

AMERICAN PROPERTY CASUALTY INSURANCE ASSOCIATION & U.S. TRAVEL INSURANCE ASSOCIATION August 15 & 14, 2025 Comments

Section	APCIA (Their contention shown in red) (Their proposed resolution shown in green)	USTIA (Their contention shown in red) (Their proposed resolution shown in green)	Changes/Rationale
Marketing and Sales Standard 1 Rebating	Standard 1—4th Paragraph under Review Procedures and Criteria The Review Procedures and Criteria address “unlawful rebate[s].” As stated in APCIA’s March 12, 2025 letter, this is not addressed in the Model Act and should be removed. The Draft states, “Indicate that the travel protection plan being marketed is insurance.” APCIA’s concerns with the statement remain as the language creates a discrepancy as the definition of a travel protection plan per the Act includes non-insurance benefits, travel assistance services and waivers as is acknowledged in the next standard, Standard 2.	Standard 1—4th Paragraph under Review Procedures and Criteria The Review Procedures and Criteria still provide that the materials should not “[o]ffer unlawful rebates,” despite UStiA and the American Property Casualty Insurance Association (“APCIA”) requesting in their March 12, 2025, letters that the language be removed. The stated rationale for keeping this language is that “1) [u]nlawful rebating is listed in Section I. Rebates of Model 880 (the Unfair Trade Practices Model Act), which is referenced in this exam standard, and 2) Model 880 applies to travel insurance.” Draft Revisions, Attachment 1 at 2-3. UStiA is not aware of any rebating complaints or concerns specifically related to travel insurance. Thus, it is inappropriate to highlight this specific issue in an examination of travel insurance. Model 880 lists seventeen (17) other types of unfair trade practices. UStiA has not been made aware of the basis for singling out rebating among these practices. Further, Model 880 only applies to travel insurance if it is not in conflict with specific provisions of the NAIC Travel Insurance Model Act (“Model Act”). See Model Act §§ 2C, 7A.	No change <i>The SMEs appreciate the recommendation; no additional changes are needed. SMEs feel rebating is the most potentially likely of the unfair trade practices listed in Model 880 that apply to travel insurance</i>
Marketing and Sales Standard 1 Rebating	Standard 1—4th Bullet in the “Materials should” paragraph under Review Procedures and Criteria—“Indicate that the travel protection plan being marketed is insurance” The Draft states, “Indicate that the travel protection plan being marketed is insurance.” APCIA’s concerns with the	Standard 1—4th Bullet in the “Materials should” paragraph under Review Procedures and Criteria—“Indicate that the travel protection plan being marketed is insurance” Additionally, the Draft Revisions retain the provisions stating that materials should “[i]ndicate that the travel	Language changed <i>The SMEs agree in part with the APCIA/USTIA comments, and have revised “Indicate that the travel protection plan being marketed is insurance” to</i>

