

As Introduced

**134th General Assembly
Regular Session
2021-2022**

S. B. No. 256

Senator Wilson

A BILL

To amend sections 3905.051, 3905.06, and 3905.064 1
and to enact sections 3905.065, 3905.066, 2
3905.067, 3905.068, 3905.069, 3905.0610, and 3
3905.0611 of the Revised Code to amend the law 4
related to travel insurance. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3905.051, 3905.06, and 3905.064 6
be amended and sections 3905.065, 3905.066, 3905.067, 3905.068, 7
3905.069, 3905.0610, and 3905.0611 of the Revised Code be 8
enacted to read as follows: 9

Sec. 3905.051. (A) As used in this section: 10

(1) "Applicant" means a natural person applying for either 11
of the following: 12

(a) A resident license as an insurance agent or surety 13
bail bond agent; 14

(b) An additional line of authority under an existing 15
resident insurance agent license if a criminal records check has 16
not been obtained within the last twelve months for insurance 17
license purposes. 18

"Applicant" includes a natural person who is the 19
president, secretary, treasurer, or other officer or person who 20
directs or controls the insurance operations of a limited lines 21
travel agent that is a business entity, as described in section 22
3905.066 of the Revised Code. 23

(2) "Fingerprint" means an impression of the lines on the 24
finger taken for the purpose of identification. The impression 25
may be electronic or converted to an electronic format. 26

(B) Each applicant shall consent to a criminal record 27
check in accordance with this section and shall submit a full 28
set of fingerprints to the superintendent of insurance for that 29
purpose. 30

(C) The superintendent of insurance shall request the 31
superintendent of the bureau of criminal identification and 32
investigation to conduct a criminal records check based on the 33
applicant's fingerprints. The superintendent of insurance shall 34
request that criminal record information from the federal bureau 35
of investigation be obtained as part of the criminal records 36
check. 37

(D) The superintendent of insurance may contract for the 38
collection and transmission of fingerprints authorized under 39
this section. The superintendent may order the fee for 40
collecting and transmitting fingerprints to be payable directly 41
to the contractor by the applicant. The superintendent may agree 42
to a reasonable fingerprinting fee to be charged by the 43
contractor. Any fee required under this section shall be paid by 44
the applicant. 45

(E) The superintendent may receive criminal record 46
information directly in lieu of the bureau of criminal 47

identification and investigation that submitted the fingerprints 48
to the federal bureau of investigation. 49

(F) The superintendent shall treat and maintain an 50
applicant's fingerprints and any criminal record information 51
obtained under this section as confidential and shall apply 52
security measures consistent with the criminal justice 53
information services division of the federal bureau of 54
investigation standards for the electronic storage of 55
fingerprints and necessary identifying information and limit the 56
use of records solely to the purposes authorized by this 57
section. The fingerprints and any criminal record information 58
are not subject to subpoena other than one issued pursuant to a 59
criminal investigation, are confidential by law and privileged, 60
are not subject to discovery, and are not admissible in any 61
private civil action. 62

(G) This section does not apply to an agent applying for 63
renewal of an existing resident or nonresident license in this 64
state. 65

Sec. 3905.06. (A) (1) The superintendent of insurance shall 66
issue a resident insurance agent license to an individual 67
applicant whose home state is Ohio upon submission of a 68
completed application and payment of any applicable fee required 69
under this chapter, if the superintendent finds all of the 70
following: 71

(a) The applicant is at least eighteen years of age. 72

(b) The applicant has not committed any act that is a 73
ground for the denial, suspension, or revocation of a license 74
under section 3905.14 of the Revised Code. 75

(c) If required under section 3905.04 of the Revised Code, 76

the applicant has completed a program of insurance education for 77
each line of authority for which the applicant has applied. 78

(d) If required under section 3905.04 of the Revised Code, 79
the applicant has passed an examination for each line of 80
authority for which the applicant has applied. 81

(e) Any applicant applying for variable life-variable 82
annuity line of authority is registered with the financial 83
industry regulatory authority (FINRA) as a registered 84
representative after having passed at least one of the following 85
examinations administered by the FINRA: the series 6 86
examination, the series 7 examination, the series 63 87
examination, the series 66 examination, or any other FINRA 88
examination approved by the superintendent. 89

(f) If required under section 3905.051 of the Revised 90
Code, the applicant has consented to a criminal records check 91
and the results of the applicant's criminal records check are 92
determined to be satisfactory by the superintendent in 93
accordance with section 9.79 of the Revised Code. 94

(g) The applicant is a United States citizen or has 95
provided proof of having legal authorization to work in the 96
United States. 97

(h) The applicant is honest and trustworthy and is 98
otherwise suitable to be licensed. 99

(2) The superintendent shall issue a resident insurance 100
agent license to a business entity applicant upon submission of 101
a completed application and payment of any applicable fees 102
required under this chapter if the superintendent finds all of 103
the following: 104

(a) Except as provided under division (C)(2) of section 105

3905.062 or division (C) (2) of section 3905.063 of the Revised Code, the applicant either is domiciled in Ohio or maintains its principal place of business in Ohio.

(b) The applicant has designated a licensed insurance agent who will be responsible for the applicant's compliance with the insurance laws of this state.

(c) The applicant has not committed any act that is a ground for the denial, suspension, or revocation of a license under section 3905.14 of the Revised Code.

