

2023 Kansas Statutes

40-2,237. Travel insurance policies; requirements and limitations. (a) Each person offering travel insurance to residents of this state shall be subject to the unfair trade practice law, K.S.A. 40-2401 et seq., and amendments thereto, except as otherwise provided in this section. In the event of a conflict between this act and other provisions of chapter 40 of the Kansas Statutes Annotated, and amendments thereto, regarding the sale and marketing of travel insurance and travel protection plans, the provisions of this act shall control.

(b) 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 the unfair trade practice law, K.S.A. 40-2401 et seq., and amendments thereto.

(c) Each person that offers travel insurance policies or travel protection plans shall comply with the following:

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

(2) for each travel insurance policy or certificate that contains pre-existing condition exclusions, information and an opportunity to learn more about such pre-existing condition exclusions shall be provided to the consumer at any time prior to the time of purchase and in the coverage's fulfillment materials;

(3) the fulfillment materials and the information described in section 4(b)(1), and amendments thereto, shall be provided to a policyholder or certificate holder as soon as practicable, following the purchase of a travel protection plan. Unless the policyholder or certificate holder has either started a covered trip or filed a claim under the travel insurance coverage, such 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) 15 days following the date of delivery of the travel protection plan's fulfillment materials by postal mail; or

(B) 10 days following the date of delivery of the travel protection plan's fulfillment materials by means other than postal mail;

(4) the company shall disclose in the policy documentation and fulfillment materials whether the travel insurance is primary or secondary to other applicable coverage; and

(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.

(d) No person offering, soliciting or negotiating travel insurance or travel protection plans on an individual or group basis may do so by using a negative option or opt out, that 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.

(e) It shall be an unfair trade practice to market blanket travel insurance coverage as free.

(f) Where the jurisdiction of a consumer's destination requires insurance coverage, it shall not be an unfair trade practice to require that such consumer choose between the following options as a condition of purchasing a trip or travel package:

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

(2) agreeing to obtain and provide proof of coverage that meets the destination jurisdiction's requirements prior to departure.

History: L. 2023, ch. 42, § 7; January 1, 2024.