
A BILL FOR AN ACT

RELATING TO HOTELS.

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

1 SECTION 1. The legislature finds that tourism is a major
2 contributor to the State's economy. Travelers come from around
3 the globe to experience Hawaii's natural beauty, culture, and
4 diversity.

5 The legislature further finds that travelers staying at
6 hotels are vulnerable to disruptions to accommodation services.
7 They are often unfamiliar with local conditions and lack
8 alternative accommodations during their stay. The legislature
9 also finds that hotel guests will frequently be unaware of pest
10 infestations; construction work; noisy demonstrations; work
11 stoppages, strikes, or lockouts; or the unavailability of
12 advertised amenities at the hotel when they make reservations
13 and may experience difficulty canceling their reservations upon
14 arriving and discovering such disruptions.

15 The legislature additionally finds that ensuring that hotel
16 guests are notified of any service disruption, or the
17 possibility of a service disruption, and are permitted to



1 terminate reservations without financial consequences is
2 essential to protect travelers from the effects of service
3 disruptions and to ensure the continued vitality of Hawaii's
4 tourism and hotel sector.

5 Therefore, the purpose of this Act is to:

6 (1) Require a hotel to provide notification of a service
7 disruption to all third-party vendors and prospective
8 and current guests; and

9 (2) Prohibit a hotel from imposing any fee, penalty, or
10 other charge, or retaining any deposit, if, before
11 check-in, a guest cancels a reservation due to a
12 service disruption, unless the hotel provided prior
13 notification.

14 SECTION 2. Chapter 486K, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:

17 **"§486K- Hotel; service disruption; notification. (a)**

18 At the onset of a service disruption or of notice that a service
19 disruption may occur, a hotel shall provide notification of the
20 service disruption to:

21 (1) Each third-party vendor;



1 (2) Each potential guest immediately before accepting or
2 entering into any new reservation, booking, or
3 agreement:

4 (A) For the use or occupancy of a room or hotel
5 service that could be substantially affected by
6 the service disruption; or

7 (B) With a third-party vendor for the use or
8 occupancy of a room or hotel service that could
9 be substantially affected by the service
10 disruption; and

11 (3) Any current guest who is substantially affected by the
12 service disruption.

13 Where the circumstances of a service disruption make timely
14 notification impracticable, notification shall be made as soon
15 as practicable.

16 (b) The notification required by this section shall
17 describe the following:

18 (1) The nature of the service disruption; and

19 (2) The extent of the service disruption's effect on
20 reservations, bookings, or agreements to use or occupy
21 a room or hotel services, including the right to



1 cancel or terminate the reservation, booking, or
2 agreement for the use or occupancy of a room or hotel
3 services without the imposition of any fee, penalty or
4 other charge, as provided in subsections (c) and (d).

5 If notification is included in a communication containing
6 other information, the notification shall be clear and
7 conspicuous and in a significantly larger font and different
8 color than the remainder of the communication.

9 (c) No hotel shall impose any fee, penalty, or other
10 charge, or retain any deposit, if a guest, before checking in,
11 cancels a reservation, booking, or agreement with the hotel for
12 the use or occupancy of a room, where a guest's stay or room
13 could be substantially affected by a service disruption during
14 the guest's stay or use of a hotel service, unless the hotel
15 provided notice of the service disruption pursuant to
16 subsections (a) and (b) before accepting a reservation, booking,
17 or agreement.

18 (d) Where a service disruption arises only after any guest
19 of a room has checked in, the hotel shall clearly and
20 conspicuously notify the guest of such service disruption within
21 twenty-four hours of becoming aware of the service disruption,



1 as provided in subsection (a). The notification shall specify
2 the requirements set forth in this section.

3 At the onset of a service disruption or of notice that a
4 service disruption may occur, the hotel shall immediately and
5 clearly provide notification of the service disruption pursuant
6 to subsections (a) and (b).

