

STATE OF NEW YORK

10344

IN SENATE

May 14, 2026

Introduced by Sen. BAILEY -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to enacting the "New York travel insurance act" regulating the licensing and registration of travel insurance agents and travel retailers, and the sale and marketing of travel insurance and related products

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York travel insurance act".

3 § 2. Section 3435 of the insurance law is amended by adding a new
4 subsection (e) to read as follows:

5 (e) This section shall not apply to travel insurance policies written
6 pursuant to article eighty-one of this chapter.

7 § 3. Section 3452 of the insurance law is amended by adding a new
8 subsection (e) to read as follows:

9 (e) Nothing in this section shall restrict, limit, or prohibit a travel
10 insurance policy written pursuant to article eighty-one of this chap-
11 ter.

12 § 4. Subsection (i) of section 2101 of the insurance law, as added by
13 chapter 408 of the laws of 1990, is amended to read as follows:

14 (i) In this chapter, "limited licensee" shall mean a person authorized
15 to sell certain coverages relating to the rental of motor vehicles or
16 the sale of travel-related products and services, pursuant to the
17 provisions of section two thousand one hundred thirty-one of this arti-
18 cle.

19 § 5. Section 2131 of the insurance law, as amended by chapter 696 of
20 the laws of 2025, subparagraphs (B) and (D) of paragraph 1 of subsection
21 (2) as amended by chapter 69 of the laws of 2026, is amended to read as
22 follows:

23 § 2131. Limited license for rental vehicle companies, peer-to-peer car
24 sharing program administrators, wireless communications equipment
25 vendors [~~and~~], self-service storage companies, a travel insurance agent.

26 (a) The superintendent may issue to a rental vehicle company, a peer-to-

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 peer car sharing program administrator, a wireless communications equip-
2 ment vendor, a self-service storage company, a travel insurance agent or
3 to a franchisee of a rental vehicle company, a wireless communications
4 equipment vendor, [~~or~~] a self-service storage company, or a travel
5 insurance agent which has complied with the requirements of this
6 section, a limited license authorizing the licensee, known as a "limited
7 licensee" for the purpose of this article, to act as agent, with refer-
8 ence to the kinds of insurance specified in this section, of any insurer
9 authorized to write such kinds of insurance in this state.

10 (b) The prerequisites for issuance of a limited license under this
11 section shall be the filing with the superintendent of the following:

12 (1) an application, signed by an officer of the applicant, for the
13 limited license in such form or forms, and supplements thereto, and
14 containing such information, as the superintendent may prescribe; and

15 (2) an appointment of a limited licensee by the appointing insurer, in
16 a format approved by the superintendent, no more than fifteen days after
17 the date the agency contract is executed or the first insurance contract
18 is submitted, whichever is later, stating that it has satisfied itself
19 that the named applicant is trustworthy and competent to act as its
20 insurance agent for this limited purpose and that the insurer will
21 appoint such applicant to act as the agent in reference to the doing of
22 such kind or kinds of insurance which are permitted by this section, if
23 the limited license applied for is issued by the superintendent. Such
24 appointment shall be subscribed by an officer or managing agent of such
25 insurer and affirmed as true under the penalties of perjury.

26 (c) In the event that any provision of this chapter is violated, the
27 superintendent may:

28 (1) revoke or suspend a limited license issued under this section in
29 accordance with the provisions of section two thousand one hundred ten
30 of this article; or

31 (2) after notice and hearing impose such other penalties, including
32 suspending the transaction of insurance at specific locations where
33 violations of this article have occurred, as the superintendent deems
34 necessary or convenient to carry out the purposes of this section.

35 (d) The rental vehicle company, peer-to-peer car sharing program
36 administrator, wireless communications equipment vendor, [~~or~~] self-ser-
37 vice storage company, travel insurance agent, or franchisee licensed
38 pursuant to subsection (a) of this section may act as agent for an
39 authorized insurer only in connection with the rental of motor vehicles,
40 the sharing of a shared vehicle, the sale or offering for sale of wire-
41 less communications equipment, [~~or~~] the rental of storage space, or the
42 sale or offering for sale of travel-related products or services,
43 respectively, and only with respect to the following kinds of insurance:

44 (1) with respect to rental vehicle companies and peer-to-peer car
45 sharing program administrators:

