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State of Minnesota

## HOUSE OF REPRESENTATIVES H. F. No. 4907

## NINETY-THIRD SESSION

03/13/2024

Authored by Kresha The bill was read for the first time and referred to the Committee on Commerce Finance and Policy

1.1	A bill for an act
1.2 1.3 1.4 1.5	relating to travel insurance; providing for the licensing and registration of limited lines travel insurance producers and travel retailers; providing for the sale and regulation of travel insurance; amending Minnesota Statutes 2022, section 60K.383; proposing coding for new law as Minnesota Statutes, chapter 65C.
1.6	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.7	Section 1. Minnesota Statutes 2022, section 60K.383, is amended to read:
1.8	60K.383 TRAVEL INSURANCE.
1.9	Subdivision 1. <b>Definitions.</b> (a) As used in this section, the terms in paragraphs (b) to
1.10	(d) (e) have the meanings given.
1.11	(b) "Limited lines travel insurance producer" means a licensed managing general agent
1.12	or third-party administrator; licensed insurance producer, including a limited lines producer;
1.13	or travel administrator, as defined in section 65C.02, subdivision 13.
1.14	(c) "Offer and disseminate" means providing general information, including a description
1.15	of coverage and price, as well as processing an application and collecting premiums.
1.16	(b)(d) "Travel insurance" means insurance coverage for personal risks incident to planned
1.17	travel, including, but not limited to:
1.18	(1) interruption or cancellation of trip or event;
1.19	(2) loss of baggage or personal effects;
1.20	(3) damages to accommodations or rental vehicles; or
1.21	(4) sickness, accident, disability, or death occurring during travel-:

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2.1	(5) emergency evacuation;
2.2	(6) repatriation of remains; or
2.3	(7) any other contractual obligations to indemnify or pay a specified amount to the
2.4	traveler upon determinable contingencies related to travel, as approved by the commissioner.
2.5	Travel insurance does not include major medical plans, which provide comprehensive
2.6	medical protection for travelers with trips lasting six months or longer, including those
2.7	working overseas as an expatriate or military personnel being deployed, or any other product
2.8	that requires a specific insurance producer license.
2.9	(c) "Travel insurance producer" means an insurer designee, such as a managing general
2.10	underwriter, managing general agent, or licensed limited lines producer of travel insurance.
2.11	(d) (e) "Travel retailer" means a business entity that offers and disseminates: (1) makes,
2.12	arranges, or offers planned travel; and (2) may offer and disseminate travel insurance as a
2.13	service to the travel retailer's customers on behalf of and under the direction of a limited
2.14	lines travel insurance producer.
2.15	Subd. 2. Travel retailer license Licensing and registration. (a) The commissioner
2.16	may issue a limited lines travel insurance producer license to an individual or business entity
2.17	that has filed with the commissioner a limited lines travel insurance producer license
2.18	application in a form and manner prescribed by the commissioner. A limited lines travel
2.19	insurance producer must be licensed to sell, solicit, or negotiate travel insurance through a
2.20	licensed insurer. A person is prohibited from acting as a limited lines travel insurance
2.21	producer or travel insurance retailer unless the person is properly licensed or registered.
2.22	(b) A travel retailer may offer and disseminate travel insurance on behalf of and under
2.23	a limited lines travel insurance producer business entity license only if the travel insurance
2.24	producer holds a business entity license, and:
2.25	(1) the licensed business entity is clearly identified as the licensed producer on marketing
2.26	materials and fulfillment packages distributed by travel retailers to customers; identification
2.27	shall include the entity's name and contact information;
2.28	(1) the limited lines travel insurance producer or travel retailer provides to travel insurance
2.29	purchasers:
2.30	(i) a description of the material terms or the actual material terms of the insurance
2.31	coverage;
2.32	(ii) a description of the process to file a claim;

