THE SENATE
THIRTY-THIRD LEGISLATURE, 2025
STATE OF HAWAII

S.B. NO. 83 S.D. 2

A BILL FOR AN ACT

RELATING TO HOTELS.

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

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

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

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

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

Accordingly, the purpose of this Act is to:

(1) Require hotelkeepers to provide notification of service disruptions to third-party vendors and prospective and current guests under certain conditions;

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

(3) Require 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 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 the notification 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 the notification as soon as practicable.

(b) The notification shall describe:

(1) The nature of the service disruption;

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

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

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

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

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

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

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

(f) For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2050.

S.B. NO. 83 S.D. 2

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 to. Effective 7/1/2050. (SD2)

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