

17:46E-1 to 17:46E-9
LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2025 **CHAPTER:** 153

NJSA: 17:46E-1 to 17:46E-9, "Travel Insurance Act."

BILL NO: S2783 (Substituted for A3696 (2R))

SPONSOR(S) McKeon, John F. and others

DATE INTRODUCED: 2/15/2024

COMMITTEE: **ASSEMBLY:** --

SENATE: Commerce

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: ASSEMBLY: 06/30/2025

SENATE: 06/30/2025

DATE OF APPROVAL: 10/20/2025

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (S2783 ScaAa (2R) enacted)

ADVANCE LAW Yes

PAMPHLET LAW Yes

S2783

INTRODUCED BILL: (Includes sponsor(s) statement) Yes

REPRINT(S): Yes SCM 12/12/24 1R
Assembly 5/22/25 2R

TECHNICAL REVIEW OF BILL: No

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, ***may possibly*** be found at www.njleg.state.nj.us)

FLOOR AMENDMENT STATEMENT: Yes

LEGISLATIVE FISCAL ESTIMATE: No

A3696 (2R)

INTRODUCED BILL: (Includes sponsor(s) statement)	Yes	
REPRINT(S):	Yes	AFI 5/20/24 1R Assembly 5/22/25 2R
TECHNICAL REVIEW OF BILL:	No	
COMMITTEE STATEMENT:		
ASSEMBLY:	Yes	
SENATE:	No	

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FLOOR AMENDMENT STATEMENT:	Yes
LEGISLATIVE FISCAL ESTIMATE:	No
VETO MESSAGE:	No
GOVERNOR'S PRESS RELEASE ON SIGNING:	Yes
LEGISLATOR STATEMENT:	Yes

FOLLOWING WERE PRINTED:

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REPORTS:	No
HEARINGS:	No
NEWSPAPER ARTICLES:	No

CL/MMcB

Title 17.
Subtitle 3.
Part 7A. (rename)
Specific Lines of
Insurance
Part 7B.
(repeal heading)
Chapter 46C.
(reallocate under
Part 7A)
Part 7C
(repeal heading)
Chapter 46D.
(reallocate under
Part 7A)
Chapter 46E.
(new)
Travel Insurance
§§1-9
C.17:46E-1
to 17:46E-9
§§10-11
Note to
§§1-9

P.L. 2025, CHAPTER 153, *approved October 20, 2025*
Senate, No. 2783 (*Second Reprint*)

- 1 **AN ACT** concerning travel insurance and supplementing Title 17 of
- 2 the New Jersey Statutes.
- 3
- 4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
- 5 *of New Jersey:*
- 6
- 7 1. This act shall be known and may be cited as the “Travel
- 8 Insurance Act.”
- 9
- 10 2. The Legislature finds and declares that:
- 11 a. The purpose of this act is to promote the public welfare by
- 12 creating a comprehensive legal framework within which travel
- 13 insurance may be sold in this State.
- 14 b. The requirements of P.L. , c. (C.) (pending before
- 15 the Legislature as this bill) shall apply to travel insurance policies
- 16 that cover any resident of this State, and are sold, solicited,
- 17 negotiated, or offered in this State, and policies and certificates are

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
¹Senate SCM committee amendments adopted December 12, 2024.
²Assembly floor amendments adopted May 22, 2025.

1 delivered or issued for delivery in this State. P.L. , c. (C.)
2 (pending before the Legislature as this bill) shall not apply to
3 cancellation fee waivers or travel assistance services, except as
4 expressly provided herein.

5 c. All other applicable provisions of this State's insurance laws
6 shall continue to apply to travel insurance except that the specific
7 provisions of P.L. , c.) (C.) (pending before the
8 Legislature as this bill) shall supersede any general provisions of
9 law that would otherwise be applicable to travel insurance.

10

11 3. As used in this act:

12 "Aggregator site" means a website that provides access to
13 information regarding insurance products from more than one
14 insurer, including product and insurer information, for use in
15 comparison shopping.

16 "Blanket travel insurance" means a policy of travel insurance
17 issued to any eligible group providing coverage for specific classes
18 of persons defined in the policy with coverage provided to all
19 members of the eligible group without a separate charge to
20 individual members of the eligible group.

21 "Cancellation fee waiver" means a contractual agreement
22 between a supplier of travel services and its customer to waive
23 some or all of the non-refundable cancellation fee provisions of the
24 supplier's underlying travel contract with or without regard to the
25 reason for the cancellation or form of reimbursement. A
26 cancellation fee waiver is not insurance.

27 "Commissioner" means the Commissioner of Banking and
28 Insurance.

29 "Eligible group" means two or more persons who are engaged in
30 a common enterprise, or have an economic, educational, or social
31 affinity or relationship, including but not limited to:

32 (1) any entity engaged in the business of providing travel or
33 travel services, including but not limited to: tour operators, lodging
34 providers, vacation property owners, hotels and resorts, travel clubs,
35 travel agencies, property managers, cultural exchange programs,
36 and common carriers or the operator, owner, or lessor of a means of
37 transportation of passengers, including but not limited to airlines,
38 cruise lines, railroads, steamship companies, and public bus
39 carriers, wherein with regard to any particular travel or type of
40 travel or travelers, all members or customers of the group have a
41 common exposure to risk attendant to the travel;

42 (2) any college, school, or other institution of learning, covering
43 students, teachers, employees, or volunteers;

44 (3) any employer covering any group of employees, volunteers,
45 contractors, board of directors, dependents, or guests;

46 (4) any sports team, camp, or sponsor thereof, covering
47 participants, members, campers, employees, officials, supervisors,
48 or volunteers;

1 (5) any religious, charitable, recreational, educational, or civic
2 organization, or branch thereof, covering any group of members,
3 participants, or volunteers;

4 (6) any financial institution or financial institution vendor, or
5 parent holding company, trustee, or agent of or designated by one or
6 more financial institutions or financial institution vendors,
7 including accountholders, credit card holders, debtors, guarantors,
8 or purchasers;

9 (7) any incorporated or unincorporated association, including
10 labor unions, having a common interest, constitution and bylaws,
11 and organized and maintained in good faith for purposes other than
12 obtaining insurance for members or participants of the association
13 covering its members;

14 (8) any trust or the trustees of a fund established, created or
15 maintained for the benefit of and covering members, employees or
16 customers, subject to the commissioner permitting the use of a trust
17 and the State's premium tax provisions in section 5 of
18 P.L. , c. (C.) (pending before the Legislature as this bill) of
19 an association meeting the requirements of paragraph (7) of this
20 section;

21 (9) any entertainment production company covering any group
22 of participants, volunteers, audience members, contestants, or
23 workers;

24 (10) any volunteer fire department, ambulance, rescue, police,
25 court, or any first aid, civil defense, or other such volunteer group;

26 (11) preschools, daycare institutions for children or adults, and
27 senior citizen clubs;

28 (12) any automobile or truck rental or leasing company covering
29 a group of individuals who may become renters, lessees, or
30 passengers defined by their travel status on the rented or leased
31 vehicles. The common carrier, the operator, owner or lessor of a
32 means of transportation, or the automobile or truck rental or leasing
33 company, is the policyholder under a policy to which this section
34 applies; or

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

39 "Fulfillment materials" means documentation sent to the
40 purchaser of a travel protection plan confirming the purchase and
41 providing the travel protection plan's coverage and assistance
42 details.

43 "Group travel insurance" means travel insurance issued to any
44 eligible group.

45 "Limited lines travel insurance producer" means a:

46 (1) licensed managing general agent ¹or third-party
47 administrator, ¹;

1 (2) licensed insurance producer, including a limited lines
2 producer¹ [1] ;¹ or

3 (3) travel administrator.

4 “Offer and disseminate” means providing general information,
5 including a description of the coverage and price, as well as
6 processing the application and collecting premiums.

7 “Primary certificate holder” means an individual person who
8 elects and purchases travel insurance under a group policy pursuant
9 to section 5 of P.L. , c. (C.) (pending before the Legislature
10 as this bill).

11 “Primary policyholder” means an individual person who elects
12 and purchases individual travel insurance pursuant to section 5 of
13 P.L. , c. (C.) (pending before the Legislature as this bill).

14 “Travel administrator” means a person who directly or indirectly
15 underwrites, collects charges, collateral or premiums from, or
16 adjusts or settles claims on residents of this State, in connection
17 with travel insurance, except that a person shall not be considered a
18 travel administrator if that person’s only actions that would
19 otherwise cause it to be considered a travel administrator are among
20 the following:

21 (1) a person working for a travel administrator to the extent that
22 the person’s activities are subject to the supervision and control of
23 the travel administrator;

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

27 (3) a travel retailer offering and disseminating travel insurance
28 and registered under the license of a limited lines travel insurance
29 producer in accordance with P.L. , c. (C.) (pending before
30 the Legislature as this bill);

31 (4) an individual adjusting or settling claims in the normal
32 course of that individual’s practice or employment as an attorney-
33 at-law and who does not collect charges or premiums in connection
34 with insurance coverage; or

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

38 “Travel assistance services” means non-insurance services for
39 which the consumer is not indemnified based on a fortuitous event,
40 and where providing the service does not result in transfer or
41 shifting of risk that would constitute the business of insurance.
42 Travel assistance services include, but are not limited to: security
43 advisories; destination information; vaccination and immunization
44 information services; travel reservation services; entertainment;
45 activity and event planning; translation assistance; emergency
46 messaging; international legal and medical referrals; medical case
47 monitoring; coordination of transportation arrangements;
48 emergency cash transfer assistance; medical prescription

1 replacement assistance; passport and travel document replacement
2 assistance; lost luggage assistance; concierge services; and any
3 other service that is furnished in connection with planned travel.
4 Travel assistance services are not insurance and not related to
5 insurance.

6 “Travel insurance” means insurance coverage for personal risks
7 incident to planned travel, including:

- 8 (1) interruption or cancellation of trip or event;
9 (2) loss of baggage or personal effects;
10 (3) damages to accommodations or rental vehicles;
11 (4) sickness, accident, disability or death occurring during
12 travel;

13 (5) emergency evacuation;

14 (6) repatriation of remains; or

15 (7) any other contractual obligations to indemnify or pay a
16 specified amount to the traveler upon determinable contingencies
17 related to travel as approved by the commissioner. Travel insurance
18 does not include major medical plans that provide comprehensive
19 medical protection for travelers with trips lasting longer than six
20 months, including for example, those working or residing overseas
21 as an expatriate, or any other product that requires a specific
22 insurance producer license.

23 ²Arrangements for repatriation of remains which are made as
24 part of a preneed funeral arrangement or other preneed consultation
25 through a State registered mortuary, pursuant to the “Mortuary
26 Science Act,” P.L.1952, c.340 (C.45:7-32 et seq.), that do not
27 include any other coverages listed under this section shall not be
28 considered travel insurance.²

29 “Travel protection plans” means plans that provide one or more
30 of the following: travel insurance, travel assistance services, and
31 cancellation fee waivers.

32 “Travel retailer” means a business entity that makes, arranges or
33 offers planned travel and may offer and disseminate travel
34 insurance as a service to its customers on behalf of and under the
35 direction of a limited lines travel insurance producer.

36
37 4. a. The commissioner may issue a limited lines travel
38 insurance producer license to an individual or business entity that
39 has filed with the commissioner an application for a limited lines
40 travel insurance producer license in a form and manner prescribed
41 by the commissioner. A limited lines travel insurance producer shall
42 be licensed to sell, solicit or negotiate travel insurance through a
43 licensed insurer. No person may act as a limited lines travel
44 insurance producer or travel insurance retailer unless properly
45 licensed or registered.

46 b. A travel retailer may offer and disseminate travel insurance
47 under a limited lines travel insurance producer business entity
48 license only if:

- 1 (1) the limited lines travel insurance producer or travel retailer
- 2 provides to purchasers of travel insurance:
- 3 (a) a description of the material terms or the actual material
- 4 terms of the insurance coverage;
- 5 (b) a description of the process for filing a claim;
- 6 (c) a description of the review or cancellation process for the
- 7 travel insurance policy; and
- 8 (d) the identity and contact information of the insurer and
- 9 limited lines travel insurance producer;
- 10 (2) at the time of licensure, the limited lines travel insurance
- 11 producer shall establish and maintain a register, on a form
- 12 prescribed by the commissioner, of each travel retailer that offers
- 13 travel insurance on the limited lines travel insurance producer's
- 14 behalf. The register shall be maintained and updated by the limited
- 15 lines travel insurance producer and shall include the name, address,
- 16 and contact information of the travel retailer and an officer or
- 17 person who directs or controls the travel retailer's operations, and
- 18 the travel retailer's federal tax identification number. The limited
- 19 lines travel insurance producer shall submit the register to the
- 20 Department of Banking and Insurance upon reasonable request. The
- 21 limited lines travel insurance producer shall also certify that the
- 22 travel retailer registered complies with section 1033 of Title 18 of
- 23 the United States Code (18 U.S.C. s.1033). The grounds for the
- 24 suspension, revocation and the penalties applicable to resident
- 25 insurance producers pursuant to section 40 of P.L.2001, c.210
- 26 (C.17:22A-40), shall be applicable to the limited lines travel
- 27 insurance producers and travel retailers;
- 28 (3) the limited lines travel insurance producer has designated
- 29 one of its employees who is a licensed individual producer as the
- 30 person, referred to as a "designated responsible producer,"
- 31 responsible for the compliance with the travel insurance laws and
- 32 regulations applicable to the limited lines travel insurance producer
- 33 and its registrants;
- 34 (4) the designated responsible producer, president, secretary,
- 35 treasurer, and any other officer or person who directs or controls the
- 36 limited lines travel insurance producer's insurance operations
- 37 complies with the fingerprinting requirements applicable to
- 38 insurance producers in the resident state of the limited lines travel
- 39 insurance producer;
- 40 (5) the limited lines travel insurance producer has paid all
- 41 applicable licensing fees; and
- 42 (6) the limited lines travel insurance producer requires each
- 43 employee and authorized representative of the travel retailer whose
- 44 duties include offering and disseminating travel insurance to receive
- 45 a program of instruction or training, which is subject, at the
- 46 discretion of the commissioner, to review and approval. The
- 47 training material shall, at a minimum, contain adequate instructions

1 on the types of insurance offered, ethical sales practices, and
2 required disclosures to prospective customers.

3 c. Any travel retailer offering or disseminating travel insurance
4 shall make available to prospective purchasers brochures or other
5 written materials that have been approved by the travel insurer. The
6 materials shall include information which, at a minimum:

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

9 (2) explains that the purchase of travel insurance is not required
10 in order to purchase any other product or service from the travel
11 retailer; and

12 (3) explains that an unlicensed travel retailer is permitted to
13 provide only general information about the insurance offered by the
14 travel retailer, including a description of the coverage and price, but
15 is not qualified or authorized to answer technical questions about
16 the terms and conditions of the insurance offered by the travel
17 retailer or to evaluate the adequacy of the customer's existing
18 insurance coverage.

19 d. A travel retailer employee or authorized representative, who
20 is not licensed as an insurance producer shall not:

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

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

25 (3) hold itself out as a licensed insurer, licensed producer, or
26 insurance expert.

27 e. Notwithstanding any law, rule, or regulation to the contrary,
28 a travel retailer whose insurance-related activities, and those of its
29 employees and authorized representatives, are limited to offering
30 and disseminating travel insurance on behalf of and under the
31 direction of a limited lines travel insurance producer meeting the
32 conditions stated in P.L. , c. (C.) (pending before the
33 Legislature as this bill), is authorized to receive related
34 compensation, upon registration by the limited lines travel
35 insurance producer as described in paragraph (2) of subsection b. of
36 this section.

37 f. As the insurer's designee, the limited lines travel insurance
38 producer is responsible for the acts of the travel retailer and shall
39 use reasonable means to ensure compliance by the travel retailer
40 with P.L. , c. (C.) (pending before the Legislature as this
41 bill).

42 g. Any person licensed in ¹**['a major line of] property or**
43 **casualty**¹ authority as an insurance producer is authorized to sell,
44 solicit and negotiate travel insurance. ¹**['A property and casualty**
45 **insurance producer is not required to become appointed by an**
46 **insurer in order to sell, solicit, or negotiate travel insurance.]'**

1 5. a. A travel insurer shall pay a premium tax, as provided
2 pursuant to section 2 of P.L.1945, c.132 (C.54:18A-2), on travel
3 insurance premiums paid by any of the following:

4 (1) an individual primary policyholder who is a resident of this
5 State;

6 (2) a primary certificate-holder who is a resident of this State
7 who elects coverage under a group travel insurance policy; or

8 (3) a blanket travel insurance policyholder that is a resident in,
9 or has its principal place of business or the principal place of
10 business of an affiliate or subsidiary that has purchased blanket
11 travel insurance in this State for eligible blanket group members,
12 subject to any apportionment rules which apply to the insurer across
13 multiple taxing jurisdictions or that permit the insurer to allocate
14 premium on an apportioned basis in a reasonable and equitable
15 manner in those jurisdictions.

16 b. A travel insurer shall:

17 (1) document the state of residence or principal place of
18 business of the policyholder or certificate-holder, as required in
19 subsection a. of this section; and,

20 (2) report as premium only the amount allocable to travel
21 insurance and not any amounts received for travel assistance
22 services or cancellation fee waivers.

23
24 6. Travel protection plans may be offered for one price for the
25 combined features that the travel protection plan offers in this State if:

26 a. the travel protection plan clearly discloses to the consumer, at
27 or prior to the time of purchase, that it includes travel insurance, travel
28 assistance services, and cancellation fee waivers as applicable, and
29 provides information and an opportunity, at or prior to the time of
30 purchase, for the consumer to obtain additional information regarding
31 the features and pricing of each; and

32 b. the fulfillment materials¹ [, which shall]¹:

33 (1) describe and delineate the travel insurance, travel assistance
34 services, and cancellation fee waivers in the travel protection plan, and

35 (2) include the travel insurance disclosures and the contact
36 information for persons providing travel assistance services, and
37 cancellation fee waivers, as applicable.

38
39 7. a. All persons offering travel insurance to residents of this
40 State are subject to section 3 of P.L.1947, c.379 (C.17:29B-3), except
41 as otherwise provided in this section. In the event of a conflict
42 between P.L. , c. (C.) (pending before the Legislature as this
43 bill) and other provisions of Title 17 of the Revised Statutes or Title
44 17B of the New Jersey Statutes regarding the sale and marketing of
45 travel insurance and travel protection plans, the provisions of
46 P.L. , c. (C.) (pending before the Legislature as this bill) shall
47 control.

1 b. Offering or selling a travel insurance policy that could never
2 result in payment of any claims for any insured under the policy is an
3 unfair trade practice pursuant to section 3 of P.L.1947, c.379
4 (C.17:29B-3).

5 c. (1) All documents provided to consumers prior to the purchase
6 of travel insurance, including but not limited to sales materials,
7 advertising materials, and marketing materials, shall be consistent with
8 the travel insurance policy itself, including but not limited to, forms,
9 endorsements, policies, rate filings, and certificates of insurance.

10 (2) For travel insurance policies or certificates that contain pre-
11 existing condition exclusions, information and an opportunity to learn
12 more about the pre-existing condition exclusions shall be provided any
13 time prior to the time of purchase, and in the coverage's fulfillment
14 materials.

15 (3) The fulfillment materials and the information described in
16 subparagraphs (a) through (d) of paragraph (1) of subsection b. of
17 section 4 of P.L. , c. (C.) (pending before the Legislature as
18 this bill) shall be provided to a policyholder or certificate holder as
19 soon as practicable, following the purchase of a travel protection plan.
20 Unless the insured has either started a covered trip or filed a claim
21 under the travel insurance coverage, a policyholder or certificate
22 holder may cancel a policy or certificate for a full refund of the travel
23 protection plan price from the date of purchase of a travel protection
24 plan until at least:

25 (a) 15 days following the date of delivery of the travel protection
26 plan's fulfillment materials by postal mail; or

27 (b) 10 days following the date of delivery of the travel protection
28 plan's fulfillment materials by means other than postal mail.