(d) Any applicant applying for a portable electronics insurance license line of authority satisfies the requirements of division (C) (1) of section 3905.062 of the Revised Code or any applicant applying for a self-service storage insurance license line of authority satisfies the requirements of division (C) (1) of section 3905.063 of the Revised Code.

(e) The applicant has submitted any other documents requested by the superintendent.

(B) An insurance agent license issued pursuant to division (A) of this section shall state the licensee's name, the license number, the date of issuance, the date the license expires, the line or lines of authority for which the licensee is qualified, and any other information the superintendent deems necessary.

A licensee may be qualified for any of the following lines of authority:

(1) Life, which is insurance coverage on human lives, including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income;

(2) Accident and health, which is insurance coverage for sickness, bodily injury, or accidental death, and may include benefits for disability income;	134 135 136
(3) Property, which is insurance coverage for the direct or consequential loss or damage to property of any kind;	137 138
(4) Casualty, which is insurance coverage against legal liability, including coverage for death, injury, or disability or damage to real or personal property;	139 140 141
(5) Personal lines, which is property and casualty insurance coverage sold to individuals and families for noncommercial purposes;	142 143 144
(6) Variable life and variable annuity products, which is insurance coverage provided under variable life insurance contracts and variable annuities;	145 146 147
(7) Credit, which is limited line credit insurance;	148
(8) Title, which is insurance coverage against loss or damage suffered by reason of liens against, encumbrances upon, defects in, or the unmarketability of, real property;	149 150 151
(9) Surety bail bond, which is the authority set forth in sections 3905.83 to 3905.95 of the Revised Code;	152 153
(10) Portable electronics insurance, which is a limited line described in section 3905.062 of the Revised Code;	154 155
(11) Self-service storage insurance, which is a limited line described in section 3905.063 of the Revised Code;	156 157
(12) Travel insurance, which is a limited line described in section <u>sections 3905.064 to 3905.0611</u> of the Revised Code;	158 159
(13) Any other line of authority designated by the	160

superintendent. 161

(C) (1) An individual seeking to renew a resident insurance 162
agent license shall apply biennially for a renewal of the 163
license on or before the last day of the licensee's birth month. 164
A business entity seeking to renew a resident insurance agent 165
license shall apply biennially for a renewal of the license on 166
or before the date determined by the superintendent. The 167
superintendent shall send a renewal notice to all licensees at 168
least one month prior to the renewal date. 169

Applications shall be submitted to the superintendent on 170
forms prescribed by the superintendent. Each application shall 171
be accompanied by a biennial renewal fee. The superintendent 172
also may require an applicant to submit any document reasonably 173
necessary to verify the information contained in the renewal 174
application. 175

(2) To be eligible for renewal, an individual applicant 176
shall complete the continuing education requirements pursuant to 177
section 3905.481 of the Revised Code prior to the renewal date. 178

(3) If an applicant submits a completed renewal 179
application, qualifies for renewal pursuant to divisions (C) (1) 180
and (2) of this section, and has not committed any act that is a 181
ground for the refusal to issue, suspension of, or revocation of 182
a license under section 3905.14 of the Revised Code, the 183
superintendent shall renew the applicant's resident insurance 184
agent license. 185

(D) If an individual or business entity does not apply for 186
the renewal of the individual or business entity's license on or 187
before the license renewal date specified in division (C) (1) of 188
this section, the individual or business entity may submit a 189

late renewal application along with all applicable fees required 190
under this chapter prior to the first day of the second month 191
following the license renewal date. 192

(E) A license issued under this section that is not 193
renewed on or before its renewal date pursuant to division (C) 194
of this section or its late renewal date pursuant to division 195
(D) of this section automatically is suspended for nonrenewal on 196
the first day of the second month following the renewal date. If 197
a license is suspended for nonrenewal pursuant to this division, 198
the individual or business entity is eligible to apply for 199
reinstatement of the license within the twelve-month period 200
following the date by which the license should have been renewed 201
by complying with the reinstatement procedure established by the 202
superintendent and paying all applicable fees required under 203
this chapter. 204

(F) A license that is suspended for nonrenewal that is not 205
reinstated pursuant to division (E) of this section 206
automatically is canceled unless the superintendent is 207
investigating any allegations of wrongdoing by the agent or has 208
initiated proceedings under Chapter 119. of the Revised Code. In 209
that case, the license automatically is canceled after the 210
completion of the investigation or proceedings unless the 211
superintendent revokes the license. 212

(G) An individual licensed as a resident insurance agent 213
who is unable to comply with the license renewal procedures 214
established under this section and who is unable to engage in 215
the business of insurance due to military service, a long-term 216
medical disability, or some other extenuating circumstance may 217
request an extension of the renewal date of the individual's 218
license. To be eligible for such an extension, the individual 219

shall submit a written request with supporting documentation to 220
the superintendent. At the superintendent's discretion, the 221
superintendent may not consider a written request made after the 222
renewal date of the license. 223

Sec. 3905.064. ~~(A)~~ As used in this section 224
3905.064 to 3905.0611 of the Revised Code: 225

(A) "Aggregator site" means a web site that provides 226
access to information regarding insurance products from more 227
than one insurer, including product and insurer information, for 228
use in comparison shopping. 229

(B) "Blanket travel insurance" means a policy of travel 230
insurance issued to any eligible group providing coverage for 231
specific classes of persons defined in the policy with coverage 232
provided to all members of the eligible group without a separate 233
charge to individual members of the eligible group. 234

