

# House Bill 2128

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Commerce and Consumer Protection for US Travel Insurance Association)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: Updates laws that say how a person can offer or sell travel insurance. (Flesch Readability Score: 69.9).

Updates and standardizes state laws that govern soliciting, offering, negotiating and selling travel insurance and products and services that include or are related to travel insurance.

Takes effect on the 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to travel insurance; creating new provisions; amending ORS 646.608, 744.101, 744.104,  
3 744.107 and 744.111; and prescribing an effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Sections 2 to 5 of this 2025 Act are added to and made a part of ORS 744.101**  
6 **to 744.107.**

7 **SECTION 2. A person may offer or sell a travel protection plan that combines various**  
8 **features at one price if:**

9 (1) **Before, or at the time, a customer purchases the travel protection plan, the person:**

10 (a) **Discloses clearly in writing which of the following features the travel protection plan**  
11 **includes:**

12 (A) **Travel insurance;**

13 (B) **Travel assistance services; or**

14 (C) **A fee cancellation waiver; and**

15 (b) **Provides additional information about each feature and the pricing for each feature**  
16 **or gives an opportunity to obtain more information about each feature and the pricing for**  
17 **each feature; and**

18 (2) **Fulfillment material for the travel protection plan:**

19 (a) **Describes each of the features of the travel protection plan individually;**

20 (b) **Discloses required information about any travel insurance included in the travel pro-**  
21 **tection plan; and**

22 (c) **Provides contact information for persons that provide any travel assistance services**  
23 **or cancellation fee waivers included in the travel protection plan.**

24 **SECTION 3. (1) Except as otherwise provided in this section, a person that offers travel**  
25 **insurance in this state is subject to ORS chapter 746. Sections 2 to 5 of this 2025 Act and**  
26 **ORS 744.101 to 744.107 control if a conflict exists between other provisions of the Insurance**  
27 **Code and sections 2 to 5 of this 2025 Act and ORS 744.101 to 744.107 with respect to marketing**  
28 **or selling travel insurance or a travel protection plan.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1       **(2) Marketing, advertising and sales materials that a prospective purchaser receives be-**  
 2 **fore or at the time of purchase must be consistent with the provisions of the policy, includ-**  
 3 **ing forms, endorsements, rate filings, certificates of insurance and all other materials that**  
 4 **constitute the travel insurance policy.**

5       **(3) If a travel insurance policy excludes a preexisting condition, the person that offers**  
 6 **the policy must describe the exclusion in marketing, advertising and sales materials for the**  
 7 **policy and must provide a prospective purchaser with an opportunity to learn more about the**  
 8 **exclusion before purchasing the policy.**

9       **(4) A person that sells a travel insurance policy shall provide to the purchaser fulfillment**  
 10 **material and the information described in ORS 744.104 (4)(a) as soon as is practicable after**  
 11 **the purchase.**

12       **(5) If a travel insurance policy holder or certificate holder has not begun travel that is**  
 13 **covered by the policy or submitted a claim under the policy, the policy holder or certificate**  
 14 **holder may cancel, and receive a full refund of the purchase price for, a travel protection**  
 15 **plan that includes a travel insurance policy until the later of:**

16       **(a) Fifteen days after the policy holder or certificate holder receives fulfillment material**  
 17 **by hand in person, by postal mail or by electronic mail; or**

18       **(b) Ten days after the policy holder or certificate holder receives fulfillment material by**  
 19 **means other than the means described in paragraph (a) of this subsection.**

20       **(6) A travel insurance policy and fulfillment material for the policy must disclose whether**  
 21 **the coverage that the policy provides is primary or secondary with respect to other insur-**  
 22 **ance coverage.**

23       **(7) Absent fraudulent or criminal intent or other indications of fraud or crime, a person**  
 24 **does not by reason of taking any of the following actions violate the consumer protection**  
 25 **laws of this state:**

26       **(a) Marketing, advertising or selling travel insurance on an insurer's, limited lines travel**  
 27 **insurance producer's or travel retailer's website or on an aggregator site by means of an**  
 28 **accurate summary or short description of the coverage the travel insurance provides, if in-**  
 29 **formation about all of the provisions of the coverage is available via a link on the website**  
 30 **or aggregator site or by other electronic methods.**

31       **(b) Requiring a purchaser to choose between the following options if a jurisdiction in the**  
 32 **travel destination requires insurance coverage:**

33       **(A) Purchasing the required coverage from a travel retailer or limited lines travel in-**  
 34 **surence producer in direct connection with the purchase of planned travel; or**

35       **(B) Agreeing to obtain and provide proof of coverage that meets the requirements of the**  
 36 **jurisdiction in the travel destination before travelling.**

