

House Amendments to Senate Bill No. 2024

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

23 **SECTION 1.** Section 83-83-1, Mississippi Code of 1972, is
24 amended as follows:

25 83-83-1. This chapter shall be known as the " * * *Travel
26 Insurance Act."

27 **SECTION 2.** The following shall be codified as Section
28 83-83-2, Mississippi Code of 1972:

29 83-83-2. **Scope and purposes.** (1) The purpose of this
30 chapter is to promote the public welfare by creating a
31 comprehensive legal framework within which travel insurance may be
32 sold in this state.

33 (2) The requirements of this chapter shall apply to travel
34 insurance which covers any resident of this state, sold,
35 solicited, negotiated, or offered in this state and where policies
36 and certificates are delivered or issued for delivery in this
37 state. It shall not apply to cancellation fee waivers and travel
38 assistance services, except as expressly provided herein.

39 (3) All other applicable provisions of this state's
40 insurance laws shall continue to apply to travel insurance, except
41 that the specific provisions of this chapter shall supersede any
42 general provisions of law that would otherwise be applicable to
43 travel insurance.

44 **SECTION 3.** Section 83-83-3, Mississippi Code of 1972, is
45 amended as follows:

46 83-83-3. As used in this chapter, unless the context
47 otherwise requires:

48 (a) "Aggregator site" means a website that provides
49 access to information regarding insurance products from more than
50 one (1) insurer, including product and insurer information, for
51 use in comparison shopping.

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

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

63 (* * *d) "Commissioner" means the Commissioner of
64 Insurance for the State of Mississippi.

65 (e) "Eligible group" means, solely for the purposes of
66 travel insurance, two (2) or more persons who are engaged in a
67 common enterprise, or have an economic, educational, or social
68 affinity or relationship, including, but not limited to, any of
69 the following:

70 (i) Any entity engaged in the business of
71 providing travel or travel services, including, but not limited
72 to: tour operators, lodging providers, vacation property owners,
73 hotels and resorts, travel clubs, travel agencies, property
74 managers, cultural exchange programs and common carriers or the
75 operator, owner or lessor of a means of transportation of
76 passengers, including, but not limited to, airlines, cruise lines,
77 railroads, steamship companies and public bus carriers, wherein
78 with regard to any particular travel or type of travel or
79 travelers, all members or customers of the group must have a
80 common exposure to risk attendant to such travel;

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

83 (iii) Any employer covering any group of
84 employees, volunteers, contractors, boards of directors,
85 dependents or guests;

86 (iv) Any sports team, camp or sponsor thereof
87 covering participants, members, campers, employees, officials,
88 supervisors or volunteers;

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

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

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

102 (viii) Any trust or the trustees of a fund
103 established, created or maintained for the benefit of and covering
104 members, employees or customers, subject to the commissioner's
105 permitting the use of a trust and the state's premium tax
106 provisions in Section 83-83-6 of one or more associations meeting
107 the above requirements of subparagraph (vii) of this paragraph
108 (e);

109 (ix) Any entertainment production company covering
110 any group of participants, volunteers, audience members,
111 contestants or workers;

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

115 (xi) Preschools, daycare institutions for children
116 or adults, and senior citizen clubs;

117 (xii) Any automobile or truck rental or leasing
118 company covering a group of individuals who may become renters,
119 lessees or passengers defined by their travel status on the rented
120 or leased vehicles. The common carrier, the operator, owner, or
121 lessor of a means of transportation, or the automobile or truck
122 rental or leasing company, is the policyholder under a policy to
123 which this section applies; or

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

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

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

135 (* * *h) "Limited lines travel insurance producer"
136 means a:

137 (i) Licensed managing general agent or third-party
138 administrator; * * *

139 (ii) Licensed insurance producer, including a
140 limited lines producer designated by an insurer as the travel

141 insurance supervising entity as set forth in Section

142 83-83-11 * * *; or

143 (iii) Travel administrator.