46 (A) excess liability insurance that provides coverage to the rental
47 car company or franchisee and renters and other authorized drivers of
48 rental vehicles, or that provides coverage to the peer-to-peer car shar-
49 ing program administrator, shared vehicles owners, or shared vehicle
50 drivers, or a combination thereof, in excess of the standard liability
51 limits provided by the rental vehicle company in its rental agreement or
52 the peer-to-peer car sharing program agreement pursuant to article forty
53 of the general business law, for liability arising from the negligent
54 operation of the rental vehicle or the shared vehicle;

55 (B) accident and health insurance that provides coverage to renters
56 and other vehicle occupants, or that provides coverage to shared vehicle

1 owners, shared vehicle drivers, or a combination thereof, in excess to
2 the standard first party benefits provided pursuant to article fifty-one
3 of this chapter, for accidental death and/or dismemberment and for
4 medical expenses resulting from an accident that occurs during the
5 rental period or during the peer-to-peer car sharing period;

6 (C) personal effects insurance that provides coverage to renters and
7 other vehicle occupants or to shared vehicle owners or shared vehicle
8 drivers, or a combination thereof, and other vehicle occupants, for the
9 loss of, or damage to, personal effects that occurs during the rental
10 period or peer-to-peer car sharing period;

11 (D) any other coverage that the superintendent may approve as meaning-
12 ful and appropriate in connection with the rental of motor vehicles or
13 the sharing of a shared vehicle; or

14 (2) with respect to wireless communications equipment vendors, insur-
15 ance issued to cover the loss, theft, mechanical failure, or malfunction
16 of, or damage to, wireless communications equipment offered as either an
17 individual policy issued to the consumer or as a group policy under
18 which certificates or other evidence of coverage are issued to individ-
19 ual consumers who enroll in the program, provided however, that said
20 insurance shall not extend to wireless services or service contracts
21 governed by article seventy-nine of this chapter; or

22 (3) with respect to self-service storage companies, the following
23 coverages offered as either an individual policy issued to the consumer
24 or as a group policy:

25 (A) personal effects insurance that provides coverage to renters of
26 storage spaces at the self-service storage company's facility for the
27 loss of, or damage to, personal property stored at the facility, where
28 the loss or damage occurs at the same facility during the rental period;

29 (B) any other coverage that the superintendent may approve as meaning-
30 ful and appropriate in connection with the rental of storage space[.];
31 or

32 (4) with respect to travel insurance agents, the following coverages,
33 offered as an individual policy issued to the consumer or as a group or
34 blanket policy:

35 (A) travel insurance;

36 (B) any other coverage that the superintendent may approve as meaning-
37 ful and appropriate in connection with travel.

38 (e) No insurance may be issued pursuant to this section unless:

39 (1) with regard to the rental of vehicles only, the rental period of
40 the rental agreement does not exceed thirty consecutive days; and

41 (2) at every location where rental vehicle agreements, wireless commu-
42 nications equipment agreements, or self-service storage agreements are
43 executed, brochures or other written materials are readily available to
44 the prospective consumer, and with regard to a peer-to-peer car sharing
45 program administrator, the administrator provides written materials, and
46 with regard to travel insurance, the travel insurance agent or travel
47 retailer provides brochures or other written materials to purchasers of
48 travel insurance, that:

49 (A) summarize, clearly and correctly, the material terms of insurance
50 coverage, including the identity of the insurer and, with regard to (i)
51 wireless communications equipment insurance, the agent licensed under
52 subsection (b) of section two thousand one hundred three of this
53 article; and (ii) with regard to travel insurance, the identity and
54 contact information of the travel insurance agent;

55 (B) except with regard to travel insurance agents, disclose that these
56 policies may provide a duplication of coverage already provided by a

1 renter's personal automobile insurance policy, homeowner's insurance
2 policy, personal liability insurance policy, or other source of cover-
3 age;

4 (C) state that the purchase by the consumer of the kinds of insurance
5 specified in this section is not required in order to rent a vehicle, to
6 share a shared vehicle, to purchase or lease wireless communications
7 equipment, or to rent storage space;

8 (D) describe the process for filing a claim in the event the consumer
9 elects to purchase coverage;