(C) "Cancellation fee waiver" means a contractual 235
agreement between a supplier of travel services and its customer 236
to waive some or all of the nonrefundable cancellation fee 237
provisions of the supplier's underlying travel contract, with or 238
without regard to the reason for the cancellation or form of 239
reimbursement. 240

(D) "Eligible group" means, solely for the purposes of 241
travel insurance, two or more persons who are engaged in a 242
common enterprise, or have an economic, educational, or social 243
affinity or relationship. "Eligible group" includes any of the 244
following: 245

(1) Any entity engaged in the business of providing travel 246
or travel services, including all of the following: 247

(a) Tour operators; 248

<u>(b) Lodging providers;</u>	249
<u>(c) Vacation property owners;</u>	250
<u>(d) Hotels and resorts;</u>	251
<u>(e) Travel clubs;</u>	252
<u>(f) Travel agencies;</u>	253
<u>(g) Property managers;</u>	254
<u>(h) Cultural exchange programs;</u>	255
<u>(i) Common carriers or the operator, owner, or lessor of a</u>	256
<u>means of transportation of passengers, including airlines,</u>	257
<u>cruise lines, railroads, steamship companies, and public bus</u>	258
<u>carriers that, with regard to any particular travel or type of</u>	259
<u>travel or travelers, subjects all members or customers of the</u>	260
<u>group to a common exposure to risk attendant to such travel;</u>	261
<u>(2) Any college, school, or other institution of learning,</u>	262
<u>obtaining travel insurance covering students, teachers,</u>	263
<u>employees, or volunteers;</u>	264
<u>(3) Any employer obtaining travel insurance coverage for</u>	265
<u>any group of employees, volunteers, contractors, board of</u>	266
<u>directors, dependents, or guests;</u>	267
<u>(4) Any sports team, camp, or sponsor thereof, obtaining</u>	268
<u>travel insurance coverage for participants, members, campers,</u>	269
<u>employees, officials, supervisors, or volunteers;</u>	270
<u>(5) Any religious, charitable, recreational, educational,</u>	271
<u>or civic organization, or branch thereof, obtaining travel</u>	272
<u>insurance coverage for any group of members, participants, or</u>	273
<u>volunteers;</u>	274
<u>(6) Any financial institution or financial institution</u>	275

vendor, or parent holding company, trustee, or agent of, or 276
designated by, one or more financial institutions or financial 277
institution vendors, including account holders, credit card 278
holders, debtors, guarantors, or purchasers; 279

(7) Any incorporated or unincorporated association, 280
including labor unions, that have a common interest, 281
constitution, and bylaws, and that are organized and maintained 282
in good faith for purposes other than obtaining insurance for 283
members or participants of such association covering its 284
members; 285

(8) Any trust or the trustees of a fund established, 286
created, or maintained for the benefit of and covering obtaining 287
travel insurance coverage for members, employees, or customers 288
of one or more associations meeting the requirements of division 289
(D) (7) of this section, subject to the superintendent's 290
permitting the use of a trust and the state's premium tax 291
provisions in section 3905.068 of the Revised Code; 292

(9) Any entertainment production company obtaining travel 293
insurance coverage for any group of participants, volunteers, 294
audience members, contestants, or workers; 295

(10) Any volunteer fire department, ambulance, rescue, 296
police, or court, or any first aid, civil defense, or other such 297
volunteer group; 298

(11) Preschools, day-care institutions for children or 299
adults, and senior citizen clubs; 300

(12) Any automobile or truck rental or leasing company 301
obtaining travel insurance coverage for a group of individuals 302
who may become renters, lessees, or passengers, defined by their 303
travel status, on the rented or leased vehicles; 304

(13) Any other group whose members the superintendent has 305
determined are engaged in a common enterprise, or that have an 306
economic, educational, or social affinity or relationship, if 307
the superintendent also determines that issuance of the travel 308
insurance policy would not be contrary to the public interest. 309

(E) "Fulfillment materials" means documentation sent to 310
the purchaser of a travel protection plan confirming the 311
purchase and providing the travel protection plan's coverage and 312
assistance details. 313

(F) "Group travel insurance" means travel insurance issued 314
to any eligible group. 315

~~(1)~~ (G) "Limited lines travel insurance agent" means an 316
individual or business entity licensed to sell, solicit, or 317
negotiate travel insurance under ~~this section~~ section 3905.065 of 318
the Revised Code. "Limited lines travel insurance agent" 319
includes a licensed insurance agent and a travel administrator. 320

~~(2)~~ (H) "Offer and sell" means providing general 321
information, including a description of the coverage and price, 322
as well as processing the application and collecting premiums. 323

(I) "Primary certificate holder" means an individual 324
person who elects and purchases travel insurance under a group 325
policy. 326

(J) "Primary policyholder" means an individual person who 327
elects and purchases individual travel insurance. 328

(K) "Travel administrator" means a person who directly or 329
indirectly underwrites, collects charges, collateral, or 330
premiums from, or adjusts or settles claims on residents of this 331
state, in connection with travel insurance. The following 332
persons shall not be considered a travel administrator if they 333

engage in no other activities that would cause them to be 334
considered a travel administrator: 335

(1) A person working for a travel administrator to the 336
extent that the person's activities are subject to the 337
supervision and control of the travel administrator; 338

(2) An insurance agent selling insurance or engaged in 339
administrative and claims-related activities within the scope of 340
the agent's license; 341