29 For the purposes of this section, delivery means handing
30 fulfillment materials to the policyholder or certificate holder or
31 sending fulfillment materials by postal mail or electronic means to the
32 policyholder or certificate holder.

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

36 (5) Where travel insurance is marketed directly to a consumer
37 through an insurer's website or by others through an aggregator site, it
38 shall not be an unfair trade practice or other violation of law where an
39 accurate summary or short description of coverage is provided on the
40 web page 'that includes policy limits and exclusions or the ability to
41 opt out of the coverage'¹, so long as the consumer has access to the full
42 provisions of the policy through electronic means.

43 d. No person offering, soliciting, or negotiating travel insurance
44 or travel protection plans on an individual or group basis shall use a
45 negative option or opt out, which would require a consumer to take an
46 affirmative action to deselect coverage, such as unchecking a box on
47 an electronic form, when the consumer purchases a trip.

1 e. It shall be an unfair trade practice, pursuant to section 3 of
2 P.L.1947, c.379 (C.17:29B-3), to market blanket travel insurance
3 coverage as free.

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

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

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

13
14 8. a. Notwithstanding any other provisions of Title 17 of the
15 Revised Statutes or Title 17B of the New Jersey Statutes, no person
16 shall act or represent itself as a travel administrator for travel insurance
17 in this State unless that person:

18 (1) is a licensed property and casualty insurance producer in this
19 state for activities permitted under that producer license; ¹or¹

20 (2) holds a valid managing general agent license in this State¹; or

21 (3) holds a valid third-party administrator license in this State¹.

22 b. An insurer is responsible for the acts of a travel administrator
23 administering travel insurance underwritten by the insurer, and is
24 responsible for ensuring that the travel administrator maintains all
25 books and records relevant to the insurer to be made available by the
26 travel administrator to the commissioner upon request.

27
28 9. a. Notwithstanding any other provision of Title 17 of the
29 Revised Statutes or Title 17B of the New Jersey Statutes, travel
30 insurance shall be classified and filed for purposes of rates and
31 forms under an inland marine line of insurance, provided, however,
32 that travel insurance that provides coverage for sickness, accident,
33 disability or death occurring during travel, either exclusively, or in
34 conjunction with related coverages of emergency evacuation or
35 repatriation of remains, or incidental limited property and casualty
36 benefits such as baggage or trip cancellation, may be filed under
37 either an accident and health line of insurance or an inland marine
38 line of insurance.

39 b. Travel Insurance may be in the form of an individual, group,
40 or blanket policy.

41 c. Eligibility and underwriting standards for travel insurance
42 may be developed and provided based on travel protection plans
43 designed for individual or identified marketing or distribution
44 channels, provided those standards also meet the State's
45 underwriting standards for inland marine.

1 10. The commissioner may adopt rules and regulations pursuant
2 to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-
3 1 et seq.), to effectuate the purposes of this act.

4

5 11. This act shall take effect on the ¹~~【90th】~~ 180th¹ day next
6 following enactment.

7

8

9

10

11 “Travel Insurance Act.”

CHAPTER 153

AN ACT concerning travel insurance and supplementing Title 17 of the New Jersey Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

C.17:46E-1 Short title.

1. This act shall be known and may be cited as the “Travel Insurance Act.”

C.17:46E-2 Findings, declarations.

2. The Legislature finds and declares that:

- a. The purpose of this act is to promote the public welfare by creating a comprehensive legal framework within which travel insurance may be sold in this State.

- b. The requirements of P.L.2025, c.153 (C.17:46E-1 et seq.) shall apply to travel insurance policies that cover any resident of this State, and are sold, solicited, negotiated, or offered in this State, and policies and certificates are delivered or issued for delivery in this State. P.L.2025, c.153 (C.17:46E-1 et seq.) shall not apply to cancellation fee waivers or travel assistance services, except as expressly provided herein.

- c. All other applicable provisions of this State’s insurance laws shall continue to apply to travel insurance except that the specific provisions of P.L.2025, c.153 (C.17:46E-1 et seq.) shall supersede any general provisions of law that would otherwise be applicable to travel insurance.

C.17:46E-3 Definitions.

3. As used in this act:

“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.

“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.

“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. A cancellation fee waiver is not insurance.

"Commissioner" means the Commissioner of Banking and Insurance.

“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:

- (1) any entity engaged in the business of providing travel or travel services, including, but not limited to: tour operators, lodging providers, vacation property owners, hotels and resorts, travel clubs, travel agencies, property managers, cultural exchange programs, and 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, wherein with regard to any particular travel or type of travel or travelers, all members or customers of the group have a common exposure to risk attendant to the travel;

- (2) any college, school, or other institution of learning covering students, teachers, employees, or volunteers;

- (3) any employer covering any group of employees, volunteers, contractors, board of directors, dependents, or guests;

(4) any sports team, camp, or sponsor thereof covering participants, members, campers, employees, officials, supervisors, or volunteers;

(5) any religious, charitable, recreational, educational, or civic organization, or branch thereof covering any group of members, participants, or volunteers;

(6) any financial institution, financial institution vendor, or parent holding company, trustee, or agent of or designated by one or more financial institutions or financial institution vendors, including accountholders, credit card holders, debtors, guarantors, or purchasers;

(7) any incorporated or unincorporated association, including labor unions, having a common interest, constitution, and bylaws and organized and maintained in good faith for purposes other than obtaining insurance for members or participants of the association covering its members;

(8) any trust or the 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 State's premium tax provisions in section 5 of P.L.2025, c.153 (C.17:46E-5) of an association meeting the requirements of paragraph (7) of this section;

(9) any entertainment production company covering any group of participants, volunteers, audience members, contestants, or workers;

(10) any volunteer fire department, ambulance, rescue, police, court, or any first aid, civil defense, or other such volunteer group;

(11) preschools, daycare institutions for children or adults, and senior citizen clubs;

(12) any automobile or truck rental or leasing company covering a group 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 is the policyholder under a policy to which this section applies; or

(13) any other group where 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.

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

"Group travel insurance" means travel insurance issued to any eligible group.

"Limited lines travel insurance producer" means a:

licensed managing general agent;

licensed insurance producer, including a limited lines producer; or

travel administrator.

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

"Primary certificate holder" means an individual person who elects and purchases travel insurance under a group policy pursuant to section 5 of P.L.2025, c.153 (C.17:46E-5).

"Primary policyholder" means an individual person who elects and purchases individual travel insurance pursuant to section 5 of P.L.2025, c.153 (C.17:46E-5).

"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, except that a person shall not be considered a travel administrator if that person's only actions that would otherwise cause it to be considered a travel administrator are among the following:

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

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

a travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with P.L.2025, c.153 (C.17:46E-1 et seq.);

an individual adjusting or settling claims in the normal course of that individual's practice or employment as an attorney-at-law and who does not collect charges or premiums in connection with insurance coverage; or

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.

"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: security advisories, destination information, vaccination and immunization information services, travel reservation services, entertainment, activity and event planning, translation assistance, emergency messaging, international legal and medical referrals, medical case monitoring, coordination of transportation arrangements, emergency cash transfer assistance, medical prescription replacement assistance, passport and travel document replacement assistance, lost luggage assistance, concierge services, and any other service that is furnished in connection with planned travel. Travel assistance services are not insurance and not related to insurance.

"Travel insurance" means insurance coverage for personal risks incident to planned travel, including:

- interruption or cancellation of trip or event;
- loss of baggage or personal effects;
- damages to accommodations or rental vehicles;
- sickness, accident, disability or death occurring during travel;
- emergency evacuation;
- repatriation of remains; or

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

Arrangements for repatriation of remains which are made as part of a preneed funeral arrangement or other preneed consultation through a State registered mortuary, pursuant to the "Mortuary Science Act," P.L.1952, c.340 (C.45:7-32 et seq.), that do not include any other coverages listed under this section shall not be considered travel insurance.

"Travel protection plans" means plans that provide one or more of the following: travel insurance, travel assistance services, and cancellation fee waivers.

"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.

C.17:46E-4 Limited lines travel insurance producer license.

4. 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. A limited lines travel insurance producer shall be licensed to sell, solicit, or negotiate travel insurance through a licensed insurer. No person may act as a limited lines travel insurance producer or travel insurance retailer unless properly licensed or registered.

b. A travel retailer may offer and disseminate travel insurance under a limited lines travel insurance producer business entity license only if:

(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) at the time of licensure, the limited lines travel insurance producer shall establish and maintain 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 shall include the name, address, and contact information of the travel retailer and an officer or person who directs or controls the travel retailer's operations and the travel retailer's federal tax identification number. The limited lines travel insurance producer shall submit the register to the Department of Banking and Insurance upon reasonable request. The limited lines travel insurance producer shall also certify that the travel retailer registered complies with section 1033 of Title 18 of the United States Code (18 U.S.C. s.1033). The grounds for the suspension, revocation, and the penalties applicable to resident insurance producers pursuant to section 40 of P.L.2001, c.210 (C.17:22A-40), shall be applicable to the 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 the person, referred to 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; 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, at a minimum, contain 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 prospective purchasers brochures or other written materials that have been approved by the travel insurer. The materials shall include information which, at a minimum:

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

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

(3) explains 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 itself out as a licensed insurer, licensed producer, or insurance expert.

e. Notwithstanding any law, rule, or regulation to the contrary, a travel retailer whose insurance-related activities, and those of its employees and authorized representatives, are limited to offering and disseminating travel insurance on behalf of and under the direction of a limited lines travel insurance producer meeting the conditions stated in P.L.2025, c.153 (C.17:46E-1 et seq.), is authorized to receive related compensation, upon registration by the limited lines travel insurance producer as described in paragraph (2) of subsection b. of this section.

f. As the insurer's designee, the limited lines travel insurance producer is responsible for the acts of the travel retailer and shall use reasonable means to ensure compliance by the travel retailer with P.L.2025, c.153 (C.17:46E-1 et seq.).

g. Any person licensed in property or casualty authority as an insurance producer is authorized to sell, solicit and negotiate travel insurance.

C.17:46E-5 Travel insurer, premium tax.

5. a. A travel insurer shall pay a premium tax, as provided pursuant to section 2 of P.L.1945, c.132 (C.54:18A-2), on travel insurance premiums paid by any of the following:

(1) an individual primary policyholder who is a resident of this State;

(2) a primary certificate-holder who is a resident of this State who elects coverage under a group travel insurance policy; or

(3) a blanket travel insurance policyholder that is a resident in or has its principal place of business or the principal place of business of an affiliate or subsidiary that has purchased blanket travel insurance in this State for eligible blanket group members, subject to any apportionment rules which apply to the insurer across multiple taxing jurisdictions or that permit the insurer to allocate premium on an apportioned basis in a reasonable and equitable manner in those jurisdictions.

b. A travel insurer shall:

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

(2) report as premium only the amount allocable to travel insurance and not any amounts received for travel assistance services or cancellation fee waivers.

C.17:46E-6 Travel protection plans, one price for combined features, conditions.

6. Travel protection plans may be offered for one price for the combined features that the travel protection plan offers in this State if:

a. the travel protection plan clearly discloses to the consumer, at or prior to the time of purchase, that it includes travel insurance, travel assistance services, and cancellation fee waivers as applicable and provides information and an opportunity, at or prior to the time of purchase, for the consumer to obtain additional information regarding the features and pricing of each; and

b. the fulfillment materials:

(1) describe and delineate the travel insurance, travel assistance services, and cancellation fee waivers in the travel protection plan, and

(2) include the travel insurance disclosures and the contact information for persons providing travel assistance services, and cancellation fee waivers, as applicable.

C.17:46E-7 Persons offering travel insurance subject to prohibition of unfair, deceptive practices.

7. a. All persons offering travel insurance to residents of this State are subject to section 3 of P.L.1947, c.379 (C.17:29B-3), except as otherwise provided in this section. In the event of a conflict between P.L.2025, c.153 (C.17:46E-1 et seq.) and other provisions of Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes regarding the sale and marketing of travel insurance and travel protection plans, the provisions of P.L.2025, c.153 (C.17:46E-1 et seq.) 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 pursuant to section 3 of P.L.1947, c.379 (C.17:29B-3).

c. (1) All documents provided to consumers prior to the purchase of travel insurance, including, but not limited to, sales materials, advertising materials, and marketing materials, 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 travel insurance policies or certificates that contain pre-existing condition exclusions, information and an opportunity to learn more about the pre-existing condition exclusions shall be provided any time prior to the time of purchase and in the coverage's fulfillment materials.

(3) The fulfillment materials and the information described in subparagraphs (a) through (d) of paragraph (1) of subsection b. of section 4 of P.L.2025, c.153 (C.17:46E-4) shall be provided to a policyholder or certificate holder as soon as practicable, following the purchase of a travel protection plan. Unless the insured has either started a covered trip or filed a claim under the travel insurance coverage, a 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.

For the purposes of this section, delivery means handing fulfillment materials to the policyholder or certificate holder or sending fulfillment materials by postal mail or electronic means to the policyholder or certificate holder.

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

(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 that includes policy limits and exclusions or the ability to opt out of the coverage, 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 shall use a negative option or opt out, which 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, pursuant to section 3 of P.L.1947, c.379 (C.17:29B-3), to market blanket travel insurance coverage as free.

f. Where a consumer's destination jurisdiction requires insurance coverage, it shall not be an unfair trade practice to require that a 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.

C.17:46E-8 Prohibition against representing, acting as travel administrator for travel insurance without licensure.

8. a. Notwithstanding any other provisions of Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes, no person shall act or represent itself as a travel administrator for travel insurance in this State unless that person:

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

(2) holds a valid managing general agent license in this State.

b. An insurer is responsible for the acts of a travel administrator administering travel insurance underwritten by the insurer and is responsible for ensuring that the travel administrator maintains all books and records relevant to the insurer to be made available by the travel administrator to the commissioner upon request.

C.17:46E-9 Travel insurance classified, filed under certain lines of insurance.

9. a. Notwithstanding any other provision of Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes, travel insurance shall be classified and filed for purposes of rates and forms under an inland marine line of insurance, provided, however, that travel insurance that provides coverage for sickness, accident, disability, or death occurring during travel, either exclusively or in conjunction with related coverages of emergency evacuation or repatriation of remains, or incidental limited property and casualty benefits such as baggage or trip cancellation, may be filed under either an accident and health line of insurance or an inland marine line of insurance.

b. Travel insurance may be in the form of an individual, group, or blanket policy.

c. Eligibility and underwriting standards for travel insurance may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels, provided those standards also meet the State's underwriting standards for inland marine.

10. The commissioner may adopt rules and regulations pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), to effectuate the purposes of this act.

11. This act shall take effect on the 180th day next following enactment.

Approved October 20, 2025.

SENATE, No. 2783

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 15, 2024

Sponsored by:

Senator JOHN F. MCKEON

District 27 (Essex and Passaic)

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

“Travel Insurance Act.”

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/22/2024)

1 **AN ACT** concerning travel insurance and supplementing Title 17 of
2 the New Jersey Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the “Travel
8 Insurance Act.”

9

10 2. The Legislature finds and declares that:

11 a. The purpose of this act is to promote the public welfare by
12 creating a comprehensive legal framework within which travel
13 insurance may be sold in this State.

14 b. The requirements of P.L. , c. (C.) (pending before
15 the Legislature as this bill) shall apply to travel insurance policies
16 that cover any resident of this State, and are sold, solicited,
17 negotiated, or offered in this State, and policies and certificates are
18 delivered or issued for delivery in this State. P.L. , c. (C.)
19 (pending before the Legislature as this bill) shall not apply to
20 cancellation fee waivers or travel assistance services, except as
21 expressly provided herein.

22 c. All other applicable provisions of this State’s insurance laws
23 shall continue to apply to travel insurance except that the specific
24 provisions of P.L. , c.) (C.) (pending before the
25 Legislature as this bill) shall supersede any general provisions of
26 law that would otherwise be applicable to travel insurance.

27

28 3. As used in this act:

29 “Aggregator site” means a website that provides access to
30 information regarding insurance products from more than one
31 insurer, including product and insurer information, for use in
32 comparison shopping.

33 “Blanket travel insurance” means a policy of travel insurance
34 issued to any eligible group providing coverage for specific classes
35 of persons defined in the policy with coverage provided to all
36 members of the eligible group without a separate charge to
37 individual members of the eligible group.

38 “Cancellation fee waiver” means a contractual agreement
39 between a supplier of travel services and its customer to waive
40 some or all of the non-refundable cancellation fee provisions of the
41 supplier’s underlying travel contract with or without regard to the
42 reason for the cancellation or form of reimbursement. A
43 cancellation fee waiver is not insurance.

44 “Commissioner” means the Commissioner of Banking and
45 Insurance.

46 “Eligible group” means two or more persons who are engaged in
47 a common enterprise, or have an economic, educational, or social
48 affinity or relationship, including but not limited to:

1 (1) any entity engaged in the business of providing travel or
2 travel services, including but not limited to: tour operators, lodging
3 providers, vacation property owners, hotels and resorts, travel clubs,
4 travel agencies, property managers, cultural exchange programs,
5 and common carriers or the operator, owner, or lessor of a means of
6 transportation of passengers, including but not limited to airlines,
7 cruise lines, railroads, steamship companies, and public bus
8 carriers, wherein with regard to any particular travel or type of
9 travel or travelers, all members or customers of the group have a
10 common exposure to risk attendant to the travel;

11 (2) any college, school, or other institution of learning, covering
12 students, teachers, employees, or volunteers;

13 (3) any employer covering any group of employees, volunteers,
14 contractors, board of directors, dependents, or guests;

15 (4) any sports team, camp, or sponsor thereof, covering
16 participants, members, campers, employees, officials, supervisors,
17 or volunteers;

18 (5) any religious, charitable, recreational, educational, or civic
19 organization, or branch thereof, covering any group of members,
20 participants, or volunteers;

21 (6) any financial institution or financial institution vendor, or
22 parent holding company, trustee, or agent of or designated by one or
23 more financial institutions or financial institution vendors,
24 including accountholders, credit card holders, debtors, guarantors,
25 or purchasers;

26 (7) any incorporated or unincorporated association, including
27 labor unions, having a common interest, constitution and bylaws,
28 and organized and maintained in good faith for purposes other than
29 obtaining insurance for members or participants of the association
30 covering its members;

31 (8) any trust or the trustees of a fund established, created or
32 maintained for the benefit of and covering members, employees or
33 customers, subject to the commissioner permitting the use of a trust
34 and the State's premium tax provisions in section 5 of P.L. , c.
35 (C.) (pending before the Legislature as this bill) of an
36 association meeting the requirements of paragraph (7) of this
37 section;

38 (9) any entertainment production company covering any group
39 of participants, volunteers, audience members, contestants, or
40 workers;

41 (10) any volunteer fire department, ambulance, rescue, police,
42 court, or any first aid, civil defense, or other such volunteer group;

43 (11) preschools, daycare institutions for children or adults, and
44 senior citizen clubs;

45 (12) any automobile or truck rental or leasing company covering
46 a group of individuals who may become renters, lessees, or
47 passengers defined by their travel status on the rented or leased
48 vehicles. The common carrier, the operator, owner or lessor of a

1 means of transportation, or the automobile or truck rental or leasing
2 company, is the policyholder under a policy to which this section
3 applies; or

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

8 “Fulfillment materials” means documentation sent to the
9 purchaser of a travel protection plan confirming the purchase and
10 providing the travel protection plan’s coverage and assistance
11 details.

12 “Group travel insurance” means travel insurance issued to any
13 eligible group.

14 “Limited lines travel insurance producer” means a:

15 (1) licensed managing general agent or third-party
16 administrator,

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

19 (3) travel administrator.

20 “Offer and disseminate” means providing general information,
21 including a description of the coverage and price, as well as
22 processing the application and collecting premiums.

23 “Primary certificate holder” means an individual person who
24 elects and purchases travel insurance under a group policy pursuant
25 to section 5 of P.L. , c. (C.) (pending before the Legislature
26 as this bill).

