Chapter 21A—Conducting the Property and Casualty Travel Insurance Examination

IMPORTANT NOTE:
The standards set forth in this chapter are based on established procedures and/or NAIC models, not on the laws and regulations of any specific jurisdiction. This handbook is a guide to assist examiners in the examination process. Since it is based on NAIC models, use of the handbook should be adapted to reflect each state’s own laws and regulations with appropriate consideration for any bulletins, audit procedures, examination scope and the priorities of examination. Further important information on this and how to use this handbook is included in Chapter 1—Introduction.

This chapter provides a format for conducting travel insurance company examinations. Procedures for conducting property/casualty insurance company examinations and other types of specialized examinations—such as third-party administrators and surplus lines brokers—may be found in separate chapters.

The examination of travel insurance operations may involve any review of one or a combination of the following business areas:

A. Operations/Management
B. Complaint Handling
C. Marketing and Sales
D. Producer Licensing
E. Policyholder Service
F. Underwriting and Rating
G. Claims

When conducting an examination that reviews these areas, there are essential tests that should be completed. The tests are applied to determine if the company is meeting standards. Some standards may not be applicable to all jurisdictions. The standards may suggest other areas of review that may be appropriate on an individual state basis.
C. Marketing and Sales

Use the standards for this business area that are listed in Chapter 20—General Examination Standards, Chapter 21—Conducting the Property and Casualty Examination, and the standards set forth below.

1. Tests and Standards

The marketing and sales review includes, but is not limited to, the following standards addressing various aspects of the marketing and sales function. The sequence of the standards listed here does not indicate priority of the standard.
**STANDARDS**  
**MARKETING AND SALES**

**Standard 1** Ensure the advertising and/or sales materials being utilized by the limited lines travel insurance producer and travel insurer (i) provide the information required by Section 4(C) of the model law [or state equivalent], (ii) are consistent with the travel protection plan being offered, (iii) are not deceptive or misleading, and (iv) otherwise comply with state law.

| Apply to: | All property and casualty travel insurance products |
| Priority: | Essential |

**Documents to be Reviewed**

- Applicable statutes, rules and regulations
- The travel insurer’s approved brochures or other written materials used in offering or disseminating travel insurance to prospective purchasers.
- Policy forms and fulfillment materials are accurately represented in advertising and sales materials
- Producers’ own advertising and sales materials, including travel retailers under the direction of a limited lines travel insurance producer

**NAIC Model References**

- Travel Insurance Model Act (#632)
- Unfair Trade Practices Act (#880)

**Review Procedures and Criteria**

Examiners should request and review specimen or actual copies of either (i) sampled, (ii) specifically identified and selected, or (iii) all of the brochures or other written materials that are made available to prospective purchasers from the travel insurer or limited lines travel insurance producer as deemed appropriate or necessary by the examiner(s). If the examiner is unable to obtain the requested information from the travel insurer or the limited lines travel insurance producer, the examiner may request the information directly from the travel retailer.

Review specimen or actual copies of all of the brochures or other written materials in conjunction with the appropriate policy forms, endorsements, policies, rate filings, and certificates of insurance.

**Materials should not:**

- Misrepresent policy benefits, advantages or conditions by failing to disclose limitations, exclusions or reductions, or use terms or expressions that are misleading or ambiguous;
- Make false, deceptive or misleading statements or representations with respect to any person, company or organization

**Materials should:**

- Clearly disclose name and address of insurer;
- If using a trade name, disclose the name of the insurer, an insurance group designation, name of the parent company of the insurer, name of a particular division of the insurer, service mark, slogan, symbol or other device or reference, if the advertisement would have the capacity or tendency to mislead or deceive as to the true identity of the insurer, or create the impression that a company other than the insurer would have any responsibility for the financial obligation under a policy;
- Clearly describe the type of policy being advertised;
- Indicate that the travel protection plan being marketed includes insurance;
- Comply with applicable statutes, rules and regulations;

Determine if the travel insurer approves producer sales materials and advertising.
STANDARDS
MARKETING AND SALES

**Standard 2** The disclosures combinations of travel insurance, non-insurance travel assistance services, and cancellation fee waivers are compliant with applicable statutes, rules, and regulations.