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- (iii) a description of the process to review or cancel the travel insurance policy; and 3.1 (iv) the identity and contact information of the insurer and limited lines travel insurance 3.2 producer; 3.3 (2) the licensed business entity limited lines travel insurance producer keeps a register, 3.4 on a form prescribed by the commissioner, of each travel retailer that offers travel insurance 3.5 on the licensed business entity's behalf. The register must be maintained and updated by 3.6 the limited lines travel insurance producer and must include the name, address, and contact 3.7 information of the travel retailer and an officer or person who directs or controls the travel 3.8 retailer's operations, and the travel retailer's federal Employer Tax Identification Number. 3.9 The licensed business entity limited lines travel insurance producer shall also certify that 3.10 the travel retailer registered complies with United States Code, title 18, section 1033. The 3.11 licensed business entity limited lines travel insurance producer shall submit the register 3 12 within 30 days upon request by the commissioner. Section 60K.43, subdivisions 1, 3, and 3.13 4, apply to the limited lines travel insurance producers and travel retailers; 3.14 (3) the licensed business entity limited lines travel insurance producer has designated 3.15 one of its employees as who is a licensed individual producer, as a "designated responsible 3.16 producer" or "DRP," responsible for the business entity's compliance with Minnesota 3.17 insurance laws and rules; 3.18 (4) the DRP, president, secretary, treasurer, and any other officer or person who directs 3.19 or controls the licensed business entity's limited lines travel insurance producer's insurance 3.20 operations comply complies with the fingerprinting requirements applicable to insurance 3.21 producers in the resident state of the business entity limited lines travel insurance producer; 3.22
- 3.23 (5) the licensed business entity limited lines travel insurance producer has paid all
  3.24 applicable insurance producer licensing fees as set forth in Minnesota state law; and
- (6) the licensed business entity 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
  may be subject to review by the commissioner. The training materials must, at a minimum,
  contain adequate instruction regarding the types of insurance offered, ethical sales practices,
  and required disclosures to prospective customers.
- 3.31 (c) A travel retailer offering or disseminating travel insurance must make available to
   3.32 prospective purchasers brochures or other written materials that have been approved by the
   3.33 travel insurer. The materials must include information that, at a minimum:

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5.1	A property and casualty insurance producer is not required to be appointed by an insurer in
5.2	order to sell, solicit, or negotiate travel insurance.
5.3	Sec. 2. [65C.01] SCOPE AND PURPOSES.
5.4	Subdivision 1. Purpose. The purpose of this chapter is to promote the public welfare
5.5	by creating a comprehensive legal framework within which travel insurance may be sold
5.6	in Minnesota.
5.7	Subd. 2. Application. The requirements of this chapter apply to: (1) travel insurance
5.8	that covers any Minnesota resident and is sold, solicited, negotiated, or offered in Minnesota;
5.9	and (2) policies and certificates that are delivered or issued for delivery in Minnesota. This
5.10	chapter does not apply to cancellation fee waivers or travel assistance services, except as
5.11	expressly provided in this chapter.
5.12	Subd. 3. Applicability of other law. All other applicable provisions of Minnesota
5.13	insurance law apply to travel insurance, except that this chapter supersedes any general
5.14	provisions of law that would otherwise apply to travel insurance.
5.15	Sec. 3. [65C.02] DEFINITIONS.
5.16	Subdivision 1. Application. For purposes of this chapter, the following terms have the
5.17	meanings given.
5.18	Subd. 2. Aggregator site. "Aggregator site" means a website that provides access to
5.19	information, including product and insurer information, regarding insurance products from
5.20	more than one insurer for use in comparison shopping.
5.21	Subd. 3. Blanket travel insurance. "Blanket travel insurance" means a travel insurance
5.22	policy issued to any eligible group providing coverage for specific classes of persons defined
5.23	in the policy, with coverage provided to all members of the eligible group without a separate
5.24	charge to individual members of the eligible group.
5.25	Subd. 4. Cancellation fee waiver. "Cancellation fee waiver" means a contractual
5.26	agreement between a travel services supplier and the travel services supplier's customer to
5.27	waive some or all of the nonrefundable cancellation fee provisions of the supplier's underlying
5.28	travel contract, with or without regard to the reason for the cancellation or form of
5.29	reimbursement. A cancellation fee waiver is not insurance.
5.30	Subd. 5. Commissioner. "Commissioner" means the commissioner of commerce.

