

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 644

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO THE IDAHO TRAVEL INSURANCE ACT; AMENDING TITLE 41, IDAHO CODE,  
2 BY THE ADDITION OF A NEW CHAPTER 45, TITLE 41, IDAHO CODE, TO PROVIDE  
3 FOR A SHORT TITLE, TO PROVIDE FOR THE PURPOSE OF THE CHAPTER, TO DEFINE  
4 TERMS, TO ESTABLISH PROVISIONS REGARDING A PREMIUM TAX, TO ESTABLISH  
5 PROVISIONS REGARDING TRAVEL PROTECTION PLANS, TO ESTABLISH PROVISIONS  
6 REGARDING SALES PRACTICES, TO ESTABLISH PROVISIONS REGARDING TRAVEL  
7 ADMINISTRATORS, TO ESTABLISH PROVISIONS REGARDING TRAVEL INSURANCE  
8 POLICY CLASSIFICATION AND STANDARDS, AND TO ESTABLISH RULEMAKING PRO-  
9 VISIONS; AMENDING SECTION 41-1090, IDAHO CODE, TO REVISE A PROVISION  
10 REGARDING THE SHORT TITLE; AMENDING SECTION 41-1091, IDAHO CODE, TO  
11 REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION 41-1092, IDAHO  
12 CODE, TO REVISE PROVISIONS REGARDING REQUIREMENTS FOR LIMITED LINES  
13 TRAVEL INSURANCE PRODUCERS; REPEALING SECTION 41-1093, IDAHO CODE,  
14 RELATING TO REGISTRATION; REPEALING SECTION 41-1094, IDAHO CODE, RE-  
15 LATING TO POLICY TYPES; REPEALING SECTION 41-1095, IDAHO CODE, RELATING  
16 TO THE RESPONSIBILITY OF LIMITED LINES TRAVEL INSURANCE PRODUCERS; RE-  
17 PEALING SECTION 41-1096, IDAHO CODE, RELATING TO NEGATIVE OPTIONS AND  
18 OPT OUTS; REPEALING SECTION 41-1097, IDAHO CODE, RELATING TO ENFORCE-  
19 MENT; AMENDING SECTION 41-1003, IDAHO CODE, TO REVISE A DEFINITION; AND  
20 DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
21

22 Be It Enacted by the Legislature of the State of Idaho:

23 SECTION 1. That Title 41, Idaho Code, be, and the same is hereby amended  
24 by the addition thereto of a NEW CHAPTER, to be known and designated as Chap-  
25 ter 45, Title 41, Idaho Code, and to read as follows:

26 CHAPTER 45

27 IDAHO TRAVEL INSURANCE ACT

28 41-4501. SHORT TITLE. This chapter shall be known and may be cited as  
29 the "Idaho Travel Insurance Act."

30 41-4502. PURPOSE. (1) The purpose of this chapter is to promote the  
31 public welfare by creating a comprehensive legal framework within which  
32 travel insurance may be sold in this state.

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

39 (3) All other applicable provisions of the insurance laws in this state  
40 shall continue to apply to travel insurance, except that the specific pro-

1     visions of this chapter shall supersede any general provisions of law that  
2     would otherwise be applicable to travel insurance.

3             41-4503.   DEFINITIONS. As used in this chapter:

4             (1) "Aggregator site" means a website that provides access to informa-  
5     tion regarding insurance products from more than one (1) insurer, including  
6     product and insurer information, for use in comparison shopping.

7             (2) "Blanket travel insurance" means a policy of travel insurance is-  
8     sued to any eligible group providing coverage for specific classes of per-  
9     sons defined in the policy with coverage provided to all members of the eli-  
10    gible group without a separate charge to individual members of the eligible  
11    group.

12            (3) "Cancellation fee waiver" means a contractual agreement between a  
13    supplier of travel services and its customer to waive some or all of the non-  
14    refundable cancellation fee provisions of the supplier's underlying travel  
15    contract with or without regard to the reason for the cancellation or form of  
16    reimbursement. A cancellation fee waiver is not insurance.

