

Instructions for Completing The Seller of Travel Registration Application

If you need more space to answer a question, you may attach additional pages marked with the corresponding question number.

The applicant is the person or entity applying to be a registered Seller of Travel. A Seller of Travel is any person or entity that sells, provides, furnishes, contracts for, arranges, or advertises that it can or may arrange, wholesale or retail travel. For more information regarding Sellers of Travel, visit the Seller of Travel Program's website at www.oag.ca.gov/travel.

Question 1. Business Name of Applicant: Provide the legal business name as it will appear on the registration certificate. The legal business name that appears on the applicant's lawful license to do business. If the applicant will have a fictitious business name (i.e., a "dba"), provide both the fictitious business name and the legal business name. For example, Jane Jones, dba Travel The World, or Acme Travel, Inc., dba Acme Hawaiian Vacations. If the applicant plans to use multiple fictitious business names, list all additional fictitious business names under Question 4.

Question 2. Business Start Date: Provide the date on which the applicant will begin operations as a Seller of Travel.

If the applicant already has engaged in any Seller of Travel activities, then provide the date such activities began.

Question 3.a. Address of Principal Place of Business: For the applicant's principal place of business, provide the physical street address. No P.O. Box address will be accepted.

Provide the primary telephone number, fax number, and e-mail address that the applicant will use to conduct business. Only provide the information available to the general public. If the applicant will advertise or sell travel through an internet website, provide all home page addresses.

If applicable, provide the applicant's Airline Reporting Corporation (ARC) number, International Airlines Travel Agent Network (IATAN) number, or Cruise Line International Association (CLIA), if any.

Question 3.b. Business Locations: List the address of all physical locations within the State of California from which the applicant will be doing business; also list all locations outside the State of California from which it will be doing business with customers located in California (Business and Professions Code section 17550.21(c)). List any fictitious business names/DBAs associated with the physical locations. Provide also the telephone number and any ARC, IATAN, or CLIA numbers assigned for the physical locations.

Question 3.c. Mailing Address: Provide the applicant's mailing address if different from the principal place of business. P.O. Box address is permitted.

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Question 4. Fictitious Business Names: A fictitious business name is also referred to as a “dba,” “DBA,” or “doing business as.” In California, fictitious business names must be registered with the County Clerk.

List every fictitious business name used by the Seller of Travel. If the applicant intends to sell travel through a subsidiary business, a division, or a department, list all fictitious business names associated with those subsidiaries -- for example: ABE, Inc., dba: Lincoln Country Tours, Kentucky Travel Division, and Log Cabin Travel Promotions Department.

Question 5. Primary Contact Information: Provide the name, position/title, e-mail address, and telephone number of the person who completed this application, or of the person most knowledgeable about the information in this application. This person will receive the Seller of Travel Program's e-mail communications. If there is a change in the contact person, please immediately update the new contact person's information to avoid any delays in notifications regarding your registration.

Question 6. Managers: Provide the first and last names of any managers or other individuals responsible for conducting regular business on behalf of the applicant and who is not listed in Question 7.c. or 7.d.

Question 7.a. Type of Entity: Check the box that describes the applicant's ownership structure. If applicant is a corporation, limited liability company, limited liability partnership or limited partnership, the applicant's California Secretary of State number or Franchise Tax Board number must be provided.

Stock Information: Check YES if the corporation is an issuer or subsidiary of an issuer of securities that are either listed on a national securities exchange or designated as a national market system security, and list the name of the exchange. Otherwise check NO.

Question 7.b. Type of Business/Ownership: Check only one box that describes the type of business ownership: Owner, Trustee, Power of Attorney or Parent Company Ownership.

