

## 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.

## **A. Operations/Management**

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**

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**STANDARDS  
OPERATIONS/MANAGEMENT**

**Standard** [*None noted for this category*]

**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)*

*Unfair Trade Practices Act (#880)*

**Review Procedures and Criteria**

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## **B. Complaint Handling**

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**

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**STANDARDS  
COMPLAINT HANDLING**

**Standard** [None noted for this category]

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

**Priority:** Essential

**Documents to be Reviewed**

\_\_\_\_\_ Applicable statutes, rules and regulations

\_\_\_\_\_ Applicable complaint register(s)

Others Reviewed

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**NAIC Model References**

*Travel Insurance Model Act (#632)*

*Unfair Trade Practices Act (#880)*

**Review Procedures and Criteria**

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## **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.

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## 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.

**Citation:** Model #632, Section 4 – Licensing and Registration, Subsection C:

Any Travel Retailer offering or disseminating Travel Insurance shall make available to prospective purchasers, brochures or other written materials that have been approved by the travel insurer. Such materials shall include information which, at a minimum: (1) Provides the identity and contact information of the insurer and the Limited Lines Travel Insurance Producer; (2) Explains that the purchase of Travel Insurance is not required in order to purchase any other product or service from the Travel Retailer; and (3) Explains that an unlicensed Travel Retailer is permitted to provide only general information about the insurance offered by the Travel Retailer, including a description of the coverage and price, but is not qualified or authorized to answer technical questions about the terms and conditions of the insurance offered by the Travel Retailer or to evaluate the adequacy of the customer's existing insurance coverage.

**Citation:** Model #632 – Section 7 – Sales Practices, Subsection C (1):

All documents provided to consumers prior to the purchase of travel insurance, including but not limited to sales materials, advertising materials, and marketing materials, shall be consistent with the travel insurance policy itself, including but not limited to, forms, endorsements, policies, rate filings, and certificates of insurance.

**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 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. 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 in the conduct of the travel insurer or Limited Lines Travel Insurance Producer;

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 is insurance;
- Comply with applicable statutes, rules and regulations;

Determine if the travel insurer approves producer sales materials and advertising.

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**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.

**Citation:** Model #632, Section 6 Travel Protection Plans:

Travel Protection Plans may be offered for one price for the combined features that the Travel Protection Plan offers in this state if:

The Travel Protection Plan clearly discloses to the consumer, at or prior to the time of purchase, that it includes Travel Insurance, Travel Assistance Services, and Cancellation Fee Waivers as applicable, and provides information and an opportunity, at or prior to the time of purchase, for the consumer to obtain additional information regarding the features and pricing of each; and

The Fulfillment Materials: (1) Describe and delineate the Travel Insurance, Travel Assistance Services, and Cancellation Fee Waivers in the Travel Protection Plan, and (2) Include the Travel Insurance disclosures and the contact information for persons providing Travel Assistance Services, and Cancellation Fee Waivers, as applicable.

**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 the 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.

**Citation:** Model #632 – Section 4 – Licensing and Registration, Subsection B (2):

(2) At the time of licensure, the Limited Lines Travel Insurance Producer shall establish and maintain a register, on a form prescribed by the Commissioner, of each Travel Retailer that offers Travel Insurance on the Limited Lines Travel Insurance Producer’s behalf. The register shall be maintained and updated by the Limited Lines Travel Insurance Producer and 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. The Limited Lines Travel Insurance Producer shall submit such register to the state insurance department upon reasonable request. ~~The Limited Lines Travel Insurance Producer shall also certify that the Travel Retailer registered complies with 18 USC §1033. The grounds for the suspension, revocation and the penalties applicable to resident insurance producers under [insert applicable reference to insurance code], shall be applicable to the Limited Lines Travel Insurance Producers and Travel Retailers.~~ *[Stricken language is not relevant to this standard.]*

**Citation:** Model #632 – Section 4 – Licensing and Registration, Subsection F Responsibility: As the insurer’s designee, the Limited Lines Travel Insurance Producer is responsible for the acts of the Travel Retailer and shall use reasonable means to ensure compliance by the Travel Retailer with this act.