37       **(8) The following acts or practices are unlawful practices under ORS 646.608:**

38       **(a) Offering or selling a travel insurance policy that could never result in payment of a**  
 39 **claim to an insured;**

40       **(b) Marketing blanket travel insurance as free or without cost or charge; or**

41       **(c) Offering or selling travel insurance on a negative option basis in which the purchaser**  
 42 **must affirmatively decline coverage in order to complete a purchase of planned travel.**

43       **SECTION 4. (1) A person may not act as a travel insurance administrator, or represent**  
 44 **or otherwise indicate that the person is a travel insurance administrator, unless the person**  
 45 **holds a valid license the Director of the Department of Consumer and Business Services is-**

1 sued under ORS 744.062 or 744.710, as appropriate, for:

2 (a) An insurance producer in the classes of casualty insurance or property insurance or  
 3 under an indorsement that authorizes the person to act as a managing general agent; or

4 (b) A third party administrator.

5 (2) A travel insurance administrator and employees of the travel insurance administrator  
 6 are not subject to the requirement under ORS 744.505 to obtain a license to engage in busi-  
 7 ness as an adjuster with respect to travel insurance policies for which the travel insurance  
 8 administrator performs the functions of a travel insurance administrator.

9 (3) An insurer is responsible for the acts that a travel insurance administrator performs  
 10 on behalf of the insurer or in connection with travel insurance the insurer issues or under-  
 11 writes. The insurer must ensure that the travel insurance administrator maintains all books,  
 12 records, documents and other materials the travel insurance administrator keeps on behalf  
 13 of the insurer and that the travel insurance administrator can provide the books, records,  
 14 documents and other materials to the director at the director's request.

15 **SECTION 5.** (1) Notwithstanding ORS 737.600 and any other conflicting provisions of the  
 16 Insurance Code, and except as provided in subsection (2) of this section, for the purpose of  
 17 rate filings and form filings travel insurance is insurance that covers inland marine risks  
 18 and an insurer may make travel insurance available to a member of a fictitious group.

19 (2) For the purpose of rate filings and form filings, travel insurance that covers risks of  
 20 sickness, accident, disability or death that occur during planned travel, whether or not in  
 21 conjunction with other coverage available under a travel insurance policy, is within the class  
 22 of health insurance, casualty insurance or insurance that covers inland marine risks.

23 (3) An insurer may issue travel insurance as blanket travel insurance, group travel in-  
 24 surance or as a policy that covers an individual.

25 (4) An insurer may develop and use eligibility and underwriting standards for travel in-  
 26 surance based on travel protection plans that are designed for an individual or an eligible  
 27 group if the eligibility and underwriting standards otherwise meet the requirements of  
 28 sections 2 to 5 of this 2025 Act and ORS 744.101 to 744.107 and other standards that apply to  
 29 insurance that covers inland marine risks.

30 **SECTION 6.** ORS 744.101 is amended to read:

31 744.101. As used in ORS 744.101 to 744.107:

32 (1) "Affiliate" means a person that controls, is controlled by or is under common control  
 33 with another person.

34 (2) "Aggregator site" means a website that displays information about insurance pro-  
 35 ducts from more than one insurer, and information about each insurer, for use in compar-  
 36 ison shopping.

37 (3) "Blanket travel insurance" means a travel insurance policy that an insurer issues to  
 38 an eligible group, each member of which the policy covers without a separate charge to the  
 39 member.

40 [(1)] (4) "Business entity" has the meaning given that term in ORS 731.116.

41 (5) "Cancellation fee waiver" means a travel retailer's contractual agreement with a  
 42 customer to waive some or all of the nonrefundable cancellation provisions in a contract for  
 43 planned travel without regard to the reason for the cancellation or the form of reimburse-  
 44 ment.

45 (6) "Eligible group" means group of two or more persons that are engaged in a common

1 enterprise or that have an economic, educational or social affinity or relationship, including  
2 but not limited to a group composed of:

3 (a) Entities that engage in the business of providing travel or travel services that have,  
4 or that have customers that have, a common exposure to risk that is related to travel, such  
5 as:

6 (A) Tour operators, lodging providers, owners of vacation property, hotels, resorts, travel  
7 clubs, travel agencies, property managers, cultural exchange programs or other business  
8 entities that engage in the business of providing planned travel or travel services; and

9 (B) Airlines, cruise lines, railroads, steamship companies, bus lines or other common  
10 carriers or operators, owners or lessors of vehicles, equipment or other means of trans-  
11 porting passengers;

12 (b) Schools, colleges or other institutions of learning and the students, teachers, em-  
13 ployees or volunteers that attend, work at or provide services to the institutions of learning;

14 (c) A business entity and individuals with an economic relationship to the business entity,  
15 such as:

16 (A) Employees;

17 (B) Officers and directors; and

18 (C) Other persons that perform work for or provide services to the business entity;

19 (d) A sports team or sports camp, sponsors of the sports team or sports camp and  
20 members, officials, supervisors, employees and other participants or volunteers associated  
21 with the sports team or sports camp;

22 (e) A religious, charitable, recreational, educational or civic organization, or a branch of  
23 the organization, and members and participants in the organization or volunteers for the  
24 organization;

25 (f) A financial institution or affiliate of a financial institution and directors, officers,  
26 employees and customers of the financial institution;

27 (g) An incorporated or unincorporated association, including a labor union, that has a  
28 constitution or bylaws and is organized and maintained in good faith for purposes other than  
29 obtaining insurance for the association's members or participants;

30 (h) A trust fund or trustees and beneficiaries of a trust fund;

31 (i) An entertainment production company, employees of the company and participants in  
32 the company's productions, such as audience members and contestants;

33 (j) A group organized to provide volunteer responses to such emergencies such as fire,  
34 life-threatening medical conditions, rescues, civil defense or similar or related emergencies;

35 (k) A group organized to provide volunteer responses to a need for law enforcement or  
36 legal consultation or representation;

37 (L) A preschool, day care center or other care facility for children or adults;

38 (m) An automobile or truck rental or leasing company that holds a travel insurance  
39 policy on behalf of renters, lessees or passengers of the company's automobiles or trucks;  
40 and

41 (n) Any other group the Director of the Department of Consumer and Business Services  
42 specifies by rule.

43 (7) "Fulfillment material" means a document that confirms a purchase of travel insur-  
44 ance, that summarizes or provides details of the coverage provided in the travel insurance  
45 and that may include other information.

1       **(8) “Group travel insurance” means travel insurance that an insurer issues to an eligible**  
 2 **group.**

3       [(2)] **(9) “Limited lines travel insurance producer” means:**

4       (a) A managing general agent licensed under ORS 744.300 to 744.316; [or]

5       (b) An insurance producer, **including a limited class insurance producer, who is** licensed  
 6 under ORS 744.052 to 744.089 to negotiate, sell or solicit travel insurance[.]; **or**

7       **(c) A travel insurance administrator.**

8       [(3)] **(10) “Negotiate” has the meaning given that term in ORS 731.104.**

9       [(4) *“Offer and disseminate travel insurance” means:*]

10       [(a) *To provide general information regarding the travel insurance, including a description of cov-*  
 11 *erage and price;*]

12       [(b) *To disseminate and process applications for travel insurance coverage; or*]

13       [(c) *To collect premiums on behalf of a limited travel insurance producer.*]

14       **(11) “Planned travel” means carriage or transportation, living accommodations and re-**  
 15 **lated services that accompany the entirety of, or portions of, a trip from an intended point**  
 16 **of departure to an intended destination.**

17       [(5)] **(12) “Sell” has the meaning given that term in ORS 731.104.**

18       [(6)] **(13) “Solicit” has the meaning given that term in ORS 731.104.**

19       **(14)(a) “Travel assistance services” means services that support or enhance a recipient’s**  
 20 **ability to engage in planned travel, such as:**

21       **(A) Providing security advisories and information about a destination;**

22       **(B) Recommending or providing information about vaccinations and immunizations;**

23       **(C) Making reservations;**

24       **(D) Providing entertainment;**

25       **(E) Planning activities and events;**

26       **(F) Providing translations or interpretations;**

27       **(G) Enabling emergency communications;**

28       **(H) Making legal and medical referrals, monitoring medical cases or helping to replace**  
 29 **prescription medications;**

30       **(I) Coordinating transportation arrangements;**

31       **(J) Providing emergency cash transfers;**

32       **(K) Helping to replace lost passports or other travel documents;**

33       **(L) Locating lost or misplaced luggage;**

34       **(M) Providing concierge services; or**

35       **(N) Providing other services that are similar or related to the services listed in subpar-**  
 36 **agraphs (A) to (M) of this paragraph.**

37       **(b) “Travel assistance services” does not include any act or practice to transact insur-**  
 38 **ance, issue a policy of insurance, provide coverage under a policy of insurance or otherwise**  
 39 **shift, spread or indemnify any risk.**

40       [(7)(a)] **(15)(a) “Travel insurance” means insurance coverage for personal risks incidental to**  
 41 **planned travel, including:**

42       (A) Interruption or cancellation of a trip or event;

43       (B) Loss of baggage or personal effects;

44       (C) Damages to accommodations or rental vehicles; [or]

45       (D) Sickness, accident, disability or death occurring during **planned** travel[.];

1 (E) Emergency evacuation;

2 (F) Repatriation of remains;

3 (G) Any other contractual obligation to indemnify or pay a specific amount to a policy  
4 holder upon the occurrence of a determinable contingency related to planned travel; or

5 (H) Other contractual obligations the director specifies by rule.

