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# 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 hotel services. They  
7 are often unfamiliar with local conditions and lack alternative  
8 accommodations during their stay. The legislature also finds  
9 that hotel guests are frequently unaware of pest infestations;  
10 construction work; noisy demonstrations; work stoppages,  
11 strikes, or lockouts; or the unavailability of advertised  
12 amenities at the hotel when they make reservations and may  
13 experience difficulty canceling their reservations upon arriving  
14 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 hotelkeepers to provide adequate notice of  
7 service disruptions to guests and third-party vendors  
8 under certain conditions; and

9 (2) Allow for recovery of damages by injured consumers.

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

13 **"§486K- Disruption of service; notice to third-party**  
14 **vendors and guests required; damages recoverable.** (a) At the  
15 onset of a service disruption or of notice that a service  
16 disruption may occur, a hotelkeeper shall provide, in all  
17 modifiable mediums where the hotel advertises or solicits  
18 customers, or through which customers can book or reserve rooms  
19 or hotel services, notification of the service disruption to  
20 each third-party vendor and guest who is seeking or has entered  
21 into a reservation, booking, or agreement with the keeper or a



1 third-party vendor for the use or occupancy of a room or hotel  
2 service. The keeper shall provide notice before accepting or  
3 entering into any new reservation, booking, or agreement for the  
4 use of a room or hotel service; provided that if the  
5 circumstances of the service disruption make timely notification  
6 impracticable, the keeper shall provide notice as soon as  
7 practicable.

8 (b) The notification shall describe:

9 (1) The nature of the service disruption;

10 (2) The extent of the service disruption's effect on  
11 reservations, bookings, or agreements to use the room  
12 or hotel services; and

13 (3) The right of a guest to cancel or terminate the  
14 reservation, booking, or agreement for the use of the  
15 room or hotel services with a refund, if applicable,  
16 and without the imposition of any fee, penalty, or  
17 other charge pursuant to subsections (c) and (d).

18 If the notification is included in a communication  
19 containing other information, the notification shall be in a  
20 significantly larger font and different color than the remainder  
21 of the communication.



1        (c) A keeper shall not impose any fee, penalty, or other  
2 charge or retain any deposit of a guest who cancels a  
3 reservation, booking, or agreement with the keeper for the  
4 future use of a room or hotel service if a service disruption is  
5 likely to exist during the period of the reservation, booking,  
6 or agreement for the use of a room or hotel service.

7        (d) At the onset of a service disruption or of notice that  
8 a service disruption may occur, the keeper shall immediately and  
9 clearly notify all guests of the service disruption pursuant to  
10 subsections (a) and (b). A guest may terminate any remaining  
11 period of a reservation, booking, or agreement for the use of a  
12 room or hotel service and the keeper shall not impose any fee,  
13 penalty, or other charge for the termination or retain any  
14 deposit related to any unused portion of the period of the  
15 reservation, booking, or agreement following the onset of the  
16 service disruption or of notice that a service disruption may  
17 occur.

18        (e) Any keeper that violates or causes another person to  
19 violate this section shall forfeit to the injured party three  
20 times the amount of the sum charged in excess of what the keeper  
21 is entitled to.



1        (f) As used in this section:

2        "Guest" includes a hotel service user.

3        "Hotel service" means work performed in connection with the  
4 operation of a hotel, including but not limited to the letting  
5 of guest rooms or meeting rooms, or the provision of food or  
6 beverage services, banquet services, or spa services.

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

8        (1) Construction work in or directly related to the hotel  
9        that creates excessive noise that is likely to  
10       substantially disturb a guest, except construction  
11       that is intended to correct an emergency condition or  
12       other condition requiring immediate attention;

13       (2) Conditions that the hotelkeeper is aware of that  
14       indicate the presence in the hotel of any infestation  
15       by bed bugs, lice, or other insects or rodents or  
16       other vermin capable of spreading disease or being  
17       carried, including on one's person; provided that the  
18       infestation has not been fully treated by a licensed  
19       exterminator within twenty-four hours of the  
20       identification of the infestation;



- 1        (3) The unavailability, for a period of twenty-four hours  
2        or more, of any advertised hotel amenity, including  
3        but not limited to a pool, spa, shuttle service,  
4        internet access, or food or beverage service;
- 5        (4) The unavailability, for a period of twenty-four hours  
6        or more, of any advertised room appliances or  
7        technology, including but not limited to in-room  
8        refrigerators or internet services;
- 9        (5) The unavailability of any advertised or legally  
10       required accessibility feature, including but not  
11       limited to an elevator, wheelchair lift, ramp, or  
12       accessible bathroom in the room or in any common area  
13       of the hotel;
- 14       (6) The unavailability, for a period of twenty-four hours  
15       or more, of any utility, including but not limited to  
16       gas, water, or electricity when the unavailability  
17       affects only the location of the hotel;
- 18       (7) Any strike, lockout, or other work stoppage; or  
19       (8) Any lawful picketing or demonstration at or adjacent  
20       to the hotel;



1           (A) That creates noise that disturbs a guest of the  
2                   hotel; or

3           (B) That the hotel has notice of and that is likely  
4                   to create noise that may disturb a guest of the  
5                   hotel.

6           "Third-party vendor" means a vendor with which a  
7           hotelkeeper has an arrangement for third-party room reservations  
8           or any other entity that has reserved or entered into an  
9           agreement or booking for the use or occupancy of one or more  
10           rooms in a hotel in furtherance of the business of reselling the  
11           rooms to guests."

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

15           SECTION 4. This Act shall not be applied so as to impair  
16           any contract existing as of the effective date of this Act in a  
17           manner violative of either the Hawaii State Constitution or  
18           article I, section 10, of the United States Constitution.

19           SECTION 5. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on July 1, 3000.





**Report Title:**

Hotels; Hotel Services; Service Disruption; Third-Party Vendor;  
Guests; Notice; Damages

**Description:**

Requires hotelkeepers to provide adequate notice of service disruptions to guests and third-party vendors under certain conditions. Allows for recovery of damages by injured consumers. Effective 7/1/3000. (HD2)

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