**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)  
State Licensing Handbook; Uniform Licensing Standard 34 (Limited Lines Travel Insurance Standard)*

**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.

**Citation:** Model 632 – Section 4 – Licensing and Registration, Subsection B (2):

~~(2) At the time of licensure, the Limited Lines Travel Insurance Producer shall establish and maintain a register, on a form prescribed by the Commissioner, of each Travel Retailer that offers Travel Insurance on the Limited Lines Travel Insurance Producer’s behalf. The register shall be maintained and updated by the Limited Lines Travel Insurance Producer and 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. The Limited Lines Travel Insurance Producer shall submit such register to the state insurance department upon reasonable request. The Limited Lines Travel Insurance Producer shall also certify that the Travel Retailer registered complies with 18 USC §1033. The grounds for the suspension, revocation and the penalties applicable to resident insurance producers under [insert applicable reference to insurance code], shall be applicable to the Limited Lines Travel Insurance Producers and Travel Retailers. [Stricken language is not relevant to this standard.]~~

**Citation:** Model #632 – Section 4 – Licensing and Registration, Subsection F Responsibility: As the insurer’s designee, the Limited Lines Travel Insurance Producer is responsible for the acts of the Travel Retailer and shall use reasonable means to ensure compliance by the Travel Retailer with this act.

**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)*  
*State Licensing Handbook; Uniform Licensing Standard 34 (Limited Lines Travel Insurance Standard)*

**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.

**Citation:** Model #632, Section 7 – Sales Practices, Subsection C (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.

**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

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**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.

**Citation:** Model #632 – Section 4 – Licensing and Registration, Subsection B (1) (a) through (d):  
The Limited Lines Travel Insurance Producer or Travel Retailer provides to purchasers of Travel Insurance:  
(a) A description of the material terms or the actual material terms of the insurance coverage;  
(b) A description of the process for filing a claim;  
(c) A description of the review or cancellation process for the Travel Insurance policy; and  
(d) The identity and contact information of the insurer and Limited Lines Travel Insurance Producer.

**Citation:** Model #632 – Section 4 – Licensing and Registration, Subsection F Responsibility: As the insurer’s designee, the Limited Lines Travel Insurance Producer is responsible for the acts of the Travel Retailer and shall use reasonable means to ensure compliance by the Travel Retailer with this Act.

**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**

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.

**Citation:** Model #632 – Section 4 – Licensing and Registration, Subsection B (6):

The Limited Lines Travel Insurance Producer requires each employee and authorized representative of the Travel Retailer whose duties including offering and disseminating Travel Insurance to receive a program of instruction or training, which is subject, at the discretion of the Commissioner, to review and approval. The training materials shall, at a minimum, contain adequate instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.

**Citation:** Model #632 – Section 4 – Licensing and Registration, Subsection F Responsibility: As the insurer's designee, the Limited Lines Travel Insurance Producer is responsible for the acts of the Travel Retailer and shall use reasonable means to ensure compliance by the Travel Retailer with this Act.

**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 travel retailer employees and authorized representatives offering or disseminating travel insurance
- \_\_\_\_\_ Limited Lines Travel Insurance Producer's training materials for travel retailer employees and authorized representatives offering or disseminating travel insurance

### NAIC Model References

*Travel Insurance Model Act (#632)*

*State Licensing Handbook; Uniform Licensing Standard 34 (Limited Lines Travel Insurance Standard)*

### 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, including product-specific training that is appropriate for the specific product(s) or types of 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 Insurance 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 insurer product-specific 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 product-specific training occurred prior to the employees or authorized representatives of a travel retailer recommend a travel insurance product.

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**STANDARDS  
MARKETING AND SALES**

**Standard 8** The Limited Lines Travel Insurance Producer has designated a “Designated Responsible Producer.”

**Citation:** Model #632, Section 4 – Licensing and Registration, Subsection B (3):

(3) The Limited Lines Travel Insurance Producer has designated one of its employees who is a licensed individual producer as the person (a “Designated Responsible Producer” or “DRP”) responsible for the compliance with the Travel Insurance laws and regulations applicable to the Limited Lines Travel Insurance Producer and its registrants.