6 (b) "Travel insurance" does not include:

7 (A) A major medical [*plans providing*] plan that provides comprehensive medical protection for  
8 travelers with trips [*lasting six months or*] that last longer[.] than six months, such as coverage  
9 for individuals who work or reside outside the United States;

10 (B) A class of insurance, other than travel insurance, that requires possession of a spec-  
11 ific insurance producer's license to transact insurance in the class; or

12 (C) A cancellation fee waiver.

13 (16)(a) "Travel insurance administrator" means a person that directly or indirectly per-  
14 forms the following functions or services with respect to a travel insurance policy issued to  
15 a resident of this state:

16 (A) Underwriting;

17 (B) Collecting a charge, collateral or premium; or

18 (C) Adjusting or settling a claim.

19 (b) "Travel insurance administrator" does not include a person that, with respect to a  
20 travel insurance policy issued to a resident of this state, performs activities that consist  
21 solely of:

22 (A) Work that is under the direct supervision and control of a travel insurance admin-  
23 istrator;

24 (B) Work as an insurance producer acting within the scope of a license the director is-  
25 sued under ORS 744.062;

26 (C) Work as a travel retailer to provide travel insurance support;

27 (D) Adjusting and settling claims in the ordinary course of work as an attorney licensed  
28 or admitted to the practice of law in this state, if the person does not collect charges or  
29 premiums in connection with a travel insurance policy; or

30 (E) Administration of the direct and assumed insurance business of an affiliate that is  
31 an insurer.

32 (17) "Travel insurance support" means services that involve:

33 (a) Providing general information about travel insurance, including a description of cov-  
34 erage and price;

35 (b) Making applications for travel insurance coverage available and processing applica-  
36 tions that are submitted; or

37 (c) Collecting premiums on behalf of a limited lines travel insurance producer.

38 (18) "Travel protection plan" means a plan that provides any or all of the following pro-  
39 ducts or services:

40 (a) Travel insurance;

41 (b) Travel assistance services; or

42 (c) A cancellation fee waiver.

43 [(8)] (19) "Travel retailer" means a business entity that makes, [*travel arrangements for or pro-*  
44 *vides other travel services to customers*] arranges or offers planned travel or that may offer  
45 travel insurance as a service to the business entity's customers on behalf of or under the

1 **direction of a limited lines travel insurance producer.**

2 **SECTION 7.** ORS 744.104 is amended to read:

3 744.104. (1)(a) **Except as provided in paragraph (b) of this subsection, a person may not**  
 4 **act as a limited lines travel insurance producer and may not solicit, offer, negotiate or sell**  
 5 **travel insurance without a license from the Director of the Department of Consumer and**  
 6 **Business Services.**

7 (b) **A person may solicit, offer, negotiate and sell travel insurance if the director has li-**  
 8 **icensed the person as an insurance producer under ORS 744.062 in any of the classes of in-**  
 9 **surance described in ORS 731.150 to 731.194. A person licensed as an insurance producer in**  
 10 **the classes of casualty insurance or property insurance may solicit, offer, negotiate and sell**  
 11 **travel insurance without requiring an insurer's appointment.**

12 (2)(a) **A person may apply to the director for a license to act as a limited lines travel**  
 13 **insurance producer on forms, in a format and with the contents the director specifies by**  
 14 **rule.**

15 (b) **The director may issue a license described in paragraph (a) of this subsection to an**  
 16 **applicant if the director is satisfied that the person meets the qualifications the director**  
 17 **establishes by rule for issuing the license.**

18 (c) **A license the director issues under this subsection authorizes the licensee to solicit,**  
 19 **offer, negotiate and sell travel insurance through an insurer that is authorized to transact**  
 20 **insurance in this state.**

21 [(1)] (3) **Notwithstanding the provisions of ORS 744.053, a travel retailer may [offer and dissem-**  
 22 **inate] provide travel insurance support on behalf of and at the direction of a limited lines travel**  
 23 **insurance producer and may receive compensation for doing so.**

24 [(2)] (4) **A limited lines travel insurance producer may direct a travel retailer to [offer and dis-**  
 25 **seminate] provide travel insurance [pursuant to] support under subsection [(1)] (3) of this section**  
 26 **only if [the following conditions are met]:**

27 [(a) *The name, contact information and license number of the limited travel insurance producer are*  
 28 *clearly identified on marketing materials and fulfillment packages distributed by the travel retailer to*  
 29 *customers;*]

