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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R.

To prohibit unfair and deceptive advertising of prices for hotel rooms and other places of short-term lodging, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. KIM of California introduced the following bill; which was referred to the Committee on _____

A BILL

To prohibit unfair and deceptive advertising of prices for hotel rooms and other places of short-term lodging, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Hidden Fees on
5 Extra Expenses for Stays Act of 2023” or the “No Hid-
6 den FEES Act of 2023”.

1 **SEC. 2. PROHIBITION ON UNFAIR AND DECEPTIVE ADVER-**
2 **TISING OF HOTEL ROOM AND OTHER SHORT-**
3 **TERM LODGING PRICES.**

4 (a) IN GENERAL.—A covered provider may not ad-
5 vertise, display, market, or otherwise offer for sale in
6 interstate commerce, including through a direct offering,
7 third-party distribution, or metasearch referral, a price of
8 a reservation for a place of short-term lodging that does
9 not include each mandatory fee.

10 (b) EXCLUSION.—Subsection (a) does not prohibit a
11 covered provider from displaying any individual compo-
12 nent, including any fee or tax, that is part of the total
13 price, if such total price is transparent to and easily un-
14 derstood by the consumer.

15 (c) SAFE HARBOR.—

16 (1) IN GENERAL.—A covered provider may not
17 be considered to be in violation of subsection (a) to
18 the extent that the provider is unable to comply with
19 such subsection due to a lack of information or data
20 or a lack of accurate information or data from the
21 party electing to impose a mandatory fee, following
22 reasonable efforts to obtain such information or
23 data.

24 (2) REASONABLE EFFORT.—An effort by a cov-
25 ered provider shall be considered reasonable under
26 paragraph (1) if—

1 (A) the covered provider has established a
2 process to obtain such information or data from
3 other covered providers for whom the covered
4 provider advertises, displays, markets, or other-
5 wise offers rates for a place of short-term lodg-
6 ing; and

7 (B) such other covered providers notify the
8 covered provider about any change to such in-
9 formation or data in a timely manner.

10 **SEC. 3. ENFORCEMENT.**

11 (a) ENFORCEMENT BY FEDERAL TRADE COMMIS-
12 SION.—

13 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
14 TICES.—A violation of section 2(a) shall be treated
15 as a violation of a regulation under section
16 18(a)(1)(B) of the Federal Trade Commission Act
17 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-
18 tive acts or practices.

19 (2) POWERS OF COMMISSION.—Except as pro-
20 vided in paragraph (3)—

21 (A) the Commission shall enforce this Act
22 in the same manner, by the same means, and
23 with the same jurisdiction, powers, and duties
24 as though all applicable terms and provisions of
25 the Federal Trade Commission Act (15 U.S.C.

1 41 et seq.) were incorporated into and made a
2 part of this Act; and

3 (B) any covered provider who violates sec-
4 tion 2(a) shall be subject to the penalties and
5 entitled to the privileges and immunities pro-
6 vided in the Federal Trade Commission Act.

7 (3) PENALTIES.—

8 (A) ADDITIONAL CIVIL PENALTY.—In ad-
9 dition to any penalty applicable under the Fed-
10 eral Trade Commission Act, any covered pro-
11 vider who violates section 2(a) shall be liable for
12 a civil penalty of not more than \$1,000,000.

13 (B) METHOD.—Any civil penalty described
14 in subparagraph (A) shall be obtained in the
15 same manner as a civil penalty for a violation
16 of a regulation under section 18(a)(1)(B) of the
17 Federal Trade Commission Act (15 U.S.C.
18 57a(a)(1)(B)).

19 (4) AUTHORITY PRESERVED.—Nothing in this
20 section may be construed to limit the authority of
21 the Commission under any other provision of law.

22 (b) ENFORCEMENT BY STATES.—

23 (1) IN GENERAL.—If the attorney general of a
24 State, or an official or agency of a State, has reason
25 to believe that an interest of the residents of the

1 State has been or is being threatened or adversely
2 affected by a practice that violates section 2(a), the
3 State may bring a civil action on behalf of the resi-
4 dents of the State in an appropriate district court of
5 the United States to obtain appropriate relief.

6 (2) RIGHTS OF COMMISSION.—

7 (A) NOTICE TO COMMISSION.—

8 (i) IN GENERAL.—Except as provided
9 in clause (iii), an attorney general, official,
10 or agency of a State, before initiating a
11 civil action under paragraph (1), shall pro-
12 vide written notification to the Commission
13 that the attorney general, official, or agen-
14 cy intends to bring such civil action.

15 (ii) CONTENTS.—The notification re-
16 quired under clause (i) shall include a copy
17 of the complaint to be filed to initiate the
18 civil action.

