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Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Commerce and Consumer Protection
Thursday, February 26, 2026
9:45 a.m.
Via Videoconference
Conference Room 229**

Written Testimony Only

**On the following measure:
S.B. 2031, S.D. 1, RELATING TO CONSUMER PROTECTION**

Chair Keohokalole and Members of the Committee:

My name is Radji Tolentino and I am an Enforcement Attorney with the Department of Commerce and Consumer Affairs' (Department) Office of Consumer Protection (OCP). The Department strongly supports this bill.

The purpose of this bill is to address the harmful practices of bait-and-switch pricing and misleading fees and charges in the live-event ticketing and short-term lodging industries. The harms attendant to these practices are particularly pronounced in these industries, where most transactions occur online. Consumers trying to comparison shop across multiple websites are unable to do so because some businesses hide the true total price and force consumers to go to different sites and click through multiple web pages for each offer to learn the true total price. Consumer harm is also pronounced in these industries because the offered goods and services are often identical (as is the case with

live-event tickets), or nearly identical (as is the case with competing short-term lodging offers in a particular destination and for a particular star rating), and the most salient feature is the total price, which is shrouded from consumers.

In December 2024, the Federal Trade Commission (FTC) issued a final trade regulation rule to combat hidden fees and misrepresentations about pricing in the live-event ticketing and short-term lodging industries.¹ The Rule was finalized after intense debate.² The Rule took effect on May 12, 2025, applies on a nationwide basis, and empowers state attorneys general to enforce it.

This bill is modeled on the Rule, which already has the force and effect of law in the State of Hawaii. By creating a new provision in HRS Chapter 481B, this bill ensures that state law remedies can be sought in a civil action for violations. It also ensures that state officials can bring civil actions in state courts to seek redress for violations of law.

We respectfully request that the Committee pass this bill.

Thank you for the opportunity to testify on this bill.

¹ Trade Regulation Rule on Unfair or Deceptive Fees, 90 Fed. Reg. 2066, RIN 3084-AB77, 16 C.F.R. Part 464.

² The Advanced Notice of Proposed Rulemaking, published on November 8, 2022, led to receipt of more than 12,000 comments; the Notice of Proposed Rulemaking, published November 9, 2023, led to receipt of nearly 61,000 comments (with more than 48,000 in support). The Commission conducted an informal hearing on April 24, 2024, at which seventeen interested parties were identified and fifteen made presentations. <https://www.federalregister.gov/d/2024-30293/p-144>

February 23, 2026

Senator Jarrett Keohokalole, Chair,
Senator Carol Fukunaga, Vice Chair,
and Members of the Committee on
Commerce and Consumer Protection

Hearing: Senate Committee on Commerce and Consumer Protection
Date: Thursday, February 26, 2026
Time: 9:45 a.m.
Place: Conference Room 229 & Videoconference
State Capitol
415 South Beretania Street

Testimony in Support of SB 2031 SD1
Relating to Consumer Protection

Aloha Chair Keohokalole, Vice Chair Fukunaga and Members of
the Committee on Commerce and Consumer Protection:

Our clients consist of numerous members in the hotel industry who believe fully transparent pricing from the outset of a consumer's transient accommodations booking in Hawai'i is paramount to their proper experience of aloha, which is why we are proud to support SB 2031 SD1.

For a few years now, numerous hotel brands have used systems that have an up-front display of mandatory fees rather than prior to the finalization of a booking transaction. It is greatly appreciated that the legislature is seeking to ensure this standard is adhered to by the entire industry.

While we are supportive of a state-level standard, we wanted to draw attention to the final Federal Trade Commission Rule that requires all hotels, motels, short-term rentals, online travel agencies, metasearch sites, short-term rental platforms, and other entities that offer, list, advertise, or display transient accommodations to transparently disclose all mandatory fees or charges in the initial advertised price and then include government-imposed taxes and fees at the point of sale.

