

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0453.01 Brita Darling x2241

HOUSE BILL 24-1060

HOUSE SPONSORSHIP

Snyder,

SENATE SPONSORSHIP

Roberts,

House Committees
Business Affairs & Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING IMPLEMENTING PROVISIONS OF THE TRAVEL INSURANCE**
102 **MODEL ACT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill adopts, in part, the National Association of Insurance Commissioners' travel insurance model act (model act), which provides a legal framework within which travel insurance must be sold in Colorado.

The "Travel Insurance Model Act" applies to travel insurance that covers a resident of Colorado; that is sold, solicited, negotiated, or offered

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

in Colorado; and for which the policies and certificates are issued for delivery in Colorado.

With respect to the model act, the bill:

- Requires an insurer to pay premium tax on travel insurance premiums paid by specified persons;
- Requires consumer disclosures for travel protection plans and requires insurers to send fulfillment materials and specific contact information for persons providing travel assistance services and cancellation fee waivers;
- Declares the following practices unfair or deceptive practices:
 - Offering or selling travel insurance that could never result in the payment of any claims for the insured; and
 - Marketing blanket travel insurance coverage as free;
- Requires travel insurance documents to be consistent with the travel insurance policy, including forms, rate filings, and certificates of insurance;
- Requires disclosure of preexisting condition exclusions prior to the purchase of travel insurance and in the coverage fulfillment materials;
- Unless the trip for which the travel insurance was purchased has commenced or the policyholder has filed a claim, allows the policy to be cancelled or the cost refunded within a specified time period;
- Prohibits the use of a negative option or "opt out" that requires the consumer to take affirmative action to deselect coverage;
- Allows mandated coverage when the consumer's travel destination requires travel insurance as a condition of purchasing the trip or travel package;
- Prohibits a person from acting as or representing that the person is a travel administrator, unless the person is a licensed insurance provider for property and casualty insurance in Colorado for activities permitted under that license; and
- Allows travel insurance that provides certain coverage to be filed under either an accident and health line of insurance or an inland marine line of insurance.

Further, the bill makes conforming changes to existing law relating to licensing limited lines travel insurance producers and registering travel retailers.

Specifically, the bill:

- Expands the definition of "limited lines travel insurance producer" to include a "travel administrator";

- Includes in the definition of "travel insurance", coverage for emergency evacuation, repatriation of remains, and, as approved by the commissioner of insurance, any other personal risks relating to travel;
- Prohibits a person from acting as a limited lines travel insurance producer or travel retailer unless the person is licensed or registered, respectively;
- Specifies that the grounds for suspension and revocation and the penalties applicable to resident insurance producers are applicable to limited lines travel insurance producers and travel retailers; and
- Authorizes a person licensed in a major line of authority as an insurance producer to sell, solicit, and negotiate travel insurance under an individual, group, or blanket policy.

The model act codified in this bill does not include provisions that are inapplicable to Colorado, including provisions relating to third-party administrators and managing general agents. Further, unlike the model act, Colorado requires that 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 hold both property and casualty and accident and health lines of authority.

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

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

5 **10-2-414.5. Travel insurance - limited lines license - travel**
 6 **insurance producers - definitions - rules.** (1) As used in this section:

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

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

11 (II) A TRAVEL ADMINISTRATOR, AS DEFINED IN SECTION 10-4-1903
 12 (11).

13 (c) (I) "Travel insurance" means insurance coverage for personal

1 risks incident to planned travel, including:
2 (A) Interruption or cancellation of a trip or event;
3 (B) Loss of baggage or personal effects;
4 (C) Damages to accommodations or rental vehicles; ~~or~~
5 (D) Sickness, accident, disability, or death occurring during travel;
6 (E) EMERGENCY EVACUATION;
7 (F) REPATRIATION OF REMAINS; OR
8 (G) ANY OTHER PERSONAL RISKS FOR WHICH A CONTRACTUAL
9 OBLIGATION EXISTS TO INDEMNIFY OR PAY A SPECIFIED AMOUNT TO THE
10 TRAVELER UPON DETERMINABLE CONTINGENCIES RELATED TO TRAVEL, AS
11 APPROVED BY THE COMMISSIONER.

