

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.

For purposes of the registration process, a seller of travel is referred to as the "**Applicant.**" A seller of travel is defined below:

(a) "Seller of travel" means a person who sells, provides, furnishes, contracts for, arranges, or advertises that he or she can or may arrange, or has arranged, wholesale or retail, either of the following:

(1) Air or sea transportation either separately or in conjunction with other travel services.

(2) Land or water vessel transportation, other than sea carriage, either separately or in conjunction with other travel services if the total charge to the passenger exceeds three hundred dollars (\$300).

(b) Seller of travel does not include any of the following:

(1) An air carrier.

(2) An ocean carrier.

(3) A hotel, motel, or similar lodging establishment where in the course of selling, providing, furnishing, contracting for, or arranging transient lodging accommodations and related services for its registered guests, it also arranges for transportation and does not directly or indirectly receive any money or other valuable consideration for arranging or providing that transportation.

(4) A person or organization certified under Part 5 (commencing with Section 12140) of Division 2 of the Insurance Code, except such a person or organization shall comply with the registration and fee provisions of Sections 17550.20 and 17550.21 for each location at which air or sea transportation is sold either separately or in conjunction with other travel services.

(5) A motor or rail carrier or water vessel operator holding the required permit, license, or other authority to operate from a state, federal, or other governmental entity.

(c) Notwithstanding any other provision of law, a reference in this article or Article 2.7 (commencing with Section 17550.35) to air or sea transportation or to an air or sea carrier, includes land or water vessel transportation, as described in subdivision (a), and a motor carrier or water vessel operator.

Question 1. Legal Name of Applicant: If the Applicant will operate as a sole proprietorship, use the name of the natural individual who owns the sole proprietorship. If the Applicant will operate as a partnership or under some other form of joint ownership, the Applicant must provide all owners' names -- for example, "Jane Jones & Doug Smith." If the Applicant is a corporation or limited liability company, the Applicant must provide the legal name of the business entity as reflected on its Secretary of State filings -- for example, "Travel The Wright Way, Inc.," or "Corporate Travel Opportunities, LLC." (All examples are fictitious.)

A fictitious business name (i.e., a "dba") alone may not be provided as the legal name of an Applicant. An Applicant may, however, list a fictitious business name along with its legal name if the Applicant will operate under that name -- for example, "Jane Jones, dba Travel The World." If the Applicant plans to use multiple fictitious business names, all additional fictitious business names may be listed under Question 5.a.

Question 2.a. New Registration/New Business: Check "YES" if the Applicant has previously applied for registration with the Seller of Travel Program. Also check "YES" if the Applicant is a corporation, partnership, joint venture, association, organization, group, or any other entity, and if any owner or manager of the Applicant has previously applied for registration with the Seller of Travel Program.

Previous applications for registration include any prior application that the Applicant, or any owner or manager of the Applicant, signed and that is current or has expired, as well as any application that was rejected, suspended, abandoned, or withdrawn for any reason. For all previous applications, write your previous business name, address, and file number or your final registration number in the space provided.

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

Question 2.b. Business Start Date: Provide the date on which you will first sell, provide, furnish, contract for, arrange, or advertise that you can or may arrange, wholesale or retail, either of the following:

- (1) Air or sea transportation either separately or in conjunction with other travel services.
- (2) Land or water vessel transportation, other than sea carriage, either separately or in conjunction with other travel services if the total charge to the passenger exceeds three hundred dollars (\$300).

If you have already engaged in any of the above activities as of the date you complete the Seller of Travel Registration Application, then provide the date on which you first sold, provided, furnished, contracted for, arranged, or advertised that you could arrange, wholesale or retail, either of the services listed above.

Question 3.a. Type of Ownership of Your Business: Check the box that describes the Applicant's ownership structure. Check "Other" if your business is not one of the listed choices and describe the ownership or entity type on the line provided. Examples of other entities may include nonprofit associations such as a non-governmental senior center, a student center, or an alumni association.

Question 3.b. Fill in your Federal Tax Identification Number or Employer Identification Number (EIN), if any. This number is issued by the Internal Revenue System to business entities for identification purposes. List the state or foreign country in which the corporation, partnership, or other legal entity is registered. List the record or corporation number if applicable.