30 (a) **The travel retailer or the limited lines travel insurance producer describes in writing:**

31 (A) **The material terms or actual terms of the coverage that the travel insurance policy**  
 32 **provides;**

33 (B) **The process for filing a claim;**

34 (C) **How to review or cancel the travel insurance policy; and**

35 (D) **The name and license number of, and contact information for, the limited lines travel**  
 36 **insurance producer;**

37 (b) **The limited lines travel insurance producer, at the time of licensure and thereafter, estab-**  
 38 **lishes and maintains a register, in a form [approved by the Director of the Department of Consumer**  
 39 **and Business Services] the director approves, that contains the following information for each**  
 40 **travel retailer that [offers and disseminates] provides travel insurance support at the direction of**  
 41 **the limited lines travel insurance producer:**

42 (A) **The name, address, contact information and federal [employer] tax identification number of**  
 43 **the travel retailer; and**

44 (B) **The name, address and contact information of an officer or person who directs or controls**  
 45 **the operations of the travel retailer; [and]**

1       [(C) An affidavit executed under oath by the travel retailer stating that the travel retailer is not  
2 guilty of any offense under 18 U.S.C. 1033;]

3       (c) The limited **lines** travel insurance producer submits the register described in paragraph (b)  
4 of this subsection to the director within 30 days [of] **after** a request by the director;

5       **(d) The limited lines travel insurance producer certifies that the travel retailer complies**  
6 **with 18 U.S.C. 1033;**

7       [(d)] (e) The limited **lines** travel insurance producer designates an employee who is a [*limited*  
8 *travel*] **licensed** insurance producer as responsible for ensuring [*the compliance of*] the limited **lines**  
9 travel insurance [*producer*] **producer's compliance** with the laws, rules and regulations of this state  
10 **that apply to travel insurance, to limited lines travel insurance producers and to travel**  
11 **retailers;**

12       [(e)] (f) The **directors and officers of the limited lines travel insurance producer, the** em-  
13 ployee designated in paragraph [(d)] (e) of this subsection[, *as well as the president, secretary, treas-*  
14 *urer*] and any other person who directs or controls the insurance operations of the limited **lines**  
15 travel insurance producer[,] all comply with fingerprinting requirements [*established by the*  
16 *director*] **that apply to insurance producers in the state in which the limited lines travel in-**  
17 **surance producer is licensed or registered;**

18       [(f)] (g) The limited **lines** travel insurance producer does not owe any outstanding fees relating  
19 to insurance licensing; and

20       [(g)] (h) [*Each employee of the travel retailer whose duties include offering and disseminating*] **The**  
21 **limited lines travel insurance producer requires employees and authorized representatives**  
22 **of the travel retailer whose duties include providing** travel insurance [*receives*] **support to un-**  
23 **dergo** a program of instruction or training that [*contains instructions on the types of insurance of-*  
24 *fered, ethical sales practices, required disclosures to customers and any other content that the director*  
25 *may prescribe.*] **the director approves and that, at a minimum, provides adequate information**  
26 **or instruction about:**

27       **(A) The types of insurance the travel retailer offers;**

28       **(B) Ethical sales practices;**

29       **(C) Information that must be disclosed to prospective purchasers; and**

30       **(D) Any other topic the director specifies.**

31       [(3)] (5) A travel retailer that [*offers and disseminates*] **provides** travel insurance **support** shall  
32 make available to [*customers*] **prospective purchasers** brochures or other written materials that  
33 **are approved by the insurer that issues the travel insurance and that, at a minimum:**

34       (a) Provide the identity and contact information of the insurer and the limited **lines** travel in-  
35 surance producer;

36       (b) Explain that the purchase of travel insurance is not required in order to purchase any other  
37 product or service from the travel retailer; and

38       (c) Explain that a travel retailer that is not a limited **lines** travel insurance producer [*is not*  
39 *qualified or authorized to*] **may not** answer technical questions about the terms and conditions of  
40 the travel insurance [*offered by*] the travel retailer **offers** [*or to*] **and may not** evaluate the ade-  
41 quacy of a [*customer's*] **prospective purchaser's** existing insurance coverage, **but may provide**  
42 **only general information about the insurance that the travel retailer offers, including a de-**  
43 **scription of the coverage and the price.**

44       [(4)] (6) [A] **An employee or authorized representative of a** travel retailer that is not a lim-  
45 ited **lines** travel insurance producer may not:



1 (a) Evaluate or interpret the technical terms, benefits or conditions of travel insurance [*offered*  
2 *by*] the travel retailer **offers**;

3 (b) Evaluate or [*advise*] **provide advice** concerning a prospective purchaser’s existing insurance  
4 coverage; or

5 (c) [*Hold itself out as*] **Represent or otherwise indicate that the employee or authorized**  
6 **representative is** an insurance expert, **an insurer, a licensed insurance producer** or a limited  
7 **lines** travel insurance producer.

8 **(7) A limited lines travel insurance producer is a designee of an insurer and is responsible**  
9 **for the acts of a travel retailer to which the limited lines travel insurance producer has given**  
10 **direction or authorization to provide travel insurance support. The limited lines travel in-**  
11 **urance producer shall use reasonable means to ensure the travel retailer’s compliance with**  
12 **this section.**

13 **(8) The director may suspend, revoke or refuse to renew the license of a limited lines**  
14 **travel insurance producer on the same basis and to the same extent that the director may**  
15 **suspend, revoke or refuse to renew the license of an insurance producer under ORS 744.074.**

16 **SECTION 8.** ORS 744.107 is amended to read:

17 744.107. If the Director of the Department of Consumer and Business Services determines that  
18 a travel retailer has violated any provision of ORS 744.101 [*or 744.104*] **to 744.107**, the director may,  
19 in addition to imposing any penalties authorized under the Insurance Code, [:]

20 [(1)] direct the limited **lines** travel insurance producer to implement a corrective action plan  
21 with the travel retailer[;] or:

22 [(2)] *Direct the limited travel insurance producer to revoke its authorization of the travel retailer*  
23 *to transact travel insurance on its behalf and under its license and to remove the travel retailer from*  
24 *its register described in ORS 744.104 (2)(b).]*

25 **(1) Revoke any authorization the travel retailer has from the limited lines travel insur-**  
26 **ance producer to transact insurance on behalf of, and under the license of, the limited lines**  
27 **travel insurance producer; and**

28 **(2) Remove the travel retailer from the register described in ORS 744.104 (4)(b).**

29 **SECTION 9.** ORS 744.111 is amended to read:

30 744.111. The Director of the Department of Consumer and Business Services [*shall*] **may** adopt  
31 rules to implement and administer the provisions of ORS 744.101 to 744.107.

32 **SECTION 10.** ORS 646.608, as amended by section 6, chapter 410, Oregon Laws 2023, is  
33 amended to read:

34 646.608. (1) A person engages in an unlawful practice if in the course of the person’s business,  
35 vocation or occupation the person does any of the following:

36 (a) Passes off real estate, goods or services as the real estate, goods or services of another.

37 (b) Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, ap-  
38 proval, or certification of real estate, goods or services.

39 (c) Causes likelihood of confusion or of misunderstanding as to affiliation, connection, or asso-  
40 ciation with, or certification by, another.

41 (d) Uses deceptive representations or designations of geographic origin in connection with real  
42 estate, goods or services.

43 (e) Represents that real estate, goods or services have sponsorship, approval, characteristics,  
44 ingredients, uses, benefits, quantities or qualities that the real estate, goods or services do not have  
45 or that a person has a sponsorship, approval, status, qualification, affiliation, or connection that the

1 person does not have.

2 (f) Represents that real estate or goods are original or new if the real estate or goods are de-  
3 teriorated, altered, reconditioned, reclaimed, used or secondhand.

4 (g) Represents that real estate, goods or services are of a particular standard, quality, or grade,  
5 or that real estate or goods are of a particular style or model, if the real estate, goods or services  
6 are of another.

7 (h) Disparages the real estate, goods, services, property or business of a customer or another  
8 by false or misleading representations of fact.

9 (i) Advertises real estate, goods or services with intent not to provide the real estate, goods or  
10 services as advertised, or with intent not to supply reasonably expectable public demand, unless the  
11 advertisement discloses a limitation of quantity.

12 (j) Makes false or misleading representations of fact concerning the reasons for, existence of,  
13 or amounts of price reductions.

14 (k) Makes false or misleading representations concerning credit availability or the nature of the  
15 transaction or obligation incurred.

16 (L) Makes false or misleading representations relating to commissions or other compensation to  
17 be paid in exchange for permitting real estate, goods or services to be used for model or demon-  
18 stration purposes or in exchange for submitting names of potential customers.

19 (m) Performs service on or dismantles any goods or real estate if the owner or apparent owner  
20 of the goods or real estate does not authorize the service or dismantling.

21 (n) Solicits potential customers by telephone or door to door as a seller unless the person pro-  
22 vides the information required under ORS 646.611.

23 (o) In a sale, rental or other disposition of real estate, goods or services, gives or offers to give  
24 a rebate or discount or otherwise pays or offers to pay value to the customer in consideration of  
25 the customer giving to the person the names of prospective purchasers, lessees, or borrowers, or  
26 otherwise aiding the person in making a sale, lease, or loan to another person, if earning the rebate,  
27 discount or other value is contingent upon an event occurring after the time the customer enters  
28 into the transaction.