**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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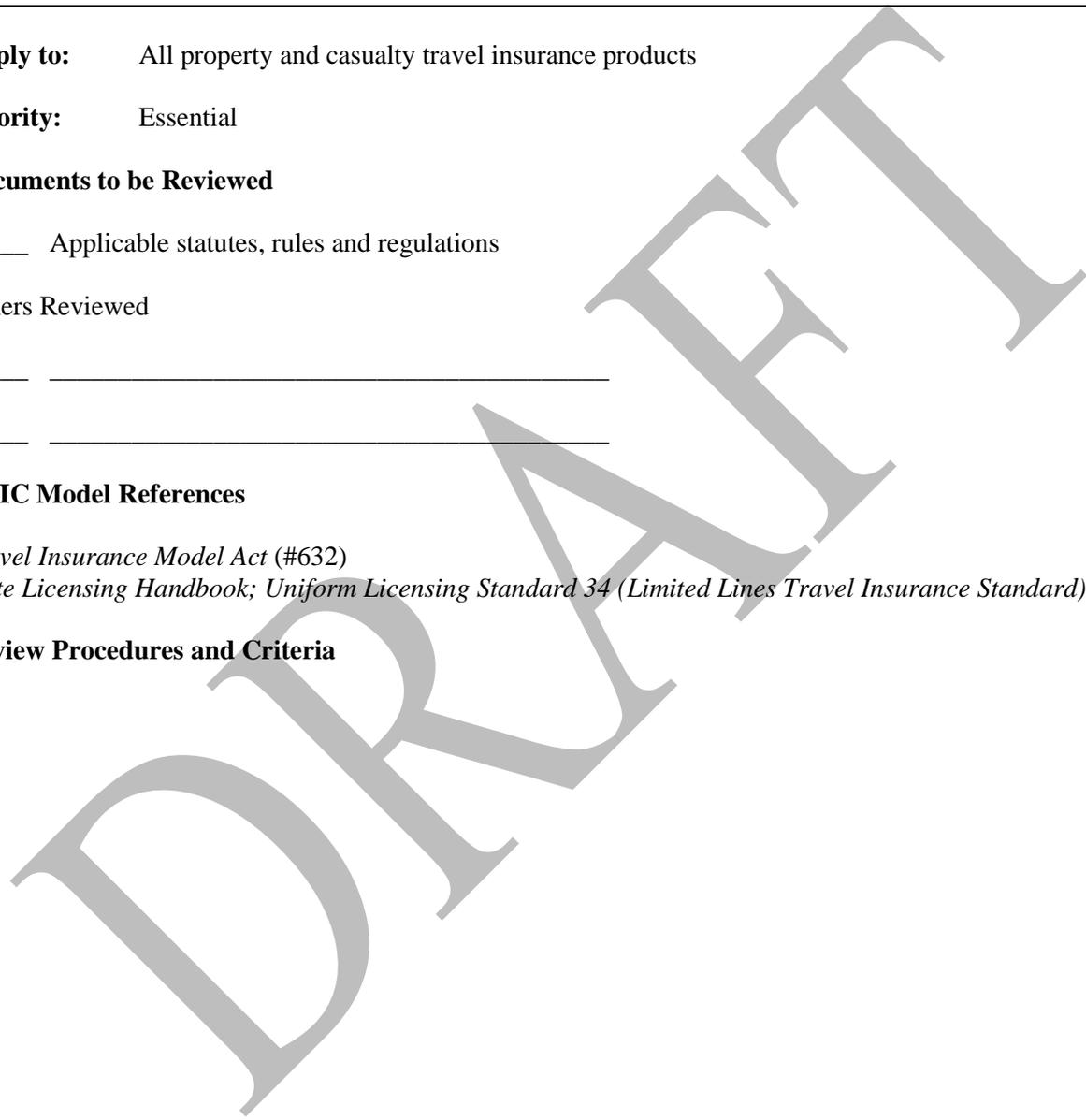
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**NAIC Model References**

*Travel Insurance Model Act (#632)*

*State Licensing Handbook; Uniform Licensing Standard 34 (Limited Lines Travel Insurance Standard)*

**Review Procedures and Criteria**



**STANDARD  
MARKETING AND SALES**

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

**Citation:** Model #632, Section 7 – Sales Practices, Subsection D:

D. Opt out. No person offering, soliciting, or negotiating Travel Insurance or Travel Protection Plans on an individual or group basis may do so by using negative option or opt out, which would require a consumer to take an affirmative action to deselect coverage, such as unchecking a box on an electronic form, when the consumer purchases a trip.