17            (4) "Director" means the director of the department of insurance.

18            (5) "Eligible group" means, solely for the purposes of travel insur-  
19    ance, two (2) or more persons who are engaged in a common enterprise or have  
20    an economic, educational, or social affinity or relationship, including but  
21    not limited to:

22            (a) Any entity engaged in the business of providing travel or travel  
23    services, wherein with regard to any particular travel or type of travel  
24    or travelers, all members or customers of the group have a common expo-  
25    sure to risk attendant to such travel. Such entities include but are not  
26    limited to tour operators, lodging providers, vacation property own-  
27    ers, hotels and resorts, travel clubs, travel agencies, property man-  
28    agers, cultural exchange programs, and common carriers or the opera-  
29    tor, owner, or lessor of a means of transportation of passengers, such  
30    as airlines, cruise lines, railroads, steamship companies, and public  
31    bus carriers;

32            (b) Any college, school, or other institution of learning covering any  
33    group of students, teachers, employees, or volunteers;

34            (c) Any employer covering any group of employees, volunteers, contrac-  
35    tors, board of directors, dependents, or guests;

36            (d) Any sports team, camp, or sponsor thereof, covering any group of  
37    participants, members, campers, employees, officials, supervisors, or  
38    volunteers;

39            (e) Any religious, charitable, recreational, educational, or civic or-  
40    ganization, or branch thereof, covering any group of members, partici-  
41    pants, or volunteers;

42            (f) Any financial institution or financial institution vendor, or any  
43    parent holding company, trustee, or agent or designee of one (1) or more  
44    financial institutions or financial institution vendors, including  
45    account holders, credit card holders, debtors, guarantors, or pur-  
46    chasers;

47            (g) Any incorporated or unincorporated association, including labor  
48    unions, having a common interest, constitution, and bylaws, and orga-  
49    nized and maintained in good faith for purposes other than obtaining

1 insurance for members or participants of such association covering its  
2 members;

3 (h) Any trust or the trustees of a fund established, created, or main-  
4 tained for the benefit of and covering a group of members, employees, or  
5 customers, subject to the director's permitting the use of a trust and  
6 the state's premium tax provisions set forth in section 41-4504, Idaho  
7 Code, of one (1) or more associations meeting the requirements of para-  
8 graph (g) of this subsection;

9 (i) Any entertainment production company covering any group of partic-  
10 ipants, volunteers, audience members, contestants, or workers;

11 (j) Any volunteer fire department, or volunteer ambulance, rescue, po-  
12 lice, court, first aid, civil defense, or other such volunteer group;

13 (k) Any preschool, daycare institution for children or adults, or se-  
14 nior citizen club;

15 (l) Any automobile or truck rental or leasing company covering a group  
16 of individuals who may become renters, lessees, or passengers defined  
17 by their travel status on the rented or leased vehicles. The common car-  
18 rier, the operator, owner, or lessor of a means of transportation, or  
19 the automobile or truck rental or leasing company, is the policyholder  
20 under a policy to which this section applies; or

21 (m) Any other group where the director has determined that the members  
22 are engaged in a common enterprise, or have an economic, educational, or  
23 social affinity or relationship, and that issuance of the policy would  
24 not be contrary to the public interest.

25 (6) "Fulfillment materials" means documentation sent to the purchaser  
26 of a travel protection plan confirming the purchase and providing the travel  
27 protection plan's coverage and assistance details.

28 (7) "Group travel insurance" means travel insurance issued to any eli-  
29 gible group.

30 (8) "Limited lines travel insurance producer" has the meaning provided  
31 in section 41-1091, Idaho Code.

32 (9) "Primary certificate holder" means an individual who elects and  
33 purchases travel insurance under a group policy.

34 (10) "Primary policyholder" means an individual who elects and pur-  
35 chases individual travel insurance.