(3) A travel retailer offering and selling travel 342
insurance and registered under the license of a limited-lines 343
travel insurance agent in accordance with sections 3905.065 and 344
3905.066 of the Revised Code; 345

(4) An individual adjusting or settling claims in the 346
normal course of that individual's practice or employment as an 347
attorney at law and who does not collect charges or premiums in 348
connection with insurance coverage; 349

(5) A business entity affiliated with a licensed insurer 350
while that insurer is acting as a travel administrator for the 351
direct and assumed insurance business of a separate affiliated 352
insurer. 353

(L) "Travel assistance services" means noninsurance 354
services for which the consumer is not indemnified based on a 355
fortuitous event, and where providing the service does not 356
result in transfer or shifting of risk that would constitute the 357
business of insurance. "Travel assistance services" include all 358
of the following: 359

(1) Security advisories; 360

(2) Destination information; 361

<u>(3) Vaccination and immunization information services;</u>	362
<u>(4) Travel reservation services;</u>	363
<u>(5) Entertainment;</u>	364
<u>(6) Activity and event planning;</u>	365
<u>(7) Translation assistance;</u>	366
<u>(8) Emergency messaging;</u>	367
<u>(9) International legal and medical referrals;</u>	368
<u>(10) Medical case monitoring;</u>	369
<u>(11) Coordination of transportation arrangements;</u>	370
<u>(12) Emergency cash transfer assistance;</u>	371
<u>(13) Medical prescription replacement assistance;</u>	372
<u>(14) Passport and travel document replacement assistance;</u>	373
<u>(15) Lost luggage assistance;</u>	374
<u>(16) Concierge services;</u>	375
<u>(17) Any other service that is furnished in connection</u> <u>with planned travel.</u>	376 377
<u>(M)(1) "Travel insurance" means insurance coverage for</u> personal risks incident to planned travel, including all of the following:	378 379 380
(a) Interruption or cancellation of a trip or event;	381
(b) Loss of baggage or personal effects;	382
(c) Damages to accommodations or rental vehicles;	383
(d) Sickness, accident, disability, or death occurring during travel;	384 385

<u>(e) Emergency evacuation;</u>	386
<u>(f) Repatriation of remains;</u>	387
<u>(g) Any other contractual obligations to indemnify or pay</u>	388
<u>a specified amount to the traveler upon determinable</u>	389
<u>contingencies related to travel as approved by the</u>	390
<u>superintendent of insurance.</u>	391
<u>(2) "Travel insurance" does not include major any of the</u>	392
<u>following:</u>	393
<u>(a) Major medical plans that provide comprehensive medical</u>	394
<u>protection for a traveler with a trip lasting six months or</u>	395
<u>longer, including a plan covering a person working overseas as</u>	396
<u>an expatriate or in a deployed military unit;</u>	397
<u>(b) Any other product that requires a specific insurance</u>	398
<u>agent license;</u>	399
<u>(c) Travel assistance services;</u>	400
<u>(d) Cancellation fee waivers.</u>	401
<u>(3) (N) "Travel insurer" means an insurer, as defined in</u>	402
<u>section 3901.32 of the Revised Code, that provides travel</u>	403
<u>insurance.</u>	404
<u>(O) "Travel protection plan" means a plan that provides</u>	405
<u>one or more of the following: travel insurance, travel</u>	406
<u>assistance services, and cancellation fee waivers.</u>	407
<u>(P) "Travel retailer" means a business entity that makes,</u>	408
<u>arranges, or offers travel services, and that may offer or sell</u>	409
<u>travel insurance as a service to its customers on behalf of, and</u>	410
<u>under the direction of, a limited lines travel insurance agent</u>	411
<u>in conjunction with the making, arranging, or offering of travel</u>	412

services. 413

~~(B) No person shall offer or sell travel insurance except as provided in this section. 414
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~~(C) Notwithstanding any other provision of law, the superintendent of insurance may issue to an individual or business entity a limited lines travel insurance agent license that authorizes the holder of the license to sell, solicit, or negotiate travel insurance through a licensed insurer if both of the following requirements are met: 416
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~~(1) The individual or business entity has submitted an application to the superintendent for the license on a form and in a manner prescribed by the superintendent. 422
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~~(2) The individual or business entity has paid all fees applicable under this chapter. 425
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~~(D) (1) At the time the superintendent of insurance issues a license under this section, the limited lines travel insurance agent shall establish and maintain on a form prescribed by the superintendent a register of each travel retailer that offers or sells travel insurance on the agent's behalf. 427
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~~(2) The limited lines travel insurance agent shall submit the register to the department of insurance upon reasonable request, and shall certify that the registered travel retailer complies with 18 U.S.C. 1033. 432
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~~(E) Notwithstanding any other provision of law, a travel retailer may offer and sell travel insurance under a limited lines travel insurance agent that is a business entity if all of the following conditions are met: 436
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~~(1) The limited lines travel insurance agent or travel 440~~

~~retailer provides all of the following information to purchasers— 441
of travel insurance at the time of sale or in the fulfillment— 442
materials provided to purchasers: 443~~

~~(a) A description of the material terms or the actual— 444
terms of the insurance coverage; 445~~

~~(b) A description of the process for filing a claim; 446~~

~~(c) A description of the review or cancellation process— 447
for the travel insurance policy; 448~~