**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

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\_\_\_\_\_

**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.

**Citation:** Model #632, Section 7 – Sales Practices, Subsection E:

E. It shall be an unfair trade practice to market Blanket Travel Insurance coverage as free.

**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**

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.

**Citation:** Model #632, Section 7 – Sales Practices, Subsection C (5):

(5) Where Travel Insurance is marketed directly to a consumer through an insurer’s website or by others through an Aggregator Site, it shall not be an unfair trade practice or other violation of law where an accurate summary or short description of coverage is provided on the web page, so long as the consumer has access to the full provisions of the policy through electronic means.

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

**Priority:** Essential

**Documents to be Reviewed**

\_\_\_\_\_ Applicable statutes, rules and regulations

Others Reviewed

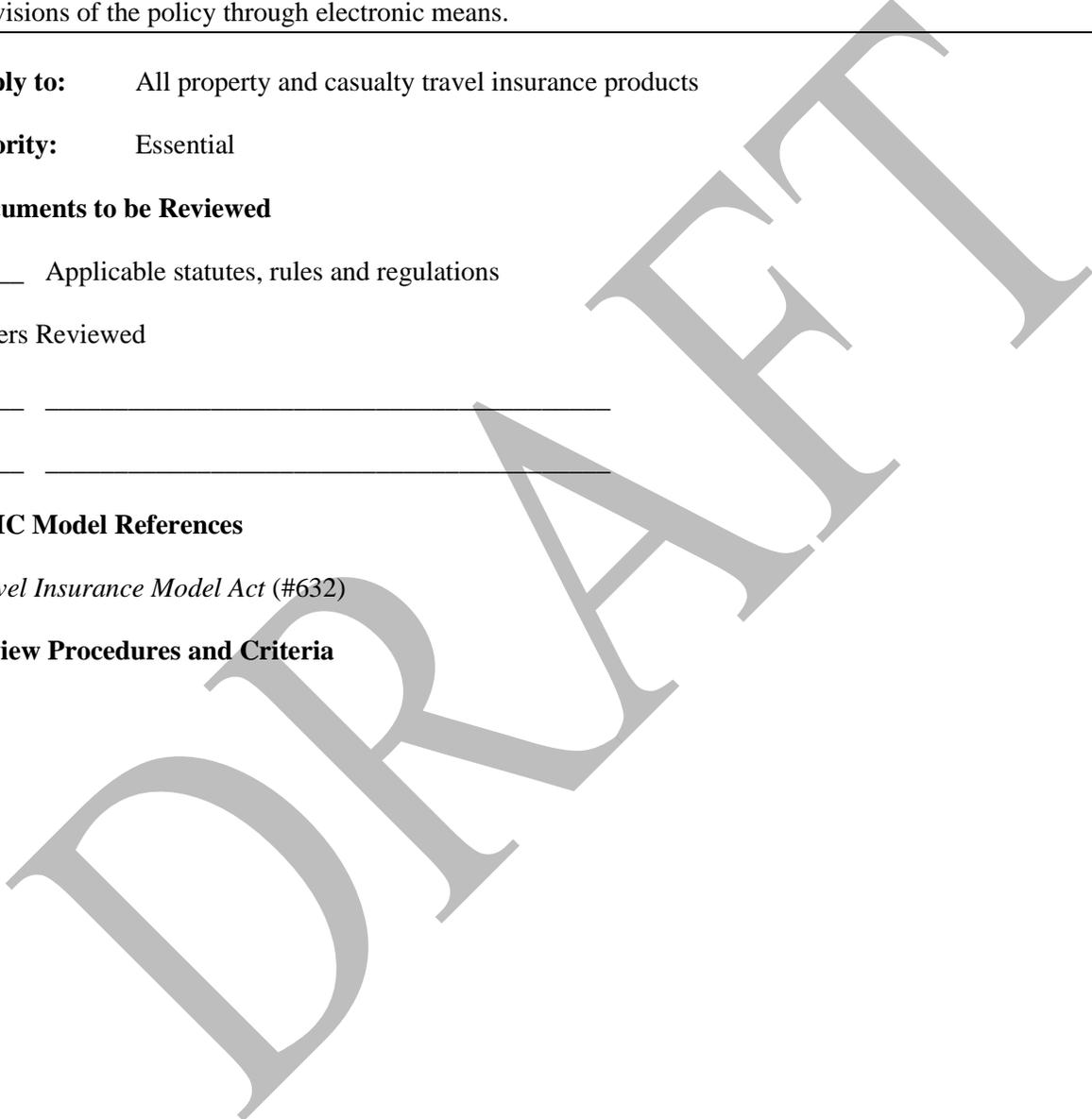
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**NAIC Model References**

*Travel Insurance Model Act (#632)*

**Review Procedures and Criteria**



## **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.

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**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.