144 (* * *i) "Offer and disseminate" means providing
145 general information, including a description of the coverage and
146 price, as well as processing the application * * * and collecting
147 premiums, and performing other nonlicensable activities permitted
148 by the state.

149 (j) "Primary certificate holder," specific to Section
150 83-83-6, means an individual person who elects and purchases
151 travel insurance under a group policy.

152 (k) "Primary policyholder," specific to Section
153 83-83-6, means an individual person who elects and purchases
154 individual travel insurance.

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

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

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

168 (iii) A travel retailer offering and disseminating
169 travel insurance and registered under the license of a limited
170 lines travel insurance producer in accordance with this chapter;

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

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

178 (m) "Travel assistance services" means noninsurance
179 services for which the consumer is not indemnified based on a
180 fortuitous event, and where providing the service does not result
181 in the transfer or shifting of risk that would constitute the
182 business of insurance. Travel assistance services include, but
183 are not limited to: security advisories; destination information;
184 vaccination and immunization information services; travel
185 reservation services; entertainment; activity and event planning;
186 translation assistance; emergency messaging; international legal
187 and medical referrals; medical case monitoring; coordination of
188 transportation arrangements; emergency cash transfer assistance;
189 medical prescription replacement assistance; passport and travel
190 document replacement assistance; lost luggage assistance;

191 concierge services; and any other service that is furnished in
192 connection with planned travel. Travel assistance services are
193 not insurance and not related to insurance.

194 (* * *n) "Travel insurance" means insurance coverage
195 for personal risks incident to planned travel, including, but not
196 limited to:

197 (i) Interruption or cancellation of trip or event;

198 (ii) Loss of baggage or personal effects;

199 (iii) Damages to accommodations or rental

200 vehicles; * * *

201 (iv) Sickness, accident, disability or death

202 occurring during travel * * *;

203 (v) Emergency evacuation;

204 (vi) Repatriation of remains; or

205 (vii) Any other contractual obligations to

206 indemnify or pay a specified amount to the traveler upon

207 determinable contingencies related to travel as approved by the

208 commissioner.

209 Travel insurance does not include major medical plans * * * that

210 provide comprehensive medical protection for travelers with trips

211 lasting longer than six (6) months * * *, including, for example,

212 those working or residing overseas as an * * * expatriate or

213 military personnel being deployed, or any other product that

214 requires a specific insurance producer license.

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

218 (* * *p) "Travel retailer" means a business entity
219 that makes, arranges or offers planned travel * * * and may offer
220 and disseminate travel insurance as a service to its customers on
221 behalf of and under the direction of a limited lines travel
222 insurance producer.

223 **SECTION 4.** Section 83-83-5, Mississippi Code of 1972, is
224 amended as follows:

225 83-83-5. Notwithstanding any other provision of law:

226 (a) The commissioner may issue to an individual or
227 business entity that has filed with the commissioner an
228 application for such limited license in a form and manner
229 prescribed by the commissioner, a limited lines travel insurance
230 producer license which authorizes the limited lines travel
231 insurance producer to sell, solicit or negotiate travel insurance
232 through a licensed insurer. No person may act as a limited lines
233 travel insurance producer or travel insurance retailer unless
234 properly licensed or registered, respectively.

235 (b) A travel retailer may offer and disseminate travel
236 insurance under a limited lines travel insurance producer business
237 entity ("licensed business entity") license only if the following
238 conditions are met:

239 (i) The limited lines travel insurance producer or
240 travel retailer provides to purchasers of travel insurance:

241 1. A description of the material terms or the
242 actual material terms of the insurance coverage;

243 2. A description of the process for filing a
244 claim;

245 3. A description of the review or
246 cancellation process for the travel insurance policy; and

247 4. The identity and contact information of
248 the insurer and limited lines travel insurance producer.