~~(d) The identity and contact information of the insurer— 449
and limited lines travel insurance agent. 450~~

~~(2) (a) The limited lines travel insurance agent designates— 451
one of the agent's employees as the responsible insurance agent— 452
who is responsible for the limited lines travel insurance— 453
agent's compliance with the travel insurance laws and rules of— 454
this state. The designated responsible insurance agent must be a— 455
licensed insurance agent qualified in any of the following lines— 456
of authority in accordance with section 3905.06 of the Revised— 457
Code: 458~~

~~(i) Travel; 459~~

~~(ii) Property; 460~~

~~(iii) Personal. 461~~

~~(b) The responsible insurance agent shall comply with the— 462
fingerprinting requirements of section 3905.051 of the Revised— 463
Code or the applicable fingerprinting requirements of the home— 464
state of the limited lines travel insurance agent. 465~~

~~(3) The limited lines travel insurance agent business— 466
entity and the responsible insurance agent are responsible for— 467~~

~~the acts of the travel retailer and use reasonable means to~~ 468
~~ensure compliance with this section by the travel retailer.~~ 469

~~(4) (a) (i) The limited lines travel insurance agent~~ 470
~~requires each employee and authorized representative of the~~ 471
~~travel retailer, whose duties include offering or selling travel~~ 472
~~insurance, to receive a program of instruction or training.~~ 473

~~(ii) The training material shall, at minimum, contain~~ 474
~~instructions on the types of insurance offered, ethical sales~~ 475
~~practices, and required disclosures to prospective customers.~~ 476

~~(b) The superintendent may review all training programs or~~ 477
~~materials at the superintendent's discretion.~~ 478

~~(5) The travel retailer offers or sells the travel~~ 479
~~insurance only in conjunction with the making, arranging, or~~ 480
~~offering of travel services.~~ 481

~~(F) A limited lines travel insurance agent, as well as any~~ 482
~~travel retailer and the retailer's employees that are registered~~ 483
~~under division (D) of this section, are exempt from any~~ 484
~~examination and education requirements as set forth in section~~ 485
~~3905.04 of the Revised Code for purposes of this section only.~~ 486

~~(G) (1) Any travel retailer offering or selling travel~~ 487
~~insurance shall make available to prospective purchasers~~ 488
~~brochures or other written materials that contain all of the~~ 489
~~following:~~ 490

~~(a) The identity and contact information of the insurer~~ 491
~~and the limited lines travel insurance agent;~~ 492

~~(b) An explanation that the purchase of travel insurance~~ 493
~~is not required in order to purchase any other product or~~ 494
~~service from the travel retailer;~~ 495

~~(c) An explanation that an unlicensed travel retailer is permitted to provide general information about the insurance offered by the travel retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the travel retailer or to evaluate the adequacy of the customer's existing insurance coverage.~~ 496
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~~(2) A travel retailer's employee or authorized representative who is not licensed as an insurance agent shall not do any of the following:~~ 503
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~~(a) Evaluate or interpret the technical terms, benefits, and conditions of the offered travel insurance coverage;~~ 506
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~~(b) Evaluate or provide advice concerning a prospective purchaser's existing insurance coverage;~~ 508
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~~(c) Hold itself out as a licensed insurer, licensed agent, or insurance expert;~~ 510
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~~(d) Offer or sell travel insurance, unless the travel insurance is offered or sold in conjunction with and incidental to the sale of travel services.~~ 512
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~~(3) 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 or selling travel insurance on behalf of and under the direction of a limited lines travel insurance agent that meets the requirements of this section, is authorized to offer and sell insurance and receive related compensation for these services, if the travel retailer is registered by the limited lines travel insurance agent as described in division (D) of this section. Any compensation paid to a travel retailer's~~ 515
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~~employee or authorized representative for the services described~~ 525
~~in this section shall be incidental to the employee's or~~ 526
~~authorized representative's overall compensation and not based~~ 527
~~primarily on the number of customers who purchase travel~~ 528
~~insurance coverage.~~ 529

~~(a) Nothing in this section shall be construed to prohibit~~ 530
~~payment of compensation to a travel retailer or its employees or~~ 531
~~authorized representatives for activities under the limited~~ 532
~~lines travel insurance agent's license that are incidental to~~ 533
~~the overall compensation of the travel retailer or the employees~~ 534
~~or authorized representatives of the facility.~~ 535

~~(b) All costs paid or charged to a consumer for the~~ 536
~~purchase of travel insurance or related services shall be~~ 537
~~separately itemized on the customer's bill.~~ 538

~~(H) Travel insurance may be provided under individual or~~ 539
~~group insurance.~~ 540

~~(I) Any limited lines travel insurance agent, or any~~ 541
~~travel retailer offering or selling travel insurance under a~~ 542
~~limited lines travel insurance agent, that fails to comply with~~ 543
~~the provisions of this section is deemed to have engaged in an~~ 544
~~unfair and deceptive act or practice in the business of~~ 545
~~insurance as defined in section 3901.21 of the Revised Code and~~ 546
~~is subject to section 3905.14 of the Revised Code.~~ 547

~~(J) A license issued under this section shall be renewed~~ 548
~~on a biennial basis as set forth in sections 3905.06 and 3905.07~~ 549
~~of the Revised Code.~~ 550

Sec. 3905.065. (A) No person shall offer or sell travel 551
insurance except as provided in sections 3905.064 to 3905.0611 552
of the Revised Code. 553