**Citation:** Model #632, Section 4 – Licensing and Registration, Subsection B:

B. A Travel Retailer may offer and disseminate Travel Insurance under a Limited Lines Travel Insurance Producer business entity license only if the following conditions are met:

- (1) The Limited Lines Travel Insurance Producer or Travel Retailer provides to purchasers of Travel Insurance:
  - (a) A description of the material terms or the actual material terms of the insurance coverage;
  - (b) A description of the process for filing a claim;
  - (c) A description of the review or cancellation process for the Travel Insurance policy; and
  - (d) The identity and contact information of the insurer and Limited Lines Travel Insurance Producer.

**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)*

*Unfair Trade Practices Act (#880)*

*State Licensing Handbook; Uniform Licensing Standard 34 (Limited Lines Travel Insurance Standard)*

**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.

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**STANDARD  
POLICYHOLDER SERVICE**

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

**Citation:** Model #632, Section 7 – Sales Practices, Subsection C Marketing (3):

(3) The Fulfillment Materials and the information described in Section 4B(1)(a)-(d) shall be provided to a policyholder or certificate holder as soon as practicable, following the purchase of a Travel Protection Plan. ~~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 policy or certificate for a full refund of the Travel Protection Plan price from the date of purchase of a Travel Protection Plan until at least: (a) Fifteen (15) days following the date of delivery of the Travel Protection Plan’s Fulfillment Materials by postal mail; or (b) Ten (10) days following the date of delivery of the Travel Protection Plan’s Fulfillment Materials by means other than postal mail. For the purposes of this section, delivery means 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.~~

*[Stricken language is not relevant to this standard.]*

**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.

**Citation:** Model #632, Section 7 – Sales Practices, Subsection C Marketing (4):

(4) The company shall disclose in the policy documentation whether the Travel Insurance is 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

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**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 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.

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**STANDARD  
UNDERWRITING AND RATING**

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

**Citation:** Model #632, Section 5 Premium Tax

A. A travel insurer shall pay premium tax, as provided in [insert reference to the state’s existing premium tax provision] on Travel Insurance premiums paid by any of the following:

- (1) An individual primary policyholder who is a resident of this state;
- (2) A primary certificate-holder who is a resident of this state who elects coverage under a Group Travel Insurance policy; or
- (3) A Blanket Travel Insurance policyholder that is a resident in, or has its principal place of business or the principal place of business of an affiliate or subsidiary that has purchased Blanket Travel Insurance in this state for eligible blanket group members, subject to any apportionment rules which apply to the insurer across multiple taxing jurisdictions or that permit the insurer to allocate premium on an apportioned basis in a reasonable and equitable manner in those jurisdictions.

B. A travel insurer shall:

- (1) Document the state of residence or principal place of business of the policyholder or certificateholder, as required in Section 5A; and,
- (2) Report as premium only the amount allocable to Travel Insurance and not any amounts received for Travel Assistance Services or Cancellation Fee Waivers.

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

**Priority:** Essential

**Documents to be Reviewed**

\_\_\_\_\_ Applicable statutes, rules and regulations

\_\_\_\_\_ All applications

Others Reviewed

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**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.

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**STANDARD  
CLAIMS**

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

**Citation:** Model #632, Section 7 – Sales Practices, Subsection B:

B. Illusory Travel Insurance. Offering or selling a Travel Insurance policy that could never result in payment of any claims for any insured under the policy is an unfair trade practice under [insert reference to NAIC model Unfair Trade Practices Act (#880)].

**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 (#62)*  
*Unfair Trade Practices Act (#880)*

**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; (ii) review a sample of denied claims to confirm that the denials were appropriate based on the policy language.

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