

JAN 15 2025

A BILL FOR AN ACT

RELATING TO RESTAURANTS.

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

1 SECTION 1. Chapter 489J, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§489J- Unauthorized restaurant reservations;
5 prohibited. (a) No third-party restaurant reservation service
6 shall list, advertise, promote, or sell reservations for a
7 restaurant through the third-party restaurant reservation
8 service's website, mobile application, or other digital platform
9 unless the applicable restaurant agrees in writing for the
10 third-party restaurant reservation service to list, advertise,
11 promote, or sell reservations for that restaurant.

12 (b) No agreement executed pursuant to subsection (a) shall
13 include a provision, clause, or covenant requiring the
14 restaurant to indemnify the third-party restaurant reservation
15 service, any independent contractor acting on behalf of the
16 third-party restaurant reservation service, or any registered
17 agent of the third-party restaurant reservation service for any



1 harm by an act or omission initiated by the third-party
2 restaurant reservation service; provided that any provision
3 included in an agreement in violation of this subsection shall
4 be held invalid.

5 (c) Any person who is charged fees by a third-party
6 restaurant reservation service for a reservation that is listed,
7 advertised, promoted, or sold; or restaurant for which a
8 third-party restaurant reservation service has listed,
9 advertised, promoted, or sold a reservation; in violation of
10 this section may bring a civil action in any court of competent
11 jurisdiction for the following:

12 (1) Injunctive relief to restrain or enjoin any activity
13 in violation of this section;

14 (2) Actual damages; provided that the actual damages shall
15 not exceed the total fees collected by the third-party
16 restaurant reservation service for the subject
17 violation; and

18 (3) Attorneys' fees and costs and any other remedies that
19 the court deems appropriate.



1 (d) Any action alleging a violation of this section shall
2 be brought within one year of the occurrence of the acts alleged
3 to have violated this section.

4 (e) As used in this section:

5 "Restaurant" means a food establishment in which food is
6 provided free of charge or sold to consumers for consumption on
7 or off the premises. "Restaurant" includes dine-in
8 establishments, pushcarts, food stands, and vehicles.

9 "Third-party restaurant reservation service" means any
10 website, mobile application, or other digital platform that:

11 (1) Offers or arranges for reserving on-premises service
12 for a customer at a restaurant; and

13 (2) Is owned and operated by an entity other than the
14 entity that owns the applicable restaurant."

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

18 SECTION 3. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Bo A. Allen



Report Title:

Restaurants; Reservations; Third-Party Restaurant Reservation Services; Unauthorized; Prohibition; Penalties

Description:

Prohibits third-party restaurant reservation services from listing, advertising, promoting, or selling restaurant reservations without first obtaining a written agreement from the applicable restaurant authorizing the action. Establishes civil penalties.

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