Apply to: All property and casualty travel insurance products

Priority: Essential

**Documents to be Reviewed**

- Applicable statutes, rules and regulations
- Policy forms and fulfillment materials are accurately represented in advertising and sales materials
- Producers’ own advertising and sales materials and travel retailers acting under the direction of a Limited lines travel insurance producer

**NAIC Model References**

- Travel Insurance Model Act (#632)
- Unfair Trade Practices Act (#880)

**Review Procedures and Criteria**

Examiners should request information from the travel insurer or limited lines travel insurance producer that is sufficient to determine compliance with this standard. If the examiner is unable to obtain the information from the travel insurer or the limited lines travel insurance producer, the examiner may request the information directly from the travel retailer.
STANDARDS
MARKETING AND SALES

Standard 3  The limited lines travel insurance producer has established and maintains a register of each travel retailer that offers travel insurance on the producer’s behalf.

Apply to:  All property and casualty travel insurance products

Priority:  Essential

Documents to be Reviewed

_____ Applicable statutes, rules and regulations

Others Reviewed

_____ _________________________________________

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NAIC Model References

Travel Insurance Model Act (#632)

Review Procedures and Criteria
STANDARDS
MARKETING AND SALES

Standard 4 The limited lines travel insurance producer has documentation sufficient to demonstrate compliance that the travel retailers (acting under the limited lines travel insurance producer’s license) comply with 18 USC § 1033.

Apply to: All property and casualty travel insurance products

Priority: Essential

Documents to be Reviewed

_____ Applicable statutes, rules and regulations

Others Reviewed

_____ _________________________________________

_____ _________________________________________

NAIC Model References

Travel Insurance Model Act (#632)

Review Procedures and Criteria
**STANDARDS**

**MARKETING AND SALES**

| Standard 5 | Determine that consumers were provided with information and an opportunity to learn more about the pre-existing condition exclusions (i) at any time prior to the purchase and (ii) in the fulfillment materials. |

**Apply to:** All property and casualty travel insurance products  

**Priority:** Essential  

**Documents to be Reviewed**  

- Applicable statutes, rules and regulations  
- Policy form, fulfillment materials, advertising/sales materials, and disclosures  

**Others Reviewed**  

Others Reviewed  

**NAIC Model References**  

Travel Insurance Model Act (#632)  

**Review Procedures and Criteria**  

Determine that information about pre-existing condition exclusions is provided prior to the time of purchase, including whether the purchaser of travel insurance (i) has the ability to waive the pre-existing condition exclusion, (ii) under what circumstances it can be waived; and (iii) the purchaser of travel insurance has been advised that the coverage for pre-existing conditions can be purchased, if applicable.  

Determine that the fulfillment materials provide information about pre-existing condition exclusions  

Determine that the policies or certificates and fulfillment materials clearly define pre-existing conditions as intended in the exclusions
### STANDARDS

#### MARKETING AND SALES

**Standard 6** Determine that descriptions of the following are provided to the purchasers of travel insurance: (i) material or actual terms of the insurance coverage, (ii) process for filing a claim, (iii) review or cancellation process for the travel insurance policy, and (iv) the identity and contact information of the travel insurer and limited lines travel insurance producer.

<table>
<thead>
<tr>
<th>Apply to:</th>
<th>All property and casualty travel insurance products</th>
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<td>Priority:</td>
<td>Essential</td>
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#### Documents to be Reviewed

- __Applicable statutes, rules and regulations__

#### NAIC Model References

- Travel Insurance Model Act (#632)
- Unfair Trade Practices Act (#880)

#### Review Procedures and Criteria

Examiners should request information from the travel insurer or limited lines travel insurance producer that is sufficient to determine compliance with this standard. If the examiner is unable to obtain the information from the travel insurer or the limited lines travel insurance producer, the examiner may request the information directly from the travel retailer.
STANDARDS
MARKETING AND SALES

Standard 7 The limited lines travel insurance producer has an adequate training program in place, containing instructions on the types of insurance offered, ethical sales practices, and required consumer disclosures, that is required of each employee and authorized representative of the travel retailer whose duties shall include offering and disseminating travel insurance.