27 “Primary policyholder” means an individual person who elects
28 and purchases individual travel insurance pursuant to section 5 of
29 P.L. , c. (C.) (pending before the Legislature as this bill).

30 “Travel administrator” means a person who directly or indirectly
31 underwrites, collects charges, collateral or premiums from, or
32 adjusts or settles claims on residents of this State, in connection
33 with travel insurance, except that a person shall not be considered a
34 travel administrator if that person’s only actions that would
35 otherwise cause it to be considered a travel administrator are among
36 the following:

37 (1) a person working for a travel administrator to the extent that
38 the person’s activities are subject to the supervision and control of
39 the travel administrator;

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

43 (3) a travel retailer offering and disseminating travel insurance
44 and registered under the license of a limited lines travel insurance
45 producer in accordance with P.L. , c. (C.) (pending before
46 the Legislature as this bill);

47 (4) an individual adjusting or settling claims in the normal
48 course of that individual’s practice or employment as an attorney-

1 at-law and who does not collect charges or premiums in connection
2 with insurance coverage; or

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

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

22 “Travel insurance” means insurance coverage for personal risks
23 incident to planned travel, including:

24 (1) interruption or cancellation of trip or event;
25 (2) loss of baggage or personal effects;
26 (3) damages to accommodations or rental vehicles;
27 (4) sickness, accident, disability or death occurring during
28 travel;

29 (5) emergency evacuation;

30 (6) repatriation of remains; or

31 (7) any other contractual obligations to indemnify or pay a
32 specified amount to the traveler upon determinable contingencies
33 related to travel as approved by the commissioner. Travel insurance
34 does not include major medical plans that provide comprehensive
35 medical protection for travelers with trips lasting longer than six
36 months, including for example, those working or residing overseas
37 as an expatriate, or any other product that requires a specific
38 insurance producer license.

39 “Travel protection plans” means plans that provide one or more
40 of the following: travel insurance, travel assistance services, and
41 cancellation fee waivers.

42 “Travel retailer” means a business entity that makes, arranges or
43 offers planned travel and may offer and disseminate travel
44 insurance as a service to its customers on behalf of and under the
45 direction of a limited lines travel insurance producer.

46

47 4. a. The commissioner may issue a limited lines travel
48 insurance producer license to an individual or business entity that

1 has filed with the commissioner an application for a limited lines
2 travel insurance producer license in a form and manner prescribed
3 by the commissioner. A limited lines travel insurance producer shall
4 be licensed to sell, solicit or negotiate travel insurance through a
5 licensed insurer. No person may act as a limited lines travel
6 insurance producer or travel insurance retailer unless properly
7 licensed or registered.

8 b. A travel retailer may offer and disseminate travel insurance
9 under a limited lines travel insurance producer business entity
10 license only if:

11 (1) the limited lines travel insurance producer or travel retailer
12 provides to purchasers of travel insurance:

13 (a) a description of the material terms or the actual material
14 terms of the insurance coverage;

15 (b) a description of the process for filing a claim;

16 (c) a description of the review or cancellation process for the
17 travel insurance policy; and

18 (d) the identity and contact information of the insurer and
19 limited lines travel insurance producer;

20 (2) at the time of licensure, the limited lines travel insurance
21 producer shall establish and maintain a register, on a form
22 prescribed by the commissioner, of each travel retailer that offers
23 travel insurance on the limited lines travel insurance producer's
24 behalf. The register shall be maintained and updated by the limited
25 lines travel insurance producer and shall include the name, address,
26 and contact information of the travel retailer and an officer or
27 person who directs or controls the travel retailer's operations, and
28 the travel retailer's federal tax identification number. The limited
29 lines travel insurance producer shall submit the register to the
30 Department of Banking and Insurance upon reasonable request. The
31 limited lines travel insurance producer shall also certify that the
32 travel retailer registered complies with section 1033 of Title 18 of
33 the United States Code (18 U.S.C. s.1033). The grounds for the
34 suspension, revocation and the penalties applicable to resident
35 insurance producers pursuant to section 40 of P.L.2001, c.210
36 (C.17:22A-40), shall be applicable to the limited lines travel
37 insurance producers and travel retailers;

38 (3) the limited lines travel insurance producer has designated
39 one of its employees who is a licensed individual producer as the
40 person, referred to as a "designated responsible producer,"
41 responsible for the compliance with the travel insurance laws and
42 regulations applicable to the limited lines travel insurance producer
43 and its registrants;

44 (4) the designated responsible producer, president, secretary,
45 treasurer, and any other officer or person who directs or controls the
46 limited lines travel insurance producer's insurance operations
47 complies with the fingerprinting requirements applicable to

1 insurance producers in the resident state of the limited lines travel
2 insurance producer;

3 (5) the limited lines travel insurance producer has paid all
4 applicable licensing fees; and

5 (6) the limited lines travel insurance producer requires each
6 employee and authorized representative of the travel retailer whose
7 duties include offering and disseminating travel insurance to receive
8 a program of instruction or training, which is subject, at the
9 discretion of the commissioner, to review and approval. The
10 training material shall, at a minimum, contain adequate instructions
11 on the types of insurance offered, ethical sales practices, and
12 required disclosures to prospective customers.

13 c. Any travel retailer offering or disseminating travel insurance
14 shall make available to prospective purchasers brochures or other
15 written materials that have been approved by the travel insurer. The
16 materials shall include information which, at a minimum:

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

19 (2) explains that the purchase of travel insurance is not required
20 in order to purchase any other product or service from the travel
21 retailer; and

22 (3) explains that an unlicensed travel retailer is permitted to
23 provide only general information about the insurance offered by the
24 travel retailer, including a description of the coverage and price, but
25 is not qualified or authorized to answer technical questions about
26 the terms and conditions of the insurance offered by the travel
27 retailer or to evaluate the adequacy of the customer's existing
28 insurance coverage.

29 d. A travel retailer employee or authorized representative, who
30 is not licensed as an insurance producer shall not:

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

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

35 (3) hold itself out as a licensed insurer, licensed producer, or
36 insurance expert.

37 e. Notwithstanding any law, rule, or regulation to the contrary,
38 a travel retailer whose insurance-related activities, and those of its
39 employees and authorized representatives, are limited to offering
40 and disseminating travel insurance on behalf of and under the
41 direction of a limited lines travel insurance producer meeting the
42 conditions stated in P.L. , c. (C.) (pending before the
43 Legislature as this bill), is authorized to receive related
44 compensation, upon registration by the limited lines travel
45 insurance producer as described in paragraph (2) of subsection b. of
46 this section.

47 f. As the insurer's designee, the limited lines travel insurance
48 producer is responsible for the acts of the travel retailer and shall

1 use reasonable means to ensure compliance by the travel retailer
2 with P.L. , c. (C.) (pending before the Legislature as this
3 bill).

4 g. Any person licensed in a major line of authority as an
5 insurance producer is authorized to sell, solicit and negotiate travel
6 insurance. A property and casualty insurance producer is not
7 required to become appointed by an insurer in order to sell, solicit,
8 or negotiate travel insurance.

9
10 5. a. A travel insurer shall pay a premium tax, as provided
11 pursuant to section 2 of P.L.1945, c.132 (C.54:18A-2), on travel
12 insurance premiums paid by any of the following:

13 (1) an individual primary policyholder who is a resident of this
14 State;

15 (2) a primary certificate-holder who is a resident of this State
16 who elects coverage under a group travel insurance policy; or

17 (3) a blanket travel insurance policyholder that is a resident in,
18 or has its principal place of business or the principal place of
19 business of an affiliate or subsidiary that has purchased blanket
20 travel insurance in this State for eligible blanket group members,
21 subject to any apportionment rules which apply to the insurer across
22 multiple taxing jurisdictions or that permit the insurer to allocate
23 premium on an apportioned basis in a reasonable and equitable
24 manner in those jurisdictions.

25 b. A travel insurer shall:

26 (1) document the state of residence or principal place of
27 business of the policyholder or certificate-holder, as required in
28 subsection a. of this section; and,

29 (2) report as premium only the amount allocable to travel
30 insurance and not any amounts received for travel assistance
31 services or cancellation fee waivers.

32

33 6. Travel protection plans may be offered for one price for the
34 combined features that the travel protection plan offers in this State
35 if:

36 a. the travel protection plan clearly discloses to the consumer,
37 at or prior to the time of purchase, that it includes travel insurance,
38 travel assistance services, and cancellation fee waivers as
39 applicable, and provides information and an opportunity, at or prior
40 to the time of purchase, for the consumer to obtain additional
41 information regarding the features and pricing of each; and

42 b. the fulfillment materials, which shall:

43 (1) describe and delineate the travel insurance, travel assistance
44 services, and cancellation fee waivers in the travel protection plan,
45 and

46 (2) include the travel insurance disclosures and the contact
47 information for persons providing travel assistance services, and
48 cancellation fee waivers, as applicable.

1 7. a. All persons offering travel insurance to residents of this
2 State are subject to section 3 of P.L.1947, c.379 (C.17:29B-3),
3 except as otherwise provided in this section. In the event of a
4 conflict between P.L. , c. (C.) (pending before the
5 Legislature as this bill) and other provisions of Title 17 of the
6 Revised Statutes or Title 17B of the New Jersey Statutes regarding
7 the sale and marketing of travel insurance and travel protection
8 plans, the provisions of P.L. , c. (C.) (pending before the
9 Legislature as this bill) shall control.

10 b. Offering or selling a travel insurance policy that could never
11 result in payment of any claims for any insured under the policy is
12 an unfair trade practice pursuant to section 3 of P.L.1947, c.379
13 (C.17:29B-3).

14 c. (1) All documents provided to consumers prior to the
15 purchase of travel insurance, including but not limited to sales
16 materials, advertising materials, and marketing materials, shall be
17 consistent with the travel insurance policy itself, including but not
18 limited to, forms, endorsements, policies, rate filings, and
19 certificates of insurance.

20 (2) For travel insurance policies or certificates that contain pre-
21 existing condition exclusions, information and an opportunity to
22 learn more about the pre-existing condition exclusions shall be
23 provided any time prior to the time of purchase, and in the
24 coverage's fulfillment materials.

25 (3) The fulfillment materials and the information described in
26 subparagraphs (a) through (d) of paragraph (1) of subsection b. of
27 section 4 of P.L. , c. (C.) (pending before the Legislature
28 as this bill) shall be provided to a policyholder or certificate holder
29 as soon as practicable, following the purchase of a travel protection
30 plan. Unless the insured has either started a covered trip or filed a
31 claim under the travel insurance coverage, a policyholder or
32 certificate holder may cancel a policy or certificate for a full refund
33 of the travel protection plan price from the date of purchase of a
34 travel protection plan until at least:

35 (a) 15 days following the date of delivery of the travel
36 protection plan's fulfillment materials by postal mail; or

37 (b) 10 days following the date of delivery of the travel
38 protection plan's fulfillment materials by means other than postal
39 mail.

40 For the purposes of this section, delivery means handing
41 fulfillment materials to the policyholder or certificate holder or
42 sending fulfillment materials by postal mail or electronic means to
43 the policyholder or certificate holder.

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

47 (5) Where travel insurance is marketed directly to a consumer
48 through an insurer's website or by others through an aggregator

1 site, it shall not be an unfair trade practice or other violation of law
2 where an accurate summary or short description of coverage is
3 provided on the web page, so long as the consumer has access to the
4 full provisions of the policy through electronic means.

5 d. No person offering, soliciting, or negotiating travel
6 insurance or travel protection plans on an individual or group basis
7 shall use a negative option or opt out, which would require a
8 consumer to take an affirmative action to deselect coverage, such as
9 unchecking a box on an electronic form, when the consumer
10 purchases a trip.

11 e. It shall be an unfair trade practice, pursuant to section 3 of
12 P.L.1947, c.379 (C.17:29B-3), to market blanket travel insurance
13 coverage as free.

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

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

21 (2) agreeing to obtain and provide proof of coverage that meets
22 the destination jurisdiction's requirements prior to departure.
23

24 8. a. Notwithstanding any other provisions of Title 17 of the
25 Revised Statutes or Title 17B of the New Jersey Statutes, no person
26 shall act or represent itself as a travel administrator for travel
27 insurance in this State unless that person:

28 (1) is a licensed property and casualty insurance producer in this
29 state for activities permitted under that producer license;

30 (2) holds a valid managing general agent license in this State; or

31 (3) holds a valid third-party administrator license in this State.

32 b. An insurer is responsible for the acts of a travel
33 administrator administering travel insurance underwritten by the
34 insurer, and is responsible for ensuring that the travel administrator
35 maintains all books and records relevant to the insurer to be made
36 available by the travel administrator to the commissioner upon
37 request.
38

39 9. a. Notwithstanding any other provision of Title 17 of the
40 Revised Statutes or Title 17B of the New Jersey Statutes, travel
41 insurance shall be classified and filed for purposes of rates and
42 forms under an inland marine line of insurance, provided, however,
43 that travel insurance that provides coverage for sickness, accident,
44 disability or death occurring during travel, either exclusively, or in
45 conjunction with related coverages of emergency evacuation or
46 repatriation of remains, or incidental limited property and casualty
47 benefits such as baggage or trip cancellation, may be filed under

1 either an accident and health line of insurance or an inland marine
2 line of insurance.

3 b. Travel Insurance may be in the form of an individual, group,
4 or blanket policy.

5 c. Eligibility and underwriting standards for travel insurance
6 may be developed and provided based on travel protection plans
7 designed for individual or identified marketing or distribution
8 channels, provided those standards also meet the State's
9 underwriting standards for inland marine.

10

11 10. The commissioner may adopt rules and regulations pursuant
12 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
13 1 et seq.), to effectuate the purposes of this act.

14

15 11. This act shall take effect on the 90th day next following
16 enactment.

17

18

19

STATEMENT

20

21 This bill, named the "Travel Insurance Act," would replace and
22 expand existing applicable regulatory standards by providing a
23 comprehensive codification of the legal framework specific to
24 travel insurance and travel-assistance services. Specifically, the bill
25 would:

26 (1) define operative terms relative to the licensing of travel
27 insurance producers and the sale of travel insurance products and
28 related services;

29 (2) establish a licensing and registration framework for limited
30 lines travel insurance producers;

31 (3) impose the State's existing requirements with respect to
32 insurance premium tax on certain travel insurance premiums; and

33 (4) codify established practices with respect to how travel
34 insurance and related products are sold, administered, and classified
35 for purposes of rate and form regulation.

[First Reprint]

SENATE, No. 2783

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 15, 2024

Sponsored by:

Senator JOHN F. MCKEON

District 27 (Essex and Passaic)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senator Wimberly

SYNOPSIS

“Travel Insurance Act.”

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee on December 12, 2024,
with amendments.



(Sponsorship Updated As Of: 2/25/2025)

1 **AN ACT** concerning travel insurance and supplementing Title 17 of
2 the New Jersey Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the “Travel
8 Insurance Act.”

9

10 2. The Legislature finds and declares that:

11 a. The purpose of this act is to promote the public welfare by
12 creating a comprehensive legal framework within which travel
13 insurance may be sold in this State.

14 b. The requirements of P.L. , c. (C.) (pending before
15 the Legislature as this bill) shall apply to travel insurance policies
16 that cover any resident of this State, and are sold, solicited,
17 negotiated, or offered in this State, and policies and certificates are
18 delivered or issued for delivery in this State. P.L. , c. (C.)
19 (pending before the Legislature as this bill) shall not apply to
20 cancellation fee waivers or travel assistance services, except as
21 expressly provided herein.

22 c. All other applicable provisions of this State’s insurance laws
23 shall continue to apply to travel insurance except that the specific
24 provisions of P.L. , c.) (C.) (pending before the
25 Legislature as this bill) shall supersede any general provisions of
26 law that would otherwise be applicable to travel insurance.

27

28 3. As used in this act:

29 “Aggregator site” means a website that provides access to
30 information regarding insurance products from more than one
31 insurer, including product and insurer information, for use in
32 comparison shopping.

33 “Blanket travel insurance” means a policy of travel insurance
34 issued to any eligible group providing coverage for specific classes
35 of persons defined in the policy with coverage provided to all
36 members of the eligible group without a separate charge to
37 individual members of the eligible group.

38 “Cancellation fee waiver” means a contractual agreement
39 between a supplier of travel services and its customer to waive
40 some or all of the non-refundable cancellation fee provisions of the
41 supplier’s underlying travel contract with or without regard to the
42 reason for the cancellation or form of reimbursement. A
43 cancellation fee waiver is not insurance.

44 “Commissioner” means the Commissioner of Banking and
45 Insurance.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCM committee amendments adopted December 12, 2024.

- 1 “Eligible group” means two or more persons who are engaged in
2 a common enterprise, or have an economic, educational, or social
3 affinity or relationship, including but not limited to:
- 4 (1) any entity engaged in the business of providing travel or
5 travel services, including but not limited to: tour operators, lodging
6 providers, vacation property owners, hotels and resorts, travel clubs,
7 travel agencies, property managers, cultural exchange programs,
8 and common carriers or the operator, owner, or lessor of a means of
9 transportation of passengers, including but not limited to airlines,
10 cruise lines, railroads, steamship companies, and public bus
11 carriers, wherein with regard to any particular travel or type of
12 travel or travelers, all members or customers of the group have a
13 common exposure to risk attendant to the travel;
- 14 (2) any college, school, or other institution of learning, covering
15 students, teachers, employees, or volunteers;
- 16 (3) any employer covering any group of employees, volunteers,
17 contractors, board of directors, dependents, or guests;
- 18 (4) any sports team, camp, or sponsor thereof, covering
19 participants, members, campers, employees, officials, supervisors,
20 or volunteers;
- 21 (5) any religious, charitable, recreational, educational, or civic
22 organization, or branch thereof, covering any group of members,
23 participants, or volunteers;
- 24 (6) any financial institution or financial institution vendor, or
25 parent holding company, trustee, or agent of or designated by one or
26 more financial institutions or financial institution vendors,
27 including accountholders, credit card holders, debtors, guarantors,
28 or purchasers;
- 29 (7) any incorporated or unincorporated association, including
30 labor unions, having a common interest, constitution and bylaws,
31 and organized and maintained in good faith for purposes other than
32 obtaining insurance for members or participants of the association
33 covering its members;
- 34 (8) any trust or the trustees of a fund established, created or
35 maintained for the benefit of and covering members, employees or
36 customers, subject to the commissioner permitting the use of a trust
37 and the State’s premium tax provisions in section 5 of
38 P.L. , c. (C.) (pending before the Legislature as this bill) of
39 an association meeting the requirements of paragraph (7) of this
40 section;
- 41 (9) any entertainment production company covering any group
42 of participants, volunteers, audience members, contestants, or
43 workers;
- 44 (10) any volunteer fire department, ambulance, rescue, police,
45 court, or any first aid, civil defense, or other such volunteer group;
- 46 (11) preschools, daycare institutions for children or adults, and
47 senior citizen clubs;

1 (12) any automobile or truck rental or leasing company covering
2 a group of individuals who may become renters, lessees, or
3 passengers defined by their travel status on the rented or leased
4 vehicles. The common carrier, the operator, owner or lessor of a
5 means of transportation, or the automobile or truck rental or leasing
6 company, is the policyholder under a policy to which this section
7 applies; or

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

12 “Fulfillment materials” means documentation sent to the
13 purchaser of a travel protection plan confirming the purchase and
14 providing the travel protection plan’s coverage and assistance
15 details.

16 “Group travel insurance” means travel insurance issued to any
17 eligible group.

18 “Limited lines travel insurance producer” means a:

19 (1) licensed managing general agent ¹or third-party
20 administrator,¹

21 (2) licensed insurance producer, including a limited lines
22 producer¹,¹ or

23 (3) travel administrator.

24 “Offer and disseminate” means providing general information,
25 including a description of the coverage and price, as well as
26 processing the application and collecting premiums.