Question 7.c. Ownership (Owners and Principals): Apply the following definitions of “Owner” and “Principal.” “Owner” means a person, corporation, limited liability company, nonprofit or other business entity that owns or controls 10% or more of the equity of, or otherwise has claim to 10% or more of the net income of, a seller of travel. “Principal” means an owner, an officer of a corporation, a member of a limited liability company, a general partner of a partnership, or a sole proprietor of a sole proprietorship. If ownership is less than 10%, list at least one Principal. Provide all requested information for every Owner (including a sole proprietor) and Principal who is a natural person (Business and Professions Code section 17550.21(d)). **Each owner/principal is required to provide a separate and personal e-mail address. No duplicate principal/owner e-mail addresses are permitted.**

Trustees Ownership: If Owner is a trustee, provide the name, residence address, position/title, personal e-mail address, and telephone number of trustee.

Power of Attorney: If Owner has assigned Power of Attorney, provide the name, address, position/title, personal e-mail address, and telephone number of individual assigned as Power of Attorney. Attach the document establishing the Power of Attorney.

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Question 7.d. Parent Company: If Owner is a parent company, list name of parent company, the CEO or at least one officer, date of birth, residence address, driver's license (or equivalent identification number), social security number and the state or foreign county where issued.

Question 8.a. Judgments/Convictions: Check YES if the applicant, any of its Owners or Principals, or any other Seller of Travel owned or controlled by any of the individuals or legal entities listed in response to Questions 7.c. and 7.d. has: any adverse judgment, including a stipulated judgment or order; made a plea of guilty or nolo contendere ("no contest"); or been convicted of any criminal violation. Check NO if none of the above applies. This disclosure requirement does not include offenses for which the sole penalty imposed was a fine of \$250 or less arising from citations for parking, motor vehicle, local code, ordinance violations, divorce, child support, or child custody proceedings.

Question 8.b. Judgments, Pleas, Convictions: If YES was checked under Question 8.a., provide the requested information about each judgment, order, or plea.

Question 9. Financial Requirement: The Seller of Travel Law, in Business and Professions Code sections 17550.15 and 17550.16, requires Sellers of Travel to provide financial security by using one of four options: (1) a trust account, (2) a surety bond, (3) a Consumer Protection Deposit Plan, or (4) Credit Card Transactions. Choose one of these four available options. Please make sure to complete all necessary information for the option you choose.

OPTION 1:

Trust Account and Form 300: Provide the name and address of each financial institution at which the applicant's "Business Client Trust Accounts" are maintained. List the account number and name of each trust account, whether or not such accounts are located in the State of California. A "Business Client Trust Account" holds client business payments in trust. The business owner does not "own" these payments while they are in the trust account. The trust account may be in the form of a business checking or business saving account as long as it is used only for funds received from customers and payments to vendors/suppliers. Escrow accounts are not permitted.

Form 300, Seller of Travel Trust Account Delegation of Trustee Responsibilities: The applicant may elect to delegate trustee responsibilities. If so, check the box and attach a signed copy of Form 300 if someone other than an Officer or employee identified in Questions 7.c. or 7.d. has been delegated authority to manage the trust account. Making such a delegation does not relieve Owners or Officers from liability or responsibility for the proper handling of trust account funds. Do not include this form if you do not make such a delegation.

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OPTION 2:

Surety Bond and Form 400: Attach a completed and current Form 400 with this registration application. Provide the name of the bond issuer, the amount of the bond, bond number (policy number), and expiration date.

Adequate Bond: The applicant's Surety Bond must be adequate, meaning it cannot be less than the amount that would be required to be held in trust if you chose to maintain a Trust Account. You should make appropriate upward adjustments to your estimates and Surety Bond as circumstances change. The Attorney General's Office may require documentation of your sales volume to prove your Surety Bond amount is adequate.

The applicant's Surety Bond issuer must be a company that is admitted by the State of California to issue Surety Bonds in California. Such a company is known as an "Admitted Surety Bond Company." Check with the prospective issuer of any Surety Bond you intend to use to see if the issuer is admitted to write Surety Bonds in California, or contact the California Department of Insurance.

A bond required by another state or an ARC bond does not satisfy the Surety Bond option under California's Seller of Travel Law. The obligee on the bond must be the California Seller of Travel Program.

