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Ohio Revised Code

Section 3905.065 Travel insurance agent license; travel protection plans; policy requirements.

Effective: October 19, 2022
Legislation: Senate Bill 256 - 134th General Assembly

(A) No person shall offer or sell travel insurance except as provided in sections 3905.064 to 3905.0611 of the Revised Code.

(B) Notwithstanding any other provision of law, the superintendent of insurance may issue to an individual or business entity a limited lines travel insurance agent license that authorizes the holder of the license to sell, solicit, or negotiate travel insurance through a licensed insurer if both of the following requirements are met:

(1) The individual or business entity has submitted an application to the superintendent for the license on a form and in a manner prescribed by the superintendent.

(2) The individual or business entity has paid all fees applicable under this chapter.

(C)(1) At the time the superintendent of insurance issues a license under this section, the limited lines travel insurance agent shall establish and maintain, on a form prescribed by the superintendent, a register of each travel retailer that offers or sells travel insurance on the limited lines travel agent's behalf.

(2)(a) The register 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.

(b) The limited lines travel insurance agent shall update the register as needed to maintain its accuracy.

(3)(a) The limited lines travel insurance agent shall submit the register to the department of insurance upon reasonable request and shall certify that the registered travel retailer complies with 18 U.S.C. 1033.

(b) The superintendent may apply the grounds for license suspension, license revocation, and the imposition of penalties that are found in section 3905.14 of the Revised Code and that are applicable to resident insurance agents, to limited lines travel insurance agents and travel retailers.

(D) A limited lines travel insurance agent, as well as any travel retailer and the retailer's employees that are registered under division (C) of this section, are exempt from any

examination and education requirements as set forth in section 3905.04 of the Revised Code for purposes of sections 3905.064 to 3905.0611 of the Revised Code only.

(E) Travel insurance may be provided under an individual, group, or blanket insurance policy.

(F) A person authorized to offer a travel protection plan under sections 3905.064 to 3905.0611 of the Revised Code may offer a travel protection plan for one price for the combined features that the travel protection plan offers in this state if all of the following are met:

(1) At or prior to the time of purchase, the travel protection plan does both of the following:

(a) Clearly discloses to the consumer that it includes travel insurance, travel assistance services, and cancellation fee waivers, as applicable;

(b) Provides information and an opportunity for the consumer to obtain additional information regarding the features and pricing of each of the combined features.

(2) The fulfillment materials provided to the consumer include all of the following, as applicable:

(a) A description and delineation of the travel insurance, travel assistance services, and cancellation fee waivers in the travel protection plan;

(b) The travel insurance disclosures;

(c) The contact information for persons providing travel assistance services and cancellation fee waivers, as applicable.

(G) In the event of a conflict between sections 3905.064 to 3905.0611 of the Revised Code and any other provision of Title XXXIX of the Revised Code regarding the sale and marketing of travel insurance and travel protection plans, the provisions of sections 3905.064 to 3905.0611 of the Revised Code control.

(H)(1) All documents provided to consumers prior to the purchase of travel insurance, including sales materials, advertising materials, and marketing materials, shall be consistent with the travel insurance policy itself, including 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) The fulfillment materials and the information described in division (A)(1) of section 3905.066 of the Revised Code shall be provided to a policyholder or certificate holder as soon as practicable after the purchase of a travel protection plan.

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

(I)(1) 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 travel insurance policy or certificate for a full refund of the travel protection plan price in accordance with the following:

(a) If the travel protection plan's fulfillment materials are delivered by postal mail, the policyholder or certificate holder may cancel within fifteen days following the date of delivery.

(b) If the travel protection plan's fulfillment materials are delivered by means other than postal mail, the policyholder or certificate holder may cancel within ten days following the date of delivery.

(2) For the purposes of this division, "delivery" includes 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.

(J) No person offering, selling, or negotiating travel insurance or travel protection plans on an individual or group basis may do so by using a negative option or opt out when the consumer purchases a trip. As used in this division, "using a negative option or opt out" includes requiring a consumer to take an affirmative action to deselect coverage, such as unchecking a box on an electronic form.

(K) A license issued under this section shall be renewed on a biennial basis as set forth in sections 3905.06 and 3905.07 of the Revised Code.