PAUL D. PATE
Secretary of State
State of Iowa

REGISTRATION/RENEWAL OF TRAVEL AGENCY

For Office Use Only:

TA #:

Exp. Date:

This application represents:

☐ **First Time Application** ☐ **Annual Renewal**

As required by *Iowa Code* chapter 9D, the travel agency submits the following registration/renewal information.
Please type or print clearly.

1. Name of Travel Agency _____

Address _____

Phone Number _____

Contact Email Address _____

2. Name of all travel agents employed by applicant (attach additional pages if necessary).

_____ _____

_____ _____

_____ _____

3. Name, address and phone number of persons owning or controlling 10% or more of the travel agency.

NAME	ADDRESS	PHONE

4. **Foreign corporation only:** name and address of the resident agent in Iowa for service of process.

_____

5. Evidence of type of financial security submitted as required by chapter 9D.3. **Check <u>only one</u> box on the left:**

Type of Financial Security	Provide the Following
☐ Letter of credit - $10,000	*For a new registration*, attach letter of credit to application. *For a renewal*, submit evidence that letter of credit still in effect.
☐ Bond - $10,000	*For a new registration*, complete bond form & attach to application. *For a renewal*, bond is continous in nature, no evidence required.
☐ Cash or Securities deposited with Secretary of State	*For a new registration*, attach cash or securities to application. *For a renewal*, no evidence is required.
☐ Professional Liability and Errors & Omissions Ins. - $1,000,000	*For a new registration*, attach policy to application. *For a renewal*, submit evidence that policy remains in effect.
☐ Airlines Reporting Corporation membership #: _____	*For a new registration*, attach copy of official approval and appointment to application. *For a renewal*, provide your membership #.
☐ Passenger Services Network Corporation membership #: _____	*For a new registration*, attach copy of official approval and appointment to application. *For a renewal*, provide your membership #.
☐ Similar organization approved by secretary name _____ membership #: _____	*For a new registration*, attach copy of official approval and appointment to application. *For a renewal*, provide your membership #.

Under penalty of perjury and pursuant to the laws of the State of Iowa, I, the authorized representative of the travel agency, hereby certify the preceding is true and correct.

Signature _____ Title _____

Print name _____ Date _____

NOTES:

1. The fee for registration and renewal is $15.00. Make checks payable to SECRETARY OF STATE.
2. The information you provide wll be open to public inspection under Iowa Code chapter 22.11

If a registrant fails to pay the annual registration fee, the registration lapses and becomes ineffective. See instructions for more information on the penalties for failure to register, failure to make corrections to a registration statement and failure to pay the annual registration fee. Registration must include a completed consent to service of process.

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Secretary of State
State of Iowa

INSTRUCTIONS for Registration/Renewal of Travel Agency

IT IS IMPORTANT that you read and understand these instructions before you begin to complete the application form. Failure to complete the application correctly or provide all the requested information will result in the application being returned and a delay in filing. If there is insufficient space on the form to provide all requested information, attach additional pages as required. If you have any questions, call (515) 281-5204.

ITEM 1 The complete name of the travel agency should appear here with the address of the travel agency. A telephone number must also be provided.

ITEM 2 List the names of all the travel agents employed by the applicant. Attach additional pages if needed.

ITEM 3 List the name, address and phone of persons owning/controlling 10% or more of the travel agency.

ITEM 4 Foreign corporation only: provide the name & address of the resident agent in Iowa for service of process.

ITEM 5 *Iowa Code* chapter 9D.3 requires a travel agency to submit evidence of financial security. Check only one box on the left by the type of financial security the travel agency is submitting to the Secretary of State. After checking the type of financial security, follow the instructions in the right column:

- **If the application represents a new registration**, the applicant must follow the instructions in the *right column* "for a new registration". The applicant must attach evidence of the type of financial security submitted or that the travel agency is a member in good standing with the ARC or other similar agency.
- **If the application represents an annual renewal**, the applicant must follow the instructions in the *right column,* "for a renewal". Before a renewal registration can be issued, the secretary of state must have proof that the travel agency's financial security has been renewed or the travel agency's membership # in the ARC or other similar agency.

The application must be signed and dated by an authorized representative of the travel agency.
The fee for registration and renewal is **$15.00**. Make checks payable to the SECRETARY OF STATE.