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6.1	Subd & Eligible group "Eligible group" magne two or more generating who are encoured
6.1	Subd. 6. Eligible group. "Eligible group" means two or more persons who are engaged
6.2	in a common enterprise or have an economic, educational, or social affinity or relationship,
6.3	including but not limited to:
6.4	(1) any entity engaged in the business of providing travel or travel services, including
6.5	but not limited to: (i) tour operators, lodging providers, vacation property owners, hotels
6.6	and resorts, travel clubs, travel agencies, property managers, cultural exchange programs,
6.7	and common carriers; or (ii) the operator, owner, or lessor of a means of transporting
6.8	passengers, including but not limited to airlines, cruise lines, railroads, steamship companies,
6.9	and public bus carriers, wherein with regard to any particular travel or type of travel or
6.10	travelers all members or customers of the group must have a common exposure to risk
6.11	attendant to the travel;
6.12	(2) a college, school, or other institution of learning covering students, teachers,
6.13	employees, or volunteers;
6.14	(3) an employer covering a group of employees, volunteers, contractors, board of
6.15	directors, dependents, or guests;
6.16	(4) a sports team, camp, or sports team or camp sponsor covering participants, members,
6.17	campers, employees, officials, supervisors, or volunteers;
6.18	(5) a religious, charitable, recreational, educational, civic organization, or branch of a
6.19	religious, charitable, recreational, educational, or civic organization covering any group of
6.20	members, participants, or volunteers;
6.21	(6) a financial institution, financial institution vendor, parent holding company, trustee,
6.22	or agent or designee of one or more financial institutions or financial institution vendors,
6.23	including account holders, credit card holders, debtors, guarantors, or purchasers;
6.24	(7) an incorporated or unincorporated association, including labor unions, that has a
6.25	common interest, constitution, and bylaws, and is organized and maintained in good faith
6.26	for purposes other than obtaining insurance for members or participants of the association
6.27	covering the association's members;
6.28	(8) a trust or the trustees of a fund established, created, or maintained for the benefit of
6.29	and covering members, employees, or customers, subject to the commissioner's permitting
6.30	the use of a trust and the state's premium tax provisions under section 65C.03 of one or
6.31	more associations meeting the requirements under clause (7);
6.32	(9) an entertainment production company covering a group of participants, volunteers,
6.33	audience members, contestants, or workers;
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02/28/24 REVISOR RSI/BM 24-06304 (10) a volunteer fire department, ambulance, rescue, police, court, first aid, civil defense, 7.1 7.2 or other volunteer group; (11) a preschool, day care institution for children or adults, or senior citizen club; 7.3 (12) an automobile or truck rental or leasing company covering a group of individuals 7.4 7.5 who may become renters, lessees, or passengers as defined by the group of individuals' travel status on the rented or leased vehicles. The common carrier, operator, owner or lessor 7.6 of a means of transportation, or automobile or truck rental or leasing company is the 7.7 policyholder under a policy governed by this section; or 7.8 (13) any other group the commissioner determines (i) is engaged in a common enterprise 7.9 or has an economic, educational, or social affinity or relationship, and (ii) that policy issuance 7.10 is contrary to the public interest. 7.11 Subd. 7. Fulfillment materials. "Fulfillment materials" means documentation sent to 7.12 the purchaser of a travel protection plan that confirms the purchase and provides the travel 7.13 protection plan's coverage and assistance details. 7.14 Subd. 8. Group travel insurance. "Group travel insurance" means travel insurance 7.15 7.16 issued to any eligible group. Subd. 9. Limited lines travel insurance producer. "Limited lines travel insurance 7.17 producer" has the meaning given in section 60K.383, subdivision 1, paragraph (b). 7.18 Subd. 10. Offer and disseminate. "Offer and disseminate" has the meaning given in 7.19 section 60K.383, subdivision 1, paragraph (c). 7.20 Subd. 11. Primary certificate holder. "Primary certificate holder" means an individual 7.21 person who elects and purchases travel insurance under a group policy. 7.22 Subd. 12. Primary policyholder "Primary policyholder" means an individual person 7.23 who elects and purchases individual travel insurance. 7.24 Subd. 13. Travel administrator. "Travel administrator" means a person who directly 7.25 or indirectly underwrites; collects charges, collateral, or premiums from; or adjusts or settles 7.26 claims on residents of Minnesota in connection with travel insurance, except that a person 7.27 is not considered a travel administrator if the person's only actions that otherwise cause the 7.28 person to be considered a travel administrator are: 7.29 (1) a person working for a travel administrator, to the extent that the person's activities 7.30 are subject to the travel administrator's supervision and control; 7.31

