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:

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

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

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

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

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

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

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

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

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

(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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peer car sharing program administrator, a wireless communications equipment vendor, a self-service storage company**, a travel insurance agent** or to a franchisee of a rental vehicle company, a wireless communications equipment vendor, [~~or~~] a self-service storage company**, or a travel insurance agent** which has complied with the requirements of this section, a limited license authorizing the licensee, known as a "limited licensee" for the purpose of this article, to act as agent, with reference to the kinds of insurance specified in this section, of any insurer authorized to write such kinds of insurance in this state.

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

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

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

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

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

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

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

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

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

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

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

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

(D) any other coverage that the superintendent may approve as meaningful and appropriate in connection with the rental of motor vehicles or the sharing of a shared vehicle; or

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

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

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

(B) any other coverage that the superintendent may approve as meaningful and appropriate in connection with the rental of storage space[~~.~~]**; or**

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

(A) travel insurance;

(B) any other coverage that the superintendent may approve as meaningful and appropriate in connection with travel.

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

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

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

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

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

renter's personal automobile insurance policy, homeowner's insurance policy, personal liability insurance policy, or other source of coverage;

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

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

(E) **with regard to a rental vehicle company, a peer-to-peer car sharing program administrator, a wireless communications equipment vendor, or a self-service storage company provide** the price, deductible, benefits, exclusions and conditions or other limitations of such policies **and with regard to a travel insurance agent, provide a description of the material terms or the actual material terms of the insurance coverage**;

(F) disclose that the employee of the rental vehicle company, peer-to-peer car sharing program administrator, wireless communications equipment vendor or self-storage company is not qualified or authorized to evaluate the adequacy of the purchaser's existing coverages, unless otherwise licensed**, and, with respect to travel insurance, explain that a travel retailer is permitted to provide only 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 coverage**; and

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

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

(f) [~~Rates~~] **With regard to a rental vehicle company, a peer-to-peer car sharing program administrator, a wireless communications equipment vendor, or a self-service storage company rates** and forms for insurance under this section shall be subject to article twenty-three of this chapter. [~~Any~~] **With regard to a rental vehicle company, a peer-to-peer car sharing program administrator, a wireless communications equipment vendor, or a self-service storage company, any** brochures or other written materials used in connection with insurance under this section shall be filed with the superintendent for review and shall include disclosure of the claims filing process, premium, deductible amounts and limits and shall be prominently displayed in the brochure or other written materials with at least twelve-point type bold headings. Any such brochures or other written materials shall also be subject to section three thousand one hundred two of this chapter, provided, however, that any policy, certificate or other evidence of insurance coverage, whether or not contained in such brochure, shall not be subject to section three thousand one hundred two of this chapter, but shall be written in a clear and coherent manner and whenever practicable shall use words with common and everyday meaning to facilitate readability and to aid the policyholder in understanding the coverage provided**. With regard to travel insurance agents, brochures and other written materials shall be subject to section two thousand one hundred thirty one subsection (l) of this chapter**.

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

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

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

[~~(2)~~] **(B)** each trainee shall be instructed with respect to the disclosures required under subsection (e) of this section and to acknowledge to a prospective renter of a rental vehicle, shared vehicle owner, shared vehicle driver, purchaser or lessor of wireless communications equipment, or renter of storage space that purchase of any such insurance specified in this section is not required in order for the consumer to rent a motor vehicle, share a shared vehicle, purchase or lease wireless communications equipment, or rent storage space;

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

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

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

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

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

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

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

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

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

(l) With respect to travel insurance:

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

(A) The travel insurance agent or travel retailer provides to purchasers of travel insurance:

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

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

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

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

(B) At the time of licensure, the travel insurance agent shall establish and maintain a register on a form prescribed by the superintendent of each travel retailer that offers travel insurance on the travel insurance agent's behalf. The register shall be maintained and updated by the travel insurance agent and shall include the name, address, and contact information of the travel retailer and an officer or person who directs or controls the travel retailer's operations, and the travel retailer's Federal Tax Identification Number. The travel insurance agent shall submit such register to the superintendent upon reasonable request. The travel insurance agent shall also certify that the travel retailer registered complies with 18 USC 1033. The grounds for the suspension, revocation, and the penalties applicable to resident insurance producers shall be applicable to travel insurance agents and travel retailers.

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

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

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

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

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

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

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

(iii) Explains that an unlicensed travel retailer is permitted to provide only 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.

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

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

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

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

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

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

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

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

(o) For purposes of this section:

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

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

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

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

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

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

ARTICLE 81
TRAVEL INSURANCE

Section 8101. Scope and purposes.
8102. Definitions.
8103. Travel protection plans.
8104. Sales practices.
8105. Travel administrators.
8106. Policy.
8107. Regulations.

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

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

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

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

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

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

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

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

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

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

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

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

(3) Any employer covering any group of employees, volunteers, contractors, board of directors, dependents, or guests;

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

(5) Any religious, charitable, recreational, educational, or civic organization, or branch thereof, covering any group of members, participants, or volunteers;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) "Travel assistance services" means non-insurance services for which the consumer is not indemnified based on a fortuitous event, and where providing the service does not result in transfer or shifting of risk that would constitute the business of insurance. Travel assistance services include, but are not limited to: security advisories; destination information; vaccination and immunization information services; travel reservation services; entertainment; activity and event planning; translation assistance; emergency messaging; international legal and medical referrals; medical case monitoring; coordination of transportation arrangements; emergency cash transfer assistance; medical prescription replacement assistance; passport and travel document replacement assistance; lost luggage assistance; concierge services; and any other service that is furnished in connection with planned travel. Travel assistance services are not insurance and not related to insurance.

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

(1) Interruption or cancellation of trip or event;

(2) Loss of baggage or personal effects;

(3) Damages to accommodations or rental vehicles;

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

(5) Emergency evacuation;

(6) Repatriation of remains; or

(7) Any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the superintendent.

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

(l) "Travel protection plans" means plans that provide one or more of the following: travel insurance, travel assistance services, and cancellation fee waivers.

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

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

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

(b) The fulfillment materials:

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

(2) Include the travel insurance disclosures and the contact information for persons providing travel assistance services, and cancellation fee waivers, as applicable.

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

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

(c) Marketing:

(1) All documents provided to consumers prior to the purchase of travel insurance, including but not limited to sales materials, advertising materials, and marketing materials, shall be consistent with the travel insurance policy itself, including but not limited to, forms, endorsements, policies, rate filings, and certificates of insurance.

(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.

(3) (A) The following shall be provided to a policyholder or certificate holder as soon as practicable, following the purchase of a travel protection plan:

(i) The fulfillment materials;

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

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

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

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

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

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

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

For the purposes of this section, delivery means handing fulfillment materials to the policyholder or certificate holder or sending fulfillment materials by postal mail or electronic means to the policyholder or certificate holder.

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

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

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

do so by using negative option or opt out, which would require a consumer to take an affirmative action to deselect coverage, such as unchecking a box on an electronic form, when the consumer purchases a trip.

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

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

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

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

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

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

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

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

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

§ 8106. Policy. (a) Notwithstanding any other provision of this chapter, travel insurance shall be classified and filed for purposes of rates and forms under an inland marine line of insurance, provided, however, that travel insurance that provides coverage for sickness, accident, disability or death occurring during travel, either exclusively, or in conjunction with related coverages of emergency evacuation or repatriation of remains, or incidental limited property and casualty benefits such as baggage or trip cancellation, may be filed under either an accident and health line of insurance or an inland marine line of insurance.

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

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

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

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