36 (11) "Travel administrator" means a person who directly or indirectly  
37 underwrites, collects charges, collateral, or premiums from, or adjusts or  
38 settles claims on residents of this state, in connection with travel insur-  
39 ance, except that a person shall not be considered a travel administrator if  
40 that person's actions that would otherwise cause the person to be considered  
41 a travel administrator are limited to:

42 (a) A person working for a travel administrator to the extent that the  
43 person's activities are subject to the supervision and control of the  
44 travel administrator;

45 (b) An insurance producer selling insurance or engaged in administra-  
46 tive and claims-related activities within the scope of the producer's  
47 license;

48 (c) A travel retailer offering and disseminating travel insurance and  
49 registered under the license of a limited lines travel insurance pro-  
50 ducer in accordance with this chapter;

1 (d) An individual adjusting or settling claims in the normal course of  
2 that individual's practice or employment as an attorney at law and who  
3 does not collect charges or premiums in connection with insurance cov-  
4 erage; or

5 (e) A business entity that is affiliated with a licensed insurer while  
6 acting as a travel administrator for the direct and assumed insurance  
7 business of an affiliated insurer.

8 (12) "Travel assistance services" means non-insurance services for  
9 which the consumer is not indemnified based on a fortuitous event and where  
10 providing the service does not result in transfer or shifting of risk that  
11 would constitute the business of insurance. Travel assistance services in-  
12 clude but are not limited to security advisories, destination information,  
13 vaccination and immunization information services, travel reservation ser-  
14 vices, entertainment, activity and event planning, translation assistance,  
15 emergency messaging, international legal and medical referrals, medical  
16 case monitoring, coordination of transportation arrangements, emergency  
17 cash transfer assistance, medical prescription replacement assistance,  
18 passport and travel document replacement assistance, lost luggage as-  
19 sistance, concierge services, and any other service that is furnished in  
20 connection with planned travel. Travel assistance services are not insur-  
21 ance and not related to insurance.

22 (13) "Travel insurance" has the meaning provided in section 41-1091,  
23 Idaho Code.

24 (14) "Travel protection plans" means plans that provide one (1) or more  
25 of the following: travel insurance, travel assistance services, and cancel-  
26 lation fee waivers.

27 (15) "Travel retailer" has the meaning provided in section 41-1091,  
28 Idaho Code.

29 41-4504. PREMIUM TAX. (1) A travel insurer shall pay a premium tax, as  
30 provided in section 41-402, Idaho Code, on travel insurance premiums paid  
31 by:

32 (a) An individual primary policyholder who is a resident of this state;  
33 (b) A primary certificate holder who is a resident of this state and who  
34 elects coverage under a group travel insurance policy; or

35 (c) A blanket travel insurance policyholder that is a resident of this  
36 state or that has its principal place of business in this state or whose  
37 affiliate or subsidiary has its principal place of business in this  
38 state, which policyholder has purchased blanket travel insurance in  
39 this state for eligible blanket group members.

40 (2) A travel insurer shall:

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

44 (b) Report as premiums only the amount allocable to travel insurance  
45 and not any amounts received for travel assistance services or cancel-  
46 lation fee waivers.

1 41-4505. TRAVEL PROTECTION PLANS. Travel protection plans may be of-  
2 ferred for one (1) price for the combined features that the travel protection  
3 plan offers in this state if:

4 (1) The travel protection plan clearly discloses to the consumer, at  
5 or prior to the time of purchase, that it includes travel insurance, travel  
6 assistance services, and cancellation fee waivers, as applicable, and pro-  
7 vides information and an opportunity, at or prior to the time of purchase,  
8 for the consumer to obtain additional information regarding the features and  
9 pricing of each; and

10 (2) The fulfillment materials:

11 (a) Describe and delineate the travel insurance, travel assistance  
12 services, and cancellation fee waivers in the travel protection plan;  
13 and

14 (b) Include the travel insurance disclosures and the contact informa-  
15 tion for persons providing travel assistance services and cancellation  
16 fee waivers, as applicable.

17 41-4506. SALES PRACTICES. (1) All persons offering travel insurance  
18 to residents of this state are subject to the provisions of chapter 13, title  
19 41, Idaho Code, except as otherwise provided in this chapter. In the event of  
20 a conflict between the provisions of this chapter and other provisions of ti-  
21 tle 41, Idaho Code, regarding the sale and marketing of travel insurance and  
22 travel protection plans, the provisions of this chapter shall control.