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

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

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

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

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

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

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

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

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

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

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

27 (II) The limited lines travel insurance producer ~~must~~ SHALL

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

4 (III) THE GROUNDS FOR SUSPENSION AND REVOCATION AND THE
5 PENALTIES APPLICABLE TO RESIDENT INSURANCE PRODUCERS UNDER
6 SECTION 10-2-801 ARE APPLICABLE TO LIMITED LINES TRAVEL INSURANCE
7 PRODUCERS AND TRAVEL RETAILERS.

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

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

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

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

26 (11) ELIGIBILITY AND UNDERWRITING STANDARDS FOR TRAVEL
27 INSURANCE MAY BE DEVELOPED AND PROVIDED BASED ON TRAVEL

1 PROTECTION PLANS DESIGNED FOR INDIVIDUAL OR IDENTIFIED MARKETING
2 OR DISTRIBUTION CHANNELS, IF THOSE STANDARDS ALSO MEET THE
3 STATE'S UNDERWRITING STANDARDS FOR INLAND MARINE.

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

6 **SECTION 2.** In Colorado Revised Statutes, **add** part 19 to article
7 4 of title 10 as follows:

8 PART 19

9 TRAVEL INSURANCE MODEL ACT

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

12 **10-4-1902. Scope and purpose.** (1) THE PURPOSE OF THIS PART
13 19 IS TO PROMOTE THE PUBLIC WELFARE BY CREATING A COMPREHENSIVE
14 LEGAL FRAMEWORK WITHIN WHICH TRAVEL INSURANCE MAY BE SOLD IN
15 THIS STATE.

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

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

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

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

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

26 (3) ALL OTHER APPLICABLE PROVISIONS OF COLORADO'S
27 INSURANCE LAWS CONTINUE TO APPLY TO TRAVEL INSURANCE; EXCEPT

1 THAT THE SPECIFIC PROVISIONS OF THIS PART 19 SUPERSEDE ANY GENERAL
2 PROVISIONS OF LAW THAT WOULD OTHERWISE BE APPLICABLE TO TRAVEL
3 INSURANCE.

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

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

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

12 (a) IS ISSUED TO AN ELIGIBLE GROUP; AND

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

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

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

1 THE FOLLOWING:

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

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

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

18 (d) A SPORTS TEAM, CAMP, OR SPONSOR OF A SPORTS TEAM
19 COVERING PARTICIPANTS, MEMBERS, CAMPERS, EMPLOYEES, OFFICIALS,
20 SUPERVISORS, OR VOLUNTEERS;

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

24 (f) A FINANCIAL INSTITUTION OR FINANCIAL INSTITUTION VENDOR,
25 OR A PARENT HOLDING COMPANY, TRUSTEE, OR AGENT OF, OR DESIGNATED
26 BY, ONE OR MORE FINANCIAL INSTITUTIONS OR FINANCIAL INSTITUTION
27 VENDORS, INCLUDING ACCOUNT HOLDERS, CREDIT CARD HOLDERS,

1 DEBTORS, GUARANTORS, OR PURCHASERS;

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

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

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

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

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

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

1 COMPANY; OR

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

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

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

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

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

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

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

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

1 (a) A PERSON WORKING FOR A TRAVEL ADMINISTRATOR, TO THE
2 EXTENT THAT THE PERSON'S ACTIVITIES ARE SUBJECT TO THE SUPERVISION
3 AND CONTROL OF THE TRAVEL ADMINISTRATOR;

4 (b) AN INSURANCE PRODUCER SELLING INSURANCE OR ENGAGED
5 IN ADMINISTRATIVE AND CLAIMS-RELATED ACTIVITIES WITHIN THE SCOPE
6 OF THE PRODUCER'S LICENSE;

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

11 (d) AN INDIVIDUAL ADJUSTING OR SETTling CLAIMS IN THE
12 NORMAL COURSE OF THE INDIVIDUAL'S PRACTICE OR EMPLOYMENT AS AN
13 ATTORNEY AND WHO DOES NOT COLLECT CHARGES OR PREMIUMS IN
14 CONNECTION WITH INSURANCE COVERAGE; OR

15 (e) A BUSINESS ENTITY THAT IS AFFILIATED WITH A LICENSED
16 INSURER WHILE ACTING AS A TRAVEL ADMINISTRATOR FOR THE DIRECT
17 AND ASSUMED INSURANCE BUSINESS OF AN AFFILIATED INSURER.