All applications, whether a new registration or renewal, must be accompanied by the completed *Consent to Service of Process* form. Through the *Consent to Service of Process,* the travel agency, in return for being granted the right to conduct business as a travel agency in the state of Iowa, agrees:

(a) to designate the secretary of state as agent for the travel agency for the purpose of accepting service of legal documents, and

(b) to submit to the jurisdiction of the Iowa courts for resolution of any legal proceedings arising from operation of the travel agency

Penalties

Pursuant to *Iowa Code* section 9D.4 , a person required to register as a travel agency, or an owner of ten percent or more of a travel agency, required to register under *Iowa Code* chapter 9D, which fails to register, fails to make required corrections to its registration statement, or fails to pay the required fee on or before 30 days after the fee becomes due, commits a serious misdemeanor.

If a person required to be registered or listed upon a registration statement by *Iowa Code* chapter 9D receives money, as a fee, commission, compensation, or profit in connection with doing business as a travel agency or travel agent in Iowa in violation of *Iowa Code* section 9D.2 , the person, in addition to the criminal penalty set forth above, shall be liable for a civil penalty of not less than three times the sum so received. *Iowa Code* section 9D.4(2).

A violation of *Iowa Code* chapter 9D is also a violation of *Iowa Code* Section 714.16 , commonly known as the Iowa Consumer Fraud Act. *Iowa Code* section 9D.4(3). Penalties for violating *Iowa Code* section 714.16 may include injunctive relief, restitution, attorneys fees, investigative expenses and a civil penalty not to exceed $40,000 per violation.

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Secretary of State
State of Iowa

Travel Agency Consent to Service of Process

Iowa Code chapter 9D requires a travel agency application to be accompanied by a written irrevocable consent to service of process. All travel agencies, domestic or foreign, must complete this *Consent to Service of Process* and return it with the application, whether a new registration or a renewal registration.

Through the *Consent to Service of Process* the travel agency, in return for being granted the right to conduct business as a travel agency in the state of Iowa, agrees to:

(a) designate the Secretary of State, as agent for the travel agency, for the purpose of accepting service of any legal documents, and

(b) submit to the jurisdiction of the courts of Iowa for resolution of any legal proceedings arising from operation of the travel agency.

The Travel Agency, _____ , hereby grants irrevocable consent to the Secretary of State pursuant to *Iowa Code* chapter 9D to act as an agent upon whom any process, notice or demand in connection with any business this travel agency may conduct in or from the state of Iowa may be served. I further acknowledge that actions in connection with doing business in the state of Iowa may be commenced against the travel agency in the proper jurisdiction in Iowa in which the cause of action may arise, or in which the plaintiff may reside, by service of process on the secretary as the travel agency's agent and stipulate and agree that such service of process shall be taken and held by all courts to be as valid and binding as if service of process had been made upon the travel agency according to the laws of Iowa or any other state.

_____
Name of authorized representative of travel agency (print)

_____
Title

_____
Street address of travel agency

_____
City State Zip

_____
Email address

_____
Signature of authorized representative Date

SECRETARY OF STATE
Travel Agency Registration
Lucas Building, 1st Floor
Des Moines, IA 50319

Phone: (515) 281-5204
FAX: (515) 242-5953
Website: sos.iowa.gov

PAUL D. PATE
Secretary of State
State of Iowa

TRAVEL AGENCY BOND FORM

This is the bond form prescribed by the Secretary of State under *Iowa Code* chapter 9D. An applicant who chooses to comply with *Iowa Code* chapter 9D, section 3 by executing a surety bond, must use this form.

A surety bond is continuous in nature, therefore an applicant does not need to complete this form if the application represents a renewal and a bond is already on file with the Secretary of State. Do not return the bond form separate from the application or it will be returned and result in a delay in filing.

PRINCIPAL: _____

SURETY: _____

ADMINISTRATOR: Secretary of State

BOND NO.: _____

TERM: This bond shall become effective on _____, 20_____ and remain in force until terminated in accordance with the provisions of paragraph 4 below.

_____, as principal, and

_____, as surety qualified to do business in Iowa, are bound in penal sum of $10,000 for payment under the following terms and conditions.