(B) Notwithstanding any other provision of law, the 554
superintendent of insurance may issue to an individual or 555
business entity a limited lines travel insurance agent license 556
that authorizes the holder of the license to sell, solicit, or 557
negotiate travel insurance through a licensed insurer if both of 558
the following requirements are met: 559

(1) The individual or business entity has submitted an 560
application to the superintendent for the license on a form and 561
in a manner prescribed by the superintendent. 562

(2) The individual or business entity has paid all fees 563
applicable under this chapter. 564

(C) (1) At the time the superintendent of insurance issues 565
a license under this section, the limited lines travel insurance 566
agent shall establish and maintain, on a form prescribed by the 567
superintendent, a register of each travel retailer that offers 568
or sells travel insurance on the limited lines travel agent's 569
behalf. 570

(2) (a) The register shall include the name, address, and 571
contact information of the travel retailer and an officer or 572
person who directs or controls the travel retailer's operations, 573
and the travel retailer's federal tax identification number. 574

(b) The limited lines travel insurance agent shall update 575
the register as needed to maintain its accuracy. 576

(3) (a) The limited lines travel insurance agent shall 577
submit the register to the department of insurance upon 578
reasonable request and shall certify that the registered travel 579
retailer complies with 18 U.S.C. 1033. 580

(b) The superintendent may apply the grounds for license 581
suspension, license revocation, and the imposition of penalties 582

that are found in section 3905.14 of the Revised Code and that 583
are applicable to resident insurance agents, to limited lines 584
travel insurance agents and travel retailers. 585

(D) A limited lines travel insurance agent, as well as any 586
travel retailer and the retailer's employees that are registered 587
under division (C) of this section, are exempt from any 588
examination and education requirements as set forth in section 589
3905.04 of the Revised Code for purposes of sections 3905.064 to 590
3905.0611 of the Revised Code only. 591

(E) Travel insurance may be provided under an individual, 592
group, or blanket insurance policy. 593

(F) A person authorized to offer a travel protection plan 594
under sections 3905.064 to 3905.0611 of the Revised Code may 595
offer a travel protection plan for one price for the combined 596
features that the travel protection plan offers in this state if 597
all of the following are met: 598

(1) At or prior to the time of purchase, the travel 599
protection plan does both of the following: 600

(a) Clearly discloses to the consumer that it includes 601
travel insurance, travel assistance services, and cancellation 602
fee waivers, as applicable; 603

(b) Provides information and an opportunity for the 604
consumer to obtain additional information regarding the features 605
and pricing of each of the combined features. 606

(2) The fulfillment materials provided to the consumer 607
include all of the following, as applicable: 608

(a) A description and delineation of the travel insurance, 609
travel assistance services, and cancellation fee waivers in the 610

travel protection plan; 611

(b) The travel insurance disclosures; 612

(c) The contact information for persons providing travel assistance services and cancellation fee waivers, as applicable. 613
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(G) In the event of a conflict between sections 3905.064 to 3905.0611 of the Revised Code and any other provision of Title XXXIX of the Revised Code regarding the sale and marketing of travel insurance and travel protection plans, the provisions of sections 3905.064 to 3905.0611 of the Revised Code control. 615
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(H) (1) All documents provided to consumers prior to the purchase of travel insurance, including sales materials, advertising materials, and marketing materials, shall be consistent with the travel insurance policy itself, including forms, endorsements, policies, rate filings, and certificates of insurance. 620
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(2) For travel insurance policies or certificates that contain pre-existing condition exclusions, information and an opportunity to learn more about the pre-existing condition exclusions shall be provided any time prior to the time of purchase and in the coverage's fulfillment materials. 626
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(3) The fulfillment materials and the information described in division (A) (1) of section 3905.066 of the Revised Code shall be provided to a policyholder or certificate holder as soon as practicable after the purchase of a travel protection plan. 631
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(4) The travel insurer shall disclose in the policy documentation and fulfillment materials whether the travel insurance is primary or secondary to other applicable coverage. 636
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(I) (1) Unless the insured has either started a covered 639
trip or filed a claim under the travel insurance coverage, a 640
policyholder or certificate holder may cancel a travel insurance 641
policy or certificate for a full refund of the travel protection 642
plan price in accordance with the following: 643

(a) If the travel protection plan's fulfillment materials 644
are delivered by postal mail, the policyholder or certificate 645
holder may cancel within fifteen days following the date of 646
delivery. 647

(b) If the travel protection plan's fulfillment materials 648
are delivered by means other than postal mail, the policyholder 649
or certificate holder may cancel within ten days following the 650
date of delivery. 651

(2) For the purposes of this division, "delivery" includes 652
handing fulfillment materials to the policyholder or certificate 653
holder or sending fulfillment materials by postal mail or 654
electronic means to the policyholder or certificate holder. 655

(J) No person offering, selling, or negotiating travel 656
insurance or travel protection plans on an individual or group 657
basis may do so by using a negative option or opt out when the 658
consumer purchases a trip. As used in this division, "using a 659
negative option or opt out" includes requiring a consumer to 660
take an affirmative action to deselect coverage, such as 661
unchecking a box on an electronic form. 662

(K) A license issued under this section shall be renewed 663
on a biennial basis as set forth in sections 3905.06 and 3905.07 664
of the Revised Code. 665

