

JAN 15 2025

A BILL FOR AN ACT

RELATING TO SERVICE DISRUPTIONS.

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

1 SECTION 1. Chapter 486K, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "~~§486K-~~ Strikes and lockouts; notice to third-party
5 vendors and guests required; damages recoverable. (a) Within
6 twenty-four hours of:

7 (1) Receiving notice of a strike scheduled to occur for at
8 least one calendar day at or near the hotel, or the
9 occurrence of a strike for at least one calendar day
10 at or near the hotel, whichever is earlier; or

11 (2) Notifying a labor organization of a lockout scheduled
12 to occur for at least one calendar day at the hotel or
13 the occurrence of a lockout for at least one calendar
14 day at the hotel, whichever is earlier,

15 the hotelkeeper shall provide, in all modifiable mediums where
16 the hotel advertises or solicits customers, or through which
17 customers can book or reserve rooms or hotel services,



1 notification of the strike or lockout to each third-party vendor
2 and guest who is seeking or has entered into a reservation,
3 booking, or agreement with the keeper or a third-party vendor
4 for the use or occupancy of a room or hotel service. The keeper
5 shall provide notice before accepting or entering into any new
6 reservation, booking, or agreement for the use of a room or
7 hotel service; provided that if the circumstances of the strike
8 or lockout make timely notification impracticable, the keeper
9 shall provide notice as soon as practicable.

10 (b) The notification shall describe:

11 (1) The nature of the strike or lockout;

12 (2) The extent of the strike's or lockout's effect on
13 reservations, bookings, or agreements to use the room
14 or hotel services; and

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

20 If the notification is included in a communication
21 containing other information, the notification shall be in a



1 significantly larger font and different color than the remainder
2 of the communication.

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

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

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



1 times the amount of the sum charged in excess of what the keeper
2 is entitled to.

3 (f) For purposes of this section:

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

8 "Lockout" means the refusal of an employer to furnish work
9 to employees as a result of a labor dispute between the employer
10 and its employee.

11 "Strike" means an employee's refusal, in concerted action
12 with others, to report for duty, or the employee's wilful
13 absence from the employee's position, or the employee's stoppage
14 of work, or the employee's abstinence in whole or in part from
15 the full, faithful, and proper performance of the duties of
16 employment, for the purpose of inducing, influencing, or
17 coercing a change in the conditions, compensation, rights,
18 privileges, or obligations of employment; and except in the case
19 of absences authorized by employers, includes the refusal,
20 absence, stoppage, or abstinence by any employee out of sympathy
21 or support for any other employee who is on strike or because of



1 the presence of any picket line maintained by any other
 2 employee; provided that, nothing in this definition shall limit
 3 or impair the right of any employee to express or communicate a
 4 complaint or opinion on any matter related to the conditions of
 5 employment.

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

12 SECTION 2. This Act does not affect rights and duties that
 13 matured, penalties that were incurred, and proceedings that were
 14 begun before its effective date.

15 SECTION 3. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

17

INTRODUCED BY: 



S.B. NO. 182

Report Title:

Hotels; Hotel Services; Service Disruptions; Strikes; Lockouts;
Third-Party Vendor; Guests; Notice; Damages

Description:

Requires hotelkeepers to provide adequate notice of strikes and lockouts to guests and third-party vendors under certain conditions. Allows for recovery of damages.

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