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8.1	(2) an insurance producer selling insurance or engaged in administrative and
8.2	claims-related activities within the scope of the producer's license;
8.3	(3) a travel retailer offering and disseminating travel insurance and registered under the
8.4	license of a limited lines travel insurance producer under this chapter;
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8.5	(4) an individual adjusting or settling claims in the normal course of the individual's
8.6	practice or employment as an attorney-at-law and who does not collect charges or premiums
8.7	in connection with insurance coverage; or
8.8	(5) a business entity that is affiliated with a licensed insurer while acting as a travel
8.9	administrator for the direct and assumed insurance business of an affiliated insurer.
8.10	Subd. 14. Travel assistance services. "Travel assistance services" means noninsurance
8.11	services for which the consumer is not indemnified based on a fortuitous event and where
8.12	providing the service does not result in transfer or shifting of risk that would constitute the
8.13	business of insurance. Travel assistance services include but are not limited to: security
8.14	advisories; destination information; vaccination and immunization information services;
8.15	travel reservation services; entertainment; activity and event planning; translation assistance;
8.16	emergency messaging; international legal and medical referrals; medical case monitoring;
8.17	coordination of transportation arrangements; emergency cash transfer assistance; medical
8.18	prescription replacement assistance; passport and travel document replacement assistance;
8.19	lost luggage assistance; concierge services; and any other service that is furnished in
8.20	connection with planned travel. Travel assistance services are not insurance and not related
8.21	to insurance.
8.22	Subd. 15. Travel insurance. "Travel insurance" has the meaning given in section
8.23	60K.383, subdivision 1, paragraph (d).
8.24	Subd. 16. Travel protection plan. "Travel protection plan" means a plan that provides
8.25	travel insurance, travel assistance services, or cancellation fee waivers.
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8.26	Subd. 17. Travel retailer. "Travel retailer" has the meaning given in section 60K.383,
8.27	subdivision 1, paragraph (e).
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8.28	Sec. 4. [65C.03] PREMIUM TAX.
8.29	Subdivision 1. Payment required. A travel insurer must pay the premium tax provided
8.30	under section 297I.05 on travel insurance premiums paid by:
8.31	(1) an individual primary policyholder who is a resident of Minnesota;