249 (ii) At the time of licensure, the limited lines
250 travel insurance producer shall establish and maintain a register
251 on a form prescribed by the commissioner of each travel retailer
252 that offers travel insurance on the limited lines travel insurance
253 producer's behalf. The register shall be maintained and updated
254 by the limited lines travel insurance producer and shall include
255 the name, address and contact information of the travel retailer
256 and an officer or person who directs or controls the travel
257 retailer's operations, and the travel retailer's federal tax
258 identification number. The limited lines travel insurance
259 producer shall submit such register to the Department of Insurance
260 upon reasonable request. The limited lines travel insurance
261 producer shall also certify that the travel retailer registered
262 complies with 18 USC 1033. The grounds for the suspension,
263 revocation, and the penalties applicable to resident insurance
264 producers shall be applicable to the limited lines travel
265 insurance producers and travel retailers.

266 (iii) The limited lines travel insurance producer
267 has designated one of its employees who is a licensed individual
268 producer as the person (a "designated responsible producer" or
269 "DRP") responsible for the limited lines travel insurance
270 producer's compliance with the travel insurance laws, rules and
271 regulations of the state.

272 (iv) The DRP, president, secretary, treasurer, and
273 any other officer or person who directs or controls the limited
274 lines travel insurance producer's insurance operations comply with
275 the fingerprinting requirements applicable to insurance producers
276 in the resident state of the limited lines travel insurance
277 producer.

278 (v) The limited lines travel insurance producer
279 has paid all applicable insurance producer licensing fees as set
280 forth in applicable state law.

281 (vi) The limited lines travel insurance producer
282 requires each employee and authorized representative of the travel
283 retailer whose duties include offering and disseminating travel
284 insurance to receive a program of instruction or training, which
285 may be subject to review and approval by the commissioner. The
286 training material shall, at a minimum, contain instructions on the
287 types of insurance offered, ethical sales practices, and required
288 disclosures to prospective customers.

289 (vii) Limited lines travel insurance producers,
290 and those registered under their license, are exempt from the

291 examination requirements and the continuing education requirements
292 of Chapter 17 of Title 83, Mississippi Code of 1972.

293 (c) Any travel retailer offering or disseminating
294 travel insurance shall make available to prospective purchasers
295 brochures or other written materials that have been approved by
296 the travel insurer. Such materials shall include information
297 which, at a minimum:

298 (i) Provides the identity and contact information
299 of the insurer and the limited lines travel insurance producer;

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

303 (iii) Explains that an unlicensed travel retailer
304 is permitted to provide general information about the insurance
305 offered by the travel retailer, including a description of the
306 coverage and price, but is not qualified or authorized to answer
307 technical questions about the terms and conditions of the
308 insurance offered by the travel retailer or to evaluate the
309 adequacy of the customer's existing insurance coverage * * *.

310 (d) A travel retailer's employee or authorized
311 representative, who is not licensed as an insurance producer, may
312 not:

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

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

317 (iii) Hold himself or itself out as a licensed
318 insurer, licensed producer, or insurance expert.

319 (e) Any person licensed in a major line of authority as
320 an insurance producer is authorized to sell, solicit and negotiate
321 travel insurance. A property and casualty insurance producer is
322 not required to become appointed by an insurer in order to sell,
323 solicit or negotiate travel insurance.

324 **SECTION 5.** The following shall be codified as Section
325 83-83-6, Mississippi Code of 1972:

326 83-83-6. Premium tax. (1) A travel insurer shall pay
327 premium tax, as provided in Section 27-15-103 or Section
328 27-15-109, on travel insurance premiums paid by any of the
329 following:

330 (a) An individual primary policyholder who is a
331 resident of this state;

332 (b) A primary certificate holder who is a resident of
333 this state who elects coverage under a group travel insurance
334 policy; or

335 (c) A blanket travel insurance policyholder that is a
336 resident in, or has his principal place of business or the
337 principal place of business of an affiliate or subsidiary that has
338 purchased blanket travel insurance in, this state for eligible
339 blanket group members, subject to any apportionment rules which
340 apply to the insurer across multiple taxing jurisdictions or that
341 permits the insurer to allocate premium on an apportioned basis in
342 a reasonable and equitable manner in those jurisdictions.

