

ACT 102

H.B. NO. 3107-76

A Bill for an Act Relating to Hotel Reservations.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings and purpose. The Hawaii visitor industry is adversely affected by the occurrence of incidents in which a visitor to Hawaii is denied accommodations in a hotel for which a reservation has been obtained prior to arrival. Such incidents are often an outgrowth of the complex interaction of the methods of operations of the hotel, tour operators, and airlines serving the industry. One means of minimizing such incidents may be the establishment within the department of planning and economic development of a central clearing office, which would assist in placing any overflow of visitors expecting accommodations in a hotel, into another hotel or hotels able to accommodate such overflow.

The purpose of this Act is to authorize the director of planning and economic development to collect hotel occupancy status information from hotels in Hawaii on a periodic basis, in order to ascertain the advisability and feasibility of establishing a central clearing office to monitor hotel reservations.

SECTION 2. Definitions. As used in this Act:

(1) "Accommodations" means the provision of a room in a hotel.

- (2) "Department" means the department of planning and economic development.
- (3) "Director" means the director of planning and economic development.
- (4) "Hotel" means any establishment with one or more properties subject to county license pursuant to Section 445-92, Hawaii Revised Statutes having an aggregation of 100 or more rooms.
- (5) "Hotelkeeper" means any person, firm, or corporation operating a hotel.
- (6) "Occupancy status" of a hotel means the number of hotel rooms reserved or set aside by date for actual occupancy as compared with the number of hotel rooms available for occupancy.
- (7) "Report" means any written information supplied to the director by the hotel or hotelkeeper as authorized under Section 3 of this Act.

SECTION 3. Pilot project established; functions.

(a) There shall be a pilot project for two years within the department of planning and economic development to explore the feasibility of establishing a central clearing office for hotel room reservations in the State.

(b) The director of planning and economic development may require hotelkeepers in the State to furnish to the department a periodic report on the occupancy status of their respective hotels for a period of not more than sixty days and may request it on a continuing basis. The director shall provide the hotelkeeper written notice of a request for occupancy status seven days before the date on which the report is to commence. The director shall not require a report more than once in any seven-day calendar period.

SECTION 4. Technical reservations committee. The director shall appoint a technical reservations committee consisting of not less than three nor more than five persons having personal technical knowledge in hotel reservations practices. The technical reservations committee shall advise and assist the director and his staff in reviewing and interpreting the data contained in the hotel occupancy status reports. The meetings of the technical reservations committee shall be exempt from the provisions of Chapter 92, Hawaii Revised Statutes. The technical reservations committee shall not have any investigative or adjudicative powers.

SECTION 5. Reports confidential. Any report submitted pursuant to Section 3 of this Act shall be kept confidential and shall not constitute public record; provided, that the director may bring to the attention of the hotel or hotels involved any anticipated visitor overflow and may assist in the avoidance or minimization of such overflow.

SECTION 6. Wilful non-compliance by a hotelkeeper with the provisions of this Act shall be subject to a fine imposed by the director of not more than \$300 for each incident of wilful non-compliance.

SECTION 7. The director of planning and economic development shall submit a report to the legislature twenty days before the beginning of the Regular Session of 1978 on the progress and effectiveness of the pilot project established under this Act.

SECTION 8. This Act shall take effect upon its approval.
(Approved May 13, 1976.)