TERMS AND CONDITIONS:

1. The above-named principal has applied to the Secretary of State for registration as a travel agency under *Iowa Code* chapter 9D.
2. If the principal complies with the provisions of *Iowa Code* chapter 9D and all rules and regulations promulgated thereunder, and satisfies any loss or damages suffered by the State of Iowa or any person[s] dealing with the principal resulting from the principal's violation of any provision of *Iowa Code* chapter 9D, or rules and regulations promulgated thereunder, then this obligation shall be void. Otherwise this bond shall remain in full force and effect. This bond is payable to the State of Iowa for use and benefit of either: (a) [any] person[s] who is[are] injured by the fraud, misrepresentation, or financial failure of the principal or a travel agent employed by the principal; or (b) the State on behalf of any person[s] so injured.
3. This bond shall be one continuing obligation and in no event shall the liability exceed the penal sum of $10,000 for the aggregate of any claims occurring during the term of this bond.
4. The surety shall have the right to terminate its obligation under this bond by filing written notice of its intent to cancel the bond with the Secretary of State and the principal at least 60 days prior to the effective date of such termination. Obligations of the surety arising prior to the effective date shall not be affected by the termination.

EXECUTED on this _____day of _____ , 20 _____

_____, Principal

by _____ .

NOTE: Persons executing for surety other than corporate officers must attach Power of Attorney.

_____, Surety

by_____ .

CHAPTER 9D
TRAVEL AGENCIES AND AGENTS

9D.1 Definitions
9D.2 Registration required
9D.3 Evidence of financial security.
9D.4 Penalties.
9D.5 Exemptions.

9D.1 Definitions.

1. *"Applicant"* means a person applying for registration under this chapter.

2. *"Customer"* means a person who is offered or who purchases travel services.

3. *"Registrant"* means a person registered pursuant to this chapter.

4. *"Secretary"* means the secretary of state.

5. *"Solicitation"* means contact by a travel agency or travel agent of a customer for the purpose of selling or offering to sell travel services.

6. *"Travel agency"* means a person who represents, directly or indirectly, that the person is offering or undertaking by any means or method, to provide travel services for a fee, commission, or other valuable consideration, direct or indirect.

7. *"Travel agent"* means a person employed by a travel agency whose principal duties include consulting with and advising persons concerning travel arrangements or accommodations.

8. *"Travel services"* means arranging or booking vacation or travel packages, travel reservations or accommodations, tickets for domestic or foreign travel by air, rail, ship, bus, or other medium of transportation, or hotel or other lodging accommodations. Travel services include travel related prizes or awards for which the customer must pay a fee or, in connection with the prize or award, expend moneys for the direct or indirect monetary benefit of the person making the award, in order for the customer to collect or enjoy the benefits of the prize or award.

89 Acts, ch 274, §1
CS89, § 120.1
C93, § 9D.1

9D.2 Registration required.

1. *a.* A travel agency doing business in this state shall register with the secretary of state as a travel agency if it or its travel agent conducts the solicitation of an Iowa resident.

b. A travel agency required to register under paragraph "a" shall not permit a travel agent employed by the travel agency to do business in this state unless the agency has filed the required registration statement.

2. A travel agent shall not knowingly do business in this state unless and until the travel agency employing the travel agent has registered with the secretary of state as a travel agency if the travel agency or any of the agency's travel agents conduct the solicitation of an Iowa resident.

3. This section does not require registration for, or prohibit, solicitation by mail or telecommunications of a person with whom the travel agency has a previous travel services provider-customer relationship, having previously arranged travel related services for that customer on at least one prior occasion.

4. *"Doing business"* in this state, for purposes of this chapter, means any of the following:

a. Offering to sell or selling travel services, if the offer is made or received within the state.

b. Offering to arrange, or arranging, travel services for a fee or commission, direct or indirect, if the offer is made or received in this state.

c. Offering to, or awarding travel services as a prize or award, if the offer or award is made in or received in this state.

5. An applicant shall complete the registration statement form provided by the secretary. The registration statement must be accompanied by the required bond or evidence of financial responsibility and the registration fee. The registration statement shall include all of the following:

a. The name and signature of an officer or partner of a business entity or the names and signatures of the principal owner and operator if the agency is a sole proprietorship.

b. The name, address, and telephone number of the applicant and the name of all travel agents employed by the applicant travel agency.

c. The name, address, and telephone number of any person who owns or controls, directly or indirectly, ten percent or more of the applicant.

d. If the applicant is a foreign corporation or business, the name and address of the corporation's agent in this state for service of process.

e. Any additional information required by rule adopted by the secretary pursuant to chapter 17A.

The application shall be accompanied by a written irrevocable consent to service of process. The consent must provide that actions in connection with doing business in this state may be commenced against the registrant in the proper jurisdiction in this state in which the cause of action may arise, or in which the plaintiff may reside, by service of process on the secretary as the registrant's agent and stipulating and agreeing that such service of process shall betaken and held in all courts to be as valid and binding as if service of process had been made upon the person according to the laws of this or any other state. The consent to service of process shall be in such form and supported by such additional information as the secretary may by rule require.

