

## 2023 Kansas Statutes

**40-2,233. Definitions.** As used in Kansas travel insurance act:

- (a) "Act" means the Kansas travel insurance act.
- (b) "Aggregator site" means a website that provides access to information regarding insurance products from more than one insurer, including product and insurer information, for use in comparison shopping.
- (c) "Blanket travel insurance" means a policy of travel insurance issued to any eligible group providing coverage for specific classes of persons defined in the policy with coverage provided to all members of the eligible group without a separate charge to individual members of the eligible group.
- (d) "Cancellation fee waiver" means a contractual agreement between a supplier of travel services and its customer to waive some or all of the non-refundable cancellation fee provisions of the supplier's underlying travel contract with or without regard to the reason for the cancellation or form of reimbursement. "Cancellation fee waiver" is not insurance.
- (e) "Commissioner" means the commissioner of insurance.
- (f) "Delivery" means handing fulfillment materials to the policyholder or certificate holder or sending such fulfillment materials to the policyholder or certificate holder using United States mail or electronic means.
- (g) "Eligible group" means two or more persons who are engaged in a common enterprise, or have an economic, educational or social affinity or relationship, including but not limited to, the following:
  - (1) (A) Any entity engaged in the business of providing travel or travel services, including but not limited to: (i) Tour operators; (ii) lodging providers; (iii) vacation property owners; (iv) hotels and resorts; (v) travel clubs; (vi) travel agencies; (vii) property managers; (viii) cultural exchange programs; and (ix) common carriers or the operator, owner or lessor of a means of transportation of passengers, including, but not limited to, airlines, cruise lines, railroads, steamship companies and public bus carriers;
  - (B) With regard to any particular travel or type of travel or travelers, all members or customers of the eligible group shall have a common exposure to risk attendant to such travel;
  - (2) colleges, schools or other institutions of learning, covering students, teachers, employees or volunteers;
  - (3) employers covering groups of employees, volunteers, contractors, boards of directors, dependents or guests;
  - (4) sports teams, camps or sponsors thereof, covering participants, members, campers, employees, officials, supervisors or volunteers;
  - (5) religious, charitable, recreational, educational or civic organizations or branches thereof, covering groups of members, participants or volunteers;
  - (6) financial institutions or financial institution vendors or parent holding companies, trustees or agents of, or designated by, one or more financial institutions or financial institution vendors, including account holders, credit card holders, debtors, guarantors or purchasers;
  - (7) incorporated or unincorporated associations, including labor unions, that have a common interest, constitution and bylaws, and are organized and maintained in good faith for purposes other than obtaining insurance for members or participants of such association covering its members;
  - (8) trusts or trustees of a fund established, created or maintained for the benefit of and covering members, employees or customers, subject to the commissioner permitting the use of a trust and the premium tax provisions described in K.S.A. 2023 Supp. 40-2,235, and amendments thereto, of one or more associations described in paragraph (7);
  - (9) entertainment production companies covering participants, volunteers, audience members, contestants or workers;
  - (10) volunteer fire departments, ambulances, rescues, police, courts or any first aid, civil defense or other such volunteer groups;
  - (11) preschools, daycare institutions for children or adults and senior citizen clubs;

(12) automobile or truck rental or leasing companies covering groups of individuals who may become renters, lessees or passengers defined by their travel status on the rented or leased vehicles. The common carrier, the operator, owner or lessor of a means of transportation or the automobile or truck rental or leasing company, shall be the policyholder under a policy to which this section applies; or

(13) any other group whereby the commissioner has determined that the members are engaged in a common enterprise, or have an economic, educational or social affinity or relationship and that issuance of the policy would not be contrary to the public interest.

(h) "Fulfillment materials" means documentation sent to the purchaser of a travel protection plan that confirms the purchase and provides details of the coverage and assistance of the travel protection plan.

(i) "Group travel insurance" means travel insurance issued to any eligible group.

(j) "Limited lines travel insurance producer" means a:

(1) Licensed managing general agent or third-party administrator;

(2) licensed insurance producer, including a limited lines producer; or

(3) travel administrator.

(k) "Offer and disseminate" means providing general information including a description of the coverage and price, as well as processing of the application and collecting premiums.

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

(m) "Primary policyholder" means an individual person who elects and purchases individual travel insurance.

(n) "Travel administrator" means a person who directly or indirectly underwrites, collects charges, collateral or premiums from, or adjusts or settles claims on, residents of this state in connection with travel insurance. "Travel administrator" does not include the following:

(1) An individual working for a travel administrator to the extent that the person's activities are subject to the supervision and control of the travel administrator;

(2) an insurance producer selling insurance or engaged in administrative and claims-related activities within the scope of the producer's license;

(3) a travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with this act;

(4) an individual adjusting or settling claims in the normal course of such

individual's practice or employment as an attorney-at-law and who does not collect charges or premiums in connection with insurance coverage; or

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

(o) "Travel assistance services" means non-insurance services for which the consumer is not indemnified based on a fortuitous event and where providing the service does not result in transfer or shifting of risk that would constitute the business of insurance. Travel assistance services include, but are not limited to:

(1) Security advisories;

(2) destination information;

(3) vaccination and immunization information services;

(4) travel reservation services;

(5) entertainment;

(6) activity and event planning;

(7) translation assistance;

(8) emergency messaging;

(9) international legal and medical referrals;

(10) medical case monitoring;

(11) coordination of transportation arrangements;

(12) emergency cash transfer assistance;

(13) medical prescription replacement assistance;

(14) passport and travel document replacement assistance;

(15) lost luggage assistance;

(16) concierge services; and

(17) any other service that is furnished in connection with planned travel. Travel

assistance services are not insurance and are not related to insurance.

(p) (1) "Travel insurance" means insurance coverage for personal risks incidental to planned travel, including:

- (A) Interruption or cancellation of a trip or event;
- (B) loss of baggage or personal effects;
- (C) damages to accommodations or rental vehicles;
- (D) sickness, accident, disability or death occurring during travel;
- (E) emergency evacuation;
- (F) repatriation of remains; or
- (G) any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the commissioner.

(2) "Travel insurance" does not include major medical plans that provide comprehensive medical protection for travelers with trips lasting longer than six months, including those working or residing overseas as an expatriate or any other product that requires a specific insurance producer license.

(q) "Travel protection plans" means plans that provide one or more of the following:

- (1) Travel insurance;
- (2) travel assistance services; or
- (3) cancellation fee waivers.

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

**History:** L. 2023, ch. 42, § 3; January 1, 2024.