Question 3.c. If the Applicant is a **corporation or other business entity:**

i: Secretary of State Status: Check "YES" if the corporation is currently registered and in good standing with the Secretary of State of the Applicant's state of domicile. Otherwise check "NO" and explain on the line provided.

ii: 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 on the line provided. Otherwise check "NO."

Question 4.a. Address of Principal Place of Business: For the Applicant's principal place of business, provide the physical street address. You may not provide a postal mailbox (i.e., P.O. Box). Also, provide the Applicant's Airline Reporting Corporation (ARC) number, or International Airlines Travel Agent Network (IATAN) number, if any.

Question 4.b. Mailing Address: Provide the Applicant's mailing address if different from the principal place of business. Postal mailbox addresses are permitted.

Question 5. Business Information: Provide the primary telephone number, fax number, and e-mail address the Applicant uses to conduct business. Only provide the information available to the general public. If the Applicant will advertise or sell travel on the Internet (also known as the World Wide Web) through a Web site, please provide all home page addresses the Applicant will use.

Question 6. Primary Contact Information: Provide the name, position/title, e-mail address, and telephone number of the person who completed the Seller of Travel Registration Application, or of the person most knowledgeable about the Registration Application. Our office may contact this person with any questions regarding information provided in the Registration Application.

Question 7.a. 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.

Every fictitious business name used by the Applicant while doing business as a seller of travel must be listed in the Registration Application. List the county offices where the Applicant’s fictitious business names are registered. If they are filed or registered outside California, list the counties and states where the Applicant’s fictitious business names are filed. If the Applicant intends to sell travel through a subsidiary business, a division, or a department, be sure to 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.” **ATTACH A COPY OF THE FICTITIOUS BUSINESS NAME STATEMENT FOR EACH DBA LISTED.**

Question 7.b. Business Locations: List the address of all physical locations within the State of California from which you will be doing business and all locations outside the State of California from which you will be doing business with customers located in California. (Business and Professions Code section 17550.21(c)). Also list any fictitious business names/DBAs associated with the physical locations. Also fill in the telephone number and any ARC/IATAN numbers assigned for the physical locations you list.

Question 7.c. Count Your Locations: Fill in the total number of locations that you have identified in Questions 4.a., 7.b., and any additional sheets. You must count your principal place of business as the first location even if it is located outside California and you do not make sales from that location into the state.

Question 8.a. Owners and Principals: For purposes of questions 8.a., apply the following definitions of “Owner” and “Principal” – “Owner” means a person, corporation or other business entity that owns or controls 10 percent or more of the equity of, or otherwise has claim to 10 percent or more of the net income of, a seller of travel. “Principal” means an owner, an officer of a corporation, a general partner of a partnership, or a sole proprietor of a sole proprietorship. Please provide all requested information for every Owner (including a sole proprietor) and Principal who is a natural person.

Provide each individual’s position(s) with the seller of travel, date of birth, residential address, personal e-mail address (required for on-line registration), cell phone number, driver’s license number and state of issuance or equivalent personal identification, and social security number or other national identification number. A photocopy of a United States or foreign passport is acceptable as equivalent personal identification to a driver’s license number. Pursuant to Business and Professions Code section 17550.21, all Owners and Principals must provide their social security numbers.

Question 8.b. Managers: Provide the names of any managers or other individuals responsible for conducting regular business on behalf of the Applicant and who is not already listed in Question 8.a.

Question 9.a. Disclosure of All Judgments, Pleas, Convictions, Etc.: The Seller of Travel Law requires each Applicant, as well as each of its Owners and Principals, to disclose any past criminal violations.

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 Question 8.a., had entered against that person or entity any judgment, including a stipulated judgment, order, made a plea of guilty or nolo contendere (“no contest”), or has been convicted of any criminal violation. 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, or local code or ordinance violations. It also does not require information about divorce, child support, or child custody proceedings.

Check “NO” if none of the above is true.

Question 9.b. Judgments, Pleas, Convictions: If “YES” was checked under question 9.a., provide the requested information about each judgment, order, or plea.

Questions 10. Financial Requirement: You must choose one of the three available options to fulfill the requirement, pursuant to Business and Professions Code sections 17550.15 and 17550.16. Please make sure

you complete all necessary information for the option you choose. Complete Question 10.a. if you elect to maintain a trust account. Complete Question 10.b. if you elect to maintain a surety bond. Complete Question 10.c. if you elect the Consumer Protection Deposit Plan.

