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Ohio Revised Code

Section 3905.064 Travel insurance definitions.

Effective: October 03, 2023
Legislation: House Bill 33 - 135th General Assembly

As used in sections 3905.064 to 3905.0611 of the Revised Code:

(A) "Aggregator site" means a web site 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 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.

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

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

(a) Tour operators;

(b) Lodging providers;

(c) Vacation property owners;

(d) Hotels and resorts;

(e) Travel clubs;

(f) Travel agencies;

(g) Property managers;

(h) Cultural exchange programs;

(i) Common carriers or the operator, owner, or lessor of a means of transportation of passengers, including airlines, cruise lines, railroads, steamship companies, and public bus carriers that, with regard to any particular travel or type of travel or travelers, subjects all members or customers of the group to a common exposure to risk attendant to such travel;

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

(3) Any employer obtaining travel insurance coverage for any group of employees, volunteers, contractors, board of directors, dependents, or guests;

(4) Any sports team, camp, or sponsor thereof, obtaining travel insurance coverage for participants, members, campers, employees, officials, supervisors, or volunteers;

(5) Any religious, charitable, recreational, educational, or civic organization, or branch thereof, obtaining travel insurance coverage for 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 account holders, credit card holders, debtors, guarantors, or purchasers;

(7) Any incorporated or unincorporated association, including labor unions, that have a common interest, constitution, and bylaws, and that are 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 of one or more associations meeting the requirements of division (D)(7) of this section, subject to the superintendent's permitting the use of a trust and the state's premium tax provisions in section 3905.068 of the Revised Code;

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

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

(11) Preschools, child care centers, adult day-care institutions, and senior citizen clubs;

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

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

(E) "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.

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

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

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

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

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

(K) "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. The following persons shall not be considered a travel administrator if they engage in no other activities that would cause them to be considered a travel administrator:

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

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

(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;

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

(L) "Travel assistance services" means noninsurance 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 all of the following:

(1) Security advisories;

(2) Destination information;

(3) Vaccination and immunization information services;

(4) Travel reservation services;

(5) Entertainment;

(6) Activity and event planning;

(7) Translation assistance;

(8) Emergency messaging;

(9) International legal and medical referrals;

(10) Medical case monitoring;

(11) Coordination of transportation arrangements;

(12) Emergency cash transfer assistance;

(13) Medical prescription replacement assistance;

(14) Passport and travel document replacement assistance;

(15) Lost luggage assistance;

(16) Concierge services;

(17) Any other service that is furnished in connection with planned travel.

(M)(1) "Travel insurance" means insurance coverage for personal risks incident to planned travel, including all of the following:

(a) Interruption or cancellation of a trip or event;

(b) Loss of baggage or personal effects;

(c) Damages to accommodations or rental vehicles;

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

(e) Emergency evacuation;

(f) Repatriation of remains;

(g) 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 of insurance.

(2) "Travel insurance" does not include any of the following:

(a) Major medical plans that provide comprehensive medical protection for a traveler with a trip lasting six months or longer, including a plan covering a person working overseas as an expatriate or in a deployed military unit;

(b) Any other product that requires a specific insurance agent license;

(c) Travel assistance services;

(d) Cancellation fee waivers.

(N) "Travel insurer" means an insurer, as defined in section 3901.32 of the Revised Code, that provides travel insurance.

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

(P) "Travel retailer" means a business entity that makes, arranges, or offers travel services, and that may offer or sell travel insurance as a service to its customers on behalf of, and under the direction of, a limited lines travel insurance agent in conjunction with the making, arranging, or offering of travel services.