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9.1	(2) a primary certificate holder wh	ho is a resident of Mir	nnesota who elects co	overage under
9.2	a group travel insurance policy; or			
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9.3	(3) a blanket travel insurance pol			
9.4	principal place of business or the pri			
9.5	that has purchased blanket travel insu		<b>-</b>	
9.6	subject to any apportionment rules v			
9.7	jurisdictions or that permit the insure	•	••	basis in a
9.8	reasonable and equitable manner in	the taxing jurisdictio	<u>ns.</u>	
9.9	Subd. 2. Additional information	n required. A travel	insurer must:	
9.10	(1) document the state of resident	ce or principal place	of business of the po	licyholder or
9.11	certificate holder, as required under	subdivision 1; and		
9.12	(2) report as premium only the am	nount allocable to trav	vel insurance and not	any amounts
9.13	received for travel assistance service	es or cancellation fee	waivers.	
9.14	Sec. 5. [65C.04] TRAVEL PROT	ECTION PLANS.		
9.15	A travel protection plan may be o	offered for one price	for the combined fea	tures that the
9.16	travel protection plan offers in Minn	esota if:		
9.17	(1) the travel protection plan (i) c	elearly discloses to th	e consumer, at or prie	or to the time
9.18	the travel protection plan is purchase	ed, that the travel pro	stection plan includes	s travel
9.19	insurance, travel assistance services,	, and cancellation fee	waivers as applicab	le, and (ii)
9.20	provides information and an opportu	unity, at or prior to th	e time the travel prot	tection plan
9.21	is purchased, for the consumer to ob	tain additional inform	mation regarding the	features and
9.22	pricing of the travel insurance, travel	l assistance services,	and cancellation fee	waivers; and
9.23	(2) the fulfillment materials:			
9.24	(i) describe and delineate the trave	el insurance, travel as	sistance services, and	l cancellation
9.25	fee waivers in the travel protection p	olan; and		
9.26	(ii) include the travel insurance d	lisclosures and the co	ontact information fo	r the persons
9.27	providing travel assistance services	and cancellation fee	waivers, as applicabl	le.
9.28	Sec. 6. [65C.05] SALES PRACT	<u>ICES.</u>		
9.29	Subdivision 1. Other applicable	e law. Except as othe	rwise provided in thi	s section, a
9.30	person offering travel insurance to re-	esidents of Minnesot	a is subject to section	ns 72A.17 to

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10.1	72A.32. If this chapter conflicts with chapters 59A to 79A regarding the sale and marketing
10.2	of travel insurance and travel protection plans, this chapter prevails.
10.3	Subd. 2. Illusory travel insurance. Offering or selling a travel insurance policy that
10.4	could never result in payment of any claims for any insured under the policy is an unfair
10.5	trade practice under sections 72A.17 to 72A.32.
10.6	Subd. 3. Marketing. (a) All documents provided to consumers before purchasing travel
10.7	insurance, including but not limited to sales materials, advertising materials, and marketing
10.8	materials, must be consistent with the travel insurance policy, including but not limited to
10.9	forms, endorsements, policies, rate filings, and certificates of insurance.
10.10	(b) A person that offers travel insurance policies or certificates that contain preexisting
10.11	condition exclusions must, at any time before the insurance is purchased, provide a consumer
10.12	information and an opportunity to learn more about the preexisting condition exclusions.
10.13	The information about preexisting condition exclusions must be included in the insurance
10.14	policy's coverage fulfillment materials.
10.15	(c) The fulfillment materials and the information described in section 60K.383,
10.16	subdivision 2, paragraph (b), must be provided to a policyholder or certificate holder as
10.17	soon as practicable following the purchase of a travel protection plan. Unless the insured
10.18	has either started a covered trip or filed a claim under the travel insurance coverage, a
10.19	policyholder or certificate holder may cancel a policy or certificate for a full refund of the
10.20	travel protection plan price from the date a travel protection plan is purchased until at least:
10.21	(1) 15 days after the date the travel protection plan's fulfillment materials are delivered
10.22	by mail; or
10.23	(2) ten days after the date the travel protection plan's fulfillment materials are delivered
10.24	by means other than mail.
10.25	(d) For the purposes of this section, "delivery" means handing fulfillment materials to
10.26	the policyholder or certificate holder or sending fulfillment materials by mail or electronic
10.27	means to the policyholder or certificate holder.
10.28	(e) The company must disclose in the policy documentation and fulfillment materials
10.29	whether the travel insurance is primary or secondary to other applicable coverage.
10.30	(f) If travel insurance is marketed directly to a consumer through an insurer's website
10.31	or by others through an aggregator site, it is not an unfair trade practice or other violation
10.32	of law if an accurate summary or short description of coverage is provided on the web page,