23 (2) Offering or selling a travel insurance policy that could never re-  
24 sult in payment of any claims for any insured under the policy is consid-  
25 ered illusory travel insurance and constitutes an unfair or deceptive act  
26 or practice prohibited pursuant to the provisions of chapter 13, title 41,  
27 Idaho Code.

28 (3) With regard to marketing practices:

29 (a) All documents provided to consumers prior to the purchase of travel  
30 insurance, including but not limited to sales materials, advertising  
31 materials, and marketing materials, shall be consistent with the travel  
32 insurance policy itself, including but not limited to forms, endorse-  
33 ments, policies, rate filings, and certificates of insurance.

34 (b) For travel insurance policies or certificates that contain preex-  
35 isting condition exclusions, information and an opportunity to learn  
36 more about the preexisting condition exclusions shall be provided any  
37 time prior to the time of purchase and in the coverage's fulfillment ma-  
38 terials.

39 (c) The fulfillment materials and the information described in sec-  
40 tion 41-1092(2)(a), Idaho Code, shall be provided to a policyholder  
41 or certificate holder as soon as practicable following the purchase  
42 of a travel protection plan. Unless the insured has either started a  
43 covered trip or filed a claim under the travel insurance coverage, a  
44 policyholder or certificate holder may cancel a policy or certificate  
45 for a full refund of the travel protection plan price from the date of  
46 purchase of a travel protection plan until at least:

47 (i) Fifteen (15) days following the date the fulfillment mate-  
48 rials are sent by postal mail to the policyholder or certificate  
49 holder; or

1 (ii) Ten (10) days following the date the fulfillment materials  
2 are sent by electronic means or personally handed to the policy  
3 holder or certificate holder.

4 (d) The company shall disclose in the policy documentation and fulfill-  
5 ment materials whether the travel insurance is primary or secondary to  
6 other applicable coverage.

7 (e) Where travel insurance is marketed directly to a consumer through  
8 an insurer's website or by others through an aggregator site, it shall  
9 not be an unfair or deceptive act or practice or other violation of law  
10 for the website to provide an accurate summary or short description of  
11 coverage, as long as the consumer has access to the full provisions of  
12 the policy through electronic means.

13 (4) No person offering, soliciting, or negotiating travel insurance or  
14 travel protection plans on an individual or group basis may do so by using  
15 negative option or opt out, which would require a consumer to take an affir-  
16 mative action to deselect coverage, such as unchecking a box on an electronic  
17 form, at the time the consumer purchases a trip.

18 (5) It shall be an unfair or deceptive act or practice to market blanket  
19 travel insurance coverage as free.

20 (6) Where a consumer's destination jurisdiction requires insurance  
21 coverage, it shall not be an unfair or deceptive act or practice to require  
22 that the consumer choose between the following options as a condition of  
23 purchasing a trip or travel package:

24 (a) Purchasing the coverage required by the destination jurisdiction  
25 through the travel retailer or limited lines travel insurance producer  
26 supplying the trip or travel package; or

27 (b) Agreeing to obtain and provide proof of coverage that meets the des-  
28 tination jurisdiction's requirements prior to departure.

29 41-4507. TRAVEL ADMINISTRATORS. (1) Notwithstanding any other provi-  
30 sions of this title, no person shall act or represent itself as a travel ad-  
31 ministrator for travel insurance in this state unless that person:

32 (a) Is a licensed property and casualty insurance producer in this  
33 state for activities permitted under that producer license; or

34 (b) Holds a valid managing general agent license in this state.

35 (2) A travel administrator and its employees are exempt from the li-  
36 censing requirement set forth in section 41-1103, Idaho Code, for travel in-  
37 surance it administers.

38 (3) An insurer is responsible for the acts of a travel administrator ad-  
39 ministrating travel insurance underwritten by the insurer and is responsible  
40 for ensuring that the travel administrator maintains all books and records  
41 relevant to the insurer, which shall be made available by the travel adminis-  
42 trator to the director upon request.