27 “Primary certificate holder” means an individual person who
28 elects and purchases travel insurance under a group policy pursuant
29 to section 5 of P.L. , c. (C.) (pending before the Legislature
30 as this bill).

31 “Primary policyholder” means an individual person who elects
32 and purchases individual travel insurance pursuant to section 5 of
33 P.L. , c. (C.) (pending before the Legislature as this bill).

34 “Travel administrator” means a person who directly or indirectly
35 underwrites, collects charges, collateral or premiums from, or
36 adjusts or settles claims on residents of this State, in connection
37 with travel insurance, except that a person shall not be considered a
38 travel administrator if that person’s only actions that would
39 otherwise cause it to be considered a travel administrator are among
40 the following:

41 (1) a person working for a travel administrator to the extent that
42 the person’s activities are subject to the supervision and control of
43 the travel administrator;

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

47 (3) a travel retailer offering and disseminating travel insurance
48 and registered under the license of a limited lines travel insurance

1 producer in accordance with P.L. , c. (C.) (pending before
2 the Legislature as this bill);

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

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

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

26 "Travel insurance" means insurance coverage for personal risks
27 incident to planned travel, including:

28 (1) interruption or cancellation of trip or event;

29 (2) loss of baggage or personal effects;

30 (3) damages to accommodations or rental vehicles;

31 (4) sickness, accident, disability or death occurring during
32 travel;

33 (5) emergency evacuation;

34 (6) repatriation of remains; or

35 (7) any other contractual obligations to indemnify or pay a
36 specified amount to the traveler upon determinable contingencies
37 related to travel as approved by the commissioner. Travel insurance
38 does not include major medical plans that provide comprehensive
39 medical protection for travelers with trips lasting longer than six
40 months, including for example, those working or residing overseas
41 as an expatriate, or any other product that requires a specific
42 insurance producer license.

43 "Travel protection plans" means plans that provide one or more
44 of the following: travel insurance, travel assistance services, and
45 cancellation fee waivers.

46 "Travel retailer" means a business entity that makes, arranges or
47 offers planned travel and may offer and disseminate travel

1 insurance as a service to its customers on behalf of and under the
2 direction of a limited lines travel insurance producer.

3
4 4. a. The commissioner may issue a limited lines travel
5 insurance producer license to an individual or business entity that
6 has filed with the commissioner an application for a limited lines
7 travel insurance producer license in a form and manner prescribed
8 by the commissioner. A limited lines travel insurance producer shall
9 be licensed to sell, solicit or negotiate travel insurance through a
10 licensed insurer. No person may act as a limited lines travel
11 insurance producer or travel insurance retailer unless properly
12 licensed or registered.

13 b. A travel retailer may offer and disseminate travel insurance
14 under a limited lines travel insurance producer business entity
15 license only if:

16 (1) the limited lines travel insurance producer or travel retailer
17 provides to purchasers of travel insurance:

18 (a) a description of the material terms or the actual material
19 terms of the insurance coverage;

20 (b) a description of the process for filing a claim;

21 (c) a description of the review or cancellation process for the
22 travel insurance policy; and

23 (d) the identity and contact information of the insurer and
24 limited lines travel insurance producer;

25 (2) at the time of licensure, the limited lines travel insurance
26 producer shall establish and maintain a register, on a form
27 prescribed by the commissioner, of each travel retailer that offers
28 travel insurance on the limited lines travel insurance producer's
29 behalf. The register shall be maintained and updated by the limited
30 lines travel insurance producer and shall include the name, address,
31 and contact information of the travel retailer and an officer or
32 person who directs or controls the travel retailer's operations, and
33 the travel retailer's federal tax identification number. The limited
34 lines travel insurance producer shall submit the register to the
35 Department of Banking and Insurance upon reasonable request. The
36 limited lines travel insurance producer shall also certify that the
37 travel retailer registered complies with section 1033 of Title 18 of
38 the United States Code (18 U.S.C. s.1033). The grounds for the
39 suspension, revocation and the penalties applicable to resident
40 insurance producers pursuant to section 40 of P.L.2001, c.210
41 (C.17:22A-40), shall be applicable to the limited lines travel
42 insurance producers and travel retailers;

43 (3) the limited lines travel insurance producer has designated
44 one of its employees who is a licensed individual producer as the
45 person, referred to as a "designated responsible producer,"
46 responsible for the compliance with the travel insurance laws and
47 regulations applicable to the limited lines travel insurance producer
48 and its registrants;

1 (4) the designated responsible producer, president, secretary,
2 treasurer, and any other officer or person who directs or controls the
3 limited lines travel insurance producer's insurance operations
4 complies with the fingerprinting requirements applicable to
5 insurance producers in the resident state of the limited lines travel
6 insurance producer;

7 (5) the limited lines travel insurance producer has paid all
8 applicable licensing fees; and

9 (6) the limited lines travel insurance producer requires each
10 employee and authorized representative of the travel retailer whose
11 duties include offering and disseminating travel insurance to receive
12 a program of instruction or training, which is subject, at the
13 discretion of the commissioner, to review and approval. The
14 training material shall, at a minimum, contain adequate instructions
15 on the types of insurance offered, ethical sales practices, and
16 required disclosures to prospective customers.

17 c. Any travel retailer offering or disseminating travel insurance
18 shall make available to prospective purchasers brochures or other
19 written materials that have been approved by the travel insurer. The
20 materials shall include information which, at a minimum:

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

23 (2) explains that the purchase of travel insurance is not required
24 in order to purchase any other product or service from the travel
25 retailer; and

26 (3) explains that an unlicensed travel retailer is permitted to
27 provide only general information about the insurance offered by the
28 travel retailer, including a description of the coverage and price, but
29 is not qualified or authorized to answer technical questions about
30 the terms and conditions of the insurance offered by the travel
31 retailer or to evaluate the adequacy of the customer's existing
32 insurance coverage.

33 d. A travel retailer employee or authorized representative, who
34 is not licensed as an insurance producer shall not:

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

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

39 (3) hold itself out as a licensed insurer, licensed producer, or
40 insurance expert.

41 e. Notwithstanding any law, rule, or regulation to the contrary,
42 a travel retailer whose insurance-related activities, and those of its
43 employees and authorized representatives, are limited to offering
44 and disseminating travel insurance on behalf of and under the
45 direction of a limited lines travel insurance producer meeting the
46 conditions stated in P.L. , c. (C.) (pending before the
47 Legislature as this bill), is authorized to receive related
48 compensation, upon registration by the limited lines travel

1 insurance producer as described in paragraph (2) of subsection b. of
2 this section.

3 f. As the insurer's designee, the limited lines travel insurance
4 producer is responsible for the acts of the travel retailer and shall
5 use reasonable means to ensure compliance by the travel retailer
6 with P.L. , c. (C.) (pending before the Legislature as this
7 bill).

8 g. Any person licensed in ¹~~['a major line of]~~ property or
9 casualty¹ authority as an insurance producer is authorized to sell,
10 solicit and negotiate travel insurance. ¹~~['A property and casualty~~
11 ~~insurance producer is not required to become appointed by an~~
12 ~~insurer in order to sell, solicit, or negotiate travel insurance.']~~¹
13

14 5. a. A travel insurer shall pay a premium tax, as provided
15 pursuant to section 2 of P.L.1945, c.132 (C.54:18A-2), on travel
16 insurance premiums paid by any of the following:

17 (1) an individual primary policyholder who is a resident of this
18 State;

19 (2) a primary certificate-holder who is a resident of this State
20 who elects coverage under a group travel insurance policy; or

21 (3) a blanket travel insurance policyholder that is a resident in,
22 or has its principal place of business or the principal place of
23 business of an affiliate or subsidiary that has purchased blanket
24 travel insurance in this State for eligible blanket group members,
25 subject to any apportionment rules which apply to the insurer across
26 multiple taxing jurisdictions or that permit the insurer to allocate
27 premium on an apportioned basis in a reasonable and equitable
28 manner in those jurisdictions.

29 b. A travel insurer shall:

30 (1) document the state of residence or principal place of
31 business of the policyholder or certificate-holder, as required in
32 subsection a. of this section; and,

33 (2) report as premium only the amount allocable to travel
34 insurance and not any amounts received for travel assistance
35 services or cancellation fee waivers.
36

37 6. Travel protection plans may be offered for one price for the
38 combined features that the travel protection plan offers in this State if:

39 a. the travel protection plan clearly discloses to the consumer, at
40 or prior to the time of purchase, that it includes travel insurance, travel
41 assistance services, and cancellation fee waivers as applicable, and
42 provides information and an opportunity, at or prior to the time of
43 purchase, for the consumer to obtain additional information regarding
44 the features and pricing of each; and

45 b. the fulfillment materials¹~~['], which shall']~~¹:

46 (1) describe and delineate the travel insurance, travel assistance
47 services, and cancellation fee waivers in the travel protection plan, and

1 (2) include the travel insurance disclosures and the contact
2 information for persons providing travel assistance services, and
3 cancellation fee waivers, as applicable.
4

5 7. a. All persons offering travel insurance to residents of this
6 State are subject to section 3 of P.L.1947, c.379 (C.17:29B-3), except
7 as otherwise provided in this section. In the event of a conflict
8 between P.L. , c. (C.) (pending before the Legislature as this
9 bill) and other provisions of Title 17 of the Revised Statutes or Title
10 17B of the New Jersey Statutes regarding the sale and marketing of
11 travel insurance and travel protection plans, the provisions of
12 P.L. , c. (C.) (pending before the Legislature as this bill) shall
13 control.

14 b. Offering or selling a travel insurance policy that could never
15 result in payment of any claims for any insured under the policy is an
16 unfair trade practice pursuant to section 3 of P.L.1947, c.379
17 (C.17:29B-3).

18 c. (1) All documents provided to consumers prior to the purchase
19 of travel insurance, including but not limited to sales materials,
20 advertising materials, and marketing materials, shall be consistent with
21 the travel insurance policy itself, including but not limited to, forms,
22 endorsements, policies, rate filings, and certificates of insurance.

23 (2) For travel insurance policies or certificates that contain pre-
24 existing condition exclusions, information and an opportunity to learn
25 more about the pre-existing condition exclusions shall be provided any
26 time prior to the time of purchase, and in the coverage's fulfillment
27 materials.

28 (3) The fulfillment materials and the information described in
29 subparagraphs (a) through (d) of paragraph (1) of subsection b. of
30 section 4 of P.L. , c. (C.) (pending before the Legislature as
31 this bill) shall be provided to a policyholder or certificate holder as
32 soon as practicable, following the purchase of a travel protection plan.
33 Unless the insured has either started a covered trip or filed a claim
34 under the travel insurance coverage, a policyholder or certificate
35 holder may cancel a policy or certificate for a full refund of the travel
36 protection plan price from the date of purchase of a travel protection
37 plan until at least:

38 (a) 15 days following the date of delivery of the travel protection
39 plan's fulfillment materials by postal mail; or

40 (b) 10 days following the date of delivery of the travel protection
41 plan's fulfillment materials by means other than postal mail.

42 For the purposes of this section, delivery means handing
43 fulfillment materials to the policyholder or certificate holder or
44 sending fulfillment materials by postal mail or electronic means to the
45 policyholder or certificate holder.

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

(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 'that includes policy limits and exclusions or the ability to opt out of the coverage'¹, 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 shall use a negative option or opt out, which 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, pursuant to section 3 of P.L.1947, c.379 (C.17:29B-3), to market blanket travel insurance coverage as free.

f. Where a consumer's destination jurisdiction requires insurance coverage, it shall not be an unfair trade practice to require that a 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.

8. a. Notwithstanding any other provisions of Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes, no person shall act or represent itself as a travel administrator for travel insurance in this State unless that person:

(1) is a licensed property and casualty insurance producer in this state for activities permitted under that producer license; ¹or¹

(2) holds a valid managing general agent license in this State¹]; or

(3) holds a valid third-party administrator license in this State¹.

b. An insurer is responsible for the acts of a travel administrator administering travel insurance underwritten by the insurer, and is responsible for ensuring that the travel administrator maintains all books and records relevant to the insurer to be made available by the travel administrator to the commissioner upon request.

9. a. Notwithstanding any other provision of Title 17 of the Revised Statutes or Title 17B of the New Jersey Statutes, travel insurance shall be classified and filed for purposes of rates and forms under an inland marine line of insurance, provided, however, that travel insurance that provides coverage for sickness, accident, disability or death occurring during travel, either exclusively, or in conjunction with related coverages of emergency evacuation or repatriation of remains, or incidental limited property and casualty benefits such as baggage or trip cancellation, may be filed under

1 either an accident and health line of insurance or an inland marine
2 line of insurance.

3 b. Travel Insurance may be in the form of an individual, group,
4 or blanket policy.

5 c. Eligibility and underwriting standards for travel insurance
6 may be developed and provided based on travel protection plans
7 designed for individual or identified marketing or distribution
8 channels, provided those standards also meet the State's
9 underwriting standards for inland marine.

10

11 10. The commissioner may adopt rules and regulations pursuant
12 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
13 1 et seq.), to effectuate the purposes of this act.

14

15 11. This act shall take effect on the '~~90th~~ 180th' day next
16 following enactment.

[Second Reprint]

SENATE, No. 2783

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 15, 2024

Sponsored by:

Senator JOHN F. MCKEON

District 27 (Essex and Passaic)

Senator VIN GOPAL

District 11 (Monmouth)

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

Co-Sponsored by:

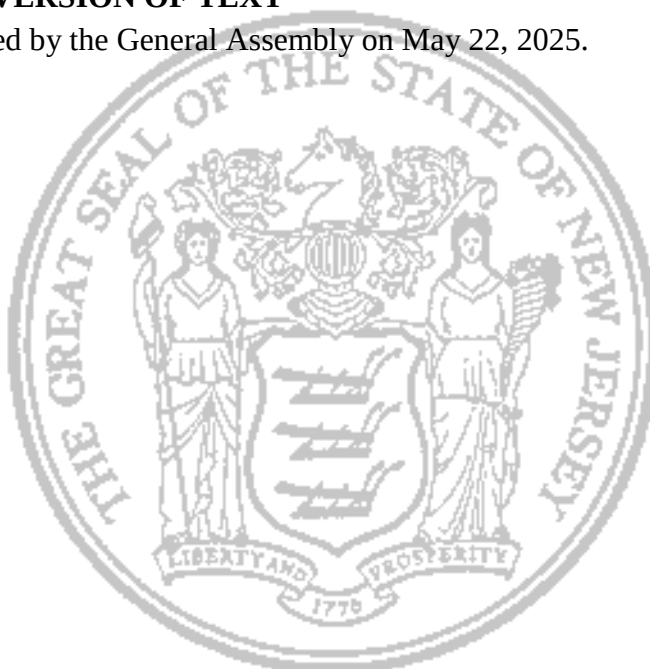
Senator Wimberly

SYNOPSIS

“Travel Insurance Act.”

CURRENT VERSION OF TEXT

As amended by the General Assembly on May 22, 2025.



(Sponsorship Updated As Of: 6/30/2025)

1 **AN ACT** concerning travel insurance and supplementing Title 17 of
2 the New Jersey Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the “Travel
8 Insurance Act.”

9

10 2. The Legislature finds and declares that:

11 a. The purpose of this act is to promote the public welfare by
12 creating a comprehensive legal framework within which travel
13 insurance may be sold in this State.

14 b. The requirements of P.L. , c. (C.) (pending before
15 the Legislature as this bill) shall apply to travel insurance policies
16 that cover any resident of this State, and are sold, solicited,
17 negotiated, or offered in this State, and policies and certificates are
18 delivered or issued for delivery in this State. P.L. , c. (C.)
19 (pending before the Legislature as this bill) shall not apply to
20 cancellation fee waivers or travel assistance services, except as
21 expressly provided herein.

22 c. All other applicable provisions of this State’s insurance laws
23 shall continue to apply to travel insurance except that the specific
24 provisions of P.L. , c.) (C.) (pending before the
25 Legislature as this bill) shall supersede any general provisions of
26 law that would otherwise be applicable to travel insurance.

27

28 3. As used in this act:

29 “Aggregator site” means a website that provides access to
30 information regarding insurance products from more than one
31 insurer, including product and insurer information, for use in
32 comparison shopping.

33 “Blanket travel insurance” means a policy of travel insurance
34 issued to any eligible group providing coverage for specific classes
35 of persons defined in the policy with coverage provided to all
36 members of the eligible group without a separate charge to
37 individual members of the eligible group.

38 “Cancellation fee waiver” means a contractual agreement
39 between a supplier of travel services and its customer to waive
40 some or all of the non-refundable cancellation fee provisions of the
41 supplier’s underlying travel contract with or without regard to the
42 reason for the cancellation or form of reimbursement. A
43 cancellation fee waiver is not insurance.

44 “Commissioner” means the Commissioner of Banking and
45 Insurance.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SCM committee amendments adopted December 12, 2024.

²Assembly floor amendments adopted May 22, 2025.

- 1 “Eligible group” means two or more persons who are engaged in
2 a common enterprise, or have an economic, educational, or social
3 affinity or relationship, including but not limited to:
- 4 (1) any entity engaged in the business of providing travel or
5 travel services, including but not limited to: tour operators, lodging
6 providers, vacation property owners, hotels and resorts, travel clubs,
7 travel agencies, property managers, cultural exchange programs,
8 and common carriers or the operator, owner, or lessor of a means of
9 transportation of passengers, including but not limited to airlines,
10 cruise lines, railroads, steamship companies, and public bus
11 carriers, wherein with regard to any particular travel or type of
12 travel or travelers, all members or customers of the group have a
13 common exposure to risk attendant to the travel;
- 14 (2) any college, school, or other institution of learning, covering
15 students, teachers, employees, or volunteers;
- 16 (3) any employer covering any group of employees, volunteers,
17 contractors, board of directors, dependents, or guests;
- 18 (4) any sports team, camp, or sponsor thereof, covering
19 participants, members, campers, employees, officials, supervisors,
20 or volunteers;
- 21 (5) any religious, charitable, recreational, educational, or civic
22 organization, or branch thereof, covering any group of members,
23 participants, or volunteers;
- 24 (6) any financial institution or financial institution vendor, or
25 parent holding company, trustee, or agent of or designated by one or
26 more financial institutions or financial institution vendors,
27 including accountholders, credit card holders, debtors, guarantors,
28 or purchasers;
- 29 (7) any incorporated or unincorporated association, including
30 labor unions, having a common interest, constitution and bylaws,
31 and organized and maintained in good faith for purposes other than
32 obtaining insurance for members or participants of the association
33 covering its members;
- 34 (8) any trust or the trustees of a fund established, created or
35 maintained for the benefit of and covering members, employees or
36 customers, subject to the commissioner permitting the use of a trust
37 and the State’s premium tax provisions in section 5 of
38 P.L. , c. (C.) (pending before the Legislature as this bill) of
39 an association meeting the requirements of paragraph (7) of this
40 section;
- 41 (9) any entertainment production company covering any group
42 of participants, volunteers, audience members, contestants, or
43 workers;
- 44 (10) any volunteer fire department, ambulance, rescue, police,
45 court, or any first aid, civil defense, or other such volunteer group;
- 46 (11) preschools, daycare institutions for children or adults, and
47 senior citizen clubs;

1 (12) any automobile or truck rental or leasing company covering
2 a group of individuals who may become renters, lessees, or
3 passengers defined by their travel status on the rented or leased
4 vehicles. The common carrier, the operator, owner or lessor of a
5 means of transportation, or the automobile or truck rental or leasing
6 company, is the policyholder under a policy to which this section
7 applies; or

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

12 “Fulfillment materials” means documentation sent to the
13 purchaser of a travel protection plan confirming the purchase and
14 providing the travel protection plan’s coverage and assistance
15 details.

16 “Group travel insurance” means travel insurance issued to any
17 eligible group.

18 “Limited lines travel insurance producer” means a:

19 (1) licensed managing general agent ¹or third-party
20 administrator,¹

21 (2) licensed insurance producer, including a limited lines
22 producer¹,¹ or

23 (3) travel administrator.