Sec. 3905.066. (A) Notwithstanding any other provision of 666
law, a travel retailer may offer and sell travel insurance under 667

a limited lines travel insurance agent that is a business entity 668
if all of the following conditions are met: 669

(1) The limited lines travel insurance agent or travel 670
retailer provides all of the following information to purchasers 671
of travel insurance at the time of sale or in the fulfillment 672
materials provided to purchasers: 673

(a) A description of the material terms or the actual 674
terms of the insurance coverage; 675

(b) A description of the process for filing a claim; 676

(c) A description of the review or cancellation process 677
for the travel insurance policy; 678

(d) The identity and contact information of the insurer 679
and limited lines travel insurance agent. 680

(2) (a) The limited lines travel insurance agent designates 681
one of the agent's employees, who is a licensed individual 682
agent, as the responsible insurance agent who is responsible for 683
the limited lines travel insurance agent's compliance with the 684
travel insurance laws and rules of this state applicable to the 685
limited lines travel insurance agent and its registrants. The 686
designated responsible insurance agent must be a licensed 687
insurance agent qualified in any of the following lines of 688
authority in accordance with section 3905.06 of the Revised 689
Code: 690

(i) Travel; 691

(ii) Property; 692

(iii) Personal. 693

(b) The responsible insurance agent, president, secretary, 694

treasurer, and any other officer or person who directs or 695
controls the limited lines travel insurance agent's insurance 696
operations shall comply with the fingerprinting requirements of 697
section 3905.051 of the Revised Code or the applicable 698
fingerprinting requirements of the home state of the limited 699
lines travel insurance agent. 700

(3) The limited lines travel insurance agent business 701
entity and the responsible insurance agent are responsible for 702
the acts of the travel retailer and use reasonable means to 703
ensure compliance with sections 3905.064 to 3905.0611 of the 704
Revised Code by the travel retailer. 705

(4) (a) The limited lines travel insurance agent requires 706
each employee and authorized representative of the travel 707
retailer, whose duties include offering or selling travel 708
insurance, to receive a program of instruction or training that 709
is subject, at the discretion of the superintendent, to review 710
and approval. 711

(b) The training material shall, at minimum, contain 712
instructions on the types of insurance offered, ethical sales 713
practices, and required disclosures to prospective customers. 714

(B) (1) Any travel retailer offering or selling travel 715
insurance shall make available to prospective purchasers 716
brochures or other written materials that have been approved by 717
the travel insurer. Such materials shall contain all of the 718
following: 719

(a) The identity and contact information of the insurer 720
and the limited lines travel insurance agent; 721

(b) An explanation that the purchase of travel insurance 722
is not required in order to purchase any other product or 723

service from the travel retailer; 724

(c) An explanation that an unlicensed travel retailer is 725
permitted to provide general information about the insurance 726
offered by the travel retailer, including a description of the 727
coverage and price, but is not qualified or authorized to answer 728
technical questions about the terms and conditions of the 729
insurance offered by the travel retailer or to evaluate the 730
adequacy of the customer's existing insurance coverage. 731

(2) A travel retailer's employee or authorized 732
representative who is not licensed as an insurance agent shall 733
not do any of the following: 734

(a) Evaluate or interpret the technical terms, benefits, 735
and conditions of the offered travel insurance coverage; 736

(b) Evaluate or provide advice concerning a prospective 737
purchaser's existing insurance coverage; 738

(c) Hold itself out as a licensed insurer, licensed agent, 739
or insurance expert. 740

(3) Notwithstanding any other provision of law, a travel 741
retailer whose insurance-related activities, and those of its 742
employees and authorized representatives, are limited to 743
offering and selling travel insurance on behalf of and under the 744
direction of a limited lines travel insurance agent that meets 745
the requirements of section 3905.065 of the Revised Code, is 746
authorized to offer and sell insurance and receive related 747
compensation for these services, if the travel retailer is 748
registered by the limited lines travel insurance agent as 749
described in section 3905.065 of the Revised Code. Any 750
compensation paid to a travel retailer's employee or authorized 751
representative for the services described in this section shall 752

be incidental to the employee's or authorized representative's 753
overall compensation and not based primarily on the number of 754
customers who purchase travel insurance coverage. 755

(C) Nothing in this section shall be construed to prohibit 756
payment of compensation to a travel retailer or its employees or 757
authorized representatives for activities under the limited 758
lines travel insurance agent's license that are incidental to 759
the overall compensation of the travel retailer or the employees 760
or authorized representatives of the facility. 761

Sec. 3905.067. (A) Except as otherwise provided in this 762
section, all persons offering travel insurance to residents of 763
this state are subject to sections 3901.19 to 3901.26 of the 764
Revised Code. 765

(B) Any limited lines travel insurance agent, or any 766
travel retailer offering or selling travel insurance under a 767
limited lines travel insurance agent, that fails to comply with 768
the provisions of sections 3905.064 to 3905.0611 of the Revised 769
Code is deemed to have engaged in an unfair and deceptive act or 770
practice in the business of insurance as defined in section 771
3901.21 of the Revised Code and is subject to section 3905.14 of 772
the Revised Code. 773

(C) Both of the following shall be considered an unfair 774
and deceptive act or practice in the business of insurance, as 775
defined in section 3901.21 of the Revised Code, and are subject 776
to, in addition to the penalties prescribed in section 3901.22 777
of the Revised Code, disciplinary action under section 3905.14 778
of the Revised Code: 779

