

JAN 24 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 fully transparent
2 pricing from the outset of a consumer's transient accommodations
3 booking in Hawaii is paramount to their proper experience of
4 aloha. With numerous hotel brands voluntarily disclosing resort
5 and other mandatory fees upfront rather than prior to the
6 finalization of a booking transaction, the adoption of this
7 practice across the tourism industry is critical to ensure that
8 a consumer experiences the same pricing transparency, no matter
9 the transient accommodations type or distribution channel. The
10 establishment of a single standard for hotels, motels, short-
11 term rentals, online travel agencies, metasearch sites, short-
12 term rental platforms, and other entities that offer, list,
13 advertise, or display transient accommodations would not only
14 prevent consumers from being misled, but also ensure a level
15 playing field across the tourism industry.

16 The legislature further finds that requiring the disclosure
17 of resort fees and other mandatory taxes and fees would bring



1 Hawaii into parity with other states with regard to the short-
2 term lodging economy.

3 Accordingly, the purpose of this Act is to:

4 (1) Prohibit any operator, transient accommodations
5 broker, or person from offering, listing, advertising,
6 and displaying a rate that does not include all resort
7 fees;

8 (2) Require all operators, transient accommodations
9 brokers, and persons to include all taxes and fees
10 imposed by a government on a transient accommodation
11 in the total price before booking a reservation; and

12 (3) Establish penalties.

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

16 "§481B- Transient accommodations; total price; resort
17 fees; government taxes and fees; penalties. (a) No operator,
18 transient accommodations broker, or person shall offer, list,
19 advertise, or display a transient accommodations rental rate
20 that does not include all resort fees required for the transient
21 accommodation.



1 (b) All operators, transient accommodations brokers, and
2 persons shall include all applicable taxes and fees imposed by a
3 government on the transient accommodation in the total price to
4 be paid before a reservation for the transient accommodation is
5 made.

6 (c) All operators, transient accommodations brokers, and
7 any other person who knows or should have known that they were
8 in violation of this section shall be subject to a civil penalty
9 not more than \$10,000 for each violation.

10 (d) An action to enforce this section may be brought by a
11 prosecuting attorney, a county corporation counsel, or the
12 attorney general.

13 (e) The duties and obligations imposed by this section
14 shall:

15 (1) Be cumulative to the duties or obligations imposed by
16 any other law; and

17 (2) Not be construed to relieve any operator, transient
18 accommodations brokers, or person of their duties or
19 obligations imposed by any other law.

20 (f) For purposes of this section:



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1 "Operator", "resort fee", "transient accommodations", and
2 "transient accommodations broker" have the same meanings as
3 defined in section 237D-1.

4 "Taxes and fees imposed by a government" includes taxes
5 pursuant to sections 237-8.6, 237-13, 237-18, 237D-2, and
6 237D-2.5.

7 "Transient accommodations rental rate" means the rate for a
8 transient accommodation before the inclusion of taxes and fees
9 imposed by a government on the transient accommodation."

10 SECTION 3. If any provision of this Act, or the
11 application thereof to any person or circumstance, is held
12 invalid, the invalidity does not affect other provisions or
13 applications of the Act that can be given effect without the
14 invalid provision or application, and to this end the provisions
15 of this Act are severable.

16 SECTION 4. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

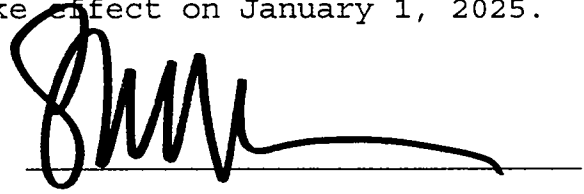
19 SECTION 5. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on January 1, 2025.

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INTRODUCED BY: _____

A handwritten signature in black ink, appearing to be 'JMM', is written over a horizontal line that follows the text 'INTRODUCED BY:'. The signature is stylized and cursive.

S.B. NO. 2993

Report Title:

Consumer Protection; Transient Accommodations; Total Booking Price; Resort Fees; Government Taxes and Fees; Penalties

Description:

Prohibits any operator, transient accommodations broker, or person from offering, listing, advertising, and displaying a rate that does not include all resort fees. Requires all operators, transient accommodations brokers, and persons to include all taxes and fees imposed by a government on a transient accommodation. Establish penalties.

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

