
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 Accordingly, the purpose of this Act is to:

6 (1) Require hotelkeepers to provide adequate notice of
7 service disruptions to third-party vendors and
8 prospective and current guests under certain
9 conditions;

10 (2) Prohibit hotelkeepers from imposing any fee, penalty,
11 or other charge and from retaining any deposit of a
12 guest who cancels a reservation if a service
13 disruption is likely to exist during the period of the
14 reservation; and

15 (3) Require any hotelkeeper that violates or causes
16 another person to violate this Act to forfeit to the
17 injured party three times the amount of the sum
18 charged in excess of what the hotelkeeper is entitled
19 to.



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

"§486K- Disruption of service; notice to third-party vendors and guests required; damages recoverable. (a) Within twenty-four hours of the occurrence of a service disruption, a hotelkeeper shall provide, in all modifiable mediums where the hotel advertises or solicits customers, or through which customers can book or reserve rooms or hotel services, notification of the service disruption to each third-party vendor and guest who is seeking or has entered into a reservation, booking, or agreement with the keeper or a third-party vendor for the use or occupancy of a room or hotel service. The keeper shall provide notice before accepting or entering into any new reservation, booking, or agreement for the use of a room or hotel service; provided that if the circumstances of the service disruption make timely notification impracticable, the keeper shall provide notice as soon as practicable.

(b) The notification shall describe:

(1) The nature of the service disruption;



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

4 (3) The right of a guest to cancel or terminate the
5 reservation, booking, or agreement for the use of the
6 room or hotel services with a refund, if applicable,
7 and without the imposition of any fee, penalty, or
8 other charge pursuant to subsections (c) and (d).

9 If the notification is included in a communication
10 containing other information, the notification shall be in a
11 significantly larger font and different color than the remainder
12 of the communication.

13 (c) A keeper shall not impose any fee, penalty, or other
14 charge or retain any deposit of a guest who cancels a
15 reservation, booking, or agreement with the keeper for the
16 future use of a room or hotel service if a service disruption is
17 likely to exist during the period of the reservation, booking,
18 or agreement for the use of a room or hotel service.

19 (d) At the onset of a service disruption, the keeper shall
20 immediately and clearly notify all guests and hotel service
21 users of the service disruption pursuant to subsections (a) and



1 (b). A guest may terminate any remaining period of a
2 reservation, booking, or agreement for the use of a room or
3 hotel service and the keeper shall not impose any fee, penalty,
4 or other charge for the termination or retain any deposit
5 related to any unused portion of the period of the reservation,
6 booking, or agreement following the onset of the service
7 disruption.

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

12 (f) For purposes of this section:

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

17 "Service disruption" means any of the following conditions
18 that substantially affects or is likely to substantially affect
19 a guest's use of a room or hotel service:

20 (1) Construction work in or directly related to the hotel
21 that creates excessive noise that is likely to



1 substantially disturb a guest, except construction
2 that is intended to correct an emergency condition or
3 other condition requiring immediate attention;

4 (2) Conditions that the hotelkeeper is aware of that
5 indicate the presence in the hotel of any infestation
6 by bed bugs, lice or other insects, rodents or other
7 vermin capable of spreading disease or being carried,
8 including on one's person; provided that the
9 infestation has not been fully treated by a licensed
10 exterminator within twenty-four hours of the
11 identification of the infestation;

12 (3) The unavailability, for a period of twenty-four hours
13 or more, of any advertised hotel amenity, including
14 but not limited to a pool, spa, shuttle service,
15 internet access, or food or beverage service;

16 (4) The unavailability, for a period of twenty-four hours
17 or more, of any advertised room appliances or
18 technology, including but not limited to in-room
19 refrigerators or internet services;

20 (5) The unavailability of any advertised or legally
21 required accessibility feature, including but not



1 limited to an elevator, wheelchair lift, ramp, or
2 accessible bathroom in the room or in any common area
3 of the hotel;

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

8 (7) Any strike, lockout, or picketing activity or other
9 demonstration or event occurring for a calendar day or
10 more at or near the hotel.

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

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

20 SECTION 4. This Act shall not be applied so as to impair
21 any contract existing as of the effective date of this Act in a



1 manner violative of either the Constitution of the State of
2 Hawaii or article I, section 10, of the United States
3 Constitution.

4 SECTION 5. New statutory material is underscored.

5 SECTION 6. This Act shall take effect upon its approval.



Report Title:

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

Description:

Requires hotelkeepers to provide adequate notice of service disruptions to third-party vendors and prospective and current guests under certain conditions. Prohibits hotelkeepers from imposing any fee, penalty, or other charge and from retaining any deposit of a guest who cancels a reservation if a service disruption is likely to exist during the period of the reservation. Requires any hotelkeeper that violates or causes another person to violate this Act to forfeit to the injured party three times the amount of the sum charged in excess of what the hotelkeeper is entitled. (SD1)

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