43 41-4508. POLICY. (1) Notwithstanding any other provision of this ti-  
44 tle, and except as provided in subsection (2) of this section, travel insur-  
45 ance shall be classified and filed for purposes of rates and forms under an  
46 inland marine line of insurance.

47 (2) Travel insurance may be filed under either an accident and health  
48 line of insurance or an inland marine line of insurance if it provides cov-

1 erage for sickness, accident, disability, or death occurring during travel,  
 2 whether exclusively or in conjunction with related coverages of emergency  
 3 evacuation or repatriation of remains.

4 (3) Travel insurance may be in the form of an individual, group, or  
 5 blanket policy.

6 (4) Eligibility and underwriting standards for travel insurance may be  
 7 developed and provided based on travel protection plans designed for indi-  
 8 vidual or identified marketing or distribution channels, if those standards  
 9 also meet the state's underwriting standards for inland marine lines of in-  
 10 surance.

11 41-4509. RULES. In accordance with this chapter and section 41-211,  
 12 Idaho Code, the director may promulgate rules, subject to legislative ap-  
 13 proval, as are necessary or proper to carry out the provisions of this chap-  
 14 ter.

15 SECTION 2. That Section 41-1090, Idaho Code, be, and the same is hereby  
 16 amended to read as follows:

17 41-1090. SHORT TITLE. Sections 41-1090 through ~~41-1096~~ 41-1092, Idaho  
 18 Code, shall be known and may be cited as the "Limited Lines Travel Insurance  
 19 Act."

20 SECTION 3. That Section 41-1091, Idaho Code, be, and the same is hereby  
 21 amended to read as follows:

22 41-1091. DEFINITIONS. As used in this chapter:

23 (1) "Designated responsible producer" means the individual licensed  
 24 producer responsible for ensuring compliance by the limited lines travel in-  
 25 surance producer with travel insurance laws and rules of the state, as set  
 26 forth in section 41-1092(2)(c), Idaho Code.

27 (2) "Limited lines travel insurance producer" means ~~a person who is a~~  
 28 ~~limited lines producer as defined in section 41-1003, Idaho Code.:~~

29 (a) Licensed managing general agent; or

30 (b) Licensed insurance producer, including a limited lines producer as  
 31 defined in section 41-1003, Idaho Code.

32 (3) "Offer and disseminate" means providing general information, in-  
 33 cluding a description of the coverage and price, as well as processing the  
 34 application, collecting premiums, and performing other activities permit-  
 35 ted by the state.

36 (4) (a) "Travel insurance" means insurance coverage for personal risks  
 37 incident to planned travel including, ~~but not limited to:~~

38 ~~(a) (i) Interruption or cancellation of a trip or event;~~

39 ~~(b) (ii) Loss of baggage or personal effects;~~

40 ~~(c) (iii) Damages to accommodations or rental vehicles; and~~

41 ~~(d) (iv) Sickness, accident, disability or death occurring during~~  
 42 ~~travel;~~

43 (v) Emergency evacuation;

44 (vi) Repatriation of remains; or

1            (vii) Any other contractual obligations to indemnify or pay a  
 2            specified amount to the traveler upon determinable contingencies  
 3            related to travel as approved by the director.

4            (b) "Travel insurance" does not include major medical plans that pro-  
 5            vide comprehensive medical protection for travelers with trips lasting  
 6            six (6) months or longer, including those working overseas as an expa-  
 7            triate or military personnel being deployed, or any other product that  
 8            requires a specific insurance producer license.

9            (5) "Travel retailer" means a business entity that makes, arranges or  
 10           offers travel services and may offer and disseminate travel insurance as a  
 11           service to its customers on behalf of and under the direction of a limited  
 12           lines travel insurance producer.