10 (E) with regard to a rental vehicle company, a peer-to-peer car shar-
11 ing program administrator, a wireless communications equipment vendor,
12 or a self-service storage company provide the price, deductible, bene-
13 fits, exclusions and conditions or other limitations of such policies
14 and with regard to a travel insurance agent, provide a description of
15 the material terms or the actual material terms of the insurance cover-
16 age;

17 (F) disclose that the employee of the rental vehicle company, peer-to-
18 peer car sharing program administrator, wireless communications equip-
19 ment vendor or self-storage company is not qualified or authorized to
20 evaluate the adequacy of the purchaser's existing coverages, unless
21 otherwise licensed, and, with respect to travel insurance, explain that
22 a travel retailer is permitted to provide only general information about
23 the insurance offered by the travel retailer, including a description of
24 the coverage and price, but is not qualified or authorized to answer
25 technical questions about the terms and conditions of the insurance
26 offered by the travel retailer or to evaluate the adequacy of the
27 customer's existing coverage; and

28 (G) state that the customer may cancel the insurance at any time and
29 any unearned premium will be refunded in accordance with applicable law,
30 and, with respect to travel insurance, provide a description of the
31 review or cancellation process for the travel insurance policy.

32 (3) evidence of coverage is provided to every consumer who elects to
33 purchase such coverage.

34 (f) [~~Rates~~] With regard to a rental vehicle company, a peer-to-peer
35 car sharing program administrator, a wireless communications equipment
36 vendor, or a self-service storage company rates and forms for insurance
37 under this section shall be subject to article twenty-three of this
38 chapter. [~~Any~~] With regard to a rental vehicle company, a peer-to-peer
39 car sharing program administrator, a wireless communications equipment
40 vendor, or a self-service storage company, any brochures or other writ-
41 ten materials used in connection with insurance under this section shall
42 be filed with the superintendent for review and shall include disclosure
43 of the claims filing process, premium, deductible amounts and limits and
44 shall be prominently displayed in the brochure or other written materi-
45 als with at least twelve-point type bold headings. Any such brochures or
46 other written materials shall also be subject to section three thousand
47 one hundred two of this chapter, provided, however, that any policy,
48 certificate or other evidence of insurance coverage, whether or not
49 contained in such brochure, shall not be subject to section three thou-
50 sand one hundred two of this chapter, but shall be written in a clear
51 and coherent manner and whenever practicable shall use words with common
52 and everyday meaning to facilitate readability and to aid the policy-
53 holder in understanding the coverage provided. With regard to travel
54 insurance agents, brochures and other written materials shall be subject
55 to section two thousand one hundred thirty one subsection (1) of this
56 chapter.

1 (g) Any limited license issued under this section shall also authorize
2 any salaried employee or any sales representative authorized by the
3 licensee who, pursuant to subsection (h) of this section, is trained to
4 act individually on behalf, and under the supervision, of the licensee
5 with respect to the kinds of insurance specified in this section.

6 (h) (1) Each [company] rental vehicle company, peer-to-peer car shar-
7 ing program administrator, wireless communications equipment vendor, or
8 self-service storage company or franchisee thereof licensed pursuant to
9 this section shall conduct a training program, which shall be submitted
10 to the superintendent for approval prior to use, and which shall meet
11 the following minimum standards:

12 ~~[(1)]~~ (A) each trainee shall receive basic instruction about the kinds
13 of insurance specified in this section offered for purchase by prospec-
14 tive renters of rental vehicles, shared vehicle owners, shared vehicle
15 drivers, purchasers or lessors of wireless communications equipment, or
16 renters of storage space;

17 ~~[(2)]~~ (B) each trainee shall be instructed with respect to the disclo-
18 sures required under subsection (e) of this section and to acknowledge
19 to a prospective renter of a rental vehicle, shared vehicle owner,
20 shared vehicle driver, purchaser or lessor of wireless communications
21 equipment, or renter of storage space that purchase of any such insur-
22 ance specified in this section is not required in order for the consumer
23 to rent a motor vehicle, share a shared vehicle, purchase or lease wire-
24 less communications equipment, or rent storage space;

25 ~~[(3)]~~ (C) each trainee shall be instructed to acknowledge to a
26 prospective consumer of the kinds of insurance specified in this section
27 that the consumer may have insurance policies that already provide the
28 coverage being offered by the rental vehicle company, the wireless
29 communications equipment vendor, or self-service storage company pursu-
30 ant to this section, as applicable; and

31 ~~[(4)]~~ (D) with regard to wireless communications equipment insurance
32 and self-service storage company insurance, training materials may be
33 developed and provided by an agent licensed pursuant to subsection (b)
34 of section two thousand one hundred three of this article.