Apply to: All property and casualty travel insurance products

Priority: Essential

Documents to be Reviewed

_____ Applicable statutes, rules and regulations
_____ Limited lines travel insurance producer’s policies and procedures, including the standards for product training
_____ Limited lines travel insurance producer’s instruction/training files and training materials for travel retailer employees and authorized representatives offering or disseminating travel insurance.

NAIC Model References
Travel Insurance Model Act (#632)

Review Procedures and Criteria

Review policies and procedures to ensure that the limited lines travel insurance producer has adequate procedures in place to provide instruction and training that is appropriate for and consistent with the type(s) of travel insurance being offered. Review the limited lines travel insurance producer’s procedures used to inform travel retailers of the regulated entity’s standards for travel insurance product training and of applicable state statutes, rules or regulations regarding the solicitation and sale of travel insurance products.

Determine that the limited lines travel insurance producer has adequate procedures in place to verify that the employees and authorized representatives of a travel retailer have completed necessary training, as required by applicable state statutes, rules and regulations, before allowing the employees and authorized representatives to sell travel insurance for that insurer.

Contact other regulators that may have conducted a recent review of the training standards.

Determine if the training materials are appropriate and accurately reflect the coverage provided by the travel insurance product.

Review regulated entity’s records to determine if, when and how training occurred prior to the employees or authorized representatives of a travel retailer’s recommendation of a travel insurance product.
**STANDARDS**

**MARKETING AND SALES**

| Standard 8 | The Limited lines travel insurance producer has designated a “Designated Responsible Producer.” |

**Apply to:** All property and casualty travel insurance products  
**Priority:** Essential

**Documents to be Reviewed**

- Applicable statutes, rules and regulations

**Others Reviewed**

- _________________________________________
- _________________________________________

**NAIC Model References**

- Travel Insurance Model Act (#632)

**Review Procedures and Criteria**
STANDARD
MARKETING AND SALES

| Standard 9 Sales practices do not include “negative option or opt out.” |

Apply to: All property and casualty travel insurance products  
Priority: Essential  

Documents to be Reviewed  
___ Applicable statutes, rules and regulations  
___ Sales and marketing  

Others Reviewed  

___  
___  

NAIC Model References  
Travel Insurance Model Act (#632)  
Unfair Trade Practices Act (#880)  

Review Procedures and Criteria  
Review a sampling of marketing materials and policies to confirm that customers were not offered or sold a policy through negative option or opt out.
STANDARDS
MARKETING AND SALES

Standard 12 Blanket coverage is not marketed or described as “free” coverage.

Apply to: All property and casualty travel insurance products
Priority: Essential

Documents to be Reviewed

_____ Applicable statutes, rules and regulations
Others Reviewed

_____

NAIC Model References

Travel Insurance Model Act (#632)

Review Procedures and Criteria

Review the use of the words/phrases “free,” “no cost,” “without cost,” “no additional cost,” “at no extra cost” or words/phrases of similar import. Such words/phrases should not be used with respect to any benefit or service being made available with a policy, unless true.
STANDARD
MARKETING AND SALES

Standard 13 If the aggregator’s website provides a short summary of the coverage, determine that the consumer has access to the full provisions of the policy by electronic means.

Apply to: All property and casualty travel insurance products

Priority: Essential

Documents to be Reviewed

_____ Applicable statutes, rules and regulations

Others Reviewed

_____ _________________________________________

_____ _________________________________________

NAIC Model References

Travel Insurance Model Act (#632)

Review Procedures and Criteria
D. Producer Licensing

Use the standards for this business area that are listed in Chapter 20—General Examination Standards, Chapter 21—Conducting the Property and Casualty Examination, and the standards set forth below.
STANDARD
PRODUCER LICENSING

**Standard 1** Determine that the travel insurer or limited lines travel insurance producer has provided the information required in Section 4(B)(1) [or state equivalent] to the purchasers of travel insurance.

