

JAN 15 2025

A BILL FOR AN ACT

RELATING TO HOTELS.

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- Disruption of service; notice to third-party**
5 **vendors and guests required; damages recoverable.** (a) Within
6 twenty-four hours of the occurrence of a service disruption, a
7 hotelkeeper shall provide, in all modifiable mediums where the
8 hotel advertises or solicits customers, or through which
9 customers can book or reserve rooms or hotel services,
10 notification of the service disruption to each third-party
11 vendor and guest who is seeking or has entered into a
12 reservation, booking, or agreement with the keeper or a third-
13 party vendor for the use or occupancy of a room or hotel
14 service. The keeper shall provide notice before accepting or
15 entering into any new reservation, booking, or agreement for the
16 use of a room or hotel service; provided that if the
17 circumstances of the service disruption make timely notification



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

3 (b) The notification shall describe:

4 (1) The nature of the service disruption;

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

8 (3) The right of a guest to cancel or terminate the
9 reservation, booking, or agreement for the use of the
10 room or hotel services with a refund, if applicable,
11 and without the imposition of any fee, penalty, or
12 other charge pursuant to subsections (c) and (d).

13 If the notification is included in a communication
14 containing other information, the notification shall be in a
15 significantly larger font and different color than the remainder
16 of the communication.

17 (c) A keeper shall not impose any fee, penalty, or other
18 charge or retain any deposit of a guest who cancels a
19 reservation, booking, or agreement with the keeper for the
20 future use of a room or hotel service if a service disruption is



1 likely to exist during the period of the reservation, booking,
2 or agreement for the use of a room or hotel service.

3 (d) At the onset of a service disruption, the keeper shall
4 immediately and clearly notify all guests and hotel service
5 users of the service disruption pursuant to subsections (a) and
6 (b). A guest may terminate any remaining period of a
7 reservation, booking, or agreement for the use of a room or
8 hotel service and the keeper shall not impose any fee, penalty,
9 or other charge for the termination or retain any deposit
10 related to any unused portion of the period of the reservation,
11 booking, or agreement following the onset of the service
12 disruption.

13 (e) Any keeper that violates or causes another person to
14 violate this section shall forfeit to the injured party three
15 times the amount of the sum charged in excess of what the keeper
16 is entitled to.

17 (f) For purposes of this section:

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



1 "Service disruption" means any of the following conditions
2 that substantially affects or is likely to substantially affect
3 a guest's use of a room or hotel service:

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

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

17 (3) The unavailability, for a period of twenty-four hours
18 or more, of any advertised hotel amenity, including
19 but not limited to a pool, spa, shuttle service,
20 internet access, or food or beverage service;



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

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

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

14 (7) Any strike, lockout, or picketing activity or other
15 demonstration or event occurring for a calendar day or
16 more at or near the hotel.

17 "Third-party vendor" means a vendor with which a
18 hotelkeeper has an arrangement for third-party room reservations
19 or any other entity that has reserved or entered into an
20 agreement or booking for the use or occupancy of one or more



1 rooms in a hotel in furtherance of the business of reselling the
2 rooms to guests."

3 SECTION 2. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY: _____

A handwritten signature in black ink, consisting of several loops and flourishes, is written over a horizontal line.

S.B. NO. 83

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.

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