35 (2) With regard to travel insurance, each travel insurance agent shall
36 require each employee and authorized representative of each travel
37 retailer registered pursuant to subsection (1) of this section whose
38 duties include offering and disseminating travel insurance to receive a
39 program of instruction or training, which is subject, at the discretion
40 of the superintendent, to review and approval. The training material
41 shall, at a minimum, contain adequate instructions on the types of
42 insurance offered, ethical sales practices, and required disclosures to
43 prospective customers.

44 (i) Limited licensees acting pursuant to and under the authority of
45 this section shall comply with all applicable provisions of this arti-
46 cle, except that notwithstanding section two thousand one hundred twenty
47 of this article, a limited licensee pursuant to this section shall not
48 be required to treat premiums collected from consumers purchasing such
49 insurance when renting motor vehicles, sharing a shared vehicle,
50 purchasing or leasing wireless communications equipment, or renting
51 storage space as funds received in a fiduciary capacity, provided that:

52 (1) the insurer represented by the limited licensee has consented in
53 writing, signed by the insurer's officer, that premiums need not be
54 segregated from funds received by the rental vehicle company, peer-to-
55 peer car sharing program administrator, wireless communications equip-
56 ment vendor, or self-storage company on account of vehicle rental, shar-

1 ing of a shared vehicle, wireless communications equipment purchase or
2 lease, or storage space rental; and

3 (2) the charges for insurance coverage are itemized but not billed to
4 the consumer separately from the charges for rental vehicles, shared
5 vehicles, purchase or lease of wireless communications equipment, or
6 storage space rental.

7 (j) No limited licensees under this section shall advertise, represent
8 or otherwise hold itself or any of its employees themselves out as
9 licensed insurance agents or brokers.

10 (k) The superintendent may issue a replacement for a currently in
11 force license which has been lost or destroyed. Before such replacement
12 license shall be issued, there shall be on file in the office of the
13 superintendent a written application for such replacement license,
14 affirming under penalty of perjury that the original license has been
15 lost or destroyed, together with a fee of fifteen dollars.

16 (1) With respect to travel insurance:

17 (1) A travel retailer may offer and disseminate travel insurance on
18 behalf of and under the license of a travel insurance agent if the
19 following conditions are met:

20 (A) The travel insurance agent or travel retailer provides to purchas-
21 ers of travel insurance:

22 (i) A description of the material terms or the actual material terms
23 of the insurance coverage;

24 (ii) A description of the process for filing a claim;

25 (iii) A description of the review or cancellation process for the
26 travel insurance policy; and

27 (iv) The identity and contact information of the insurer and travel
28 insurance agent.

29 (B) At the time of licensure, the travel insurance agent shall estab-
30 lish and maintain a register on a form prescribed by the superintendent
31 of each travel retailer that offers travel insurance on the travel
32 insurance agent's behalf. The register shall be maintained and updated
33 by the travel insurance agent and shall include the name, address, and
34 contact information of the travel retailer and an officer or person who
35 directs or controls the travel retailer's operations, and the travel
36 retailer's Federal Tax Identification Number. The travel insurance
37 agent shall submit such register to the superintendent upon reasonable
38 request. The travel insurance agent shall also certify that the travel
39 retailer registered complies with 18 USC 1033. The grounds for the
40 suspension, revocation, and the penalties applicable to resident insur-
41 ance producers shall be applicable to travel insurance agents and travel
42 retailers.

43 (C) The travel insurance agent has designated one of its employees who
44 is a licensed individual producer as the person, hereinafter "designated
45 responsible producer" or "DRP", responsible for the compliance with the
46 travel insurance laws and regulations applicable to the travel insurance
47 agent and its registrants.

48 (D) The DRP, president, secretary, treasurer, and any other officer or
49 person who directs or controls the travel insurance agent's insurance
50 operations complies with the fingerprinting requirements applicable to
51 insurance producers in the resident state of the travel insurance agent.

52 (E) The travel insurance agent has paid all applicable licensing fees
53 as set forth in applicable state law.