343 (2) A travel insurer shall:

344 (a) Document the state of residence or principal place
345 of business of the policyholder or certificate holder, as required
346 in subsection (1) of this section; and

347 (b) Report as premium only the amount allocable to
348 travel insurance and not any amounts received for travel
349 assistance services or cancellation fee waivers.

350 **SECTION 6.** The following shall be codified as Section
351 83-83-8, Mississippi Code of 1972:

352 83-83-8. **Travel protection plans.** Travel protection plans
353 may be offered for one (1) price for the combined features that
354 the travel protection plan offers in this state if:

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

362 (b) The fulfillment materials:

363 (i) Describe and delineate the travel insurance,
364 travel assistance services and cancellation fee waivers in the
365 travel protection plan; and

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

369 **SECTION 7.** Section 83-83-9, Mississippi Code of 1972, is
370 amended as follows:

371 83-83-9. (1) Notwithstanding any other provision of this
372 title, travel insurance shall be classified and filed for purposes
373 of rates and forms under an inland marine line of insurance;
374 provided, however, that travel insurance that provides coverage
375 for sickness, accident, disability or death occurring during
376 travel, either exclusively or in conjunction with related
377 coverages of emergency evacuation or repatriation of remains, or
378 incidental limited property and casualty benefits such as baggage
379 or trip cancellation, may be filed by an authorized insurer under
380 either an accident and health line of insurance or an inland
381 marine line of insurance.

382 (2) Travel insurance may be provided under an
383 individual * * * group or * * * blanket policy.

384 (3) Eligibility and underwriting standards for travel
385 insurance may be developed and provided based on travel protection
386 plans designed for individual or identified marketing or
387 distribution channels, provided those standards also meet the
388 state's underwriting standards for inland marine.

389 **SECTION 8.** The following shall be codified as Section
390 83-83-10, Mississippi Code of 1972:

391 83-83-10. Travel administrator. (1) Notwithstanding any
392 other provisions of this title, no person shall act or represent
393 itself as a travel administrator for travel insurance in this
394 state unless that person:

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

398 (b) Holds a valid managing general agent ("MGA")
399 license in this state; or

400 (c) Holds a valid third-party administrator ("TPA")
401 license in this state.

402 (2) A travel administrator and its employees are exempt from
403 the licensing requirements of Section 83-17-401 et seq. for travel
404 insurance it administers.

405 (3) An insurer is responsible for the acts of a travel
406 administrator administering travel insurance underwritten by the
407 insurer, and is responsible for ensuring that the travel
408 administrator maintains all books and records relevant to the
409 insurer to be made available by the travel administrator to the
410 commissioner upon request.

411 **SECTION 9.** Section 83-83-13, Mississippi Code of 1972, is
412 amended as follows:

413 83-83-13. **Sales practices.** (1) The limited lines travel
414 insurance producer and any travel retailer offering and
415 disseminating travel insurance under the limited lines travel
416 insurance producer license shall be subject to the provisions of
417 Sections 83-5-29 through 83-5-51 and Section 83-17-71, except as
418 otherwise provided in this section. In the event of a conflict
419 between this chapter and other provisions of this title regarding

420 the sale and marketing of travel insurance and travel protection
421 plans, the provisions of this chapter shall control.

422 (2) Offering or selling a travel insurance policy that could
423 never result in payment of any claims for any insured under the
424 policy is an unfair trade practice under Sections 83-5-29 through
425 83-5-51.

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

432 (b) For travel insurance policies or certificates that
433 contain preexisting condition exclusions, information and an
434 opportunity to learn more about the preexisting condition
435 exclusions shall be provided any time prior to the time of
436 purchase, and in the coverage's fulfillment materials.