13           SECTION 4. That Section 41-1092, Idaho Code, be, and the same is hereby  
 14           amended to read as follows:

15           41-1092. REQUIREMENTS FOR LIMITED LINES TRAVEL INSURANCE PRODUC-  
 16           ERS. Notwithstanding any other provision of law:

17           (1) The director may issue to an individual or business entity that has  
 18           filed with the director an application, in a form and manner prescribed by  
 19           the director, a limited lines travel insurance producer license that autho-  
 20           rizes the limited lines travel insurance producer to sell, solicit or nego-  
 21           tiate travel insurance on behalf of a licensed insurer. No person may act as  
 22           a limited lines travel insurance producer or travel retailer unless properly  
 23           licensed or registered, respectively.

24           (2) A travel retailer may offer and disseminate travel insurance under  
 25           a limited lines travel insurance producer's business entity license only if  
 26           the following conditions are met:

27           (a) The limited lines travel insurance producer or travel retailer pro-  
 28           vides to ~~policyholders~~ purchasers of travel insurance:

29           (i) A description of the material terms or the actual material  
 30           terms of the insurance coverage;

31           (ii) A description of the process for filing a claim;

32           (iii) A description of the review or cancellation process for the  
 33           travel insurance policy, including any forfeiture fees; and

34           (iv) The identity and contact information of the insurer and lim-  
 35           ited lines travel insurance producer.

36           (b) At the time of licensure, the limited lines travel insurance pro-  
 37           ducer shall establish and maintain a register on a form prescribed by  
 38           the director of each travel retailer that offers travel insurance on  
 39           the limited lines travel insurance producer's behalf. The register  
 40           shall be maintained and updated annually, at a minimum, by the limited  
 41           lines travel insurance producer and shall include the name, address,  
 42           and contact information of the travel retailer and an officer or person  
 43           who directs or controls the travel retailer's operations, as well as the  
 44           travel retailer's federal tax identification number. The limited lines  
 45           travel insurance producer shall submit such register from the previous  
 46           year to the department ~~on March 1 of each year~~ upon request. The limited  
 47           lines travel insurance producer shall also certify that the registered  
 48           travel retailer complies with 18 U.S.C. 1033. ~~The limited lines travel~~  
 49           ~~insurance producer shall report its Idaho annual written premium to the~~

~~director on an annual basis. The grounds for suspension and revocation and the penalties applicable to insurance producers set forth in sections 41-1016 and 41-1026, Idaho Code, shall apply to the limited lines travel insurance producers and travel retailers.~~

(c) The limited lines travel insurance producer has designated one (1) of its employees, who is a licensed individual producer, as a designated responsible producer who shall be responsible for the limited lines travel insurance producer's compliance with the travel insurance laws, rules and regulations of the state.

(d) The designated responsible producer, president, secretary, treasurer and any other officer or person who directs or controls the limited lines travel insurance producer's insurance operations shall comply with the fingerprinting requirements applicable to insurance producers in the resident state of the limited lines travel insurance producer.

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

(f) The limited lines travel insurance producer requires each employee and authorized representative of the travel retailer whose duties include offering and disseminating travel insurance to receive a program of instruction or training that shall be subject to review by the director. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices and required disclosures to prospective customers.

(3) 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 that, at a minimum:

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

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

(c) Explains that an unlicensed travel retailer is permitted to provide 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.

(4) A travel retailer's employees or authorized representatives who are not licensed as insurance producers may not:

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

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

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

(5) A travel retailer and its employees and authorized representatives whose insurance-related activities are limited to offering and disseminating travel insurance on behalf of and under the direction of a limited lines

1 travel insurance producer meeting the conditions set forth in chapter 45,  
2 title 41, Idaho Code, is authorized to perform such activities and to receive  
3 related compensation upon registration by the limited lines travel insur-  
4 ance producer in accordance with the provisions of subsection (2) (b) of this  
5 section.

6 (6) As the insurer's designee, the limited lines travel insurance pro-  
7 ducer is responsible for the acts of the travel retailer and shall use rea-  
8 sonable means to ensure compliance with this chapter by the travel retailer.

9 (7) Any person licensed in a major line of authority as an insurance  
10 producer is authorized to sell, solicit, and negotiate travel insurance. A  
11 property and casualty insurance producer is not required to become appointed  
12 by an insurer in order to sell, solicit, or negotiate travel insurance.