24 “Offer and disseminate” means providing general information,
25 including a description of the coverage and price, as well as
26 processing the application and collecting premiums.

27 “Primary certificate holder” means an individual person who
28 elects and purchases travel insurance under a group policy pursuant
29 to section 5 of P.L. , c. (C.) (pending before the Legislature
30 as this bill).

31 “Primary policyholder” means an individual person who elects
32 and purchases individual travel insurance pursuant to section 5 of
33 P.L. , c. (C.) (pending before the Legislature as this bill).

34 “Travel administrator” means a person who directly or indirectly
35 underwrites, collects charges, collateral or premiums from, or
36 adjusts or settles claims on residents of this State, in connection
37 with travel insurance, except that a person shall not be considered a
38 travel administrator if that person’s only actions that would
39 otherwise cause it to be considered a travel administrator are among
40 the following:

41 (1) a person working for a travel administrator to the extent that
42 the person’s activities are subject to the supervision and control of
43 the travel administrator;

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

47 (3) a travel retailer offering and disseminating travel insurance
48 and registered under the license of a limited lines travel insurance

1 producer in accordance with P.L. , c. (C.) (pending before
2 the Legislature as this bill);

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

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

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

26 "Travel insurance" means insurance coverage for personal risks
27 incident to planned travel, including:

28 (1) interruption or cancellation of trip or event;

29 (2) loss of baggage or personal effects;

30 (3) damages to accommodations or rental vehicles;

31 (4) sickness, accident, disability or death occurring during
32 travel;

33 (5) emergency evacuation;

34 (6) repatriation of remains; or

35 (7) any other contractual obligations to indemnify or pay a
36 specified amount to the traveler upon determinable contingencies
37 related to travel as approved by the commissioner. Travel insurance
38 does not include major medical plans that provide comprehensive
39 medical protection for travelers with trips lasting longer than six
40 months, including for example, those working or residing overseas
41 as an expatriate, or any other product that requires a specific
42 insurance producer license.

43 ²Arrangements for repatriation of remains which are made as
44 part of a preneed funeral arrangement or other preneed consultation
45 through a State registered mortuary, pursuant to the "Mortuary
46 Science Act," P.L.1952, c.340 (C.45:7-32 et seq.), that do not
47 include any other coverages listed under this section shall not be
48 considered travel insurance.²

1 “Travel protection plans” means plans that provide one or more
2 of the following: travel insurance, travel assistance services, and
3 cancellation fee waivers.

4 “Travel retailer” means a business entity that makes, arranges or
5 offers planned travel and may offer and disseminate travel
6 insurance as a service to its customers on behalf of and under the
7 direction of a limited lines travel insurance producer.

8
9 4. a. The commissioner may issue a limited lines travel
10 insurance producer license to an individual or business entity that
11 has filed with the commissioner an application for a limited lines
12 travel insurance producer license in a form and manner prescribed
13 by the commissioner. A limited lines travel insurance producer shall
14 be licensed to sell, solicit or negotiate travel insurance through a
15 licensed insurer. No person may act as a limited lines travel
16 insurance producer or travel insurance retailer unless properly
17 licensed or registered.

18 b. A travel retailer may offer and disseminate travel insurance
19 under a limited lines travel insurance producer business entity
20 license only if:

21 (1) the limited lines travel insurance producer or travel retailer
22 provides to purchasers of travel insurance:

23 (a) a description of the material terms or the actual material
24 terms of the insurance coverage;

25 (b) a description of the process for filing a claim;

26 (c) a description of the review or cancellation process for the
27 travel insurance policy; and

28 (d) the identity and contact information of the insurer and
29 limited lines travel insurance producer;

30 (2) at the time of licensure, the limited lines travel insurance
31 producer shall establish and maintain a register, on a form
32 prescribed by the commissioner, of each travel retailer that offers
33 travel insurance on the limited lines travel insurance producer’s
34 behalf. The register shall be maintained and updated by the limited
35 lines travel insurance producer and shall include the name, address,
36 and contact information of the travel retailer and an officer or
37 person who directs or controls the travel retailer’s operations, and
38 the travel retailer’s federal tax identification number. The limited
39 lines travel insurance producer shall submit the register to the
40 Department of Banking and Insurance upon reasonable request. The
41 limited lines travel insurance producer shall also certify that the
42 travel retailer registered complies with section 1033 of Title 18 of
43 the United States Code (18 U.S.C. s.1033). The grounds for the
44 suspension, revocation and the penalties applicable to resident
45 insurance producers pursuant to section 40 of P.L.2001, c.210
46 (C.17:22A-40), shall be applicable to the limited lines travel
47 insurance producers and travel retailers;

1 (3) the limited lines travel insurance producer has designated
2 one of its employees who is a licensed individual producer as the
3 person, referred to as a “designated responsible producer,”
4 responsible for the compliance with the travel insurance laws and
5 regulations applicable to the limited lines travel insurance producer
6 and its registrants;

7 (4) the designated responsible producer, president, secretary,
8 treasurer, and any other officer or person who directs or controls the
9 limited lines travel insurance producer’s insurance operations
10 complies with the fingerprinting requirements applicable to
11 insurance producers in the resident state of the limited lines travel
12 insurance producer;

13 (5) the limited lines travel insurance producer has paid all
14 applicable licensing fees; and

15 (6) the limited lines travel insurance producer requires each
16 employee and authorized representative of the travel retailer whose
17 duties include offering and disseminating travel insurance to receive
18 a program of instruction or training, which is subject, at the
19 discretion of the commissioner, to review and approval. The
20 training material shall, at a minimum, contain adequate instructions
21 on the types of insurance offered, ethical sales practices, and
22 required disclosures to prospective customers.

23 c. Any travel retailer offering or disseminating travel insurance
24 shall make available to prospective purchasers brochures or other
25 written materials that have been approved by the travel insurer. The
26 materials shall include information which, at a minimum:

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

29 (2) explains that the purchase of travel insurance is not required
30 in order to purchase any other product or service from the travel
31 retailer; and

32 (3) explains that an unlicensed travel retailer is permitted to
33 provide only general information about the insurance offered by the
34 travel retailer, including a description of the coverage and price, but
35 is not qualified or authorized to answer technical questions about
36 the terms and conditions of the insurance offered by the travel
37 retailer or to evaluate the adequacy of the customer’s existing
38 insurance coverage.

39 d. A travel retailer employee or authorized representative, who
40 is not licensed as an insurance producer shall not:

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

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

45 (3) hold itself out as a licensed insurer, licensed producer, or
46 insurance expert.

47 e. Notwithstanding any law, rule, or regulation to the contrary,
48 a travel retailer whose insurance-related activities, and those of its

1 employees and authorized representatives, are limited to offering
2 and disseminating travel insurance on behalf of and under the
3 direction of a limited lines travel insurance producer meeting the
4 conditions stated in P.L. , c. (C.) (pending before the
5 Legislature as this bill), is authorized to receive related
6 compensation, upon registration by the limited lines travel
7 insurance producer as described in paragraph (2) of subsection b. of
8 this section.

9 f. As the insurer's designee, the limited lines travel insurance
10 producer is responsible for the acts of the travel retailer and shall
11 use reasonable means to ensure compliance by the travel retailer
12 with P.L. , c. (C.) (pending before the Legislature as this
13 bill).

14 g. Any person licensed in ¹~~['a major line of]~~ property or
15 casualty¹ authority as an insurance producer is authorized to sell,
16 solicit and negotiate travel insurance. ¹~~['A property and casualty~~
17 ~~insurance producer is not required to become appointed by an~~
18 ~~insurer in order to sell, solicit, or negotiate travel insurance.']~~¹

19
20 5. a. A travel insurer shall pay a premium tax, as provided
21 pursuant to section 2 of P.L.1945, c.132 (C.54:18A-2), on travel
22 insurance premiums paid by any of the following:

23 (1) an individual primary policyholder who is a resident of this
24 State;

25 (2) a primary certificate-holder who is a resident of this State
26 who elects coverage under a group travel insurance policy; or

27 (3) a blanket travel insurance policyholder that is a resident in,
28 or has its principal place of business or the principal place of
29 business of an affiliate or subsidiary that has purchased blanket
30 travel insurance in this State for eligible blanket group members,
31 subject to any apportionment rules which apply to the insurer across
32 multiple taxing jurisdictions or that permit the insurer to allocate
33 premium on an apportioned basis in a reasonable and equitable
34 manner in those jurisdictions.

35 b. A travel insurer shall:

36 (1) document the state of residence or principal place of
37 business of the policyholder or certificate-holder, as required in
38 subsection a. of this section; and,

39 (2) report as premium only the amount allocable to travel
40 insurance and not any amounts received for travel assistance
41 services or cancellation fee waivers.

42
43 6. Travel protection plans may be offered for one price for the
44 combined features that the travel protection plan offers in this State if:

45 a. the travel protection plan clearly discloses to the consumer, at
46 or prior to the time of purchase, that it includes travel insurance, travel
47 assistance services, and cancellation fee waivers as applicable, and
48 provides information and an opportunity, at or prior to the time of

1 purchase, for the consumer to obtain additional information regarding
2 the features and pricing of each; and

3 b. the fulfillment materials¹], which shall¹:

4 (1) describe and delineate the travel insurance, travel assistance
5 services, and cancellation fee waivers in the travel protection plan, and

6 (2) include the travel insurance disclosures and the contact
7 information for persons providing travel assistance services, and
8 cancellation fee waivers, as applicable.

9

10 7. a. All persons offering travel insurance to residents of this
11 State are subject to section 3 of P.L.1947, c.379 (C.17:29B-3), except
12 as otherwise provided in this section. In the event of a conflict
13 between P.L. , c. (C.) (pending before the Legislature as this
14 bill) and other provisions of Title 17 of the Revised Statutes or Title
15 17B of the New Jersey Statutes regarding the sale and marketing of
16 travel insurance and travel protection plans, the provisions of
17 P.L. , c. (C.) (pending before the Legislature as this bill) shall
18 control.

19 b. Offering or selling a travel insurance policy that could never
20 result in payment of any claims for any insured under the policy is an
21 unfair trade practice pursuant to section 3 of P.L.1947, c.379
22 (C.17:29B-3).

23 c. (1) All documents provided to consumers prior to the purchase
24 of travel insurance, including but not limited to sales materials,
25 advertising materials, and marketing materials, shall be consistent with
26 the travel insurance policy itself, including but not limited to, forms,
27 endorsements, policies, rate filings, and certificates of insurance.

28 (2) For travel insurance policies or certificates that contain pre-
29 existing condition exclusions, information and an opportunity to learn
30 more about the pre-existing condition exclusions shall be provided any
31 time prior to the time of purchase, and in the coverage's fulfillment
32 materials.

33 (3) The fulfillment materials and the information described in
34 subparagraphs (a) through (d) of paragraph (1) of subsection b. of
35 section 4 of P.L. , c. (C.) (pending before the Legislature as
36 this bill) shall be provided to a policyholder or certificate holder as
37 soon as practicable, following the purchase of a travel protection plan.
38 Unless the insured has either started a covered trip or filed a claim
39 under the travel insurance coverage, a policyholder or certificate
40 holder may cancel a policy or certificate for a full refund of the travel
41 protection plan price from the date of purchase of a travel protection
42 plan until at least:

43 (a) 15 days following the date of delivery of the travel protection
44 plan's fulfillment materials by postal mail; or

45 (b) 10 days following the date of delivery of the travel protection
46 plan's fulfillment materials by means other than postal mail.

47 For the purposes of this section, delivery means handing
48 fulfillment materials to the policyholder or certificate holder or

1 sending fulfillment materials by postal mail or electronic means to the
2 policyholder or certificate holder.

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

6 (5) Where travel insurance is marketed directly to a consumer
7 through an insurer's website or by others through an aggregator site, it
8 shall not be an unfair trade practice or other violation of law where an
9 accurate summary or short description of coverage is provided on the
10 web page 'that includes policy limits and exclusions or the ability to
11 opt out of the coverage'¹, so long as the consumer has access to the full
12 provisions of the policy through electronic means.

13 d. No person offering, soliciting, or negotiating travel insurance
14 or travel protection plans on an individual or group basis shall use a
15 negative option or opt out, which would require a consumer to take an
16 affirmative action to deselect coverage, such as unchecking a box on
17 an electronic form, when the consumer purchases a trip.

18 e. It shall be an unfair trade practice, pursuant to section 3 of
19 P.L.1947, c.379 (C.17:29B-3), to market blanket travel insurance
20 coverage as free.

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

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

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

30

31 8. a. Notwithstanding any other provisions of Title 17 of the
32 Revised Statutes or Title 17B of the New Jersey Statutes, no person
33 shall act or represent itself as a travel administrator for travel insurance
34 in this State unless that person:

35 (1) is a licensed property and casualty insurance producer in this
36 state for activities permitted under that producer license; ¹or¹

37 (2) holds a valid managing general agent license in this State¹; or

38 (3) holds a valid third-party administrator license in this State¹.

39 b. An insurer is responsible for the acts of a travel administrator
40 administering travel insurance underwritten by the insurer, and is
41 responsible for ensuring that the travel administrator maintains all
42 books and records relevant to the insurer to be made available by the
43 travel administrator to the commissioner upon request.

44

45 9. a. Notwithstanding any other provision of Title 17 of the
46 Revised Statutes or Title 17B of the New Jersey Statutes, travel
47 insurance shall be classified and filed for purposes of rates and
48 forms under an inland marine line of insurance, provided, however,

1 that travel insurance that provides coverage for sickness, accident,
2 disability or death occurring during travel, either exclusively, or in
3 conjunction with related coverages of emergency evacuation or
4 repatriation of remains, or incidental limited property and casualty
5 benefits such as baggage or trip cancellation, may be filed under
6 either an accident and health line of insurance or an inland marine
7 line of insurance.

8 b. Travel Insurance may be in the form of an individual, group,
9 or blanket policy.

10 c. Eligibility and underwriting standards for travel insurance
11 may be developed and provided based on travel protection plans
12 designed for individual or identified marketing or distribution
13 channels, provided those standards also meet the State's
14 underwriting standards for inland marine.

15

16 10. The commissioner may adopt rules and regulations pursuant
17 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
18 1 et seq.), to effectuate the purposes of this act.

19

20 11. This act shall take effect on the '~~90th~~ 180th' day next
21 following enactment.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 2783

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 12, 2024

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 2783.

As amended, this bill, named the “Travel Insurance Act,” would replace and expand existing applicable regulatory standards by providing a comprehensive codification of the legal framework specific to travel insurance and travel-assistance services. Specifically, the bill would:

- (1) define operative terms relative to the licensing of travel insurance producers and the sale of travel insurance products and related services;
- (2) establish a licensing and registration framework for limited lines travel insurance producers;
- (3) impose the State’s existing requirements with respect to insurance premium tax on certain travel insurance premiums; and
- (4) codify established practices with respect to how travel insurance and related products are sold, administered, and classified for purposes of rate and form regulation.

As amended and reported by the committee, Senate Bill No. 2783 is identical to Assembly Bill No. 3696 (1R).

COMMITTEE AMENDMENTS

The committee amended the bill to:

- (1) remove references to third party administrators;
- (2) clarify that persons licensed in a property or casualty authority as an insurance producer will be authorized to sell, solicit, and negotiate travel insurance;
- (3) allow travel insurance policies to be marketed directly to a consumer through an insurer’s website if there is an accurate summary or short description of coverage that includes policy limits and exclusions or the ability to opt out of the coverage;
- (4) extend the effective date of the bill from 90 to 180 days after the bill’s enactment; and
- (5) make certain technical changes.

STATEMENT TO

[First Reprint]

SENATE, No. 2783

with Assembly Floor Amendments
(Proposed by Assemblyman DANIELSEN)

ADOPTED: MAY 22, 2025

This floor amendment clarifies that the term “travel insurance” does not include arrangements for repatriation of remains, made as part of a preneed funeral arrangement or other preneed consultation through a State registered mortuary, that do not include any other coverages.

ASSEMBLY, No. 3696

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 12, 2024

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

SYNOPSIS

“Travel Insurance Act.”

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning travel insurance and supplementing Title 17 of
2 the New Jersey Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the “Travel
8 Insurance Act.”

9

10 2. The Legislature finds and declares that:

11 a. The purpose of this act is to promote the public welfare by
12 creating a comprehensive legal framework within which travel
13 insurance may be sold in this State.

14 b. The requirements of P.L. , c. (C.) (pending before
15 the Legislature as this bill) shall apply to travel insurance policies
16 that cover any resident of this State, and are sold, solicited,
17 negotiated, or offered in this State, and policies and certificates are
18 delivered or issued for delivery in this State. P.L. , c. (C.)
19 (pending before the Legislature as this bill) shall not apply to
20 cancellation fee waivers or travel assistance services, except as
21 expressly provided herein.

22 c. All other applicable provisions of this State’s insurance laws
23 shall continue to apply to travel insurance except that the specific
24 provisions of P.L. , c.) (C.) (pending before the
25 Legislature as this bill) shall supersede any general provisions of
26 law that would otherwise be applicable to travel insurance.

27

28 3. As used in this act:

29 “Aggregator site” means a website that provides access to
30 information regarding insurance products from more than one
31 insurer, including product and insurer information, for use in
32 comparison shopping.

33 “Blanket travel insurance” means a policy of travel insurance
34 issued to any eligible group providing coverage for specific classes
35 of persons defined in the policy with coverage provided to all
36 members of the eligible group without a separate charge to
37 individual members of the eligible group.

38 “Cancellation fee waiver” means a contractual agreement
39 between a supplier of travel services and its customer to waive
40 some or all of the non-refundable cancellation fee provisions of the
41 supplier’s underlying travel contract with or without regard to the
42 reason for the cancellation or form of reimbursement. A
43 cancellation fee waiver is not insurance.

44 “Commissioner” means the Commissioner of Banking and
45 Insurance.

46 “Eligible group” means two or more persons who are engaged in
47 a common enterprise, or have an economic, educational, or social
48 affinity or relationship, including but not limited to:

1 (1) any entity engaged in the business of providing travel or
2 travel services, including but not limited to: tour operators, lodging
3 providers, vacation property owners, hotels and resorts, travel clubs,
4 travel agencies, property managers, cultural exchange programs,
5 and common carriers or the operator, owner, or lessor of a means of
6 transportation of passengers, including but not limited to airlines,
7 cruise lines, railroads, steamship companies, and public bus
8 carriers, wherein with regard to any particular travel or type of
9 travel or travelers, all members or customers of the group have a
10 common exposure to risk attendant to the travel;

11 (2) any college, school, or other institution of learning, covering
12 students, teachers, employees, or volunteers;

13 (3) any employer covering any group of employees, volunteers,
14 contractors, board of directors, dependents, or guests;

15 (4) any sports team, camp, or sponsor thereof, covering
16 participants, members, campers, employees, officials, supervisors,
17 or volunteers;

18 (5) any religious, charitable, recreational, educational, or civic
19 organization, or branch thereof, covering any group of members,
20 participants, or volunteers;

21 (6) any financial institution or financial institution vendor, or
22 parent holding company, trustee, or agent of or designated by one or
23 more financial institutions or financial institution vendors,
24 including accountholders, credit card holders, debtors, guarantors,
25 or purchasers;

26 (7) any incorporated or unincorporated association, including
27 labor unions, having a common interest, constitution and bylaws,
28 and organized and maintained in good faith for purposes other than
29 obtaining insurance for members or participants of the association
30 covering its members;

31 (8) any trust or the trustees of a fund established, created or
32 maintained for the benefit of and covering members, employees or
33 customers, subject to the commissioner permitting the use of a trust
34 and the State's premium tax provisions in section 5 of P.L. , c.
35 (C.) (pending before the Legislature as this bill) of an
36 association meeting the requirements of paragraph (7) of this
37 section;

38 (9) any entertainment production company covering any group
39 of participants, volunteers, audience members, contestants, or
40 workers;

41 (10) any volunteer fire department, ambulance, rescue, police,
42 court, or any first aid, civil defense, or other such volunteer group;

43 (11) preschools, daycare institutions for children or adults, and
44 senior citizen clubs;

45 (12) any automobile or truck rental or leasing company covering
46 a group of individuals who may become renters, lessees, or
47 passengers defined by their travel status on the rented or leased
48 vehicles. The common carrier, the operator, owner or lessor of a

1 means of transportation, or the automobile or truck rental or leasing
2 company, is the policyholder under a policy to which this section
3 applies; or

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

8 “Fulfillment materials” means documentation sent to the
9 purchaser of a travel protection plan confirming the purchase and
10 providing the travel protection plan’s coverage and assistance
11 details.