29 (p) Makes any false or misleading statement about a prize, contest or promotion used to publi-  
30 cize a product, business or service.

31 (q) Promises to deliver real estate, goods or services within a certain period of time with intent  
32 not to deliver the real estate, goods or services as promised.

33 (r) Organizes or induces or attempts to induce membership in a pyramid club.

34 (s) Makes false or misleading representations of fact concerning the offering price of, or the  
35 person's cost for real estate, goods or services.

36 (t) Concurrent with tender or delivery of any real estate, goods or services, fails to disclose any  
37 known material defect or material nonconformity.

38 (u) Engages in any other unfair or deceptive conduct in trade or commerce.

39 (v) Violates any of the provisions relating to auction sales, consignment sales, auctioneers,  
40 consignees or auction marts under ORS 698.640, whether in a commercial or noncommercial situ-  
41 ation.

42 (w) Manufactures mercury fever thermometers.

43 (x) Sells or supplies mercury fever thermometers unless the thermometer is required by federal  
44 law, or is:

45 (A) Prescribed by a person licensed under ORS chapter 677; and

1 (B) Supplied with instructions on the careful handling of the thermometer to avoid breakage and  
 2 on the proper cleanup of mercury should breakage occur.

3 (y) Sells a thermostat that contains mercury, unless the thermostat is labeled in a manner to  
 4 inform the purchaser that mercury is present in the thermostat and that the thermostat may not be  
 5 disposed of until the mercury is removed, reused, recycled or otherwise managed to ensure that the  
 6 mercury does not become part of the solid waste stream or wastewater. For purposes of this para-  
 7 graph, “thermostat” means a device commonly used to sense and, through electrical communication  
 8 with heating, cooling or ventilation equipment, control room temperature.

9 (z) Sells or offers for sale a motor vehicle manufactured after January 1, 2006, that contains  
 10 mercury light switches.

11 (aa) Violates the provisions of ORS 803.375, 803.385 or 815.410 to 815.430.

12 (bb) Violates ORS 646A.070 (1).

13 (cc) Violates any requirement of ORS 646A.030 to 646A.040.

14 (dd) Violates the provisions of ORS 128.801 to 128.898.

15 (ee) Violates ORS 646.883 or 646.885.

16 (ff) Violates ORS 646.569 or 646A.374.

17 (gg) Violates the provisions of ORS 646A.142.

18 (hh) Violates ORS 646A.360.

19 (ii) Violates ORS 646.553 or 646.557 or any rule adopted pursuant thereto.

20 (jj) Violates ORS 646.563.

21 (kk) Violates ORS 759.680 or any rule adopted pursuant thereto.

22 (LL) Violates the provisions of ORS 759.705, 759.710 and 759.720 or any rule adopted pursuant  
 23 thereto.

24 (mm) Violates ORS 646A.210 or 646A.214.

25 (nn) Violates any provision of ORS 646A.124 to 646A.134.

26 (oo) Violates ORS 646A.095.

27 (pp) Violates ORS 822.046.

28 (qq) Violates ORS 128.001.

29 (rr) Violates ORS 646A.800 (2) to (4).

30 (ss) Violates ORS 646A.090 (2) to (5).

31 (tt) Violates ORS 87.686.

32 (uu) Violates ORS 646A.803.

33 (vv) Violates ORS 646A.362.

34 (ww) Violates ORS 646A.052 or any rule adopted under ORS 646A.052 or 646A.054.

35 (xx) Violates ORS 180.440 (1) or 180.486 (1).

36 (yy) Commits the offense of acting as a vehicle dealer without a certificate under ORS 822.005.

37 (zz) Violates ORS 87.007 (2) or (3).

38 (aaa) Violates ORS 92.405 (1), (2) or (3).

39 (bbb) Engages in an unlawful practice under ORS 646.648.

40 (ccc) Violates ORS 646A.365.

41 (ddd) Violates ORS 98.853, 98.854, 98.856 or 98.858.

42 (eee) Sells a gift card in violation of ORS 646A.276.

43 (fff) Violates ORS 646A.102, 646A.106 or 646A.108.

44 (ggg) Violates ORS 646A.430 to 646A.450.

45 (hhh) Violates a provision of ORS 744.318 to 744.384.