437 (c) The fulfillment materials and the information
438 described in Section 83-83-5(b) (i) shall be provided to a
439 policyholder or certificate holder as soon as practicable
440 following the purchase of a travel protection plan. Unless the
441 insured has either started a covered trip or filed a claim under
442 the travel insurance coverage, a policyholder or certificate
443 holder may cancel a policy or certificate for a full refund of the
444 travel protection plan price from the date of purchase of a travel
445 protection plan until at least:

446 (i) Fifteen (15) days following the date of
447 delivery of the travel protection plan's fulfillment materials by
448 postal mail; or

449 (ii) Ten (10) days following the date of delivery
450 of the travel protection plan's fulfillment materials by means
451 other than postal mail.

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

456 (d) The company shall disclose in the policy
457 documentation and fulfillment materials whether the travel
458 insurance is primary or secondary to other applicable coverage.

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

466 (4) No person offering, soliciting or negotiating travel
467 insurance or travel protection plans on an individual or group
468 basis may do so by using negative option or opt out, which would
469 require a consumer to take an affirmative action to deselect
470 coverage such as unchecking a box on an electronic form when the
471 consumer purchases a trip.

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

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

478 (a) Purchasing the coverage required by the destination
479 jurisdiction through the travel retailer or limited lines travel
480 insurance producer supplying the trip or travel package; or

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

484 **SECTION 10.** The following shall be codified as Section
485 83-83-15, Mississippi Code of 1972:

486 83-83-15. Regulations. The Commissioner of Insurance may
487 promulgate regulations to implement the provisions of this
488 chapter.

489 **SECTION 11.** This act shall take effect and be in force from
490 and after July 1, 2022, and shall stand repealed from and after
491 June 30, 2022.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT RELATING TO THE CREATION OF A COMPREHENSIVE LEGAL
2 FRAMEWORK WITHIN WHICH TRAVEL INSURANCE MAY BE SOLD IN THIS STATE;
3 TO AMEND SECTION 83-83-1, MISSISSIPPI CODE OF 1972, TO CLARIFY THE
4 NAME OF THE ACT; TO CREATE NEW SECTION 83-83-2, MISSISSIPPI CODE
5 OF 1972, TO PROVIDE THE SCOPE AND PURPOSES OF THE ACT; TO AMEND
6 SECTION 83-83-3, MISSISSIPPI CODE OF 1972, TO DEFINE CERTAIN

7 TERMS; TO AMEND SECTION 83-83-5, MISSISSIPPI CODE OF 1972, TO
8 UPDATE THE REQUIREMENTS OF LIMITED LINES TRAVEL INSURANCE
9 PRODUCERS UNDER THE ACT; TO CREATE NEW SECTION 83-83-6,
10 MISSISSIPPI CODE OF 1972, TO CLARIFY THE PREMIUM TAX REQUIREMENTS
11 OF TRAVEL INSURERS UNDER THE ACT; TO CREATE NEW SECTION 83-83-8,
12 MISSISSIPPI CODE OF 1972, TO SET FORTH HOW TRAVEL PROTECTION PLANS
13 MAY BE SOLD IN THIS STATE; TO AMEND SECTION 83-83-9, MISSISSIPPI
14 CODE OF 1972, TO UPDATE THE POLICIES UNDER THE ACT; TO CREATE NEW
15 SECTION 83-83-10, MISSISSIPPI CODE OF 1972, TO PROVIDE THE
16 REQUIREMENTS FOR TRAVEL ADMINISTRATORS UNDER THE ACT; TO AMEND
17 SECTION 83-83-13, MISSISSIPPI CODE OF 1972, TO CLARIFY PERMISSIBLE
18 SALES PRACTICES UNDER THE ACT; TO CREATE NEW SECTION 83-83-15,
19 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF
20 INSURANCE TO PROMULGATE REGULATIONS TO IMPLEMENT PROVISIONS OF
21 THIS ACT; AND FOR RELATED PURPOSES.

HR26\SB2024A.J

Andrew Ketchings
Clerk of the House of Representatives