

§7052-A. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2021, c. 354, §6 (NEW).]

1. Aggregator site. "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.
[PL 2021, c. 354, §6 (NEW).]

2. Blanket travel insurance. "Blanket travel insurance" means a policy of group travel insurance that provides coverage for specific classes of persons defined in the policy under which coverage is provided to all members of the eligible group without a separate charge to individual members of the eligible group.
[PL 2021, c. 354, §6 (NEW).]

3. Cancellation fee waiver. "Cancellation fee waiver" means a contractual agreement between a supplier of travel services and its customer to waive some or all of the nonrefundable cancellation fee provisions of the supplier's underlying travel contract with or without regard to the reason for the cancellation or form of reimbursement. A cancellation fee waiver is not insurance.
[PL 2021, c. 354, §6 (NEW).]

4. Designated responsible producer. "Designated responsible producer" means the individual licensed producer responsible for ensuring compliance by the supervising travel insurance producer and its registrants with travel insurance laws and rules of the State.
[PL 2021, c. 354, §6 (NEW).]

5. Eligible group. "Eligible group" means 2 or more persons that 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:

A. An 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 entity have a common exposure to risk attendant to such travel, covering all members or customers of the entity;
[PL 2021, c. 354, §6 (NEW).]

B. A college, school or other institution of learning, covering students, teachers, employees or volunteers; [PL 2021, c. 354, §6 (NEW).]

C. An employer, covering any group of employees, volunteers, contractors, boards of directors, dependents or guests; [PL 2021, c. 354, §6 (NEW).]

D. A sports team, camp or sponsor of a sports team or camp, covering participants, members, campers, employees, officials, supervisors or volunteers; [PL 2021, c. 354, §6 (NEW).]

E. A religious, charitable, recreational, educational or civic organization or branch thereof, covering any group of members, participants or volunteers; [PL 2021, c. 354, §6 (NEW).]

F. A 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 account holders, credit card holders, debtors, guarantors or purchasers; [PL 2021, c. 354, §6 (NEW).]

G. An incorporated or unincorporated association, including a labor union, 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; [PL 2021, c. 354, §6 (NEW).]

H. A trust or the trustees of a fund established, created or maintained for the benefit of and covering members, employees or customers of one or more associations meeting the requirements of paragraph G, subject to the superintendent's permitting the use of the trust and the premium tax provisions in Title 36, section 2513-C; [PL 2021, c. 354, §6 (NEW).]

I. An entertainment production company, covering any group of participants, volunteers, audience members, contestants, employees or contractors; [PL 2021, c. 354, §6 (NEW).]

J. A volunteer fire department or an ambulance, rescue, police, court, first aid or civil defense volunteer group or other similar volunteer group; [PL 2021, c. 354, §6 (NEW).]

K. A preschool, day care institution for children or adults or senior citizen club; [PL 2021, c. 354, §6 (NEW).]

L. An automobile or truck rental or leasing company, covering a group of individuals who may become renters, lessees or passengers, as defined by their travel status with regard to the rented or leased vehicles, as long as the automobile or truck rental or leasing company is the policyholder under a policy to which this chapter applies; or [PL 2021, c. 354, §6 (NEW).]

M. Any other group with regard to which 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. [PL 2021, c. 354, §6 (NEW).]

[PL 2021, c. 354, §6 (NEW).]

6. Fulfillment materials. "Fulfillment materials" means documentation provided to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and travel assistance services details.

[PL 2021, c. 354, §6 (NEW).]

7. Group travel insurance. "Group travel insurance" means travel insurance issued to an eligible group.

[PL 2021, c. 354, §6 (NEW).]

8. Offer and disseminate. "Offer and disseminate" means to provide general information, including a description of the coverage and price, as well as to process the application and collect premiums.

[PL 2021, c. 354, §6 (NEW).]

9. Primary certificate holder. "Primary certificate holder" means an individual who elects and purchases travel insurance under a group travel insurance policy.

[PL 2021, c. 354, §6 (NEW).]

10. Primary policyholder. "Primary policyholder" means an individual who elects and purchases individual travel insurance.

[PL 2021, c. 354, §6 (NEW).]

11. Supervising travel insurance producer. "Supervising travel insurance producer" means a business entity licensed in accordance with this chapter to sell, solicit and negotiate travel insurance that is offered and disseminated by travel retailers. "Supervising travel insurance producer" includes a:

A. Licensed managing general agent or 3rd-party administrator; [PL 2021, c. 354, §6 (NEW).]

B. Licensed insurance producer, including a limited lines producer; and [PL 2021, c. 354, §6 (NEW).]

C. Travel administrator. [PL 2021, c. 354, §6 (NEW).]
[PL 2021, c. 354, §6 (NEW).]

12. Travel administrator. "Travel administrator" means a person that directly or indirectly underwrites, collects charges, collateral or premiums from or adjusts or settles claims on residents of the State in connection with travel insurance, except that a person is not a travel administrator if that person's only actions that would otherwise cause that person to be a travel administrator are among the following:

A. The person works for a travel administrator, if the person's activities are subject to the supervision and control of the travel administrator; [PL 2021, c. 354, §6 (NEW).]

B. The person is an insurance producer selling insurance or engaged in administrative and claims-related activities within the scope of the insurance producer's license; [PL 2021, c. 354, §6 (NEW).]

C. The person is a travel retailer offering and disseminating travel insurance and is registered under the license of a supervising travel insurance producer in accordance with this chapter; [PL 2021, c. 354, §6 (NEW).]

D. The person is 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; and [PL 2021, c. 354, §6 (NEW).]

E. The person is a business entity that is affiliated with a licensed insurer and acts as a travel administrator for the direct and assumed insurance business of the affiliated insurer. [PL 2021, c. 354, §6 (NEW).]

[PL 2021, c. 354, §6 (NEW).]

13. Travel assistance services. "Travel assistance services" means noninsurance services for which the consumer is not indemnified against a fortuitous event and for which providing the services does not result in transfer or shifting of risk that would constitute the business of insurance. "Travel assistance services" includes, but is 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 baggage assistance; concierge services; and any other services that are furnished in connection with planned travel. Travel assistance services are not insurance and not related to insurance.

[PL 2021, c. 354, §6 (NEW).]

14. Travel insurance. "Travel insurance" means insurance coverage as defined in section 1420-F, subsection 1, paragraph H.

[PL 2021, c. 354, §6 (NEW).]

15. Travel protection plan. "Travel protection plan" means a plan that provides one or more of the following: travel insurance, travel assistance services and a cancellation fee waiver.

[PL 2021, c. 354, §6 (NEW).]

16. Travel retailer. "Travel retailer" means a business entity that makes, arranges or offers planned travel and that may offer and disseminate travel insurance as a service to its customers on behalf of and under the direction of a supervising travel insurance producer.

[PL 2021, c. 354, §6 (NEW).]

SECTION HISTORY

PL 2021, c. 354, §6 (NEW).

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