12 “Group travel insurance” means travel insurance issued to any
13 eligible group.

14 “Limited lines travel insurance producer” means a:

15 (1) licensed managing general agent or third-party
16 administrator,

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

19 (3) travel administrator.

20 “Offer and disseminate” means providing general information,
21 including a description of the coverage and price, as well as
22 processing the application and collecting premiums.

23 “Primary certificate holder” means an individual person who
24 elects and purchases travel insurance under a group policy pursuant
25 to section 5 of P.L. , c. (C.) (pending before the Legislature
26 as this bill).

27 “Primary policyholder” means an individual person who elects
28 and purchases individual travel insurance pursuant to section 5 of
29 P.L. , c. (C.) (pending before the Legislature as this bill).

30 “Travel administrator” means a person who directly or indirectly
31 underwrites, collects charges, collateral or premiums from, or
32 adjusts or settles claims on residents of this State, in connection
33 with travel insurance, except that a person shall not be considered a
34 travel administrator if that person’s only actions that would
35 otherwise cause it to be considered a travel administrator are among
36 the following:

37 (1) a person working for a travel administrator to the extent that
38 the person’s activities are subject to the supervision and control of
39 the travel administrator;

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

43 (3) a travel retailer offering and disseminating travel insurance
44 and registered under the license of a limited lines travel insurance
45 producer in accordance with P.L. , c. (C.) (pending before
46 the Legislature as this bill);

47 (4) an individual adjusting or settling claims in the normal
48 course of that individual’s practice or employment as an attorney-

1 at-law and who does not collect charges or premiums in connection
2 with insurance coverage; or

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

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

22 “Travel insurance” means insurance coverage for personal risks
23 incident to planned travel, including:

24 (1) interruption or cancellation of trip or event;
25 (2) loss of baggage or personal effects;
26 (3) damages to accommodations or rental vehicles;
27 (4) sickness, accident, disability or death occurring during
28 travel;

29 (5) emergency evacuation;

30 (6) repatriation of remains; or

31 (7) any other contractual obligations to indemnify or pay a
32 specified amount to the traveler upon determinable contingencies
33 related to travel as approved by the commissioner. Travel insurance
34 does not include major medical plans that provide comprehensive
35 medical protection for travelers with trips lasting longer than six
36 months, including for example, those working or residing overseas
37 as an expatriate, or any other product that requires a specific
38 insurance producer license.

39 “Travel protection plans” means plans that provide one or more
40 of the following: travel insurance, travel assistance services, and
41 cancellation fee waivers.

42 “Travel retailer” means a business entity that makes, arranges or
43 offers planned travel and may offer and disseminate travel
44 insurance as a service to its customers on behalf of and under the
45 direction of a limited lines travel insurance producer.

46

47 4. a. The commissioner may issue a limited lines travel
48 insurance producer license to an individual or business entity that

1 has filed with the commissioner an application for a limited lines
2 travel insurance producer license in a form and manner prescribed
3 by the commissioner. A limited lines travel insurance producer shall
4 be licensed to sell, solicit or negotiate travel insurance through a
5 licensed insurer. No person may act as a limited lines travel
6 insurance producer or travel insurance retailer unless properly
7 licensed or registered.

8 b. A travel retailer may offer and disseminate travel insurance
9 under a limited lines travel insurance producer business entity
10 license only if:

11 (1) the limited lines travel insurance producer or travel retailer
12 provides to purchasers of travel insurance:

13 (a) a description of the material terms or the actual material
14 terms of the insurance coverage;

15 (b) a description of the process for filing a claim;

16 (c) a description of the review or cancellation process for the
17 travel insurance policy; and

18 (d) the identity and contact information of the insurer and
19 limited lines travel insurance producer;

20 (2) at the time of licensure, the limited lines travel insurance
21 producer shall establish and maintain a register, on a form
22 prescribed by the commissioner, of each travel retailer that offers
23 travel insurance on the limited lines travel insurance producer's
24 behalf. The register shall be maintained and updated by the limited
25 lines travel insurance producer and shall include the name, address,
26 and contact information of the travel retailer and an officer or
27 person who directs or controls the travel retailer's operations, and
28 the travel retailer's federal tax identification number. The limited
29 lines travel insurance producer shall submit the register to the
30 Department of Banking and Insurance upon reasonable request. The
31 limited lines travel insurance producer shall also certify that the
32 travel retailer registered complies with section 1033 of Title 18 of
33 the United States Code (18 U.S.C. s.1033). The grounds for the
34 suspension, revocation and the penalties applicable to resident
35 insurance producers pursuant to section 40 of P.L.2001, c.210
36 (C.17:22A-40), shall be applicable to the limited lines travel
37 insurance producers and travel retailers;

38 (3) the limited lines travel insurance producer has designated
39 one of its employees who is a licensed individual producer as the
40 person, referred to as a "designated responsible producer,"
41 responsible for the compliance with the travel insurance laws and
42 regulations applicable to the limited lines travel insurance producer
43 and its registrants;

44 (4) the designated responsible producer, president, secretary,
45 treasurer, and any other officer or person who directs or controls the
46 limited lines travel insurance producer's insurance operations
47 complies with the fingerprinting requirements applicable to

1 insurance producers in the resident state of the limited lines travel
2 insurance producer;

3 (5) the limited lines travel insurance producer has paid all
4 applicable licensing fees; and

5 (6) the limited lines travel insurance producer requires each
6 employee and authorized representative of the travel retailer whose
7 duties include offering and disseminating travel insurance to receive
8 a program of instruction or training, which is subject, at the
9 discretion of the commissioner, to review and approval. The
10 training material shall, at a minimum, contain adequate instructions
11 on the types of insurance offered, ethical sales practices, and
12 required disclosures to prospective customers.

13 c. Any travel retailer offering or disseminating travel insurance
14 shall make available to prospective purchasers brochures or other
15 written materials that have been approved by the travel insurer. The
16 materials shall include information which, at a minimum:

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

19 (2) explains that the purchase of travel insurance is not required
20 in order to purchase any other product or service from the travel
21 retailer; and

22 (3) explains that an unlicensed travel retailer is permitted to
23 provide only general information about the insurance offered by the
24 travel retailer, including a description of the coverage and price, but
25 is not qualified or authorized to answer technical questions about
26 the terms and conditions of the insurance offered by the travel
27 retailer or to evaluate the adequacy of the customer's existing
28 insurance coverage.

29 d. A travel retailer employee or authorized representative, who
30 is not licensed as an insurance producer shall not:

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

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

35 (3) hold itself out as a licensed insurer, licensed producer, or
36 insurance expert.

37 e. Notwithstanding any law, rule, or regulation to the contrary,
38 a travel retailer whose insurance-related activities, and those of its
39 employees and authorized representatives, are limited to offering
40 and disseminating travel insurance on behalf of and under the
41 direction of a limited lines travel insurance producer meeting the
42 conditions stated in P.L. , c. (C.) (pending before the
43 Legislature as this bill), is authorized to receive related
44 compensation, upon registration by the limited lines travel
45 insurance producer as described in paragraph (2) of subsection b. of
46 this section.

47 f. As the insurer's designee, the limited lines travel insurance
48 producer is responsible for the acts of the travel retailer and shall

1 use reasonable means to ensure compliance by the travel retailer
2 with P.L. , c. (C.) (pending before the Legislature as this
3 bill).

4 g. Any person licensed in a major line of authority as an
5 insurance producer is authorized to sell, solicit and negotiate travel
6 insurance. A property and casualty insurance producer is not
7 required to become appointed by an insurer in order to sell, solicit,
8 or negotiate travel insurance.

9
10 5. a. A travel insurer shall pay a premium tax, as provided
11 pursuant to section 2 of P.L.1945, c.132 (C.54:18A-2), on travel
12 insurance premiums paid by any of the following:

13 (1) an individual primary policyholder who is a resident of this
14 State;

15 (2) a primary certificate-holder who is a resident of this State
16 who elects coverage under a group travel insurance policy; or

17 (3) a blanket travel insurance policyholder that is a resident in,
18 or has its principal place of business or the principal place of
19 business of an affiliate or subsidiary that has purchased blanket
20 travel insurance in this State for eligible blanket group members,
21 subject to any apportionment rules which apply to the insurer across
22 multiple taxing jurisdictions or that permit the insurer to allocate
23 premium on an apportioned basis in a reasonable and equitable
24 manner in those jurisdictions.

25 b. A travel insurer shall:

26 (1) document the state of residence or principal place of
27 business of the policyholder or certificate-holder, as required in
28 subsection a. of this section; and,

29 (2) report as premium only the amount allocable to travel
30 insurance and not any amounts received for travel assistance
31 services or cancellation fee waivers.

32

33 6. Travel protection plans may be offered for one price for the
34 combined features that the travel protection plan offers in this State
35 if:

36 a. the travel protection plan clearly discloses to the consumer,
37 at or prior to the time of purchase, that it includes travel insurance,
38 travel assistance services, and cancellation fee waivers as
39 applicable, and provides information and an opportunity, at or prior
40 to the time of purchase, for the consumer to obtain additional
41 information regarding the features and pricing of each; and

42 b. the fulfillment materials, which shall:

43 (1) describe and delineate the travel insurance, travel assistance
44 services, and cancellation fee waivers in the travel protection plan,
45 and

46 (2) include the travel insurance disclosures and the contact
47 information for persons providing travel assistance services, and
48 cancellation fee waivers, as applicable.

1 7. a. All persons offering travel insurance to residents of this
2 State are subject to section 3 of P.L.1947, c.379 (C.17:29B-3),
3 except as otherwise provided in this section. In the event of a
4 conflict between P.L. , c. (C.) (pending before the
5 Legislature as this bill) and other provisions of Title 17 of the
6 Revised Statutes or Title 17B of the New Jersey Statutes regarding
7 the sale and marketing of travel insurance and travel protection
8 plans, the provisions of P.L. , c. (C.) (pending before the
9 Legislature as this bill) shall control.

10 b. Offering or selling a travel insurance policy that could never
11 result in payment of any claims for any insured under the policy is
12 an unfair trade practice pursuant to section 3 of P.L.1947, c.379
13 (C.17:29B-3).

14 c. (1) All documents provided to consumers prior to the
15 purchase of travel insurance, including but not limited to sales
16 materials, advertising materials, and marketing materials, shall be
17 consistent with the travel insurance policy itself, including but not
18 limited to, forms, endorsements, policies, rate filings, and
19 certificates of insurance.

20 (2) For travel insurance policies or certificates that contain pre-
21 existing condition exclusions, information and an opportunity to
22 learn more about the pre-existing condition exclusions shall be
23 provided any time prior to the time of purchase, and in the
24 coverage's fulfillment materials.

25 (3) The fulfillment materials and the information described in
26 subparagraphs (a) through (d) of paragraph (1) of subsection b. of
27 section 4 of P.L. , c. (C.) (pending before the Legislature
28 as this bill) shall be provided to a policyholder or certificate holder
29 as soon as practicable, following the purchase of a travel protection
30 plan. Unless the insured has either started a covered trip or filed a
31 claim under the travel insurance coverage, a policyholder or
32 certificate holder may cancel a policy or certificate for a full refund
33 of the travel protection plan price from the date of purchase of a
34 travel protection plan until at least:

35 (a) 15 days following the date of delivery of the travel
36 protection plan's fulfillment materials by postal mail; or

37 (b) 10 days following the date of delivery of the travel
38 protection plan's fulfillment materials by means other than postal
39 mail.

40 For the purposes of this section, delivery means handing
41 fulfillment materials to the policyholder or certificate holder or
42 sending fulfillment materials by postal mail or electronic means to
43 the policyholder or certificate holder.

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

47 (5) Where travel insurance is marketed directly to a consumer
48 through an insurer's website or by others through an aggregator

1 site, it shall not be an unfair trade practice or other violation of law
2 where an accurate summary or short description of coverage is
3 provided on the web page, so long as the consumer has access to the
4 full provisions of the policy through electronic means.

5 d. No person offering, soliciting, or negotiating travel
6 insurance or travel protection plans on an individual or group basis
7 shall use a negative option or opt out, which would require a
8 consumer to take an affirmative action to deselect coverage, such as
9 unchecking a box on an electronic form, when the consumer
10 purchases a trip.

11 e. It shall be an unfair trade practice, pursuant to section 3 of
12 P.L.1947, c.379 (C.17:29B-3), to market blanket travel insurance
13 coverage as free.

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

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

21 (2) agreeing to obtain and provide proof of coverage that meets
22 the destination jurisdiction's requirements prior to departure.
23

24 8. a. Notwithstanding any other provisions of Title 17 of the
25 Revised Statutes or Title 17B of the New Jersey Statutes, no person
26 shall act or represent itself as a travel administrator for travel
27 insurance in this State unless that person:

28 (1) is a licensed property and casualty insurance producer in this
29 state for activities permitted under that producer license;

30 (2) holds a valid managing general agent license in this State; or

31 (3) holds a valid third-party administrator license in this State.

32 b. An insurer is responsible for the acts of a travel
33 administrator administering travel insurance underwritten by the
34 insurer, and is responsible for ensuring that the travel administrator
35 maintains all books and records relevant to the insurer to be made
36 available by the travel administrator to the commissioner upon
37 request.
38

39 9. a. Notwithstanding any other provision of Title 17 of the
40 Revised Statutes or Title 17B of the New Jersey Statutes, travel
41 insurance shall be classified and filed for purposes of rates and
42 forms under an inland marine line of insurance, provided, however,
43 that travel insurance that provides coverage for sickness, accident,
44 disability or death occurring during travel, either exclusively, or in
45 conjunction with related coverages of emergency evacuation or
46 repatriation of remains, or incidental limited property and casualty
47 benefits such as baggage or trip cancellation, may be filed under

1 either an accident and health line of insurance or an inland marine
2 line of insurance.

3 b. Travel Insurance may be in the form of an individual, group,
4 or blanket policy.

5 c. Eligibility and underwriting standards for travel insurance
6 may be developed and provided based on travel protection plans
7 designed for individual or identified marketing or distribution
8 channels, provided those standards also meet the State's
9 underwriting standards for inland marine.

10

11 10. The commissioner may adopt rules and regulations pursuant
12 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
13 1 et seq.), to effectuate the purposes of this act.

14

15 11. This act shall take effect on the 90th day next following
16 enactment.

17

18

19

STATEMENT

20

21 This bill, named the "Travel Insurance Act," would replace and
22 expand existing applicable regulatory standards by providing a
23 comprehensive codification of the legal framework specific to
24 travel insurance and travel-assistance services. Specifically, the bill
25 would:

26 (1) define operative terms relative to the licensing of travel
27 insurance producers and the sale of travel insurance products and
28 related services;

29 (2) establish a licensing and registration framework for limited
30 lines travel insurance producers;

31 (3) impose the State's existing requirements with respect to
32 insurance premium tax on certain travel insurance premiums; and

33 (4) codify established practices with respect to how travel
34 insurance and related products are sold, administered, and classified
35 for purposes of rate and form regulation.

[First Reprint]

ASSEMBLY, No. 3696

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED FEBRUARY 12, 2024

Sponsored by:

Assemblyman JOE DANIELSEN

District 17 (Middlesex and Somerset)

SYNOPSIS

“Travel Insurance Act.”

CURRENT VERSION OF TEXT

As reported by the Assembly Financial Institutions and Insurance Committee on May 20, 2024, with amendments.



1 **AN ACT** concerning travel insurance and supplementing Title 17 of
2 the New Jersey Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the “Travel
8 Insurance Act.”

9

10 2. The Legislature finds and declares that:

11 a. The purpose of this act is to promote the public welfare by
12 creating a comprehensive legal framework within which travel
13 insurance may be sold in this State.

14 b. The requirements of P.L. , c. (C.) (pending before
15 the Legislature as this bill) shall apply to travel insurance policies
16 that cover any resident of this State, and are sold, solicited,
17 negotiated, or offered in this State, and policies and certificates are
18 delivered or issued for delivery in this State. P.L. , c. (C.)
19 (pending before the Legislature as this bill) shall not apply to
20 cancellation fee waivers or travel assistance services, except as
21 expressly provided herein.

22 c. All other applicable provisions of this State’s insurance laws
23 shall continue to apply to travel insurance except that the specific
24 provisions of P.L. , c.) (C.) (pending before the
25 Legislature as this bill) shall supersede any general provisions of
26 law that would otherwise be applicable to travel insurance.

27

28 3. As used in this act:

29 “Aggregator site” means a website that provides access to
30 information regarding insurance products from more than one insurer,
31 including product and insurer information, for use in comparison
32 shopping.

33 “Blanket travel insurance” means a policy of travel insurance
34 issued to any eligible group providing coverage for specific classes of
35 persons defined in the policy with coverage provided to all members
36 of the eligible group without a separate charge to individual members
37 of the eligible group.

38 “Cancellation fee waiver” means a contractual agreement between
39 a supplier of travel services and its customer to waive some or all of
40 the non-refundable cancellation fee provisions of the supplier’s
41 underlying travel contract with or without regard to the reason for the
42 cancellation or form of reimbursement. A cancellation fee waiver is
43 not insurance.

44 “Commissioner” means the Commissioner of Banking and
45 Insurance.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AFI committee amendments adopted May 20, 2024.

