADMINISTRATOR MAINTAINS ALL BOOKS AND RECORDS RELEVANT TO THE

INSURER TO BE MADE AVAILABLE BY THE TRAVEL ADMINISTRATOR TO THE COMMISSIONER UPON REQUEST.

10-4-1908. Policy. NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE 10, TRAVEL INSURANCE IS CLASSIFIED AND FILED FOR PURPOSES OF RATE AND FORMS UNDER AN INLAND MARINE LINE OF INSURANCE; EXCEPT THAT TRAVEL INSURANCE THAT PROVIDES COVERAGE FOR SICKNESS, ACCIDENT, DISABILITY, OR DEATH OCCURRING DURING TRAVEL, EITHER EXCLUSIVELY, OR IN CONJUNCTION WITH RELATED COVERAGES OF EMERGENCY EVACUATION OR REPATRIATION OF REMAINS, OR INCIDENTAL LIMITED PROPERTY AND CASUALTY BENEFITS, SUCH AS TRAVEL OR TRIP CANCELLATION, MAY BE FILED UNDER EITHER AN ACCIDENT AND HEALTH LINE OF INSURANCE OR AN INLAND MARINE LINE OF INSURANCE. AN INSURER OFFERING OR SELLING TRAVEL INSURANCE THAT PROVIDES COVERAGE FOR SICKNESS, ACCIDENT, DISABILITY, OR DEATH OCCURRING DURING TRAVEL, EMERGENCY EVACUATION, OR REPATRIATION OF REMAINS SHALL HOLD BOTH PROPERTY AND CASUALTY AND ACCIDENT AND HEALTH LINES OF AUTHORITY.

10-4-1909. Rules. THE COMMISSIONER MAY PROMULGATE ANY RULES NECESSARY TO IMPLEMENT THIS PART 19.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Steve Fenberg
PRESIDENT OF
THE SENATE

Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO