

## 2023 Kansas Statutes

### **40-2,234. Limited lines travel insurance producer, licensure; requirements and limitations. (a)**

The commissioner may issue a limited lines travel insurance producer license to an individual or business entity that has filed with the commissioner an application for a limited lines travel insurance producer license in a form and manner prescribed by the commissioner. Such limited lines travel insurance producer shall be licensed to sell, solicit or negotiate travel insurance through a licensed insurer. No person shall act as a limited lines travel insurance producer or travel insurance retailer unless properly licensed or registered, respectively.

(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;

(2) the limited lines travel insurance producer shall:

(A) At the time of licensure, have established 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 include the name, address and contact information of the travel retailer and an officer or person who directs or controls the operations of such travel retailer and the federal tax identification number of such travel retailer;

(B) submit such register to the insurance department upon reasonable request; and

(C) certify that the travel retailer registered complies with 18 U.S.C. § 1033. The grounds for the suspension, revocation and penalties applicable to resident insurance producers under K.S.A. 40-4909, and amendments thereto, shall be applicable to limited lines travel insurance producers and travel retailers;

(3) the limited lines travel insurance producer has designated one of its employees, who is a licensed individual producer, as a designated responsible producer responsible for the compliance with the travel insurance laws and regulations applicable to the limited lines travel insurance producer and its registrants;

(4) 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 complies with the fingerprinting requirements applicable to insurance producers in the resident state of the limited lines travel insurance producer;

(5) the limited lines travel insurance producer has paid all applicable licensing fees as required by state law; and

(6) 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, which is subject, at the discretion of the commissioner, to review and approval. The training material shall include, but not be limited to, adequate instructions on the types of insurance offered, ethical sales practices and required disclosures to prospective customers.

(c) Any travel retailer offering or disseminating travel insurance shall make available to each prospective purchaser such brochures or other written materials as have been approved by the travel insurer. Such materials shall include, but not be limited to, the following information:

(1) The identity and contact information of the insurer and the limited lines travel insurance producer;

(2) an explanation that the purchase of travel insurance is not required to purchase any other product or service from the travel retailer; and

(3) an explanation 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.

(d) A travel retailer employee or authorized representative, who is not licensed as an insurance producer shall not:

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

(2) evaluate or provide advice concerning a prospective purchaser's existing insurance coverage; or

(3) hold such travel retailer employee or authorized representative out as a licensed insurer, licensed producer or insurance expert.

(e) Notwithstanding any other provision in law, a travel retailer whose insurance-related activities and the activities of the employees and authorized representatives of such travel retailer are limited to offering and disseminating travel insurance on behalf of and under the direction of a limited lines travel insurance producer that meets the conditions stated in this act is authorized to receive related compensation, upon registration by the limited lines travel insurance producer pursuant to subsection (b)(2).

(f) As the insurer's designee, the limited lines travel insurance producer shall be responsible for the acts of the travel retailer and shall use reasonable means to ensure compliance by the travel retailer with this act.

**History:** L. 2023, ch. 42, § 4; January 1, 2024.