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	statement remain as the language creates a discrepancy as the definition of a travel protection plan per the Act includes non-insurance benefits, travel assistance services and waivers as is acknowledged in the next standard, Standard 2.	protection plan being marketed is insurance.” APCIA previously requested that this language be removed and UStiA agrees. This language creates a discrepancy as a travel protection plan includes non-insurance benefits, which is acknowledged in Standard 2. Although UStiA requests that the provision be deleted entirely, the language should, at a minimum, be amended to read: “Indicate that the travel protection plan being marketed contains insurance and other components.”	<i>“Indicate that the travel protection plan being marketed contains insurance”</i>
Marketing and Sales Standard 4 Compliance with 18 U.S.C. §1033	Standard 4—Documents to be Reviewed—“Travel insurer and department of insurance producer licensing records” As we asserted in our March 12, 2025 letter, this standard relates to the section of the Model Act (Section 4(B)(2)) that requires that “[t]he limited lines travel insurance producer shall also certify that the travel retailer registered complies with 18 U.S.C. § 1033.” Documents to be Reviewed include “Travel insurer and department of insurance producer licensing records.” Per the Model Act, it is the limited lines travel insurance producer who will certify that the travel retailer registered complies with 18 USC §1033. It is the limited lines travel insurance producer who will maintain the 1033 certification. Standard 4—Documents to be Reviewed— “Travel insurer and producer training materials related to 18 U.S.C. 1033” No equivalent in APCIA letter	Standard 4—Documents to be Reviewed— “Travel insurer and department of insurance producer licensing records” No equivalent in USTIA letter Standard 4—Documents to be Reviewed— “Travel insurer and producer training materials related to 18 U.S.C. 1033” UStiA is grateful that the Working Group incorporated certain of UStiA’s requested changes in the Draft	<i>Language deleted</i> <i>SMEs agree with the APCIA comment and deleted the Document to be Reviewed “Travel insurer and department of insurance producer licensing records”, as this examiner guidance is in Chapter 20-General Exam Standards</i> <i>No change</i> <i>The SMEs appreciate the recommendation; no additional changes are needed. The Market Regulation</i>

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	Standard 4—Review Procedures and Criteria (3rd paragraph) Under Review Procedures and Criteria, APCIA again suggests deleting all but the first paragraph – “Examiners should request information from the travel insurer or limited lines travel insurance producer that is sufficient to determine compliance with this standard.” Review of insurer records, again, will not provide information germane to this standard as it is the limited lines travel insurance producer who certifies that travel retailers comply with 18 USC §1033.	Revisions for Standard 4. However, UStiA believes that the following language under Documents to be Reviewed should be removed: “Travel insurer and producer training materials related to 18 U.S.C. 1033.” There is no requirement that any training materials contain a reference to 18 U.S.C. 1033. Model Act Section 4B(2) only requires that the travel retailer registered complies with 18 U.S.C. 1033. Moreover, training is addressed in Model Section 4B(6), and that section does not mention 18 U.S.C. 1033. UStiA therefore believes this reference to the federal statute is inappropriate and goes beyond the Model Act. Standard 4—Review Procedures and Criteria (3rd paragraph) No equivalent in USTIA letter	<i>Handbook (MRH) provides guidelines for examiners; examiners need to follow their applicable state-specific statutes, rules and regulations, if a state has not adopted the Travel model. The SMEs want to leave this open-ended; regulators need to look at what is applicable for their consumers, taking into consideration each state’s specific statutes, rules and regulations. Additionally, requesting an insurer’s policies and procedures is a standard part of market conduct examination procedure</i> <i>Language deleted SMEs agree with the APCIA comment and deleted the paragraph “Review travel insurer and department of insurance producer licensing records for potential concerns and cross reference with department of insurance licensing records.”</i>

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Marketing and Sales Standard 8 Designated Responsible Producer	Standard 8—3 rd Document to be Reviewed No equivalent in APCIA letter	Standard 8— 3 rd Document to be Reviewed—“Copy of travel insurer written procedures and/or operations manual” Rather than revise the Documents to be Reviewed to remove “[c]opy of travel insurer operations manual,” as UStiA requested in its March 12, 2025 letter, the Draft Revisions amend this Standard to now read: “Copy of travel insurer written procedures and/or operations manual.” It is not clear what is intended by “written procedures and/or operations manual,” and in any event, this provision creates a new substantive requirement that goes beyond the Model Act. Accordingly, UStiA again respectfully requests the Working Group remove this language.	<i>No change</i> <i>The SMES appreciate the recommendation; no additional changes are needed.</i>
Marketing and Sales Standard 11 Consumer has access to the full provisions of the travel policy (if a travel and/or aggregator’s websites provide a short coverage summary)	Standard 11—Review Procedures and Criteria 2 nd Paragraph—“Examiners should confirm that the travel insurer’s and/or aggregator’s websites do not violate...through electronic means” No equivalent in APCIA letter	Standard 11—Review Procedures and Criteria 2 nd Paragraph—“Examiners should confirm that the travel insurer’s and/or aggregator’s websites do not violate...through electronic means” UStiA continues to believe that the following language under Review Procedures and Criteria is exceedingly broad: “Examiners should confirm that the travel insurer’s and/or aggregator’s websites do not violate applicable state statutes, rules, and regulations relating to Model #880 and any other law in [insert applicable] state.” The provision appears to require a sweeping review of the travel insurer and aggregator’s websites. Model Act Section 7(C)(5) provides that it is not an unfair trade practice or other violation of law to provide an accurate summary or short description of the coverage	<i>Language deleted</i> <i>SMEs agree with the UStiA comment and deleted the sentence “Examiners should confirm that the travel insurer’s and/or the aggregator’s websites do not violate...” from the 2nd paragraph.</i>