7 Regardless of whether the hotel provides notification
8 pursuant to this subsection, the guests of a room or guests
9 using a hotel service may terminate any reservation, booking, or
10 agreement for the rental of the room or use of a hotel service,
11 and the hotel shall not impose any fee, penalty or other charge
12 for such termination, nor retain any deposit related to any
13 unused portion of the period of the reservation, booking, or
14 agreement, following the onset of a service disruption.

15 (e) Any hotel that violates or causes another person to
16 violate this section shall forfeit to the injured party three
17 times the amount of:

18 (1) The sum charged in excess of what the hotel is
19 entitled to for each day that a notification was
20 required under subsection (a), (b), or (d) but was not
21 provided; and



1 (2) Any fee, penalty, or other charge or deposit imposed
2 or retained in violation of subsection (c).

3 (f) Any person who is injured by any violation of this
4 section may:

5 (1) Sue for damages sustained by the person and, if the
6 judgment is for the plaintiff, the plaintiff shall be
7 awarded a sum of no less than \$1,000 or threefold
8 damages sustained by the plaintiff, whichever is
9 greater, and reasonable attorney's fees together with
10 the costs of the suit; and

11 (2) Bring proceedings to enjoin the violation, and if the
12 decision is for the plaintiff, the plaintiff shall be
13 awarded reasonable attorney's fees together with the
14 costs of the suit.

15 The remedies under this subsection are cumulative and may
16 be brought in a single action.

17 (g) As used in this section:

18 "Service disruption" means any of the following conditions:

19 (1) Construction work in or directly related to the hotel
20 that creates excessive noise that is substantially
21 likely to disturb a guest, other than construction



- 1 that is intended to correct an emergency condition or
2 other condition that requires immediate attention;
- 3 (2) Conditions of which the hotel is aware indicating the
4 presence in the hotel of any infestation by bed bugs,
5 lice, or other insects, rodents, or other vermin
6 capable of spreading disease or being carried,
7 including on one's person, if the infestation is not
8 fully treated within twenty-four hours of being
9 identified;
- 10 (3) The unavailability, for a period of forty-eight hours
11 or more, of any:
- 12 (A) Advertised hotel amenity, including but not
13 limited to a pool, spa, shuttle service, internet
14 access, or food and beverage service;
- 15 (B) Advertised room appliances or technology,
16 including but not limited to in-room
17 refrigerators or internet or Wi-Fi services; or
- 18 (C) Advertised or legally required accessibility
19 feature, including but not limited to an
20 elevator, wheelchair lift, ramp, or accessible



1 bathroom in a room or in any common area of the
2 hotel;

3 (4) The unavailability for a period of twenty-four hours
4 or more of any utility, including but not limited to
5 gas, water, or electricity, when the unavailability
6 affects only the location of the hotel;

7 (5) Any strike, lockout, or other work stoppage; or

8 (6) Any lawful picketing or demonstration at or adjacent
9 to the hotel:

10 (A) That creates noise that disturbs a guest of the
11 hotel; or

12 (B) That the hotel has notice of and that is likely
13 to create noise that may disturb a guest of the
14 hotel.

15 "Third-party vendor" means a vendor with which a hotel has
16 an arrangement for third-party room reservations, or any other
17 entity that has reserved or entered into an agreement or booking
18 for the use or occupancy of one or more rooms in a hotel in
19 furtherance of the business of reselling rooms to guests."



H.B. NO. 945

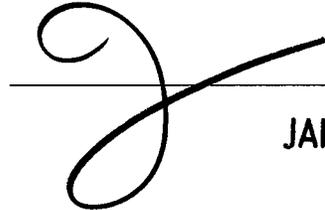
1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. New statutory material is underscored.

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

6

INTRODUCED BY:



JAN 21 2025



H.B. NO. 945

Report Title:

Hotel; Service Disruptions; Notification

Description:

Requires a hotel to provide notification of a service disruption, or that a service disruption may occur, to all third-party vendors and prospective and current guests. Prohibits a hotel from imposing any fee, penalty, or other charge, or retaining any deposit: if before check-in, a guest cancels a reservation due to a service disruption, unless the hotel provided prior notice; or if the service disruption arises after check-in, regardless of whether the hotel provided prior notification.

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