
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 will frequently be unaware of pest
10 infestations; construction work; noisy demonstrations; work
11 stoppages, strikes, or lockouts; or the unavailability of
12 advertised amenities at the hotel when they make reservations
13 and may experience difficulty canceling their reservations upon
14 arriving and discovering such disruptions.

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



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

5 Therefore, the purpose of this Act is to:

6 (1) Require hotelkeepers to provide adequate notice of
7 service disruptions to guests and third-party vendors
8 under certain conditions; and

9 (2) Allow for recovery of damages by injured consumers.

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

13 **"§486K- Disruption of service; notice to third-party**
14 **vendors and guests required; damages recoverable.** (a) At the
15 onset of a service disruption or of notice that a service
16 disruption may occur, a hotelkeeper shall provide, in all
17 modifiable mediums where the hotel advertises or solicits
18 customers, or through which customers can book or reserve rooms
19 or hotel services, notification of the service disruption to
20 each third-party vendor and guest who is seeking or has entered
21 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 notice 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 notice 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.



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

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

19 (e) Any keeper that violates or causes another person to
20 violate this section shall forfeit to the injured party three
21 times the amount of:



1 (1) The sum charged for each day that a notice was
2 required under subsection (a) or (d) but was not
3 provided; and

4 (2) Any fee, penalty, or other charge imposed or deposit
5 retained in violation of subsection (c).

6 (f) Any person who is injured by any violation of this
7 section may:

8 (1) Sue for damages sustained by the person and, if the
9 judgment is for the plaintiff, the plaintiff shall be
10 awarded a sum of no less than \$1,000 or threefold
11 damages sustained by the plaintiff, whichever is
12 greater, and reasonable attorney's fees together with
13 the costs of the suit; and

14 (2) Bring proceedings to enjoin the violation and, if the
15 decision is for the plaintiff, the plaintiff shall be
16 awarded reasonable attorney's fees together with the
17 costs of the suit.

18 The remedies under this subsection are cumulative and may
19 be brought in a single action.

20 (g) As used in this section:



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

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

6 (1) Construction work in or directly related to the hotel
7 that creates excessive noise that is likely to
8 substantially disturb a guest, except construction
9 that is intended to correct an emergency condition or
10 other condition requiring immediate attention;

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

19 (3) The unavailability, for a period of twenty-four hours
20 or more, of any advertised hotel amenity, including



1 but not limited to a pool, spa, shuttle service,
2 internet access, or food or beverage service;

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

7 (5) The unavailability of any advertised or legally
8 required accessibility feature, including but not
9 limited to an elevator, wheelchair lift, ramp, or
10 accessible bathroom in the room or in any common area
11 of the hotel;

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

16 (7) Any strike, lockout, or other work stoppage; or

17 (8) Any lawful picketing or demonstration at or adjacent
18 to the hotel;

19 (A) That creates noise that disturbs a guest of the
20 hotel; or



1 (B) That the hotel has notice of and that is likely
2 to create noise that may disturb a guest of the
3 hotel.

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

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

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

17 SECTION 5. New statutory material is underscored.

18 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Hotels; Hotel Services; Service Disruption; Third-Party Vendor;
Guests; Notice; Damages

Description:

Requires hotelkeepers to provide adequate notice of service disruptions to guests and third-party vendors under certain conditions. Allows for recovery of damages by injured consumers. Effective 7/1/3000. (HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