54 (2) Any travel retailer offering or disseminating travel insurance
55 shall make available to prospective purchasers brochures or other writ-

1 ten materials that have been approved by the travel insurer. Such mate-
2 rials shall include information which, at a minimum:

3 (i) Provides the identity and contact information of the insurer and
4 the travel insurance agent;

5 (ii) Explains that the purchase of travel insurance is not required in
6 order to purchase any other product or service from the travel retailer;
7 and

8 (iii) Explains that an unlicensed travel retailer is permitted to
9 provide only general information about the insurance offered by the
10 travel retailer, including a description of the coverage and price, but
11 is not qualified or authorized to answer technical questions about the
12 terms and conditions of the insurance offered by the travel retailer or
13 to evaluate the adequacy of the customer's existing insurance coverage.

14 (3) A travel retailer employee or authorized representative who is not
15 licensed as an insurance agent shall not:

16 (A) Evaluate or interpret the technical terms, benefits, and condi-
17 tions of the offered travel insurance coverage;

18 (B) Evaluate or provide advice concerning a prospective purchaser's
19 existing insurance coverage; or

20 (C) Hold themself or itself out as a licensed insurer, licensed agent,
21 or insurance expert.

22 (4) Notwithstanding any other provision of law, a travel retailer
23 whose insurance-related activities, and those of its employees and
24 authorized representatives, are limited to offering and disseminating
25 travel insurance on behalf of and under the direction of a travel insur-
26 ance agent meeting the conditions stated in this subsection, is author-
27 ized to receive related compensation, upon registration by the travel
28 insurance agent as described in subparagraph (B) of paragraph one of
29 this subsection.

30 (5) As the insurer supervising designee, the travel insurance agent is
31 responsible for the acts of the travel retailer and shall use reasonable
32 means to ensure compliance by the travel retailer with this article.

33 [~~(l)~~] (m) For purposes of this section "wireless communications equip-
34 ment" shall mean wireless handsets, pagers, personal digital assistants,
35 wireless telephones or wireless telephone batteries and other wireless
36 devices and accessories related to such devices that are used to access
37 wireless communications services and includes wireless services.

38 [~~(m)~~] (n) For purposes of this section, "peer-to-peer car sharing
39 program administrator", "peer-to-peer car sharing period", "shared vehi-
40 cle", "shared vehicle driver", and "shared vehicle owner" shall have the
41 meanings set forth in section nine hundred of the general business law.

42 (o) For purposes of this section:

43 (1) "Travel insurance" shall have the meaning set forth in section
44 eight thousand one hundred two of this chapter.

45 (2) "Travel insurance agent" shall mean an agent licensed under
46 section two thousand one hundred three of this article or a limited
47 licensee under subsection (a) of this section, an agent that operates as
48 an appointed managing general agent in this state, or a travel adminis-
49 trator as defined in section eight thousand one hundred two of this
50 chapter.

51 (3) "Offer and disseminate" shall mean providing general information,
52 including a description of the coverage and price, as well as processing
53 the application, collecting premiums, and performing other non-licensa-
54 ble activities permitted by the state.

55 (4) "Travel retailer" shall mean a business entity that makes,
56 arranges or offers planned travel and may offer and disseminate travel

1 insurance as a service to its customers on behalf of and under the
2 direction of a travel insurance agent.

3 § 6. The insurance law is amended by adding a new article 81 to read
4 as follows:

5 ARTICLE 81
6 TRAVEL INSURANCE

7 Section 8101. Scope and purposes.

8 8102. Definitions.

9 8103. Travel protection plans.

10 8104. Sales practices.

11 8105. Travel administrators.

12 8106. Policy.

13 8107. Regulations.

14 § 8101. Scope and purposes. (a) The purpose of this article is to
15 promote the public welfare by creating a comprehensive legal framework
16 within which travel insurance may be sold in this state.

17 (b) The requirements of this article shall apply to travel insurance
18 that covers any resident of this state, and is sold, solicited, negoti-
19 ated, or offered in this state, and policies and certificates that are
20 delivered or issued for delivery in this state. It shall not apply to
21 cancellation fee waivers or travel assistance services, except as
22 expressly provided herein.

23 (c) All other applicable provisions of this chapter shall continue to
24 apply to travel insurance except that the specific provisions of this
25 article shall supersede any general provisions of law that would other-
26 wise be applicable to travel insurance.

