

JAN 18 2024

A BILL FOR AN ACT

RELATING TO CONSUMER PROTECTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that booking agencies
2 often do not include government-related fees and taxes in their
3 advertised rates and prices. Because fees and taxes are usually
4 added as a surcharge after a consumer initiates a purchase,
5 consumers often are misled by advertised prices and find
6 themselves paying a higher price than they had originally
7 intended. While government-related taxes and fees may be
8 itemized during the purchase process, the legislature believes
9 that consumers have a right to make informed purchases regarding
10 the total price to be paid before a transaction commences.

11 The legislature notes that there is national support to
12 reduce and eliminate mandatory fees that often hide the full
13 price of a good or service and surprise fees that consumers
14 learn about after purchase. For example, the federal Junk Fee
15 Prevention Act, S. 916. 118th Cong. (2023) was introduced to
16 curb and eliminate excessive, hidden, and unnecessary fees that
17 are unexpectedly imposed on consumers, and California recently



1 passed the Consumers Legal Remedies Act, 2023, which, in part,
2 would make it unlawful to advertise, display, or offer a price
3 for a good or service that does not include all mandatory fees
4 or charges other than taxes or fees imposed by a government on
5 the transaction.

6 Accordingly, the purpose of this Act is to:

- 7 (1) Prohibit any person from advertising, displaying, or
8 offering a price for a transient accommodation or
9 resort time share vacation interest, plan, or unit
10 that does not include all taxes and fees imposed by a
11 government entity at the time of purchase;
- 12 (2) Require a person to clearly and conspicuously display
13 in each advertisement for a transient accommodation or
14 resort time share vacation interest, plan, or unit a
15 price that includes all taxes and fees imposed by a
16 government entity; and
- 17 (3) Require any taxes and fees that are displayed as a
18 percentage of the cost on a booking transaction also
19 be displayed as a dollar amount at the time of
20 purchase.



1 SECTION 2. Chapter 481B, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§481B- Transient accommodations; booking transactions;
5 total price; disclosures; taxes; government-related fees. (a)

6 No person shall advertise, display, or offer a price for a
7 transient accommodation or resort time share vacation interest,
8 plan, or unit that does not include all taxes and fees imposed
9 by a government entity to be charged at the time of purchase.

10 (b) A person shall clearly and conspicuously display in
11 each advertisement for a transient accommodation or resort time
12 share vacation interest, plan, or unit, including online
13 advertisements, a price that includes all taxes and fees imposed
14 by a government entity.

15 (c) Any taxes and fees on a booking transaction that are
16 displayed as a percentage of the cost at the time of purchase
17 shall also be displayed as a dollar amount.

18 (d) For the purposes of this section:

19 "Booking transaction" means any transaction in which there
20 is a charge to a consumer by a person for any transient



1 accommodation or resort time share vacation interest, plan, or
2 unit.

3 "Government entity" has the same meaning as defined in
4 section 137-1.

5 "Resort time share vacation interest", "resort time share
6 vacation plan", "resort time share vacation unit", and
7 "transient accommodations" have the same meanings as defined in
8 section 237D-1."

9 SECTION 3. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 4. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

14

INTRODUCED BY:

Kal Rhoad



S.B. NO. 2239

Report Title:

Consumer Protection; Transient Accommodations; Booking Transactions; Disclosures; Taxes; Government-Related Fees; Unfair and Deceptive Practices

Description:

Prohibits any person from advertising, displaying, or offering a price for a transient accommodation or resort time share vacation interest, plan, or unit that does not include all taxes and fees imposed by a government entity at the time of purchase. Requires a person to clearly and conspicuously display in each advertisement for a transient accommodation or resort time share vacation interest, plan, or unit a rate or price that includes all taxes and fees imposed by a government entity. Requires any taxes and fees that are displayed as a percentage of the cost on a booking transaction also be displayed as a dollar amount at the time of purchase.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