- 1 “Eligible group” means two or more persons who are engaged in a
2 common enterprise, or have an economic, educational, or social
3 affinity or relationship, including but not limited to:
- 4 (1) any entity engaged in the business of providing travel or travel
5 services, including but not limited to: tour operators, lodging
6 providers, vacation property owners, hotels and resorts, travel clubs,
7 travel agencies, property managers, cultural exchange programs, and
8 common carriers or the operator, owner, or lessor of a means of
9 transportation of passengers, including but not limited to airlines,
10 cruise lines, railroads, steamship companies, and public bus carriers,
11 wherein with regard to any particular travel or type of travel or
12 travelers, all members or customers of the group have a common
13 exposure to risk attendant to the travel;
- 14 (2) any college, school, or other institution of learning, covering
15 students, teachers, employees, or volunteers;
- 16 (3) any employer covering any group of employees, volunteers,
17 contractors, board of directors, dependents, or guests;
- 18 (4) any sports team, camp, or sponsor thereof, covering
19 participants, members, campers, employees, officials, supervisors, or
20 volunteers;
- 21 (5) any religious, charitable, recreational, educational, or civic
22 organization, or branch thereof, covering any group of members,
23 participants, or volunteers;
- 24 (6) any financial institution or financial institution vendor, or
25 parent holding company, trustee, or agent of or designated by one or
26 more financial institutions or financial institution vendors, including
27 accountholders, credit card holders, debtors, guarantors, or purchasers;
- 28 (7) any incorporated or unincorporated association, including labor
29 unions, having a common interest, constitution and bylaws, and
30 organized and maintained in good faith for purposes other than
31 obtaining insurance for members or participants of the association
32 covering its members;
- 33 (8) any trust or the trustees of a fund established, created or
34 maintained for the benefit of and covering members, employees or
35 customers, subject to the commissioner permitting the use of a trust
36 and the State’s premium tax provisions in section 5 of
37 P.L. , c. (C.) (pending before the Legislature as this bill) of an
38 association meeting the requirements of paragraph (7) of this section;
- 39 (9) any entertainment production company covering any group of
40 participants, volunteers, audience members, contestants, or workers;
- 41 (10) any volunteer fire department, ambulance, rescue, police,
42 court, or any first aid, civil defense, or other such volunteer group;
- 43 (11) preschools, daycare institutions for children or adults, and
44 senior citizen clubs;
- 45 (12) any automobile or truck rental or leasing company covering a
46 group of individuals who may become renters, lessees, or passengers
47 defined by their travel status on the rented or leased vehicles. The
48 common carrier, the operator, owner or lessor of a means of

- 1 transportation, or the automobile or truck rental or leasing company, is
2 the policyholder under a policy to which this section applies; or
- 3 (13) any other group where the commissioner has determined that
4 the members are engaged in a common enterprise, or have an
5 economic, educational, or social affinity or relationship, and that
6 issuance of the policy would not be contrary to the public interest.
- 7 “Fulfillment materials” means documentation sent to the purchaser
8 of a travel protection plan confirming the purchase and providing the
9 travel protection plan’s coverage and assistance details.
- 10 “Group travel insurance” means travel insurance issued to any
11 eligible group.
- 12 “Limited lines travel insurance producer” means a:
- 13 (1) licensed managing general agent ¹[or third-party
14 administrator,]¹;
- 15 (2) licensed insurance producer, including a limited lines
16 producer¹[,]¹ or
- 17 (3) travel administrator.
- 18 “Offer and disseminate” means providing general information,
19 including a description of the coverage and price, as well as processing
20 the application and collecting premiums.
- 21 “Primary certificate holder” means an individual person who elects
22 and purchases travel insurance under a group policy pursuant to
23 section 5 of P.L. , c. (C.) (pending before the Legislature as
24 this bill).
- 25 “Primary policyholder” means an individual person who elects and
26 purchases individual travel insurance pursuant to section 5 of
27 P.L. , c. (C.) (pending before the Legislature as this bill).
- 28 “Travel administrator” means a person who directly or indirectly
29 underwrites, collects charges, collateral or premiums from, or adjusts
30 or settles claims on residents of this State, in connection with travel
31 insurance, except that a person shall not be considered a travel
32 administrator if that person’s only actions that would otherwise cause
33 it to be considered a travel administrator are among the following:
- 34 (1) a person working for a travel administrator to the extent that
35 the person’s activities are subject to the supervision and control of the
36 travel administrator;
- 37 (2) an insurance producer selling insurance or engaged in
38 administrative and claims-related activities within the scope of the
39 producer’s license;
- 40 (3) a travel retailer offering and disseminating travel insurance and
41 registered under the license of a limited lines travel insurance producer
42 in accordance with P.L. , c. (C.) (pending before the
43 Legislature as this bill);
- 44 (4) an individual adjusting or settling claims in the normal course
45 of that individual’s practice or employment as an attorney-at-law and
46 who does not collect charges or premiums in connection with
47 insurance coverage; or

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

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

19 “Travel insurance” means insurance coverage for personal risks
20 incident to planned travel, including:

- 21 (1) interruption or cancellation of trip or event;
- 22 (2) loss of baggage or personal effects;
- 23 (3) damages to accommodations or rental vehicles;
- 24 (4) sickness, accident, disability or death occurring during travel;
- 25 (5) emergency evacuation;
- 26 (6) repatriation of remains; or
- 27 (7) any other contractual obligations to indemnify or pay a
28 specified amount to the traveler upon determinable contingencies
29 related to travel as approved by the commissioner. Travel insurance
30 does not include major medical plans that provide comprehensive
31 medical protection for travelers with trips lasting longer than six
32 months, including for example, those working or residing overseas as
33 an expatriate, or any other product that requires a specific insurance
34 producer license.

35 “Travel protection plans” means plans that provide one or more of
36 the following: travel insurance, travel assistance services, and
37 cancellation fee waivers.

38 “Travel retailer” means a business entity that makes, arranges or
39 offers planned travel and may offer and disseminate travel insurance as
40 a service to its customers on behalf of and under the direction of a
41 limited lines travel insurance producer.

42

43 4. a. The commissioner may issue a limited lines travel insurance
44 producer license to an individual or business entity that has filed with
45 the commissioner an application for a limited lines travel insurance
46 producer license in a form and manner prescribed by the
47 commissioner. A limited lines travel insurance producer shall be
48 licensed to sell, solicit or negotiate travel insurance through a licensed

1 insurer. No person may act as a limited lines travel insurance producer
2 or travel insurance retailer unless properly licensed or registered.

3 b. A travel retailer may offer and disseminate travel insurance
4 under a limited lines travel insurance producer business entity license
5 only if:

6 (1) the limited lines travel insurance producer or travel retailer
7 provides to purchasers of travel insurance:

8 (a) a description of the material terms or the actual material terms
9 of the insurance coverage;

10 (b) a description of the process for filing a claim;

11 (c) a description of the review or cancellation process for the travel
12 insurance policy; and

13 (d) the identity and contact information of the insurer and limited
14 lines travel insurance producer;

15 (2) at the time of licensure, the limited lines travel insurance
16 producer shall establish and maintain a register, on a form prescribed
17 by the commissioner, of each travel retailer that offers travel insurance
18 on the limited lines travel insurance producer's behalf. The register
19 shall be maintained and updated by the limited lines travel insurance
20 producer and shall include the name, address, and contact information
21 of the travel retailer and an officer or person who directs or controls
22 the travel retailer's operations, and the travel retailer's federal tax
23 identification number. The limited lines travel insurance producer shall
24 submit the register to the Department of Banking and Insurance upon
25 reasonable request. The limited lines travel insurance producer shall
26 also certify that the travel retailer registered complies with section
27 1033 of Title 18 of the United States Code (18 U.S.C. s.1033). The
28 grounds for the suspension, revocation and the penalties applicable to
29 resident insurance producers pursuant to section 40 of P.L.2001, c.210
30 (C.17:22A-40), shall be applicable to the limited lines travel insurance
31 producers and travel retailers;

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

37 (4) the designated responsible producer, president, secretary,
38 treasurer, and any other officer or person who directs or controls the
39 limited lines travel insurance producer's insurance operations complies
40 with the fingerprinting requirements applicable to insurance producers
41 in the resident state of the limited lines travel insurance producer;

42 (5) the limited lines travel insurance producer has paid all
43 applicable licensing fees; and

44 (6) the limited lines travel insurance producer requires each
45 employee and authorized representative of the travel retailer whose
46 duties include offering and disseminating travel insurance to receive a
47 program of instruction or training, which is subject, at the discretion of
48 the commissioner, to review and approval. The training material shall,
49 at a minimum, contain adequate instructions on the types of insurance

1 offered, ethical sales practices, and required disclosures to prospective
2 customers.

3 c. Any travel retailer offering or disseminating travel insurance
4 shall make available to prospective purchasers brochures or other
5 written materials that have been approved by the travel insurer. The
6 materials shall include information which, at a minimum:

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

9 (2) explains that the purchase of travel insurance is not required in
10 order to purchase any other product or service from the travel retailer;
11 and

12 (3) explains that an unlicensed travel retailer is permitted to
13 provide only general information about the insurance offered by the
14 travel retailer, including a description of the coverage and price, but is
15 not qualified or authorized to answer technical questions about the
16 terms and conditions of the insurance offered by the travel retailer or
17 to evaluate the adequacy of the customer's existing insurance
18 coverage.

19 d. A travel retailer employee or authorized representative, who is
20 not licensed as an insurance producer shall not:

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

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

25 (3) hold itself out as a licensed insurer, licensed producer, or
26 insurance expert.

27 e. Notwithstanding any law, rule, or regulation to the contrary, a
28 travel retailer whose insurance-related activities, and those of its
29 employees and authorized representatives, are limited to offering and
30 disseminating travel insurance on behalf of and under the direction of
31 a limited lines travel insurance producer meeting the conditions stated
32 in P.L. , c. (C.) (pending before the Legislature as this bill), is
33 authorized to receive related compensation, upon registration by the
34 limited lines travel insurance producer as described in paragraph (2) of
35 subsection b. of this section.

36 f. As the insurer's designee, the limited lines travel insurance
37 producer is responsible for the acts of the travel retailer and shall use
38 reasonable means to ensure compliance by the travel retailer with
39 P.L. , c. (C.) (pending before the Legislature as this bill).

40 g. Any person licensed in ¹~~["a major line of"]~~ property or casualty¹
41 authority as an insurance producer is authorized to sell, solicit and
42 negotiate travel insurance. ¹~~["A property and casualty insurance~~
43 ~~producer is not required to become appointed by an insurer in order to~~
44 ~~sell, solicit, or negotiate travel insurance"]~~¹.

45
46 5. a. A travel insurer shall pay a premium tax, as provided
47 pursuant to section 2 of P.L.1945, c.132 (C.54:18A-2), on travel
48 insurance premiums paid by any of the following:

1 (1) an individual primary policyholder who is a resident of this
2 State;

3 (2) a primary certificate-holder who is a resident of this State
4 who elects coverage under a group travel insurance policy; or

5 (3) a blanket travel insurance policyholder that is a resident in,
6 or has its principal place of business or the principal place of
7 business of an affiliate or subsidiary that has purchased blanket
8 travel insurance in this State for eligible blanket group members,
9 subject to any apportionment rules which apply to the insurer across
10 multiple taxing jurisdictions or that permit the insurer to allocate
11 premium on an apportioned basis in a reasonable and equitable
12 manner in those jurisdictions.

13 b. A travel insurer shall:

14 (1) document the state of residence or principal place of
15 business of the policyholder or certificate-holder, as required in
16 subsection a. of this section; and,

17 (2) report as premium only the amount allocable to travel
18 insurance and not any amounts received for travel assistance
19 services or cancellation fee waivers.

20

21 6. Travel protection plans may be offered for one price for the
22 combined features that the travel protection plan offers in this State if:

23 a. the travel protection plan clearly discloses to the consumer, at
24 or prior to the time of purchase, that it includes travel insurance, travel
25 assistance services, and cancellation fee waivers as applicable, and
26 provides information and an opportunity, at or prior to the time of
27 purchase, for the consumer to obtain additional information regarding
28 the features and pricing of each; and

29 b. the fulfillment materials¹【, which shall】¹:

30 (1) describe and delineate the travel insurance, travel assistance
31 services, and cancellation fee waivers in the travel protection plan, and

32 (2) include the travel insurance disclosures and the contact
33 information for persons providing travel assistance services, and
34 cancellation fee waivers, as applicable.

35

36 7. a. All persons offering travel insurance to residents of this
37 State are subject to section 3 of P.L.1947, c.379 (C.17:29B-3), except
38 as otherwise provided in this section. In the event of a conflict
39 between P.L. , c. (C.) (pending before the Legislature as this
40 bill) and other provisions of Title 17 of the Revised Statutes or Title
41 17B of the New Jersey Statutes regarding the sale and marketing of
42 travel insurance and travel protection plans, the provisions of
43 P.L. , c. (C.) (pending before the Legislature as this bill) shall
44 control.

45 b. Offering or selling a travel insurance policy that could never
46 result in payment of any claims for any insured under the policy is an
47 unfair trade practice pursuant to section 3 of P.L.1947, c.379
48 (C.17:29B-3).

1 c. (1) All documents provided to consumers prior to the purchase
2 of travel insurance, including but not limited to sales materials,
3 advertising materials, and marketing materials, shall be consistent with
4 the travel insurance policy itself, including but not limited to, forms,
5 endorsements, policies, rate filings, and certificates of insurance.

6 (2) For travel insurance policies or certificates that contain pre-
7 existing condition exclusions, information and an opportunity to learn
8 more about the pre-existing condition exclusions shall be provided any
9 time prior to the time of purchase, and in the coverage's fulfillment
10 materials.

11 (3) The fulfillment materials and the information described in
12 subparagraphs (a) through (d) of paragraph (1) of subsection b. of
13 section 4 of P.L. , c. (C.) (pending before the Legislature as
14 this bill) shall be provided to a policyholder or certificate holder as
15 soon as practicable, following the purchase of a travel protection plan.
16 Unless the insured has either started a covered trip or filed a claim
17 under the travel insurance coverage, a policyholder or certificate
18 holder may cancel a policy or certificate for a full refund of the travel
19 protection plan price from the date of purchase of a travel protection
20 plan until at least:

21 (a) 15 days following the date of delivery of the travel protection
22 plan's fulfillment materials by postal mail; or

23 (b) 10 days following the date of delivery of the travel protection
24 plan's fulfillment materials by means other than postal mail.

25 For the purposes of this section, delivery means handing
26 fulfillment materials to the policyholder or certificate holder or
27 sending fulfillment materials by postal mail or electronic means to the
28 policyholder or certificate holder.

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

32 (5) Where travel insurance is marketed directly to a consumer
33 through an insurer's website or by others through an aggregator site, it
34 shall not be an unfair trade practice or other violation of law where an
35 accurate summary or short description of coverage is provided on the
36 web page ¹that includes policy limits and exclusions or the ability to
37 opt out of the coverage¹, so long as the consumer has access to the full
38 provisions of the policy through electronic means.

39 d. No person offering, soliciting, or negotiating travel insurance
40 or travel protection plans on an individual or group basis shall use a
41 negative option or opt out, which would require a consumer to take an
42 affirmative action to deselect coverage, such as unchecking a box on
43 an electronic form, when the consumer purchases a trip.

44 e. It shall be an unfair trade practice, pursuant to section 3 of
45 P.L.1947, c.379 (C.17:29B-3), to market blanket travel insurance
46 coverage as free.

47 f. Where a consumer's destination jurisdiction requires insurance
48 coverage, it shall not be an unfair trade practice to require that a

1 consumer choose between the following options as a condition of
2 purchasing a trip or travel package:

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

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

8

9 8. a. Notwithstanding any other provisions of Title 17 of the
10 Revised Statutes or Title 17B of the New Jersey Statutes, no person
11 shall act or represent itself as a travel administrator for travel insurance
12 in this State unless that person:

13 (1) is a licensed property and casualty insurance producer in this
14 state for activities permitted under that producer license; ¹or¹

15 (2) holds a valid managing general agent license in this State¹; or

16 (3) holds a valid third-party administrator license in this State¹.

17 b. An insurer is responsible for the acts of a travel administrator
18 administering travel insurance underwritten by the insurer, and is
19 responsible for ensuring that the travel administrator maintains all
20 books and records relevant to the insurer to be made available by the
21 travel administrator to the commissioner upon request.

22

23 9. a. Notwithstanding any other provision of Title 17 of the
24 Revised Statutes or Title 17B of the New Jersey Statutes, travel
25 insurance shall be classified and filed for purposes of rates and
26 forms under an inland marine line of insurance, provided, however,
27 that travel insurance that provides coverage for sickness, accident,
28 disability or death occurring during travel, either exclusively, or in
29 conjunction with related coverages of emergency evacuation or
30 repatriation of remains, or incidental limited property and casualty
31 benefits such as baggage or trip cancellation, may be filed under
32 either an accident and health line of insurance or an inland marine
33 line of insurance.

34 b. Travel Insurance may be in the form of an individual, group,
35 or blanket policy.

36 c. Eligibility and underwriting standards for travel insurance
37 may be developed and provided based on travel protection plans
38 designed for individual or identified marketing or distribution
39 channels, provided those standards also meet the State's
40 underwriting standards for inland marine.

41

42 10. The commissioner may adopt rules and regulations pursuant
43 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
44 1 et seq.), to effectuate the purposes of this act.

45

46 11. This act shall take effect on the ¹[90th] 180th¹ day next
47 following enactment.

[Second Reprint]

ASSEMBLY, No. 3696

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 12, 2024

Sponsored by:
Assemblyman JOE DANIELSEN
District 17 (Middlesex and Somerset)

SYNOPSIS

“Travel Insurance Act.”

CURRENT VERSION OF TEXT

As amended by the General Assembly on May 22, 2025.



1 **AN ACT** concerning travel insurance and supplementing Title 17 of
2 the New Jersey Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the “Travel
8 Insurance Act.”

9

10 2. The Legislature finds and declares that:

11 a. The purpose of this act is to promote the public welfare by
12 creating a comprehensive legal framework within which travel
13 insurance may be sold in this State.

14 b. The requirements of P.L. , c. (C.) (pending before
15 the Legislature as this bill) shall apply to travel insurance policies
16 that cover any resident of this State, and are sold, solicited,
17 negotiated, or offered in this State, and policies and certificates are
18 delivered or issued for delivery in this State. P.L. , c. (C.)
19 (pending before the Legislature as this bill) shall not apply to
20 cancellation fee waivers or travel assistance services, except as
21 expressly provided herein.

22 c. All other applicable provisions of this State’s insurance laws
23 shall continue to apply to travel insurance except that the specific
24 provisions of P.L. , c.) (C.) (pending before the
25 Legislature as this bill) shall supersede any general provisions of
26 law that would otherwise be applicable to travel insurance.

27

28 3. As used in this act:

29 “Aggregator site” means a website that provides access to
30 information regarding insurance products from more than one
31 insurer, including product and insurer information, for use in
32 comparison shopping.

33 “Blanket travel insurance” means a policy of travel insurance
34 issued to any eligible group providing coverage for specific classes
35 of persons defined in the policy with coverage provided to all
36 members of the eligible group without a separate charge to
37 individual members of the eligible group.

38 “Cancellation fee waiver” means a contractual agreement
39 between a supplier of travel services and its customer to waive
40 some or all of the non-refundable cancellation fee provisions of the
41 supplier’s underlying travel contract with or without regard to the
42 reason for the cancellation or form of reimbursement. A
43 cancellation fee waiver is not insurance.

44 “Commissioner” means the Commissioner of Banking and
45 Insurance.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AFI committee amendments adopted May 20, 2024.

²Assembly floor amendments adopted May 22, 2025.

- 1 “Eligible group” means two or more persons who are engaged in
2 a common enterprise, or have an economic, educational, or social
3 affinity or relationship, including but not limited to:
- 4 (1) any entity engaged in the business of providing travel or
5 travel services, including but not limited to: tour operators, lodging
6 providers, vacation property owners, hotels and resorts, travel clubs,
7 travel agencies, property managers, cultural exchange programs,
8 and common carriers or the operator, owner, or lessor of a means of
9 transportation of passengers, including but not limited to airlines,
10 cruise lines, railroads, steamship companies, and public bus
11 carriers, wherein with regard to any particular travel or type of
12 travel or travelers, all members or customers of the group have a
13 common exposure to risk attendant to the travel;
- 14 (2) any college, school, or other institution of learning, covering
15 students, teachers, employees, or volunteers;
- 16 (3) any employer covering any group of employees, volunteers,
17 contractors, board of directors, dependents, or guests;
- 18 (4) any sports team, camp, or sponsor thereof, covering
19 participants, members, campers, employees, officials, supervisors,
20 or volunteers;
- 21 (5) any religious, charitable, recreational, educational, or civic
22 organization, or branch thereof, covering any group of members,
23 participants, or volunteers;
- 24 (6) any financial institution or financial institution vendor, or
25 parent holding company, trustee, or agent of or designated by one or
26 more financial institutions or financial institution vendors,
27 including accountholders, credit card holders, debtors, guarantors,
28 or purchasers;
- 29 (7) any incorporated or unincorporated association, including
30 labor unions, having a common interest, constitution and bylaws,
31 and organized and maintained in good faith for purposes other than
32 obtaining insurance for members or participants of the association
33 covering its members;
- 34 (8) any trust or the trustees of a fund established, created or
35 maintained for the benefit of and covering members, employees or
36 customers, subject to the commissioner permitting the use of a trust
37 and the State’s premium tax provisions in section 5 of
38 P.L. , c. (C.) (pending before the Legislature as this bill) of
39 an association meeting the requirements of paragraph (7) of this
40 section;
- 41 (9) any entertainment production company covering any group
42 of participants, volunteers, audience members, contestants, or
43 workers;
- 44 (10) any volunteer fire department, ambulance, rescue, police,
45 court, or any first aid, civil defense, or other such volunteer group;
- 46 (11) preschools, daycare institutions for children or adults, and
47 senior citizen clubs;
- 48 (12) any automobile or truck rental or leasing company covering
49 a group of individuals who may become renters, lessees, or

1 passengers defined by their travel status on the rented or leased
2 vehicles. The common carrier, the operator, owner or lessor of a
3 means of transportation, or the automobile or truck rental or leasing
4 company, is the policyholder under a policy to which this section
5 applies; or

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

10 “Fulfillment materials” means documentation sent to the
11 purchaser of a travel protection plan confirming the purchase and
12 providing the travel protection plan’s coverage and assistance
13 details.