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

- Applicable statutes, rules and regulations

**Others Reviewed**

- _________________________________________
- _________________________________________

**NAIC Model References**

- Travel Insurance Model Act (#632)
- Unfair Trade Practices Act (#880)

**Review Procedures and Criteria**

Determine if the requested coverage is issued.

Examiners should request proof from the travel insurer or limited lines travel insurance producer sufficient to demonstrate that the actual information was provided. If the examiner is unable to obtain proof from the travel insurer or the limited lines travel insurance producer, the examiner may request the information directly from the travel retailer.
E. Policyholder Service

Use the standards for this business area that are listed in Chapter 20—General Examination Standards, Chapter 21—Conducting the Property and Casualty Examination, and the standards set forth below.
STANDARD
POLICYHOLDER SERVICE

**Standard 1** Fulfillment materials were provided to the policyholder or certificate holder as required.

**Apply to:** All property and casualty travel insurance products

**Priority:** Essential

**Documents to be Reviewed**

- Applicable statutes, rules and regulations
- All applications

**Others Reviewed**

- _________________________________________
- _________________________________________

**NAIC Model References**

- Travel Insurance Model Act (#632)
- Unfair Trade Practices Act (#880)

**Review Procedures and Criteria**

Examiners should request documentation from the travel insurer or limited lines travel insurance producer that is sufficient to demonstrate that the fulfillment documents were provided to the purchasers of travel insurance.
STANDARD
POLICYHOLDER SERVICE

Standard 2 The policy documents disclosed whether the travel insurance was primary or secondary to other coverage.

Apply to: All property and casualty travel insurance products

Priority: Essential

Documents to be Reviewed

_____ Applicable statutes, rules and regulations

_____ All applications

Others Reviewed

____ ________________________________

____ ________________________________

NAIC Model References

Travel Insurance Model Act (#632)

Review Procedures and Criteria

Examiners should request documentation from the travel insurer or limited lines travel insurance producer that is sufficient to demonstrate that the policy documents state whether the coverage provided is primary or secondary to other coverage.
F. Underwriting and Rating

Use the standards for this business area that are listed in Chapter 20—General Examination Standards, Chapter 21—Conducting the Property and Casualty Examination, and the standards set forth below.
STANDARD
UNDERWRITING AND RATING

Standard 1 Minimum data collection standards to ensure proper allocation for payment of premium tax have been established.

Apply to: All property and casualty travel insurance products

Priority: Essential

Documents to be Reviewed

_____ Applicable statutes, rules and regulations

_____ All applications

Others Reviewed

_____ ____________________________

NAIC Model References

Travel Insurance Model Act (#632)

Review Procedures and Criteria
G. Claims

Use the standards for this business area that are listed in Chapter 20—General Examination Standards, Chapter 21—Conducting the Property and Casualty Examination, and the standards set forth below.
STANDARD
CLAIMS

Standard 1 The policies issued contain benefits for which a claim and claim payment could have been made.

Apply to: All property and casualty travel insurance products

Priority: Essential

Documents to be Reviewed

- Applicable statutes, rules and regulations
- Review policy forms and endorsements
- Claim files
- Claim complaint records
- Claim procedure/underwriting manuals

NAIC Model References

Travel Insurance Model Act (#632)
Unfair Trade Practices Act (#880)
Unfair Property/Casualty Claim Settlement Practices Act (#902)

Review Procedures and Criteria

To determine compliance with this requirement, examiners will (i) review a sample set of policies to confirm that benefits are being offered under the policies issued and a payment for a claim could have been made; and (ii) review a sample of denied claims to confirm that the denials were appropriate based on the policy language.