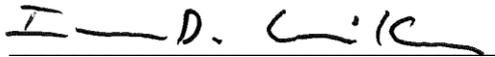
To guarantee consistency and harmony, and avoid the risk of any inadvertent disparity, we would request that the following provision be added to Section 2 of SB 2031 SD1, as a new subsection (f):

“§ 481B- (f) Any offer, display, or advertisement of short-term lodging that complies with the provisions of 16 C.F.R. Part 464 shall be deemed compliant with this section.”

We intend to always comply with this Hawaii standard but want certainty that this standard will never be interpreted differently from the nationwide Federal Trade Commission standard.

For these reasons, our clients are proud to support SB 2031 SD1 and thank the Senators for bringing this important measure forward.

Sincerely,

A handwritten signature in black ink, appearing to read "Ivan M. Lui-Kwan". The signature is written in a cursive style with a horizontal line underneath.

Ivan M. Lui-Kwan

Cori J. Terayama



www.ticketpolicyforum.org

2/23/26

Chair Keohokalole, Ranking Member Carol Fukunaga, and Members of the Committee,

My name is Ian Lee, and I'm writing on behalf of the Ticket Policy Forum in strong support of SB 2031. TPF is a coalition representing America's leading online ticket marketplaces including StubHub, SeatGeek, Vivid Seats, TickPick, Gametime, and Event Tickets Center. Our member companies serve tens of millions of fans every year by providing secure, guaranteed transactions, fraud prevention, and customer support that protect buyers and sellers.

We urge you to pass this bill because it protects fans by enshrining the FTC all-in pricing standard for ticket sales in Hawaii.

Right now, thanks to federal action, fans nationwide see one clear number when shopping for tickets, the actual total price they'll pay. This legislation would preserve that consumer protection for Hawaii residents by codifying it in state law. That matters because if the federal rule were ever vacated or challenged, Hawaii consumers would continue enjoying the transparency they deserve.

The current all-in pricing standard works because it eliminates confusion during the shopping experience. When fans shop for tickets they can quickly compare actual costs without being surprised at the end of the checkout process. Fans still receive complete fee information before entering payment details, ensuring full transparency when it matters most.

We urge you to reject calls to require itemized fees to appear during the initial search process. That approach would create a more cluttered, confusing experience, particularly on mobile devices, without adding meaningful transparency. It's a solution in search of a problem that would only make ticket shopping more frustrating for your constituents.

Hawaii has an opportunity to lead by protecting straightforward pricing that puts consumers first. We urge your support for this important consumer protection measure.



SanHi

GOVERNMENT STRATEGIES

A LIMITED LIABILITY LAW PARTNERSHIP

DATE: February 24, 2026

TO: Senator Jarrett Keohokalole
Chair, Committee on Commerce and Consumer Protection

FROM: Tiffany Yajima / Chris Delaunay

RE: **S.B. 2031, SD1, Relating to Consumer Protection
Decision Making Hearing: Thursday, February 26, 2026, at 9:45 AM
Conference Room 229**

Aloha Chair Keohokalole, Vice Chair Fukunaga and Members of the Committee:

We submit these **comments** on behalf of our client StubHub in support of S.B. 2031, SD1, Relating to Consumer Protection.

StubHub was founded in 2000 to provide a secure, transparent marketplace to connect ticket buyers and sellers. As a marketplace, StubHub does not set ticket prices and does not own ticket inventory. Sellers determine the price of their tickets, and buyers decide what best fits their budget. Our role is to provide the technology, fraud prevention tools, and customer support to ensure fans get into the events they love. Every order on the platform is backed by our FanProtect Guarantee, ensuring that fans either gain entry to the event or receive their money back.

S.B. 2031, SD1 would codify an all-in-pricing framework in Hawaii that aligns with and reinforces the Federal Trade Commission's (FTC) existing transparency requirements. The bill requires the total price of the ticket to be displayed upfront. This straightforward approach, aligned with the existing FTC standard, promotes clarity, consistency, and fairness in ticket sales. By establishing a uniform pricing standard, the legislature can provide certainty for consumers and businesses alike, while safeguarding transparency.

Thank you for the opportunity to provide these comments.