An annual registration fee as established by the secretary by rule is required at the time the registration statement is filed with the secretary, and on or before the anniversary date of the effective date of registration for each subsequent year. The registration fee shall be established at a rate deemed reasonably necessary by the secretary to support the administration of this chapter, but not to exceed fifteen dollars per year per agency. If a registrant fails to pay the annual registration fee, the registration lapses and becomes ineffective.

A registrant shall submit to the secretary corrections to the information supplied in the registration statement within a reasonable time after a change in circumstances, which circumstances would be required to be reported in an initial

registration statement, except travel agents' names as required in subsection 5, paragraph *"b"*. The names of travel agents shall be updated at the time of annual registration. The secretary may revoke or suspend a registration for cause subject to the contested case provisions of chapter 17A.

89 Acts, ch 274, §2
CS89, § 120.2
C93, §9D.2

9D.3 Evidence of financial security.

1. An application for a travel agency must be accompanied by a surety or cash performance bond in conformity with rules adopted by the secretary in the principal amount of ten thousand dollars, with an aggregate limit of ten thousand dollars. The bond shall be executed by a surety company authorized to do business in this state, and the bond shall be continuous in nature until canceled by the surety with not less than sixty days' written notice to both the registrant and to the secretary. The notice shall indicate the surety's intent to cancel the bond on a date at least sixty days after the date of the notice.

2. The bond shall be payable to the state for the use and benefit of either:

a. A person who is injured by the fraud, misrepresentation, or financial failure of the travel agency or a travel agent employed by the travel agency.

b. The state on behalf of a person or persons under paragraph *"a"*.

The bond shall be conditioned such that the registrant will pay any judgment recovered by a person in a court of this state in a suit for actual damages, including reasonable attorney's fees, or for rescission, resulting from a cause of action involving the sale or offer of sale of travel services. The bond shall be open to successive claims, but the aggregate amount of the claims paid shall not exceed the principal amount of the bond.

3. If a registrant has contracted with the airlines reporting corporation or the passenger network services corporation, or similar organizations approved by the secretary of state with equivalent bonding requirements for participation, in lieu of the bond required by subsection 1, the registrant may file with the secretary a certified copy of the official approval and appointment of the applicant from the airlines reporting corporation or the passenger network services corporation.

4. In lieu of any bond or guarantee required to be provided by this section, a registrant may do any of the following:

a. File with secretary proof of professional liability and errors and omissions insurance in an amount of at least one million dollars annually.

b. Deposit with the secretary cash, securities, or a statement from a federally insured financial institution guaranteeing the performance of the registrant up to a maximum of ten thousand dollars to be held or applied to the purposes to which the proceeds of the bond would otherwise be applied.

89 Acts, ch 274, §3
CS89, § 120.3
C93, § 9D.3

9D.4 Penalties.

1. A person required to register as a travel agency, or an owner of ten percent or more of a travel agency, required to register by this chapter, which fails to register, fails to make required corrections to its registration statement, or fails to pay the required fee on or before thirty days after the fee becomes due, commits a serious misdemeanor.

2. If a person required to be registered or listed upon a registration statement by this chapter receives money, as a fee, commission, compensation, or profit in connection with doing business in this state in violation of section 9D.2, the person, in addition to the criminal penalty in subsection 1, shall be liable for a civil penalty of not less than threetimes the sum so received, as may be determined by the court,which penalty may be recovered in a court of competentjurisdiction by an aggrieved person, or by the attorney general for the benefit of an aggrieved person or class ofpersons.

3. A violation of this chapter is also a violation of section 714.16.

89 Acts, ch 274, §4
CS89, § 120.4
C93, § 9D.4

9D.5 Exemptions.

1. This chapter does not apply to:

a. A bona fide employee of a travel agency who is engaged solely in the business of the agency, and whose principal duties do not include consulting with and advising persons concerning travel arrangements or accommodations.

b. A direct common carrier of passengers or property regulated by an agency of the federal government or employees of a common carrier when engaged solely in the transportation business of the carrier as identified in the carrier's certificate.

2. A travel agency is subject to this chapter, notwithstanding that the customer's name was obtained from the customer as part of a promotion where the customer signed up to receive a sales presentation or to enter a drawing for a prize prior to the solicitation. These activities do not constitute a previous travel services provider-customer relationship.

89 Acts, ch 274, §5
CS89, § 120.5
C93, §9D.5

(Source: Iowa Code 2007)