

304.52-010 Definitions for subtitle.

As used in this subtitle:

- (1) "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;
- (2) "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;
- (3) "Certificate holder" means an individual person who elects and purchases group travel insurance;
- (4) "Eligible group" means two (2) or more persons who are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship, including but not limited to the following:
 - (a) 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
 2. 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;
 - (b) Any college, school, or other institution of learning covering students, teachers, employees, or volunteers;
 - (c) Any employer covering any group of employees, volunteers, contractors, board of directors, dependents, or guests;
 - (d) Any sports team, camp, or sponsor of a sports team or camp, covering participants, members, campers, employees, officials, supervisors, or volunteers;
 - (e) Any religious, charitable, recreational, educational, or civic organization, or branch thereof, covering any group of members, participants, or volunteers;
 - (f) Any financial institution or financial institution vendor, or parent holding company, trustee, or agent of or designated by one (1) or more financial institutions or financial institution vendors, including account holders, credit card holders, debtors, guarantors, or purchasers;
 - (g) Any incorporated or unincorporated association, including a labor union, that:
 1. Has a common interest, constitution, and bylaws; and
 2. Is organized and maintained in good faith for purposes other than

- obtaining insurance to cover members or participants of the association;
- (h) Any trust or the trustees of a fund established, created, or maintained for the benefit of and covering members, employees, or customers of one (1) or more associations meeting the requirements of paragraph (g) of this subsection, if the commissioner permits the use of a trust;
 - (i) Any entertainment production company covering any group of participants, volunteers, audience members, contestants, or workers;
 - (j) Any:
 - 1. Volunteer fire department, ambulance, rescue, police, or court; or
 - 2. First aid, civil defense, or other such volunteer group;
 - (k) Any preschool, daycare institution for children or adults, or senior citizen club;
 - (l) Any automobile, truck rental, or leasing company covering a group of individuals who may become renters, lessees, or passengers as defined by their travel status on the rented or leased vehicles, if the common carrier, operator, owner, or lessor of a means of transportation, or the automobile, truck rental, or leasing company, is the certificate holder under a policy to which this subtitle applies; or
 - (m) Any other group for which the commissioner has determined that:
 - 1. The members are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship; and
 - 2. Issuance of travel insurance to the group would not be contrary to the public interest;
- (5) "Fulfillment materials" means documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's travel insurance coverage and travel assistance services details;
- (6) "Group travel insurance" means travel insurance issued to any eligible group;
- (7) "Limited lines travel insurance producer" means a:
- (a) Licensed managing general agent;
 - (b) Licensed administrator;
 - (c) Licensed insurance agent with the applicable line of authority;
 - (d) Licensed limited lines travel insurance agent; or
 - (e) Surplus lines broker;
- (8) "Negotiate" or "negotiated" has the same meaning as "negotiate" in KRS 304.9-020;
- (9) "Policyholder" means an individual person who elects and purchases individual travel insurance;
- (10) "Sold" or "selling" has the same meaning as "sell" in KRS 304.9-020;
- (11) "Solicit" or "solicited" has the same meaning as "solicit" in KRS 304.9-020;
- (12) "Travel assistance services":
- (a) Means non-insurance services:

1. For which the consumer is not indemnified based on a fortuitous event; and
 2. Where providing the services does not result in a transfer or shifting of risk that would constitute the business of insurance; and
- (b) Shall 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 non-insurance services that are furnished in connection with planned travel;
- (13) "Travel insurance":
- (a) Means insurance coverage for personal risks incident to planned travel, including:
 1. Interruption or cancellation of a trip or event;
 2. Loss of baggage or personal effects;
 3. Damages to accommodations or rental vehicles;
 4. Sickness, accident, disability, or death occurring during travel;
 5. Emergency evacuation;
 6. Repatriation of remains; or
 7. 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; and
 - (b) Does not include insurance coverage that provides comprehensive medical protection for travelers with trips lasting longer than six (6) months, including but not limited to those working or residing overseas as an expatriate or any other product that requires a specific insurance producer license; and
- (14) "Travel protection plan" means a plan that provides one (1) or more of the following:
- (a) Travel insurance;
 - (b) Travel assistance services; or
 - (c) A cancellation fee waiver.

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