Question 10.a. Trust Account: Provide the name and location of each financial institution at which your “Business Client Trust Accounts” are maintained and 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. Contact your bank for more information about this type of trust account. Escrow accounts are not permitted.

Form 300, Seller of Travel Trust Account Delegation of Trustee Responsibilities: You may elect to delegate trustee responsibilities. If you do so, check the box and attach a signed copy of Form 300 if someone other than an Officer or employee identified in Question 8.a. 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. You do not have to include this form if you do not make such a delegation.

You may also find more information about trust accounts under the FAQs tab for registrants, at http://ag.ca.gov/travel/reg_faqs.php.

Question 10.b. The Surety Bond Alternative to the Trust Account and Form 400: You may purchase a surety bond to protect customer payments instead of using a Trust Account. Check “ATTACHED” if you have chosen to maintain a Seller of Travel Surety Bond rather than a Trust Account. Enclose a complete and current Form 400 with this registration application. Provide the name of the bond issuer and the amount of the bond.

Adequate Bond: Your Surety Bond must be adequate, meaning it must at all times be in an amount no less than at least equal to the amount that would be required to be held in trust if you chose to maintain a Trust Account. One method for calculating an adequate Surety Bond amount is to determine the highest single day’s balance of customer money which would be held by you in trust before forwarding to providers of transportation or travel services. 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.

Your 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 does not satisfy the Surety Bond option under California’s Seller of Travel Law. Your ARC bond does not satisfy the requirements of the Surety Bond option under the Seller of Travel Law.

Questions 10.c. Consumer Protection Deposit Plan: If you participate in a Consumer Protection Deposit Plan approved by the California Attorney General, you may be exempt from the Trust Account / Surety Bond requirements of the Seller of Travel Law. Ask your plan administrator whether your plan has been formally approved. You may also contact the Seller of Travel Program to find out what Consumer Protection Deposit Plans are currently approved by the California Attorney General’s Office (Business and Professions Code section 17550.16(b)).

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

If you are participating in an approved Consumer Protection Deposit Plan, attach the requested documentation and check "ATTACHED."

Question 11.a. Travel Certificates: A "travel certificate" means a writing or document stating that the holder is entitled to air or sea transportation or travel services, to a discount or reduced price for that transportation or those travel services, or to purchase that 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.

Check "YES" if you sell or will sell, market, or distribute any travel certificates. Also check "ATTACHED" and enclose 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.

Check "NO" if you do not and will not sell, market, or distribute any travel certificates. An amendment to your registration and a copy of any certificate that you will begin using must be submitted to the Seller of Travel Program within 10 days of its use.

Question 11.b. Travel Discount Program: "Seller of travel discount program" means a membership, benefit program, or other arrangement that claims to entitle the purchaser of that program 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 17550.26.

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.

Question 11.c. Travel Business Discount Program: "Travel business discount program" means a membership, benefit program, identification card, identifying number, or other arrangement that identifies the purchaser of that program as engaged in the travel business or otherwise qualified to receive discounts made available to persons involved in the travel business for transportation or any travel services. Check "YES" if you offer a travel business discount program to travel agents.

Question 12.a. Independent Agents: An independent agent is any individual, natural person 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.

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, 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.

Question 12.b. Host Agency: A host agency is a seller of travel who sells travel services through any independent agents as described above. Check "YES" if the Applicant is a host agency.

Questions 13.a. – 13.c. Registration Fee and Late Fee Calculations: Registration fees are based on the **number of qualifying business locations**. The registration fee is \$100 per business location in California and \$100 per out-of-state business location that markets or sells to customers located in California. Registration fees are not required for out-of-state locations that do not market or sell to customers in California.

Question 13.a. Registration Fee Calculation: Multiply the total number of business locations from Question 7.c. by \$100 and enter the total dollar amount. This amount is your total registration fee. If your application is postmarked more than one year after your business start date, from Question 2.b., then you must pay the total registration fee for each unregistered year. Multiply each location by the number of years that location was operated and place that number in the total location field.

Question 13.b. Late Fee Calculation: 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.

Question 13.b. (1): Fill in your filing deadline date. The filing deadline date is exactly 10 days before your business start date, from Question 2.b.