27 § 8102. Definitions. For the purposes of this article:

28 (a) "Aggregator site" means a website that provides access to informa-
29 tion regarding insurance products from more than one insurer, including
30 product and insurer information, for use in comparison shopping.

31 (b) "Blanket travel insurance" means a policy of travel insurance
32 issued to any eligible group providing coverage for specific classes of
33 persons defined in the policy with coverage provided to all members of
34 the eligible group without a separate charge to individual members of
35 the eligible group.

36 (c) "Cancellation fee waiver" means a contractual agreement between a
37 supplier of travel services and its customer to waive some or all of the
38 non-refundable cancellation fee provisions of the supplier's underlying
39 travel contract with or without regard to the reason for the cancella-
40 tion or form of reimbursement. A cancellation fee waiver is not insur-
41 ance.

42 (d) "Superintendent" means the superintendent of the department of
43 financial services.

44 (e) Notwithstanding any other provision of law, solely for the
45 purposes of travel insurance, "eligible group" means two or more persons
46 who are engaged in a common enterprise, or have an economic, educa-
47 tional, or social affinity or relationship, including but not limited to
48 any of the following:

49 (1) Any entity engaged in the business of providing travel or travel
50 services, including but not limited to: tour operators, lodging provid-
51 ers, vacation property owners, hotels and resorts, travel clubs, travel
52 agencies, property managers, cultural exchange programs, and common
53 carriers or the operator, owner, or lessor of a means of transportation
54 of passengers, including but not limited to airlines, cruise lines,
55 railroads, steamship companies, and public bus carriers, wherein with
56 regard to any particular travel or type of travel or travelers, all

1 members or customers of the group must have a common exposure to risk
2 attendant to such travel;

3 (2) Any college, school, or other institution of learning, covering
4 students, teachers, employees, or volunteers;

5 (3) Any employer covering any group of employees, volunteers, contrac-
6 tors, board of directors, dependents, or guests;

7 (4) Any sports team, camp, or sponsor thereof, covering participants,
8 members, campers, employees, officials, supervisors, or volunteers;

9 (5) Any religious, charitable, recreational, educational, or civic
10 organization, or branch thereof, covering any group of members, partic-
11 ipants, or volunteers;

12 (6) Any financial institution or financial institution vendor, or
13 parent holding company, trustee, or agent of or designated by one or
14 more financial institutions or financial institution vendors, including
15 acountholders, credit card holders, debtors, guarantors, or purchasers;

16 (7) Any incorporated or unincorporated association, including labor
17 unions, having a common interest, constitution and bylaws, and organized
18 and maintained in good faith for purposes other than obtaining insurance
19 for members or participants of such association covering its members;

20 (8) Any trust or the trustees of a fund established, created or main-
21 tained for the benefit of and covering members, employees or customers,
22 subject to the superintendent's permitting the use of a trust of one or
23 more associations meeting the requirements of paragraph seven of this
24 subsection;

25 (9) Any volunteer fire department, ambulance, rescue, police, court,
26 or any first aid, civil defense, or other such volunteer group; or

27 (10) Any other group where the superintendent has determined that the
28 members are engaged in a common enterprise, or have an economic, educa-
29 tional, or social affinity or relationship, and that issuance of the
30 policy would not be contrary to the public interest.

31 (f) "Fulfillment materials" means documentation sent to the purchaser
32 of a travel protection plan confirming the purchase and providing the
33 travel protection plan's coverage and assistance details.

34 (g) "Group travel insurance" means travel insurance issued to any
35 eligible group.

36 (h) "Travel insurance agent" shall have the meaning set forth in
37 section two thousand one hundred thirty-one of this chapter.

38 (i) "Travel administrator" means a person who directly or indirectly
39 underwrites, collects charges, collateral or premiums from, or adjusts
40 or settles claims on residents of this state, in connection with travel
41 insurance, except that a person shall not be considered a travel admin-
42 istrator if that person's only actions that would otherwise cause it to
43 be considered a travel administrator are among the following:

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

47 (2) An insurance producer selling insurance or engaged in administra-
48 tive and claims-related activities within the scope of the producer's
49 license;

50 (3) A travel retailer offering and disseminating travel insurance and
51 registered under the license of a travel insurance agent in accordance
52 with this article;

53 (4) An individual adjusting or settling claims in the normal course of
54 that individual's practice or employment as an attorney-at-law and who
55 does not collect charges or premiums in connection with insurance cover-
56 age; or

1 (5) A business entity that is affiliated with a licensed insurer while
2 acting as a travel administrator for the direct and assumed insurance
3 business of an affiliated insurer.