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Marketing and Sales Standard 11 Review Procedures and Criteria “Review the travel insurer’s and/or aggregator’s websites to confirm there is a short summary of the coverage with access to the full policy”	Not in the APCIA letter 2 nd sentence of 4 th Paragraph of the Review Procedures and Criteria section—“Review the travel insurer’s and/or aggregator’s websites to confirm there is a short summary of the coverage with access to the full policy”	on the website, so long as the consumer has electronic access to the full policy. UStiA does not understand the rationale for such a sweeping review mandate for examiners and thus maintains its request that the language be removed. Not in the UStiA letter 2 nd sentence of 4 th Paragraph of the Review Procedures and Criteria section —“Review the travel insurer’s and/or aggregator’s websites to confirm there is a short summary of the coverage with access to the full policy”	Language changed SMES noted an item not referenced in the APCIA and UStiA’s August 2025 comments in their review of Standard 11. The 2 nd sentence of the fourth paragraph “Review the travel insurer’s and/or aggregator’s websites to confirm there is a short summary of the coverage with access to the full policy” was updated to be consistent with the language of the Travel model to: “Review the travel insurer’s and/or aggregator’s websites to determine if there is a short summary of the coverage and confirm there is access to the full policy”
Producer Licensing Standard 1—Exam Standard Language	Standard 1—Exam Standard No equivalent in APCIA August 14 letter The below is copied from the APCIA March 12 comments (copied here, since USTIA mentioned it in their Aug. 14 comments):	Standard 1—Exam Standard UStiA continues to oppose the expansive requirements in this Standard which go beyond the Model Act, for the reasons stated in UStiA and APCIA’s March 12, 2025, letters. See Model Act §§ 2C, 7A. Moreover, as APCIA	Language changed The SMEs added “Section 4(B)(1) [or state equivalent]” back in and removed “Section 4(B)(1) and applicable state

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	APCIA requests that the changes suggested to this standard be rejected. The Model Act provides clear producer licensing requirements in Section 4(B)(1) that specifically spells out the information required to be provided.	explained in its March 12 letter, Model Act Section 4B(1) provides clear requirements for what the limited lines travel insurance producer and travel retailer must provide to purchasers of travel insurance. The below is copied from the USTIA March 12 comments (copied here, since USTIA mentioned it in their Aug. 14 comments): The proposed revision to insert “applicable state statutes, rules and regulations” should be rejected as beyond the Standard and the Model Act. The current Standard directs the examiner to review whether the travel insurer or limited lines travel insurance producer has provided the information required in Section 4(B)(1) of the Model Act to purchasers of travel insurance. Although there are other disclosures and information that must be provided (e.g., Model Act Sections 4(C), 7(C)(2), etc.), broadening the Standard in this way would seem to give the examiner less guidance as to what to look for, and may cause the examiner to apply general provisions of law that are inapplicable to travel insurance. (See, e.g., Sections 2(C) and 7(A), which most of the thirty-seven (37) states have incorporated into their insurance laws.)	<i>statutes, rules and regulations” so the exam standard now reads:</i> <i>“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.”</i>