OPTION 3:

Consumer Protection Deposit Plan: If you participate in a Consumer Protection Deposit Plan approved by the California Attorney General, ask your plan administrator whether your plan has been formally approved. You may also contact the Seller of Travel Program to find out which Consumer Protection Deposit Plans are currently approved by the California Attorney General's Office (Business and Professions Code section 17550.16(b)).

If you are participating in an approved Consumer Protection Deposit Plan, attach the required documentation.

OPTION 4:

Credit Card Exemption: The applicant may be exempt from the financial requirement if payment is made by credit card and the applicant meets all other requirements of Business and Professions Code section 17550.15(j). The applicant must complete and attach the Seller of Travel Affidavit, Form 750.

Note: The Travel Consumer Restitution Corporation (TCRC) and TCRC's Fund are not Consumer Protection Deposit Plans.

Question 10. Travel Certificates: A "travel certificate" is a writing or document stating that the holder is entitled to air or sea transportation or travel services, at a discount or reduced price, or is entitled to purchase such transportation or those travel services from a specified source, whether or not the holder is required to pay additional money or fulfill any requirements in order to utilize the certificate (Business and Professions Code section 17550.10). A paid ticket from an air or ocean carrier, ARC, or IATAN is not a travel certificate.

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Check YES if you will sell, market, or distribute any travel certificates. Attach a copy of each unique travel certificate that is, or will be, provided to clients, sold, marketed, or distributed by you during the registration period. Otherwise, check NO. If you later begin selling, marketing, or distributing any travel certificates, you must amend your registration and provide a copy of any such certificate within 10 days of its use.

Question 11. Travel Discount Program: "Seller of travel discount program" means a membership, benefit program, or other arrangement that entitles the purchaser to future transportation or any travel services at a discount or reduced price or preferential treatment not made generally available to the public. Seller of travel discount program does not include a "travel business discount program" as defined in Business and Professions Code section 17550.27.

Check YES if you offer a seller of travel discount program to the general public. If YES, please note that a \$100,000 bond in favor of the State of California is required. For information on obtaining a California Secretary of State bond, please visit www.sos.ca.gov/business-programs/special-filings/forms/.

Question 12. Independent Agents: An independent agent is any individual, natural person, a single-member limited liability company whose sole member is an individual, or a single-shareholder "S" corporation whose sole shareholder is an individual who:

(1) Has a written contract with a registered seller of travel to act on that registered seller of travel's behalf in offering or selling air or sea transportation and other travel goods or services in connection with the transportation.

(2) Acts only on behalf of a registered seller of travel with whom the person has a written contract in the offer or sale to a passenger of air or sea transportation and other goods or services in connection with the transportation and sells no other air or sea transportation or travel services to that passenger.

(3) Provides air or sea transportation or travel services that are offered or sold pursuant to the official agency appointment of the registered seller of travel with whom the person has a written contract.

(4) Does not receive any consideration for air or sea transportation or other travel services from the passenger.

(5) Requires the passenger to pay all consideration for air or sea transportation or other travel services directly to the air carrier or ocean carrier or to the registered seller of travel.

(6) Discloses both of the following:

(A) The person is acting on behalf of a registered seller of travel.

(B) The name, address, telephone number, and registration number of the registered seller of travel on whose behalf the person is acting.

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Check YES if the applicant offers or sells, or will offer or sell, any travel services through any independent agents as described above. Also, list the names, business name, dbas, phone numbers, and addresses of any independent agents with whom you have written contracts or who are authorized to use your registration number in their advertising, as provided for in Business and Professions Code section 17550.20(g). The addresses provided should be the locations from which the independent agent is doing business. Applicant must submit independent agents in an electronic format. For a sample on how to submit in an electronic format visit the Seller of Travel Program website at www.oag.ca.gov/travel/forms under Independent Agent Template.

Question 13. New Registration/New Business: Check YES if the applicant has previously applied for registration with the Seller of Travel Program. For all previous applications, write your previous business name, address, and registration number in the space provided.