13 SECTION 5. That Section [41-1093](#), Idaho Code, be, and the same is hereby  
14 repealed.

15 SECTION 6. That Section [41-1094](#), Idaho Code, be, and the same is hereby  
16 repealed.

17 SECTION 7. That Section [41-1095](#), Idaho Code, be, and the same is hereby  
18 repealed.

19 SECTION 8. That Section [41-1096](#), Idaho Code, be, and the same is hereby  
20 repealed.

21 SECTION 9. That Section [41-1097](#), Idaho Code, be, and the same is hereby  
22 repealed.

23 SECTION 10. That Section 41-1003, Idaho Code, be, and the same is hereby  
24 amended to read as follows:

25 41-1003. DEFINITIONS. (1) "Business entity" means a corporation, as-  
26 sociation, partnership, limited liability company, limited liability part-  
27 nership or other legal entity.

28 (2) "Home state" means the District of Columbia and any state or terri-  
29 tory of the United States or any province of Canada in which an insurance pro-  
30 ducer maintains his or her principal place of residence or principal place of  
31 business and is licensed to act as an insurance producer.

32 (3) "License" means a document issued by the director authorizing a  
33 person to act as an insurance producer for the lines of authority specified  
34 in the document. The license itself does not create any authority, actual,  
35 apparent or inherent, in the holder to represent or commit an insurance car-  
36 rier.

37 (4) "Limited lines insurance" is insurance which restricts the author-  
38 ity of the license to less than the total authority prescribed in the as-  
39 sociated major lines pursuant to section 41-1008(1) (a) through (g), Idaho  
40 Code, and shall include, but not be limited to: credit life, credit disabil-  
41 ity, credit property, credit unemployment, involuntary unemployment, mort-  
42 gage life, mortgage guaranty, mortgage disability, guaranteed automobile  
43 protection (GAP) insurance, transportation baggage insurance, transporta-  
44 tion ticket policies covering personal accident insurance, pet insurance,

1 portable electronics insurance, travel insurance or any other line of insur-  
2 ance that the director deems necessary to recognize for the purposes of com-  
3 plying with section 41-1009(5), Idaho Code.

4 (5) "Limited lines producer" means a producer authorized by the direc-  
5 tor to sell, solicit or negotiate limited lines insurance. ~~"Limited lines~~  
6 ~~producer" includes a "limited lines travel insurance producer" as used in~~  
7 ~~sections 41-1090 through 41-1096, Idaho Code.~~

8 (6) "Negotiate" means the act of conferring directly with or offering  
9 advice directly to a purchaser or prospective purchaser of a particular con-  
10 tract of insurance concerning any of the substantive benefits, terms or con-  
11 ditions of the contract, provided that the person engaged in the act either  
12 sells insurance or obtains insurance from insurers for purchasers.

13 (7) "Person" means an individual or a business entity.

14 (8) "Producer" means a person required to be licensed under the laws of  
15 this state to sell, solicit or negotiate insurance.

16 (9) "Resident" means a person whose home state is Idaho or any other  
17 particular state identified in conjunction with the use of the term.

18 (10) "Sell" means to exchange a contract of insurance by any means, for  
19 money or its equivalent, on behalf of an insurance company.

20 (11) "Solicit" means attempting to sell insurance or asking or urging a  
21 person to apply for a particular kind of insurance from a particular company  
22 or companies.

23 (12) "Terminate" means the cancellation of the relationship between an  
24 insurance producer and the insurer or the termination of a producer's au-  
25 thority to transact insurance for or on behalf of an insurer.

26 (13) "Uniform application" means the current version of the national  
27 association of insurance commissioners (NAIC) uniform application for resi-  
28 dent and nonresident producer licensing.

29 (14) "Uniform business entity application" means the current version of  
30 the NAIC uniform business entity application for resident and nonresident  
31 business entities.

32 SECTION 11. An emergency existing therefor, which emergency is hereby  
33 declared to exist, this act shall be in full force and effect on and after  
34 July 1, 2026.