HAWAII FINANCIAL SERVICES ASSOCIATION

c/o Marvin S.C. Dang, Attorney-at-Law

P.O. Box 4109

Honolulu, Hawaii 96812-4109

Telephone No.: (808) 521-8521

February 26, 2026

Senator Jarrett Keohokalole, Chair
Senator Carol Fukunaga, Vice Chair
and members of the Senate Committee on Commerce and Consumer Protection
Hawaii State Capitol
Honolulu, Hawaii 96813

Re: **S.B. 2031, S.D. 1 (Consumer Protection)**
Hearing Date/Time: Thursday, February 26, 2026, 9:45 a.m.

I am Marvin Dang, the attorney for the **Hawaii Financial Services Association** (“HFSA”). The HFSA is a trade association for Hawaii’s consumer credit industry. Its members include Hawaii financial services loan companies (which make mortgage loans and other loans, and which are regulated by the Hawaii Commissioner of Financial Institutions), mortgage lenders, and financial institutions.

The HFSA offers comments on and proposes three amendments to this Bill.

This Bill makes it an unfair or deceptive act or practice for businesses to: (a) offer, display, or advertise the price of live-ticket events or short-term lodging without clearly and conspicuously disclosing the total price; and (b) misrepresent any fees or charges in any offer, display, or advertisement for the sale of live-event tickets or short-term lodging.

This Bill is identical to S.B. 1035, S.D. 2, H.D. 2 (Consumer Protection) from the 2025 Legislative Session. The HFSA had offered comments about and had proposed amendments to S.B. 1035 when it was before the House. S.B. 1035 did not pass the House.

The HFSA testimony on this year’s S.B. 2031 is similar to its testimony in 2025 on S.B. 1035.

Some financial institutions, including members of the HFSA, issue credit cards to customers. As part of the credit card rewards program, the customers might be offered the ability to use rewards points and/or money to obtain certain travel products such as a stay at a short-term lodging (e.g., a hotel). Neither the financial institution nor its affiliates set the prices or fees for the hotel stay. The financial institution and its affiliates obtain and rely on information about prices and fees for the hotel stay from a third party (i.e., from a third-party travel services supplier such as the hotel). The price and fee information received by the financial institution and its affiliates is then provided to the customer before the customer books the hotel stay on the travel portal of the financial institution or its affiliates using credit card rewards points and/or money.

Under this Bill, the financial institution and its affiliates would be considered a “business”.

A limited exception from liability is needed in this Bill to cover situations where a business has made reasonable efforts to obtain the information and data from a third-party supplier, and the business relies on the information and data from the third-party supplier.

Accordingly, we are offering the following three proposed amendments to this Bill:

Amendment #1 - re-name Subsection 481B-__(e) on page 5, line 13 of the Bill as Subsection (f).

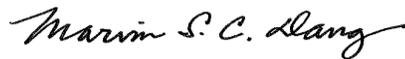
Amendment #2 - insert a new Subsection 481B- __ (e) on page 5, line 13 of the Bill as follows:

(e) Notwithstanding the provisions of this section, it shall not be considered an unfair or deceptive act or practice for a business to fail to disclose the nature, purpose, and amount of any fees, charges, or other expenses imposed by a third-party supplier of goods or services, provided that such failure is due to a lack of information or data, or a lack of accurate information or data, from the third-party supplier. This exception shall apply only if the business has made reasonable efforts to obtain such information or data. An effort shall be deemed reasonable if the business has established a process to obtain the necessary information or data from the third-party supplier electing to impose the required fee, charge, or cost on a covered good or service.

Amendment #3 - add a definition for “third-party supplier” in the re-named Subsection 481B- __ (f) of the Bill as follows:

“Third-party supplier” means any entity or individual that provides goods or services to a business for the purpose of resale or distribution to consumers. A third-party supplier is responsible for setting and communicating the fees, charges, or other expenses associated with their goods or services to the business. The business relies on the third-party supplier to provide accurate and timely information regarding any such fees, charges, or expenses.

Thank you for considering our comments and our proposed amendments.



MARVIN S.C. DANG
Attorney for Hawaii Financial Services Association