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

23 (b) "TRAVEL ASSISTANCE SERVICES" INCLUDE SECURITY
24 ADVISORIES, DESTINATION INFORMATION, VACCINATION AND
25 IMMUNIZATION INFORMATION SERVICES, TRAVEL RESERVATION SERVICES,
26 ENTERTAINMENT, ACTIVITY AND EVENT PLANNING, TRANSLATION
27 ASSISTANCE, EMERGENCY MESSAGING, INTERNATIONAL LEGAL AND

1 MEDICAL REFERRALS, MEDICAL CASE MONITORING, COORDINATION OF
2 TRANSPORTATION ARRANGEMENTS, EMERGENCY CASH TRANSFER
3 ASSISTANCE, MEDICAL PRESCRIPTION REPLACEMENT ASSISTANCE,
4 PASSPORT AND TRAVEL DOCUMENT REPLACEMENT ASSISTANCE, LOST
5 LUGGAGE ASSISTANCE, CONCIERGE SERVICES, AND ANY OTHER SERVICE
6 THAT IS FURNISHED IN CONNECTION WITH PLANNED TRAVEL.

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

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

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

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

16 **10-4-1904. Premium tax.** (1) AN INSURER SHALL PAY PREMIUM
17 TAX, AS PROVIDED IN SECTION 10-3-209, ON TRAVEL INSURANCE
18 PREMIUMS PAID BY ANY OF THE FOLLOWING:

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

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

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

1 (I) WHO IS A RESIDENT OF THIS STATE;
2 (II) WHOSE PRINCIPAL PLACE OF BUSINESS IS IN THIS STATE; OR
3 (III) WHOSE AFFILIATE OR SUBSIDIARY HAS A PRINCIPAL PLACE OF
4 BUSINESS IN THIS STATE, IF THE AFFILIATE OR SUBSIDIARY HAS PURCHASED
5 BLANKET TRAVEL INSURANCE IN THIS STATE FOR MEMBERS OF AN ELIGIBLE
6 GROUP.

7 (2) A TRAVEL INSURER SHALL:

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

12 (b) REPORT AS PREMIUM ONLY THE AMOUNT ALLOCABLE TO
13 TRAVEL INSURANCE AND NOT ANY AMOUNTS RECEIVED FOR TRAVEL
14 ASSISTANCE SERVICES OR CANCELLATION FEE WAIVERS.

15 **10-4-1905. Travel protection plans.** (1) A TRAVEL PROTECTION
16 PLAN MAY BE OFFERED FOR ONE PRICE FOR THE COMBINED FEATURES THAT
17 THE TRAVEL PROTECTION PLAN OFFERS IN THIS STATE IF:

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

25 (b) THE FULFILLMENT MATERIALS:

26 (I) DESCRIBE AND DELINEATE THE TRAVEL INSURANCE, TRAVEL
27 ASSISTANCE SERVICES, AND CANCELLATION FEE WAIVERS IN THE TRAVEL

1 PROTECTION PLAN; AND

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

5 **10-4-1906. Sales practices.** (1) ANY PERSON OFFERING TRAVEL
6 INSURANCE TO RESIDENTS OF THIS STATE IS SUBJECT TO PART 11 OF
7 ARTICLE 3 OF THIS TITLE 10, EXCEPT AS OTHERWISE PROVIDED IN THIS
8 SECTION. IN THE EVENT OF A CONFLICT BETWEEN THIS PART 19 AND OTHER
9 PROVISIONS OF THIS TITLE 10 REGARDING THE SALE AND MARKETING OF
10 TRAVEL INSURANCE AND TRAVEL PROTECTION PLANS, THE PROVISIONS OF
11 THIS PART 19 CONTROL.

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

16 (3) (a) ALL DOCUMENTS PROVIDED TO CONSUMERS PRIOR TO THE
17 PURCHASE OF TRAVEL INSURANCE, INCLUDING BUT NOT LIMITED TO SALES
18 MATERIALS, ADVERTISING MATERIALS, AND MARKETING MATERIALS, MUST
19 BE CONSISTENT WITH THE TRAVEL INSURANCE POLICY ITSELF, INCLUDING
20 BUT NOT LIMITED TO FORMS, ENDORSEMENTS, POLICIES, RATE FILINGS,
21 AND CERTIFICATES OF INSURANCE.