19 (iii) EXCEPTION.—If it is not feasible
20 for an attorney general, official, or agency
21 of a State to provide the notification re-
22 quired under clause (i) before initiating a
23 civil action under paragraph (1), the attor-
24 ney general, official, or agency shall notify

1 the Commission immediately upon insti-
2 tuting the civil action.

3 (B) INTERVENTION BY COMMISSION.—The
4 Commission may—

5 (i) intervene in any civil action
6 brought by an attorney general, official, or
7 agency of a State under paragraph (1);
8 and

9 (ii) upon intervening—

10 (I) be heard on all matters aris-
11 ing in the civil action; and

12 (II) appeal a decision in the civil
13 action.

14 (C) LIMITATION ON STATE ACTION WHILE
15 FEDERAL ACTION IS PENDING.—If the Commis-
16 sion or the Attorney General of the United
17 States has instituted a civil action for violation
18 of section 2(a) (referred to in this subparagraph
19 as the “Federal action”), no State attorney
20 general, official, or agency may bring an action
21 under paragraph (1) during the pendency of the
22 Federal action against any defendant named in
23 the complaint in the Federal action for any vio-
24 lation of such section alleged in such complaint.

1 (3) **RULE OF CONSTRUCTION.**—Nothing in this
2 subsection may be construed to prevent an attorney
3 general, official, or agency of a State from exercising
4 the powers conferred on the attorney general, offi-
5 cial, or agency by the laws of the State to conduct
6 investigations, to administer oaths or affirmations,
7 or to compel the attendance of witnesses or the pro-
8 duction of documentary or other evidence.

9 **SEC. 4. ONE NATIONAL STANDARD.**

10 (a) **IN GENERAL.**—A State, or political subdivision
11 of a State, may not maintain, enforce, prescribe, or con-
12 tinue in effect any law, rule, regulation, requirement,
13 standard, or other provision having the force and effect
14 of law of the State, or political subdivision of the State,
15 that prohibits a covered provider from advertising, dis-
16 playing, marketing, or otherwise offering, or otherwise af-
17 fects the manner in which a covered provider may adver-
18 tise, display, market, or otherwise offer, for sale in inter-
19 state commerce, including through a direct offering, third-
20 party distribution, or metasearch referral, a price of a res-
21 ervation for a place of short-term lodging that does not
22 include each mandatory fee.

23 (b) **RULE OF CONSTRUCTION.**—This section may not
24 be construed to—

1 (1) preempt any law of a State or political sub-
2 division of a State relating to contracts or torts; or

3 (2) preempt any law of a State or political sub-
4 division of a State to the extent that such law re-
5 lates to an act of fraud, unauthorized access to per-
6 sonal information, or notification of unauthorized ac-
7 cess to personal information.

8 **SEC. 5. DEFINITIONS.**

9 In this Act:

10 (1) COMMISSION.—The term “Commission”
11 means the Federal Trade Commission.

12 (2) COVERED PROVIDER.—

13 (A) IN GENERAL.—The term “covered pro-
14 vider” means a provider of a place of short-
15 term lodging, a provider of an internet website
16 or other centralized platform, or any other per-
17 son who advertises, displays, markets, or other-
18 wise offers a price of a reservation for a place
19 of short-term lodging.

20 (B) EXCLUSION.—The term “covered pro-
21 vider” does not include any person who adver-
22 tises, displays, markets, or otherwise offers a
23 price of a reservation for a place of short-term
24 lodging for purchase pursuant to a corporate or
25 institutional travel management program.

1 (3) MANDATORY FEE.—The term “mandatory
2 fee”—

3 (A) means each mandatory fee required to
4 complete the booking or stay that is assessed by
5 the covered provider and paid directly by the
6 consumer; and

7 (B) does not include any tax or fee im-
8 posed by a governmental or quasi-governmental
9 entity or assessment fees of a government-cre-
10 ated special district or program.

11 (4) PLACE OF SHORT-TERM LODGING.—The
12 term “place of short-term lodging” means a hotel,
13 motel, inn, short-term rental, or other place of lodg-
14 ing that advertises at a price that is a nightly, hour-
15 ly, or weekly rate.

16 (5) STATE.—The term “State” means each of
17 the several States, the District of Columbia, and
18 each territory or possession of the United States.

19 **SEC. 6. APPLICATION TO PRIOR BOOKINGS.**

20 Section 2(a) shall apply only to a reservation for a
21 place of short-term lodging made on or after the effective
22 date of this Act.

23 **SEC. 7. EFFECTIVE DATE.**

24 This Act shall take effect on the date that is 450 days
25 after the date of the enactment of this Act.