
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) Within twenty-four hours of
9 the onset of a service disruption, or upon receiving notice that
10 a service disruption may occur, a hotelkeeper shall provide
11 notice of the service disruption to each third-party vendor and
12 guest who is seeking or has entered into a reservation, booking,
13 or agreement with the hotelkeeper or a third-party vendor for
14 the use or occupancy of a room or hotel service. The notice
15 shall be provided on all modifiable platforms or mediums used by
16 the hotelkeeper to advertise, solicit, book, or reserve rooms or
17 hotel services. The hotelkeeper shall provide notice before
18 accepting or entering into any new reservation, booking, or
19 agreement for the use of a room or hotel service; provided that
20 if the circumstances of the service disruption make timely



1 notice impracticable, the hotelkeeper shall provide notice as
2 soon as practicable.

3 (b) The notice shall describe:

4 (1) The nature of the service disruption; and

5 (2) The extent of the service disruption's effect on
6 reservations, bookings, or agreements for the use of
7 the room or hotel service.

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

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



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

4 (f) As used in this section:

5 "Guest" includes a hotel service user.

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

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

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

19 (2) Any strike, lockout, or other work stoppage.

20 "Third-party vendor" means a vendor with which a
21 hotelkeeper has an arrangement for third-party room reservations



1 or any other entity that has reserved or entered into an
2 agreement or booking for the use or occupancy of one or more
3 rooms in a hotel in furtherance of the business of reselling the
4 rooms to guests."

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

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

12 SECTION 5. New statutory material is underscored.

13 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. (HD2)

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not legislation or evidence of legislative intent.*