(1) Offering or selling a travel insurance policy that 780
could never result in payment of any claims; 781

<u>(2) Marketing blanket travel insurance coverage as free.</u>	782
<u>(D) Marketing travel insurance directly to a consumer</u>	783
<u>through a travel insurer's web site or by others through an</u>	784
<u>aggregator site is not an unfair and deceptive act or practice</u>	785
<u>or other violation of law if both of the following conditions</u>	786
<u>are met:</u>	787
<u>(1) An accurate summary or short description of coverage</u>	788
<u>is provided on the web site;</u>	789
<u>(2) The consumer has access to the full provisions of the</u>	790
<u>policy through electronic means.</u>	791
<u>(E) Where a consumer's destination jurisdiction requires</u>	792
<u>insurance coverage, it is not an unfair and deceptive act or</u>	793
<u>practice in the business of insurance to require a consumer to</u>	794
<u>choose between the following options as a condition of</u>	795
<u>purchasing a trip or travel package:</u>	796
<u>(1) Purchasing the coverage required by the destination</u>	797
<u>jurisdiction through the travel retailer or limited lines travel</u>	798
<u>insurance agent supplying the trip or travel package;</u>	799
<u>(2) Agreeing to obtain and provide proof of coverage that</u>	800
<u>meets the destination jurisdiction's requirements prior to</u>	801
<u>departure.</u>	802
Sec. 3905.068. <u>(A) A travel insurer shall pay premium tax,</u>	803
<u>as provided in Chapters 5725. and 5729. of the Revised Code, on</u>	804
<u>travel insurance premiums paid by any of the following:</u>	805
<u>(1) An individual primary policyholder who is a resident</u>	806
<u>of this state;</u>	807
<u>(2) A primary certificate holder who is a resident of this</u>	808
<u>state who elects coverage under a group travel insurance policy;</u>	809

(3) (a) A blanket travel insurance policyholder, when the 810
policy covers eligible blanket group members, that is a resident 811
of, or has its principal place of business in, this state, 812
including when the policy covers an affiliate or subsidiary, 813
regardless of the location of the affiliate or subsidiary. 814

(b) Such payments shall be subject to any apportionment 815
rules that apply to the insurer across multiple taxing 816
jurisdictions or that permit the insurer to allocate premium on 817
an apportioned basis in a reasonable and equitable manner in 818
those jurisdictions. 819

(B) A travel insurer shall: 820

(1) Document the state of residence or principal place of 821
business of the policyholder or certificate holder, as necessary 822
to comply with division (A) (1) of this section; 823

(2) Report as a premium only the amount allocable to 824
travel insurance and not any amounts received for travel 825
assistance services or cancellation fee waivers. 826

(C) Neither of the following are insurance: 827

(1) A cancellation fee waiver; 828

(2) Travel assistance services. 829

(D) Surplus lines brokers selling travel insurance shall 830
pay taxes on premiums related to travel insurance in accordance 831
with sections 3905.30 to 3905.38 of the Revised Code and not in 832
accordance with the requirements of this section. 833

(E) With regard to an automobile or truck rental or 834
leasing company obtaining travel insurance coverage for a group 835
of individuals who may become renters, lessees, or passengers, 836
defined by their travel status on the rented or leased vehicles, 837

the common carrier, operator, owner, or lessor of a means of 838
transportation, or the automobile or truck rental or leasing 839
company, is the policyholder under a policy to which sections 840
3905.064 to 3905.0611 of the Revised Code apply. 841

Sec. 3905.069. (A) Notwithstanding any other provisions of 842
Title XXXIX of the Revised Code, no person shall act or 843
represent the person's self as a travel administrator for travel 844
insurance in this state unless that person holds one of the 845
following licenses in good standing in this state: 846

(1) Property and casualty license; 847

(2) Managing general agent license; 848

(3) Third-party administrator license. 849

(B)(1) A travel insurer is responsible for the acts of a 850
travel administrator administering travel insurance underwritten 851
by the travel insurer and is responsible for ensuring that the 852
travel administrator maintains all books and records relevant to 853
the travel insurer. 854

(2) The travel administrator shall make such books and 855
records available to the superintendent of insurance upon 856
request. 857

Sec. 3905.0610. (A) (1) Except as provided in division (A) 858
(2) of this section, travel insurance shall be classified and 859
filed, for purposes of rates and forms, under an inland marine 860
line of insurance. 861

(2) Travel insurance that provides coverage for sickness, 862
accident, disability, or death occurring during travel, either 863
exclusively or in conjunction with related coverages of 864
emergency evacuation or repatriation of remains, or incidental 865

limited property and casualty benefits such as baggage or trip 866
cancellation, may be filed under either an accident and health 867
line of insurance or an inland marine line of insurance. 868

(B) Eligibility and underwriting standards for travel 869
insurance may be developed and provided based on travel 870
protection plans designed for individual or identified marketing 871
or distribution channels, provided those standards also meet the 872
state's underwriting standards for inland marine. 873

Sec. 3905.0611. The superintendent may adopt rules as 874
needed to implement sections 3905.064 to 3905.0611 of the 875
Revised Code. 876

Section 2. That existing sections 3905.051, 3905.06, and 877
3905.064 of the Revised Code are hereby repealed. 878

Section 3. The amendments to section 3905.064 and the 879
enactment of sections 3905.065 to 3905.0611 of the Revised Code 880
take effect ninety days after the effective date of this 881
section. 882