4 (j) "Travel assistance services" means non-insurance services for
5 which the consumer is not indemnified based on a fortuitous event, and
6 where providing the service does not result in transfer or shifting of
7 risk that would constitute the business of insurance. Travel assistance
8 services include, but are not limited to: security advisories; destina-
9 tion information; vaccination and immunization information services;
10 travel reservation services; entertainment; activity and event planning;
11 translation assistance; emergency messaging; international legal and
12 medical referrals; medical case monitoring; coordination of transporta-
13 tion arrangements; emergency cash transfer assistance; medical
14 prescription replacement assistance; passport and travel document
15 replacement assistance; lost luggage assistance; concierge services; and
16 any other service that is furnished in connection with planned travel.
17 Travel assistance services are not insurance and not related to insur-
18 ance.

19 (k) "Travel insurance" means insurance coverage for personal risks
20 incident to planned travel, including:

- 21 (1) Interruption or cancellation of trip or event;
- 22 (2) Loss of baggage or personal effects;
- 23 (3) Damages to accommodations or rental vehicles;
- 24 (4) Sickness, accident, disability or death occurring during travel;
- 25 (5) Emergency evacuation;
- 26 (6) Repatriation of remains; or
- 27 (7) Any other contractual obligations to indemnify or pay a specified
28 amount to the traveler upon determinable contingencies related to travel
29 as approved by the superintendent.

30 "Travel insurance" does not include major medical plans that provide
31 comprehensive medical protection for travelers with trips lasting longer
32 than six months, including, those working or residing overseas as an
33 expatriate, or any other product that requires a specific insurance
34 producer license.

35 (l) "Travel protection plans" means plans that provide one or more of
36 the following: travel insurance, travel assistance services, and cancel-
37 lation fee waivers.

38 (m) "Travel retailer" shall have the meaning set forth in section two
39 thousand one hundred thirty-one of this chapter.

40 § 8103. Travel protection plans. Travel protection plans may be
41 offered for one price for the combined features that the travel
42 protection plan offers in this state if:

43 (a) The travel protection plan clearly discloses to the consumer, at
44 or prior to the time of purchase, that it includes travel insurance,
45 travel assistance services, and cancellation fee waivers, as applicable,
46 and provides information and an opportunity, at or prior to the time of
47 purchase, for the consumer to obtain additional information regarding
48 the features and pricing of each; and

49 (b) The fulfillment materials:

50 (1) Describe and delineate the travel insurance, travel assistance
51 services, and cancellation fee waivers in the travel protection plan;
52 and

53 (2) Include the travel insurance disclosures and the contact informa-
54 tion for persons providing travel assistance services, and cancellation
55 fee waivers, as applicable.

1 § 8104. Sales practices. (a) All persons offering travel insurance to
2 residents of this state are subject to article twenty-four of this chap-
3 ter, except as otherwise provided in this section. In the event of a
4 conflict between this act and other provisions of this chapter regarding
5 the sale and marketing of travel insurance and travel protection plans,
6 the provisions of this act shall control.

7 (b) Illusory travel insurance. Offering or selling a travel insurance
8 policy that could never result in payment of any claims for any insured
9 under the policy is an unfair trade practice under article twenty-four
10 of this chapter.

11 (c) Marketing:

12 (1) All documents provided to consumers prior to the purchase of trav-
13 el insurance, including but not limited to sales materials, advertising
14 materials, and marketing materials, shall be consistent with the travel
15 insurance policy itself, including but not limited to, forms, endorse-
16 ments, policies, rate filings, and certificates of insurance.

17 (2) For travel insurance policies or certificates that contain pre-ex-
18 isting condition exclusions, information and an opportunity to learn
19 more about the pre-existing condition exclusions shall be provided any
20 time prior to the time of purchase, and in the coverage's fulfillment
21 materials.

22 (3) (A) The following shall be provided to a policyholder or certif-
23 icate holder as soon as practicable, following the purchase of a travel
24 protection plan:

25 (i) The fulfillment materials;

26 (ii) A description of the material terms or the actual material terms
27 of the insurance coverage;

28 (iii) A description of the process for filing a claim;

29 (iv) A description of the review or cancellation process for the trav-
30 el insurance policy; and

31 (v) The identity and contact information of the insurer and travel
32 insurance agent.