- 1 (iii) Violates a provision of ORS 646A.702 to 646A.720.
- 2 (jjj) Violates ORS 646A.530 30 or more days after a recall notice, warning or declaration de-
- 3 scribed in ORS 646A.530 is issued for the children's product, as defined in ORS 646A.525, that is the
- 4 subject of the violation.
- 5 (kkk) Violates a provision of ORS 697.612, 697.642, 697.652, 697.662, 697.682, 697.692 or 697.707.
- 6 (LLL) Violates the consumer protection provisions of the Servicemembers Civil Relief Act, 50
- 7 U.S.C. 3901 et seq., as in effect on January 1, 2010.
- 8 (mmm) Violates a provision of ORS 646A.480 to 646A.495.
- 9 (nnn) Violates ORS 646A.082.
- 10 (ooo) Violates ORS 646.647.
- 11 (ppp) Violates ORS 646A.115.
- 12 (qqq) Violates a provision of ORS 646A.405.
- 13 (rrr) Violates ORS 646A.092.
- 14 (sss) Violates a provision of ORS 646.644.
- 15 (ttt) Violates a provision of ORS 646A.295.
- 16 (uuu) Engages in the business of, or acts in the capacity of, an immigration consultant, as de-
- 17 fined in ORS 9.280, in this state and for compensation, unless federal law authorizes the person to
- 18 do so or unless the person is an active member of the Oregon State Bar.
- 19 (vvv) Violates ORS 702.012, 702.029 or 702.054.
- 20 (www) Violates ORS 646A.806.
- 21 (xxx) Violates ORS 646A.810 (2).
- 22 (yyy) Violates ORS 443.376.
- 23 (zzz) Violates a provision of ORS 646A.770 to 646A.787.
- 24 (aaaa) Violates ORS 815.077.
- 25 **(bbbb) Engage in an act or practice that is prohibited under section 3 (8) of this 2025 Act.**
- 26 (2) A representation under subsection (1) of this section or ORS 646.607 may be any manifesta-
- 27 tion of any assertion by words or conduct, including, but not limited to, a failure to disclose a fact.
- 28 (3) In order to prevail in an action or suit under ORS 336.184 and 646.605 to 646.652, a prose-
- 29 cuting attorney need not prove competition between the parties or actual confusion or misunder-
- 30 standing.
- 31 (4) An action or suit may not be brought under subsection (1)(u) of this section unless the At-
- 32 torney General has first established a rule in accordance with the provisions of ORS chapter 183
- 33 declaring the conduct to be unfair or deceptive in trade or commerce.
- 34 (5) Notwithstanding any other provision of ORS 336.184 and 646.605 to 646.652, if an action or
- 35 suit is brought under subsection (1)(xx) of this section by a person other than a prosecuting attor-
- 36 ney, relief is limited to an injunction, and the prevailing party may be awarded reasonable attorney
- 37 fees.
- 38 **SECTION 11. (1) Sections 2 to 5 of this 2025 Act and the amendments to ORS 646.608,**
- 39 **744.101, 744.104, 744.107 and 744.111 by sections 6 to 10 of this 2025 Act apply to travel insur-**
- 40 **ance that covers a resident of this state, that is solicited, offered, negotiated or sold in this**
- 41 **state or for which policies or certificates are issued or delivered in this state on or after the**
- 42 **operative date specified in section 12 of this 2025 Act.**
- 43 **(2) Sections 2 to 5 of this 2025 Act and the amendments to ORS 646.608, 744.101, 744.104,**
- 44 **744.107 and 744.111 by sections 6 to 10 of this 2025 Act do not apply to travel assistance ser-**
- 45 **vices or cancellation fee waivers except as otherwise provided in sections 2 to 5 of this 2025**

1 Act and the amendments to ORS 646.608, 744.101, 744.104, 744.107 and 744.111 by sections 6  
2 to 10 of this 2025 Act.

3 (3) Except as provided in sections 2 to 5 of this 2025 Act and the amendments to ORS  
4 646.608, 744.101, 744.104, 744.107 and 744.111 by sections 6 to 10 of this 2025 Act, the provisions  
5 of the Insurance Code apply to travel insurance.

6 SECTION 12. (1) Sections 2 to 5 of this 2025 Act and the amendments to ORS 646.608,  
7 744.101, 744.104, 744.107 and 744.111 by sections 6 to 10 of this 2025 Act become operative on  
8 January 1, 2026.

9 (2) The Director of the Department of Consumer and Business Services may adopt rules  
10 and take any other action before the operative date specified in subsection (1) of this section  
11 that is necessary to enable the director, on and after the operative date specified in sub-  
12 section (1) of this section, to undertake and exercise all of the duties, functions and powers  
13 conferred on the director by sections 2 to 5 of this 2025 Act and the amendments to ORS  
14 646.608, 744.101, 744.104, 744.107 and 744.111 by sections 6 to 10 of this 2025 Act.

15 SECTION 13. This 2025 Act takes effect on the 91st day after the date on which the 2025  
16 regular session of the Eighty-third Legislative Assembly adjourns sine die.

17