14 “Group travel insurance” means travel insurance issued to any
15 eligible group.

16 “Limited lines travel insurance producer” means a:

17 (1) licensed managing general agent ¹or third-party
18 administrator,¹;

19 (2) licensed insurance producer, including a limited lines
20 producer¹,¹ or

21 (3) travel administrator.

22 “Offer and disseminate” means providing general information,
23 including a description of the coverage and price, as well as
24 processing the application and collecting premiums.

25 “Primary certificate holder” means an individual person who
26 elects and purchases travel insurance under a group policy pursuant
27 to section 5 of P.L. , c. (C.) (pending before the Legislature
28 as this bill).

29 “Primary policyholder” means an individual person who elects
30 and purchases individual travel insurance pursuant to section 5 of
31 P.L. , c. (C.) (pending before the Legislature as this bill).

32 “Travel administrator” means a person who directly or indirectly
33 underwrites, collects charges, collateral or premiums from, or
34 adjusts or settles claims on residents of this State, in connection
35 with travel insurance, except that a person shall not be considered a
36 travel administrator if that person’s only actions that would
37 otherwise cause it to be considered a travel administrator are among
38 the following:

39 (1) a person working for a travel administrator to the extent that
40 the person’s activities are subject to the supervision and control of
41 the travel administrator;

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

45 (3) a travel retailer offering and disseminating travel insurance
46 and registered under the license of a limited lines travel insurance
47 producer in accordance with P.L. , c. (C.) (pending before
48 the Legislature as this bill);

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

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

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

24 "Travel insurance" means insurance coverage for personal risks
25 incident to planned travel, including:

- 26 (1) interruption or cancellation of trip or event;
27 (2) loss of baggage or personal effects;
28 (3) damages to accommodations or rental vehicles;
29 (4) sickness, accident, disability or death occurring during
30 travel;
31 (5) emergency evacuation;
32 (6) repatriation of remains; or

33 (7) any other contractual obligations to indemnify or pay a
34 specified amount to the traveler upon determinable contingencies
35 related to travel as approved by the commissioner. Travel insurance
36 does not include major medical plans that provide comprehensive
37 medical protection for travelers with trips lasting longer than six
38 months, including for example, those working or residing overseas
39 as an expatriate, or any other product that requires a specific
40 insurance producer license.

41 ²Arrangements for repatriation of remains which are made as
42 part of a preneed funeral arrangement or other preneed consultation
43 through a State registered mortuary, pursuant to the "Mortuary
44 Science Act," P.L.1952, c.340 (C.45:7-32 et seq.), that do not
45 include any other coverages listed under this section shall not be
46 considered travel insurance.²

47 "Travel protection plans" means plans that provide one or more
48 of the following: travel insurance, travel assistance services, and
49 cancellation fee waivers.

1 “Travel retailer” means a business entity that makes, arranges or
2 offers planned travel and may offer and disseminate travel
3 insurance as a service to its customers on behalf of and under the
4 direction of a limited lines travel insurance producer.

5
6 4. a. The commissioner may issue a limited lines travel insurance
7 producer license to an individual or business entity that has filed with
8 the commissioner an application for a limited lines travel insurance
9 producer license in a form and manner prescribed by the
10 commissioner. A limited lines travel insurance producer shall be
11 licensed to sell, solicit or negotiate travel insurance through a licensed
12 insurer. No person may act as a limited lines travel insurance producer
13 or travel insurance retailer unless properly licensed or registered.

14 b. A travel retailer may offer and disseminate travel insurance
15 under a limited lines travel insurance producer business entity license
16 only if:

17 (1) the limited lines travel insurance producer or travel retailer
18 provides to purchasers of travel insurance:

19 (a) a description of the material terms or the actual material terms
20 of the insurance coverage;

21 (b) a description of the process for filing a claim;

22 (c) a description of the review or cancellation process for the travel
23 insurance policy; and

24 (d) the identity and contact information of the insurer and limited
25 lines travel insurance producer;

26 (2) at the time of licensure, the limited lines travel insurance
27 producer shall establish and maintain a register, on a form prescribed
28 by the commissioner, of each travel retailer that offers travel insurance
29 on the limited lines travel insurance producer’s behalf. The register
30 shall be maintained and updated by the limited lines travel insurance
31 producer and shall include the name, address, and contact information
32 of the travel retailer and an officer or person who directs or controls
33 the travel retailer’s operations, and the travel retailer’s federal tax
34 identification number. The limited lines travel insurance producer shall
35 submit the register to the Department of Banking and Insurance upon
36 reasonable request. The limited lines travel insurance producer shall
37 also certify that the travel retailer registered complies with section
38 1033 of Title 18 of the United States Code (18 U.S.C. s.1033). The
39 grounds for the suspension, revocation and the penalties applicable to
40 resident insurance producers pursuant to section 40 of P.L.2001, c.210
41 (C.17:22A-40), shall be applicable to the limited lines travel insurance
42 producers and travel retailers;

43 (3) the limited lines travel insurance producer has designated one
44 of its employees who is a licensed individual producer as the person,
45 referred to as a “designated responsible producer,” responsible for the
46 compliance with the travel insurance laws and regulations applicable
47 to the limited lines travel insurance producer and its registrants;

48 (4) the designated responsible producer, president, secretary,
49 treasurer, and any other officer or person who directs or controls the

1 limited lines travel insurance producer's insurance operations complies
2 with the fingerprinting requirements applicable to insurance producers
3 in the resident state of the limited lines travel insurance producer;

4 (5) the limited lines travel insurance producer has paid all
5 applicable licensing fees; and

6 (6) the limited lines travel insurance producer requires each
7 employee and authorized representative of the travel retailer whose
8 duties include offering and disseminating travel insurance to receive a
9 program of instruction or training, which is subject, at the discretion of
10 the commissioner, to review and approval. The training material shall,
11 at a minimum, contain adequate instructions on the types of insurance
12 offered, ethical sales practices, and required disclosures to prospective
13 customers.

14 c. Any travel retailer offering or disseminating travel insurance
15 shall make available to prospective purchasers brochures or other
16 written materials that have been approved by the travel insurer. The
17 materials shall include information which, at a minimum:

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

20 (2) explains that the purchase of travel insurance is not required in
21 order to purchase any other product or service from the travel retailer;
22 and

23 (3) explains that an unlicensed travel retailer is permitted to
24 provide only general information about the insurance offered by the
25 travel retailer, including a description of the coverage and price, but is
26 not qualified or authorized to answer technical questions about the
27 terms and conditions of the insurance offered by the travel retailer or
28 to evaluate the adequacy of the customer's existing insurance
29 coverage.

30 d. A travel retailer employee or authorized representative, who is
31 not licensed as an insurance producer shall not:

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

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

36 (3) hold itself out as a licensed insurer, licensed producer, or
37 insurance expert.

38 e. Notwithstanding any law, rule, or regulation to the contrary, a
39 travel retailer whose insurance-related activities, and those of its
40 employees and authorized representatives, are limited to offering and
41 disseminating travel insurance on behalf of and under the direction of
42 a limited lines travel insurance producer meeting the conditions stated
43 in P.L. , c. (C.) (pending before the Legislature as this bill), is
44 authorized to receive related compensation, upon registration by the
45 limited lines travel insurance producer as described in paragraph (2) of
46 subsection b. of this section.

47 f. As the insurer's designee, the limited lines travel insurance
48 producer is responsible for the acts of the travel retailer and shall use

1 reasonable means to ensure compliance by the travel retailer with
2 P.L. , c. (C.) (pending before the Legislature as this bill).

3 g. Any person licensed in ¹【a major line of】 property or casualty¹
4 authority as an insurance producer is authorized to sell, solicit and
5 negotiate travel insurance. ¹【A property and casualty insurance
6 producer is not required to become appointed by an insurer in order to
7 sell, solicit, or negotiate travel insurance】¹.

8

9 5. a. A travel insurer shall pay a premium tax, as provided
10 pursuant to section 2 of P.L.1945, c.132 (C.54:18A-2), on travel
11 insurance premiums paid by any of the following:

12 (1) an individual primary policyholder who is a resident of this
13 State;

14 (2) a primary certificate-holder who is a resident of this State
15 who elects coverage under a group travel insurance policy; or

16 (3) a blanket travel insurance policyholder that is a resident in,
17 or has its principal place of business or the principal place of
18 business of an affiliate or subsidiary that has purchased blanket
19 travel insurance in this State for eligible blanket group members,
20 subject to any apportionment rules which apply to the insurer across
21 multiple taxing jurisdictions or that permit the insurer to allocate
22 premium on an apportioned basis in a reasonable and equitable
23 manner in those jurisdictions.

24 b. A travel insurer shall:

25 (1) document the state of residence or principal place of
26 business of the policyholder or certificate-holder, as required in
27 subsection a. of this section; and,

28 (2) report as premium only the amount allocable to travel
29 insurance and not any amounts received for travel assistance
30 services or cancellation fee waivers.

31

32 6. Travel protection plans may be offered for one price for the
33 combined features that the travel protection plan offers in this State if:

34 a. the travel protection plan clearly discloses to the consumer, at
35 or prior to the time of purchase, that it includes travel insurance, travel
36 assistance services, and cancellation fee waivers as applicable, and
37 provides information and an opportunity, at or prior to the time of
38 purchase, for the consumer to obtain additional information regarding
39 the features and pricing of each; and

40 b. the fulfillment materials¹【, which shall】¹:

41 (1) describe and delineate the travel insurance, travel assistance
42 services, and cancellation fee waivers in the travel protection plan, and

43 (2) include the travel insurance disclosures and the contact
44 information for persons providing travel assistance services, and
45 cancellation fee waivers, as applicable.

46

47 7. a. All persons offering travel insurance to residents of this
48 State are subject to section 3 of P.L.1947, c.379 (C.17:29B-3), except

1 as otherwise provided in this section. In the event of a conflict
2 between P.L. , c. (C.) (pending before the Legislature as this
3 bill) and other provisions of Title 17 of the Revised Statutes or Title
4 17B of the New Jersey Statutes regarding the sale and marketing of
5 travel insurance and travel protection plans, the provisions of
6 P.L. , c. (C.) (pending before the Legislature as this bill) shall
7 control.

8 b. Offering or selling a travel insurance policy that could never
9 result in payment of any claims for any insured under the policy is an
10 unfair trade practice pursuant to section 3 of P.L.1947, c.379
11 (C.17:29B-3).

12 c. (1) All documents provided to consumers prior to the purchase
13 of travel insurance, including but not limited to sales materials,
14 advertising materials, and marketing materials, shall be consistent with
15 the travel insurance policy itself, including but not limited to, forms,
16 endorsements, policies, rate filings, and certificates of insurance.

17 (2) For travel insurance policies or certificates that contain pre-
18 existing condition exclusions, information and an opportunity to learn
19 more about the pre-existing condition exclusions shall be provided any
20 time prior to the time of purchase, and in the coverage's fulfillment
21 materials.

22 (3) The fulfillment materials and the information described in
23 subparagraphs (a) through (d) of paragraph (1) of subsection b. of
24 section 4 of P.L. , c. (C.) (pending before the Legislature as
25 this bill) shall be provided to a policyholder or certificate holder as
26 soon as practicable, following the purchase of a travel protection plan.
27 Unless the insured has either started a covered trip or filed a claim
28 under the travel insurance coverage, a policyholder or certificate
29 holder may cancel a policy or certificate for a full refund of the travel
30 protection plan price from the date of purchase of a travel protection
31 plan until at least:

32 (a) 15 days following the date of delivery of the travel protection
33 plan's fulfillment materials by postal mail; or

34 (b) 10 days following the date of delivery of the travel protection
35 plan's fulfillment materials by means other than postal mail.

36 For the purposes of this section, delivery means handing
37 fulfillment materials to the policyholder or certificate holder or
38 sending fulfillment materials by postal mail or electronic means to the
39 policyholder or certificate holder.

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

43 (5) Where travel insurance is marketed directly to a consumer
44 through an insurer's website or by others through an aggregator site, it
45 shall not be an unfair trade practice or other violation of law where an
46 accurate summary or short description of coverage is provided on the
47 web page that includes policy limits and exclusions or the ability to
48 opt out of the coverage¹, so long as the consumer has access to the full
49 provisions of the policy through electronic means.

1 d. No person offering, soliciting, or negotiating travel insurance
2 or travel protection plans on an individual or group basis shall use a
3 negative option or opt out, which would require a consumer to take an
4 affirmative action to deselect coverage, such as unchecking a box on
5 an electronic form, when the consumer purchases a trip.

6 e. It shall be an unfair trade practice, pursuant to section 3 of
7 P.L.1947, c.379 (C.17:29B-3), to market blanket travel insurance
8 coverage as free.

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

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

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

18
19 8. a. Notwithstanding any other provisions of Title 17 of the
20 Revised Statutes or Title 17B of the New Jersey Statutes, no person
21 shall act or represent itself as a travel administrator for travel insurance
22 in this State unless that person:

23 (1) is a licensed property and casualty insurance producer in this
24 state for activities permitted under that producer license; ¹or¹

25 (2) holds a valid managing general agent license in this State¹; or

26 (3) holds a valid third-party administrator license in this State¹.

27 b. An insurer is responsible for the acts of a travel administrator
28 administering travel insurance underwritten by the insurer, and is
29 responsible for ensuring that the travel administrator maintains all
30 books and records relevant to the insurer to be made available by the
31 travel administrator to the commissioner upon request.

32
33 9. a. Notwithstanding any other provision of Title 17 of the
34 Revised Statutes or Title 17B of the New Jersey Statutes, travel
35 insurance shall be classified and filed for purposes of rates and
36 forms under an inland marine line of insurance, provided, however,
37 that travel insurance that provides coverage for sickness, accident,
38 disability or death occurring during travel, either exclusively, or in
39 conjunction with related coverages of emergency evacuation or
40 repatriation of remains, or incidental limited property and casualty
41 benefits such as baggage or trip cancellation, may be filed under
42 either an accident and health line of insurance or an inland marine
43 line of insurance.

44 b. Travel Insurance may be in the form of an individual, group,
45 or blanket policy.

46 c. Eligibility and underwriting standards for travel insurance
47 may be developed and provided based on travel protection plans
48 designed for individual or identified marketing or distribution

1 channels, provided those standards also meet the State's
2 underwriting standards for inland marine.

3

4 10. The commissioner may adopt rules and regulations pursuant
5 to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
6 1 et seq.), to effectuate the purposes of this act.

7

8 11. This act shall take effect on the '~~90th~~ 180th' day next
9 following enactment.

ASSEMBLY FINANCIAL INSTITUTIONS AND INSURANCE COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3696

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 20, 2024

The Assembly Financial Institutions and Insurance Committee reports favorably and with committee amendments Assembly Bill No. 3696.

This bill, named the “Travel Insurance Act,” would replace and expand existing applicable regulatory standards by providing a comprehensive codification of the legal framework specific to travel insurance and travel-assistance services. Specifically, the bill would:

- (1) define operative terms relative to the licensing of travel insurance producers and the sale of travel insurance products and related services;
- (2) establish a licensing and registration framework for limited lines travel insurance producers;
- (3) impose the State’s existing requirements with respect to insurance premium tax on certain travel insurance premiums; and
- (4) codify established practices with respect to how travel insurance and related products are sold, administered, and classified for purposes of rate and form regulation.

COMMITTEE AMENDMENTS:

The committee amended the bill to:

- (1) remove references to third party administrators;
- (2) clarify that persons licensed in a property or casualty authority as an insurance producer will be authorized to sell, solicit, and negotiate travel insurance;
- (3) allow travel insurance policies to be marketed directly to a consumer through an insurer’s website if there is an accurate summary or short description of coverage that includes policy limits and exclusions or the ability to opt out of the coverage;
- (4) extend the effective date of the bill from 90 to 180 days after the bill’s enactment; and
- (5) make certain technical changes.

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 3696

with Assembly Floor Amendments
(Proposed by Assemblyman DANIELSEN)

ADOPTED: MAY 22, 2025

This floor amendment clarifies that the term “travel insurance” does not include arrangements for repatriation of remains, made as part of a preneed funeral arrangement or other preneed consultation through a State registered mortuary, that do not include any other coverages.

Governor Phil Murphy

Governor Murphy Takes Action on Legislation

Posted on - 10/20/2025

TRENTON – Today, Governor Murphy signed the following bills into law:

S-317/A-1446 (Diegnan, Amato/Karabinchak, Simonsen) – Revises "Athletic Training Licensure Act"

S-1403/A-4029 (Singleton, Space/Sumter, Sampson, Hall) – Requires employer or contractor engaged in work for public body to submit payroll records to DOLWD

S-2783/A-3696 (McKeon, Gopal/Danielsen) – "Travel Insurance Act"

S-3132/A-4334 (Ruiz/Speight, Atkins, Sampson) – Imposes certain requirements on secondhand dealers of cellular telephones and wireless communication devices

Governor Murphy conditionally vetoed the following bills:

S-1277/A-3363 (Beach, Ruiz/Miller, Reynolds-Jackson, Sampson) – **CONDITIONAL** – Establishes centralized directory for affordable housing, and housing for senior citizens and veterans

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S-2332/A-3893 (Scutari, Vitale/Murphy, Donlon, Inganamort) – **CONDITIONAL** – Allows complaint for guardianship of minor to be filed six months before minor reaches age 18 under certain circumstances; establishes certain standards for filing guardianship complaints

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S-2961/A-4124 (Burzichelli, Wimberly/Reynolds-Jackson, Katz, Ramirez) – **CONDITIONAL** – Establishes minimum qualifications for persons employed on public works contract

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S-3041/A-4194 (Mukherji, Lagana/Allen, Venezia, Quijano) – **CONDITIONAL** – Prohibits cooperative from receiving public works contract when cooperative-approved vendor fails to pay prevailing wage; concerns cooperative purchasing agreements with other states; and permits contracting units to award certain indefinite contracts

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S-3663/A-4915 (Burzichelli, Ruiz/Drulis, Katz, Peterpaul, Simmons) – **CONDITIONAL** – Establishes reproductive health travel advisory

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S-3776/A-5779 (Turner, McKnight/Reynolds-Jackson, Carter, Morales) – CONDITIONAL – Establishes Chronic Absenteeism Task Force

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S-4293/A-5548 (Ruiz, Burgess/Pintor Marin, Venezia, Karabinchak) – CONDITIONAL – Requires owner or operator of data center to submit water and energy usage report to BPU

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[Governor Phil Murphy \(/governor/admin/about\)](/governor/admin/about)

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[Education \(/governor/initiatives/#Education\)](/governor/initiatives/#Education)

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News & Events

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[Administrative Orders \(/governor/news/ao/approved/ao_archive.shtml\)](/governor/news/ao/approved/ao_archive.shtml)

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[Advice and Consent Appointments \(/governor/news/acappointments\)](/governor/news/acappointments)

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Posted on: October 21, 2025

Governor Signs Assemblyman Danielsen's Travel Insurance Bill Into Law

(TRENTON) — Assemblyman Joe Danielsen (LD-17) released the following statement:

“I am pleased that Governor Murphy has signed my bill the 'Travel Insurance Act' into law. This bill replaces and expands regulations related to travel insurance and other travel assistance services. In particular, the bill deals with codifying regulations related to the rate and sales of travel insurance in the state.”

“I was honored to work with Senator John McKeon on this bill as the Senate sponsor, and I would like to thank him for his leadership in the other House. This bill is not some large scale reform, but it codifies practices which will protect consumers and put them before big corporations. As we continue to build a fairer state, smaller scale but impactful 'good government' reforms like this are essential. And I will continue to support such common sense measures in the future.”

