**Name of Agency:**

**Advisor Contact:**

**Address/Suite #:**

**City**       **State and Zip Code:**

**Phone:**       **Cell Phone:**

**Advisor Email:**

|  |  |  |  |
| --- | --- | --- | --- |
| Full Amount of Payment to  smarTours | $ | How much are you claiming?  $ | Type of Payment: check one  Credit/Debit Card  Check  ACH/Wire  Cash |
| Date of Departure (MM/DD/YY) |  | Booking Number |  |
| Name of Tour |  | | |

**Required Documents – No claims will be processed without these documents.**

1) Credit or Debit Cards: Credit or debit card issuer refuses chargeback. Copy of refusal letter and original credit or debit card receipt must be attached.

2) Check payments: Front AND back copies of all checks related to this booking must accompany this form.

3) ACH/Wire: Copies of receipt of payments related to this booking must accompany this form.

4) Cash: Copies of receipt of payments related to this booking must accompany this form.

Passenger(s) Names – Please attach a separate sheet for additional names

My client has authorized that the refund check be issued to:  My agency  the client – if the client, please complete the information below:

**Name of Payee**

Check will be made payable to and mailed to this person only

**Address/Suite #**

**City:**       **State/Zip:**

Have you or your client applied for any refunds, credit or debit card chargebacks, or travel credits for all or any part of your payment or deposit to smarTours from any other tour operator, insurance company or credit or debit card company:  Yes  No

If yes, please give details (use additional sheet if necessary):

By submitting this Claim, I hereby assign to United States Tour Operators Association Inc. Tour Depositors Trust, it’s successors or assigns, all rights of recovery I now or hereafter may have against smarTours and/or its affiliates or assigns to the extent and only to the extent of any payment received by me from United States Tour Operators Association Inc. Tour Depositors Trust on account of the payments or deposits described above.

**Signature of person completing this form:**

**Please print the name of person completing this form:**

**Date:**

##### Submit all claims by certified mail, receipt requested to: USTOA Travelers Assistance Program, 345 Seventh Ave, Suite 1801, New York, NY 10001 and be sure that it is post marked no later than May 1, 2025. Do not send claim forms by email. They will not be accepted.

**INFORMATION, INSTRUCTIONS AND ELIGIBILITY FOR FILING CLAIMS**

**Please carefully read all this information.**

**Updated: February 5, 2025**

Effective January 31, 2025, smarTours ceased operations and is no longer a USTOA member, and as such, no longer participates in the USTOA $1 Million Travelers Assistance Program.

Travel advisors and consumers should be aware that partial or full reimbursement of lost payments and/or deposits for smarTours made on or prior to January 31, 2025, may be protected under the **USTOA $1 Million Travelers Assistance Program.** Passenger deposits and payments made directly to smarTours on or after February 1, 2025 will not be covered by the USTOA Program.

Please note that passengers who are eligible and entitled to reimbursement from other sources, such as credit or debit card consumer protection insurance, credit or debit card chargebacks, airline or airline agencies, or other travel insurance benefits, are not eligible for reimbursement from the USTOA $1 Million Travelers Assistance Program.

USTOA advises smarTours’ passengers who have lost a payment or deposit made to smarTours on or prior to January 31, 2025 to take the following steps before submitting a claim for reimbursement from the USTOA $1 Million Travelers Assistance Program:

* If payment was made directly to smarTours by credit or debit card, the passenger should immediately submit a claim with the credit or debit card issuer. See below for more information about credit or debit card payments.
* If third party travel insurance was obtained, the passenger should immediately submit a claim with the insurer.
* If payment was submitted directly to an airline or airline agency for airline tickets, the passenger needs to contact his or her airline or airline agency directly. Any payments made directly to the airline or airline agency are not covered under the USTOA $1 Million Travelers Assistance Program.

To the extent you are **not entitled** to reimbursement of your deposit or payment made directly to smarTours from any (i) credit or debit card consumer protection programs or chargebacks programs, or (ii) third party insurer, or in the event your payment was made by cash, check or electronic payments (i.e. – wire transfer or ACH) and you have no travel insurance, you should then submit a claim for reimbursement from the USTOA $1 Million Travelers Assistance Program. In all events, claim forms for the USTOA Program must be postmarked no later than **May 1, 2025.**

Consumers who qualify for refunds of lost deposits and payments made directly to smarTours (and travel advisors filing a claim on behalf of their clients) must complete and timely file a claim form (Consumer or Travel Advisor) for reimbursement from the USTOA $1 Million Travelers Assistance Program. USTOA will cross-check information on claim forms with passenger data information we receive directly from smarTours.

The $1 Million proceeds of the USTOA $1 Million Travelers Assistance Program will be distributed pro rata among eligible claimants. There is no “first come first served” policy for reimbursement. The USTOA $1 Million Travelers Assistance Program does not cover travel advisor commissions.

* All claims must be made on the appropriate form; credible substantiation, documentation and written proof of payments must accompany the completed claim form.
  + USTOA Claim form completed and signed
  + Documentation of written proof of:
    - payment(s) made to smarTours from the passenger by credit or debit card, cash, check, or electronic payment (i.e.- wire transfer or ACH)
    - smarTours’ receipt of payment(s)
    - credit or debit card issuer decline for chargeback
    - third-party travel insurance decline for refund
* **Do not email claim forms as they will not be accepted**. Submit hard copies of all claim forms, with backup documentation, by certified mail, return receipt requested to:

USTOA Travelers Assistance Program

345 Seventh Avenue, Suite 1801

New York, NY 10001

* **Due date: May 1, 2025**. No claim forms postmarked after May 1, 2025 will be considered.
* Once all timely claim forms are submitted and verified, eligible claimants will be reimbursed on a pro rata basis. This process will likely take months to complete.

**Credit or Debit Cards**

For those consumers who used credit or debit cards to purchase their travel directly with smarTours, you may be entitled to consumer protections, including chargebacks, under Federal Law and/or the benefit programs of your credit or debit card, and should pursue your rights to these remedies. To the extent a consumer is entitled to credit or debit card benefits, he/she is not eligible for reimbursement under the USTOA $1 Million Travelers Assistance Program. **If, for any reason, you believe that your credit or debit card issuer may deny this consumer protection to you for the payment you made directly to smarTours, you should file a timely claim with the USTOA Program and then provide the refusal letter later, if and when received. If you fail to timely file a claim with USTOA by May 1, 2025 and your credit or debit card issuer later denies claim, you will not be eligible for reimbursement under the USTOA $1 Million Travelers Assistance Program.**

Please email [ustoaclaims@ustoa.com](mailto:ustoaclaims@ustoa.com?subject=smarTours%20Claim) with any questions or call 212-599-6599 ext 5. Please note we will not accept any claim forms by email.

Consumer protection has been a cornerstone of the United States Tour Operators Association since its inception in 1972. USTOA's founding purpose was to protect travelers against losses arising from bankruptcy, insolvency, or cessation of business by any Active Member of the association. For more than 50 years, the USTOA has maintained its [USTOA $1 Million Travelers Assistance Program](/travelers-assistance), ensuring a financial safety net for consumers who travel with its U.S.-based member tour operators.

will not accept any claim forms by email.