33 (B) Unless the insured has either started a covered trip or filed a
34 claim under the travel insurance coverage, a policyholder or certificate
35 holder may cancel a policy or certificate for a full refund of the trav-
36 el protection plan price from the date of purchase of a travel
37 protection plan until at least:

38 (i) Fifteen days following the date of delivery of the travel
39 protection plan's fulfillment materials by postal mail; or

40 (ii) Ten days following the date of delivery of the travel protection
41 plan's fulfillment materials by means other than postal mail.

42 For the purposes of this section, delivery means handing fulfillment
43 materials to the policyholder or certificate holder or sending fulfill-
44 ment materials by postal mail or electronic means to the policyholder or
45 certificate holder.

46 (4) The travel insurance provider shall disclose in the policy
47 documentation and fulfillment materials whether the travel insurance is
48 primary or secondary to other applicable coverage.

49 (5) Where travel insurance is marketed directly to a consumer through
50 an insurer's website or by others through an aggregator site, it shall
51 not be an unfair trade practice or other violation of law where an accu-
52 rate summary or short description of coverage is provided on the web
53 page, so long as the consumer has access to the full provisions of the
54 policy through electronic means.

55 (d) Opt out. No person offering, soliciting, or negotiating travel
56 insurance or travel protection plans on an individual or group basis may

1 do so by using negative option or opt out, which would require a consum-
2 er to take an affirmative action to deselect coverage, such as uncheck-
3 ing a box on an electronic form, when the consumer purchases a trip.

4 (e) It shall be an unfair trade practice to market blanket travel
5 insurance coverage as free.

6 (f) Where a consumer's destination jurisdiction requires insurance
7 coverage, it shall not be an unfair trade practice to require that a
8 consumer choose between the following options as a condition of purchas-
9 ing a trip or travel package:

10 (1) Purchasing the coverage required by the destination jurisdiction
11 through the travel retailer or travel insurance agent supplying the trip
12 or travel package; or

13 (2) Agreeing to obtain and provide proof of coverage that meets the
14 destination jurisdiction's requirements prior to departure.

15 § 8105. Travel administrators. (a) Notwithstanding any other
16 provisions of this article, no person shall act or represent itself as a
17 travel administrator for travel insurance in this state unless that
18 person:

19 (1) Is a licensed property and casualty insurance producer in this
20 state for activities permitted under that producer license; or

21 (2) Operates as an appointed managing general agent in this state.

22 (b) A travel administrator and its employees are exempt from the
23 licensing requirements of section two thousand one hundred eight of this
24 chapter for travel insurance it administers.

25 (c) An insurer is responsible for the acts of a travel administrator
26 administering travel insurance underwritten by the insurer, and is
27 responsible for ensuring that the travel administrator maintains all
28 books and records relevant to the insurer to be made available by the
29 travel administrator to the superintendent upon request.

30 § 8106. Policy. (a) Notwithstanding any other provision of this chap-
31 ter, travel insurance shall be classified and filed for purposes of
32 rates and forms under an inland marine line of insurance, provided,
33 however, that travel insurance that provides coverage for sickness,
34 accident, disability or death occurring during travel, either exclusive-
35 ly, or in conjunction with related coverages of emergency evacuation or
36 repatriation of remains, or incidental limited property and casualty
37 benefits such as baggage or trip cancellation, may be filed under either
38 an accident and health line of insurance or an inland marine line of
39 insurance.

40 (b) Notwithstanding any other provision of law, travel insurance may
41 be in the form of an individual, group, or blanket policy.

42 (c) Eligibility and underwriting standards for travel insurance may be
43 developed and provided based on travel protection plans designed for
44 individual or identified marketing or distribution channels, provided
45 those standards also meet the state's underwriting standards for inland
46 marine line of insurance.

47 § 8107. Regulations. The superintendent may promulgate regulations to
48 implement the provisions of this article.

49 § 7. This act shall take effect on the ninetieth day after it shall
50 have become a law, provided, however, that if chapter 696 of the laws of
51 2025 has not taken effect on or before such date then section five of
52 this act shall take effect on the same date and in the same manner as
53 such chapter of the laws of 2025 takes effect.