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11.1	provided the consumer has access to all of the policy's full provisions through electronic
11.2	means.
11.3	Subd. 4. Opt out. A person offering, soliciting, or negotiating travel insurance or travel
11.4	protection plans on an individual or group basis is prohibited from offering, soliciting, or
11.5	negotiating travel insurance or travel protection plans by using negative option or opting
11.6	out that requires a consumer to take an affirmative action to deselect coverage, including
11.7	by limited to unchecking a box on an electronic form, when the consumer purchases a trip.
11.8	Subd. 5. Other prohibitions. It is an unfair trade practice for a person to market blanket
11.9	travel insurance coverage as free of cost.
11.10	Subd. 6. Coverage required by other jurisdictions. If a consumer's destination
11.11	jurisdiction requires insurance coverage, it is not an unfair trade practice for a person to
11.12	require that a consumer choose between the following options as a condition of purchasing
11.13	a trip or travel package:
11.14	(1) purchasing the coverage required by the destination jurisdiction through the travel
11.15	retailer or limited lines travel insurance producer supplying the trip or travel package; or
11.16	(2) agreeing to obtain and provide proof of coverage that meets the destination
11.17	jurisdiction's requirements prior to departure.
11.18	Sec. 7. [65C.06] TRAVEL ADMINISTRATORS.
11.19	(a) Notwithstanding chapters 59A to 79A, a person is prohibiting from acting as or
11.20	representing that the person is a travel administrator for travel insurance in Minnesota unless
11.21	the person:
11.22	(1) is a licensed property and casualty insurance producer in Minnesota for activities
11.23	permitted under the property and casualty insurance producer license;
11.24	(2) holds a valid managing general agent license in Minnesota; or
11.25	(3) holds a valid third-party administrator license in Minnesota.
11.26	(b) A travel administrator and the travel administrator's employees are exempt from the
11.27	licensing requirements of chapter 72B for travel insurance the travel administrator
11.28	administers.
11.29	(c) An insurer is responsible for the acts of a travel administrator administering travel
11.30	insurance underwritten by the insurer and is responsible for ensuring that the travel
11.31	administrator maintains all books and records relevant to the insurer that the travel

11.32 <u>administrator must make available to the commissioner upon request.</u>

12.1	Sec. 8. [65C.07] POLICY.
12.2	(a) Notwithstanding chapters 59A to 79A, travel insurance is classified and filed for
12.3	purposes of rates and forms under an inland marine line of insurance. Notwithstanding this
12.4	paragraph, travel insurance that provides coverage for (i) sickness, accident, disability, or
12.5	death occurring during travel, either exclusively or in conjunction with related emergency
12.6	evacuation or repatriation of remains coverage, or (ii) incidental limited property and casualty
12.7	benefits, including baggage or trip cancellation, may be filed under either an accident and
12.8	health line of insurance or an inland marine line of insurance.
12.9	(b) Travel insurance may be offered and issued in the form of an individual, group, or
12.10	blanket policy.
12.11	(c) Eligibility and underwriting standards for travel insurance may be developed and
12.12	provided based on travel protection plans designed for individual or identified marketing
12.13	or distribution channels, provided the standards also meet the underwriting standards for
12.14	inland marine under Minnesota law.
12.15	Sec. 9. [65C.08] REGULATIONS.
12.16	The commissioner may adopt regulations to implement this chapter.
12.17	Sec. 10. EFFECTIVE DATE.

12.18 Sections 1 to 9 are effective 90 days following the date of final enactment.