Question 13.b. (2): If your application is past the filing deadline you are required to pay late fees. Subtract the postmark date from your filing deadline date, from Question 13.b.1., and enter the total number of days late.

Question 13.b. (3): Multiply the number of days late from Question 13.b.2. by \$5.00 and enter the total late fees due on the line provided.

Question 13.c. Total Fees: Fill in the total of both the registration fees from Question 13.a. (a minimum of \$100) and the total of any calculated late fees from Question 13.b.3. (a maximum of \$500).

Below is a sample:

13. **FEES:** Include your registration fee and, if applicable, a late fee payment with the application.
Fees are payable to the **Department of Justice**:

a) **Registration Fee Calculation:** Multiply the total number of locations from Question 7.c. by \$100. If this application is more than one year late, multiply each location by the number of years that location was operated and place that number as the total location.

$$\frac{2}{\text{TOTAL LOCATIONS FROM Q.7.c.}} \times \$100.00 = \$ \frac{200}{\text{TOTAL REGISTRATION FEE}}$$

b) **Late Fee Calculation:** A late fee is due with your application if you postmark your registration later than your filing deadline. The filing deadline is ten days prior to doing business in the State of California. Calculate your late fee by determining:

- Filing Deadline Date
10 days prior to business start date (Question 2.b.): $\frac{\text{August 20, 2009}}{\text{FILING DEADLINE DATE}}$
- Number of days late. If application is postmarked after filing deadline then subtract the filing deadline date from the postmark date:
 $\frac{\text{August 25, 2009} - \text{August 20, 2009}}{\text{POSTMARK DATE} \quad \text{DATE FROM Q 13.b.1.}} = \frac{5}{\text{TOTAL NUMBER OF DAYS LATE}}$
- Late Fees due (\$5 for each day late, not to exceed the maximum of \$500)
 $\frac{5}{\text{NUMBER OF DAYS LATE (Q.13.b.2)}} \times \$5 = \$ \frac{25}{\text{LATE FEES DUE (Maximum of \$500)}}$

c) **Total Fees Calculation (Registration + Late Fees):**

$$\$ \frac{200}{\text{TOTAL FROM Q13.a.}} + \$ \frac{25}{\text{TOTAL FROM Q13.b.3.}} = \$ \frac{225}{\text{TOTAL FEES DUE}}$$

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

The Travel Consumer Restitution Corporation (TCRC) provides refunds to passengers for paid travel services not received due to a material failure of sellers of travel participating in the TCRF. The Fund covers **customers located in California** at the time of sale.

Who Must Participate in the TCRF:

- 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.

TCRF participation requires that you pay an initial assessment and annual assessments. **Your yearly 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.** The amount of your assessment is determined by the TCRC Board of Directors and will vary each year. Mail your TCRC application and check payable to TCRC directly to:

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. For more information on registration with TCRC, you may contact them directly at:

Travel Consumer Restitution Corporation
P.O. Box 6001
Larkspur, CA 94977-6001
Website: www.tcrinfo.org

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.

Form 100, Authorization for Disclosure of Business Records Form: This form is required for all sole proprietorships, partnerships and trusts. Corporations must submit Form 100-A. Form 100 **must be signed by** an owner, partner, principal, or trustee, listed in Question 8.a. Please ensure your name, title, business name, and the address of your principal place of business is correct then sign and date the form.

Form 100-A, Authorization and Consent Form: This form is required for all corporations. It must be **signed individually by each** principal (director, officer, member, or owner) listed in Question 8.a.

Verification Page: All persons listed in Question 8.a. must date, sign, list the city and state where they sign, and print their name on the Verification 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. You must provide **original** signatures. Copies or faxed signatures are not accepted. Multiple signatures may be provided on separate copies of the verification page.

Signatures under a power of attorney are acceptable. Faxed, photocopied, or stamped signatures are not acceptable.

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

Mail the completed Seller of Travel Program application with original signatures, your registration fee, any applicable late fee, and any 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 we issue a valid Acknowledgment of Registration letter which includes a Seller of Travel certificate.

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.

You are required to file a completed Form 600 at least ten (10) days in advance of a sale or transfer of ownership. **Liability transfers will not be recognized until a completed Form 600 has been filed.**

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 our office please 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: <http://ag.ca.gov/travel/forms.htm>. You should check the Seller of Travel forms website from time to time for updates to forms, especially when it is time to renew.