

515K.5 Sales and marketing practices.

1. All persons offering travel insurance to residents of this state shall be subject to [sections 507B.3](#) and [507B.4](#), except as otherwise provided in [this section](#). In the event of a conflict between [this chapter](#) and another provision under [Title XIII, subtitle 1](#), regarding the sale and marketing of travel insurance and travel protection plans, [this chapter](#) shall control.

2. *a.* Any document provided to a prospective purchaser prior to the prospective purchaser's purchase of travel insurance, including but not limited to sales, advertising, and marketing materials, shall be consistent with the travel insurance policy, including but not limited to forms, endorsements, policies, rate filings, and certificates of insurance.

b. If a travel insurance policy or a travel insurance certificate contains any preexisting condition exclusion, a prospective purchaser shall, any time prior to the time of purchase, be provided an opportunity to learn more about the preexisting condition exclusion. Any preexisting condition exclusion information shall also be included in the travel insurance policy or travel insurance certificate fulfillment materials.

c. The fulfillment materials and the information described in [section 515K.3, subsection 2](#), paragraph "a", subparagraphs (1) through (4) shall be provided to a primary policyholder or to a primary certificate holder as soon as practicable following the policyholder's or the certificate holder's purchase of a travel protection plan. Unless an 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 fifteen days following the date of delivery of the travel protection plan's fulfillment materials by postal mail, or ten days following the date of delivery of the travel protection plan's fulfillment materials by means other than postal mail. For purposes of this paragraph, "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.

d. An insurer shall disclose in the policy documentation and fulfillment materials provided to the purchaser of travel insurance whether the travel insurance is primary or secondary to any other applicable insurance coverage.

e. If travel insurance is marketed directly to consumers through an insurer's internet site, or by another person via an aggregator site, it shall not be an unfair trade practice or other violation of law for the insurer or the other person to provide an accurate summary or short description of the available insurance coverage, if all provisions of each available travel insurance policy are accessible to consumers via electronic means.

3. No person shall offer, solicit, or negotiate travel insurance or a travel protection plan on an individual or group basis through use of a negative option or an opt out that requires 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.

4. It shall be an unfair trade practice pursuant to [section 507B.3](#) and [section 507B.4](#) to do any of the following:

a. Offer or sell a travel insurance policy that, due to an exclusion or other provisions in the policy, cannot result in payment of any claim made by any insured under the policy.

b. Market blanket travel insurance coverage as no cost coverage.

5. If a consumer's travel destination is located in a jurisdiction that mandates specific insurance coverage, it shall not be an unfair trade practice to require that the consumer, as a condition of purchasing a travel package, select one of the following options:

a. Purchase of the coverage required by the destination jurisdiction through either the travel retailer or the limited lines travel insurance producer that provides the travel package.

b. Agree to obtain and provide proof of coverage that meets the destination jurisdiction's requirements prior to the consumer's departure.

[2022 Acts, ch 1035, §5](#)

NEW section