
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 or
10 work stoppages, strikes, or lockouts when they make reservations
11 and may experience difficulty canceling their reservations upon
12 arriving and discovering such disruptions.

13 The legislature additionally finds that it is important to
14 ensure that hotel guests are notified of any service disruption
15 or the possibility of a service disruption.



1 Therefore, the purpose of this Act is to require
2 hotelkeepers to provide adequate notice of service disruptions
3 to third-party vendors and guests under certain conditions.

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

7 "§486K- Disruption of service; notice to third-party
8 vendors and guests required. (a) A hotelkeeper shall directly
9 provide notice of a service disruption to each third-party
10 vendor and prospective guest who has entered into an agreement,
11 a booking, or a reservation with the hotelkeeper or a third-
12 party vendor for the use or occupancy of a room or hotel
13 service. Additionally, the hotelkeeper shall provide notice
14 before accepting or entering into any new agreement, booking, or
15 reservation for the use of a room or hotel service; provided
16 that if the circumstances of the service disruption make timely
17 notice impracticable, the hotelkeeper shall provide notice as
18 soon as practicable.

19 A notice under this subsection shall be provided:

20 (1) Within twenty-four hours of the onset of a service
21 disruption; or



1 (2) If a service disruption is reasonably anticipated,
2 within twenty-four hours of the hotelkeeper receiving
3 notice of the anticipated service disruption or five
4 days before the anticipated service disruption,
5 whichever is less.

6 (b) The hotelkeeper shall immediately and clearly notify
7 all guests of the service disruption. A notice under this
8 subsection shall be provided:

9 (1) At the onset of a service disruption; or

10 (2) If a service disruption is reasonably anticipated,
11 within twenty-four hours of the hotelkeeper receiving
12 notice of the anticipated service disruption or five
13 days before the anticipated service disruption,
14 whichever is less.

15 A guest shall be reimbursed for the value of hotel services or
16 amenities disrupted or deprived by the service disruption;
17 provided that the total reimbursement amount shall not exceed
18 value of the reserved room. The hotelkeeper shall determine a
19 good faith estimate of the value of the disrupted or deprived
20 hotel services or amenities.

21 (c) A notice required under this section shall describe:



- 1 (1) The nature of the service disruption; and
- 2 (2) The extent of the service disruption's effect on
- 3 agreements, bookings, or reservations for the use of
- 4 the room or hotel service.

5 (d) Any hotelkeeper that violates or causes another person
6 to violate this section shall forfeit to the injured party an
7 amount equal to three times the amount charged in excess of that
8 to which the hotelkeeper is entitled to collect.

9 (e) Any waiver or attempted waiver of a guest's right to
10 receive notice of a service disruption required by this section
11 shall be void and unenforceable as against public policy.

12 (f) As used in this section:

13 "Guest" includes a hotel service user.

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

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

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



1 that is intended to correct an emergency condition or
2 other condition requiring immediate attention; or
3 (2) Any strike, lockout, or other work stoppage authorized
4 by the affirmative vote of a labor organization's
5 members.

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 Constitution of the State of
18 Hawaii or Article I, section 10, of the United States
19 Constitution.

20 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 Vendors;
Guests; Notice

Description:

Requires hotelkeepers to provide adequate notice of service
disruptions to third-party vendors and guests under certain
conditions. Effective 7/1/3000. (HD3)

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not legislation or evidence of legislative intent.*