Check NO if the applicant, and all owners and managers of the applicant, are applying for registration for the first time.

Question 14. Travel Consumer Restitution Corporation (TCRC) Fund: Check the appropriate boxes.

The TCRC provides refunds to passengers for paid travel services not received due to a material failure of sellers of travel participating in the TCRC Fund. The Fund covers customers located in California at the time of sale.

Who Must Participate in the TCRC Fund:

- Any seller of travel who does business with persons located in California and whose principal place of business is in California; OR
- Any seller of travel who does business with persons located in California, from at least one location in California, and who is an issuer or subsidiary of an issuer of securities that are listed on a national securities exchange or designated as a national market system security.

TCRC Fund participation requires that you pay an initial assessment and annual assessments.

The Travel Consumer Restitution Corporation and the Attorney General's Seller of Travel Program are separate entities and require separate applications and separate fees paid to each. Your yearly TCRC Fund assessment must be paid directly to the Travel Consumer Restitution Corporation, not to the Seller of Travel Program or to the California Department of Justice. For more information on registration with TCRC, visit www.tcrcinfo.org or call (866) 301-3004.

TCRC membership does not exempt you from submitting an application with the Seller of Travel Program. TCRC participants must also timely submit an application with the Seller of Travel Program. Failure to register with the Seller of Travel Program may result in a penalty and may be punishable as a misdemeanor.

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Application Declaration: All persons listed in Questions 7.c. and 7.d. must date, sign, list the city and state where they sign, and print their name on the Application Declaration page. Each person signs under penalty of perjury under the laws of the State of California attesting to the truth and accuracy of all of the information provided in the application. Multiple signatures may be provided on separate copies of the declaration.

Mail the completed application with all signatures, registration fee, any applicable late fee, and any attached forms to:

Seller of Travel Program
Office of The Attorney General
Department of Justice
300 South Spring Street, Suite 1702
Los Angeles, CA 90013-1230

Your registration will not be complete until the Seller of Travel issues a valid Acknowledgment of Registration letter which includes a Seller of Travel Certificate.

Registration Fee: Registration fees are based on the number of business locations. The registration fee is \$100 per business location. Add the total number of business locations from Questions 3.a. and 3.b. and multiply the total by \$100. This amount is your total registration fee.

Late Fee Calculations: A late fee is due with your application if you postmark your registration later than your filing deadline. The filing deadline is 10 days prior to doing business in the State of California. A late fee is \$5 for each day late, not to exceed the maximum of \$500.

Previous Years Fees: If you submit an application which is more than one year after your business start date, from Question 2, you must pay the total registration fee for each unregistered year. Multiply each location by the number of years in which that location was operating to determine the registration fees.

ALL FEES ARE NON-REFUNDABLE EVEN IF A SELLER OF TRAVEL REGISTRATION IS NOT ISSUED.

This application is timely if it is mailed at least 10 days before you market or sell either air, sea, land or water vessel transportation, as defined in Business and Professions Code section 17550.1(a), to persons in California.

Additional Instructions

Amendments and Transfers: You have an ongoing obligation to keep the Seller of Travel Program updated with accurate information. Use Form 500 to submit any material change in the information you originally supplied. There is no fee for filing amendments, except when you add new locations during a registration year. File Form 500 within ten (10) days after changes for amendments not involving a sale or transfer of ownership.

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Disclosures from Sellers of Travel (found on our website): Review this document to ensure you are in compliance with all sales made from California and for all sales made to passengers located in California. Optional: Please attach a copy of your disclosures to passengers with your registration application. Your registration by the Seller of Travel Program should not be construed as approval of your submitted disclosures.

Registration Withdrawal: To withdraw your registration with the Seller of Travel Program, submit a Withdrawal Form, Form 200, to the Seller of Travel Program.

All Seller of Travel forms may be downloaded from the Attorney General's website at: www.oag.ca.gov/travel/forms. You should check the Seller of Travel forms website from time to time for updates to forms, especially when it is time to renew.

It is important that you retain a copy of the completed application for your future reference.