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

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

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

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

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

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

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

23 (e) WHEN TRAVEL INSURANCE IS MARKETED DIRECTLY TO A
24 CONSUMER THROUGH AN INSURER'S WEBSITE OR BY OTHERS THROUGH AN
25 AGGREGATOR SITE, IT IS NOT AN UNFAIR OR DECEPTIVE PRACTICE OR
26 OTHER VIOLATION OF LAW WHEN AN ACCURATE SUMMARY OR SHORT
27 DESCRIPTION OF COVERAGE IS PROVIDED ON THE WEB PAGE, SO LONG AS

1 THE CONSUMER HAS ACCESS TO THE FULL PROVISIONS OF THE POLICY
2 THROUGH ELECTRONIC MEANS.

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

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

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

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

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

22 **10-4-1907. Travel administrators.** (1) NOTWITHSTANDING ANY
23 OTHER PROVISION OF THIS TITLE 10, A PERSON SHALL NOT ACT AS OR
24 REPRESENT THAT THE PERSON IS A TRAVEL ADMINISTRATOR FOR TRAVEL
25 INSURANCE IN COLORADO UNLESS THE PERSON IS A LICENSED INSURANCE
26 PRODUCER FOR PROPERTY AND CASUALTY INSURANCE IN COLORADO FOR
27 ACTIVITIES PERMITTED UNDER THAT LICENSE.

1 (2) AN INSURER IS RESPONSIBLE FOR THE ACTS OF A TRAVEL
2 ADMINISTRATOR ADMINISTERING TRAVEL INSURANCE UNDERWRITTEN BY
3 THE INSURER AND IS RESPONSIBLE FOR ENSURING THAT THE TRAVEL
4 ADMINISTRATOR MAINTAINS ALL BOOKS AND RECORDS RELEVANT TO THE
5 INSURER TO BE MADE AVAILABLE BY THE TRAVEL ADMINISTRATOR TO THE
6 COMMISSIONER UPON REQUEST.

7 **10-4-1908. Policy.** NOTWITHSTANDING ANY OTHER PROVISION OF
8 THIS TITLE 10, TRAVEL INSURANCE IS CLASSIFIED AND FILED FOR PURPOSES
9 OF RATE AND FORMS UNDER AN INLAND MARINE LINE OF INSURANCE;
10 EXCEPT THAT TRAVEL INSURANCE THAT PROVIDES COVERAGE FOR
11 SICKNESS, ACCIDENT, DISABILITY, OR DEATH OCCURRING DURING TRAVEL,
12 EITHER EXCLUSIVELY, OR IN CONJUNCTION WITH RELATED COVERAGES OF
13 EMERGENCY EVACUATION OR REPATRIATION OF REMAINS, OR INCIDENTAL
14 LIMITED PROPERTY AND CASUALTY BENEFITS, SUCH AS TRAVEL OR TRIP
15 CANCELLATION, MAY BE FILED UNDER EITHER AN ACCIDENT AND HEALTH
16 LINE OF INSURANCE OR AN INLAND MARINE LINE OF INSURANCE. AN
17 INSURER OFFERING OR SELLING TRAVEL INSURANCE THAT PROVIDES
18 COVERAGE FOR SICKNESS, ACCIDENT, DISABILITY, OR DEATH OCCURRING
19 DURING TRAVEL, EMERGENCY EVACUATION, OR REPATRIATION OF
20 REMAINS SHALL HOLD BOTH PROPERTY AND CASUALTY AND ACCIDENT
21 AND HEALTH LINES OF AUTHORITY.

22 **10-4-1909. Rules.** THE COMMISSIONER MAY PROMULGATE ANY
23 RULES NECESSARY TO IMPLEMENT THIS PART 19.

24 **SECTION 3. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except
27 that, if a referendum petition is filed pursuant to section 1 (3) of article V

1 of the state constitution against this act or an item, section, or part of this
2 act within such period, then the act, item, section, or part will not take
3 effect unless approved by the people at the general election to be held in
4 November 2024 and, in such case, will take effect on the date of the
5 official declaration of the vote thereon by the governor.