

## Calendar No. 478

118TH CONGRESS  
2D SESSION**S. 2498**

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

---

 IN THE SENATE OF THE UNITED STATES

JULY 26, 2023

Ms. KLOBUCHAR (for herself, Mr. MORAN, Mrs. CAPITO, Ms. CORTEZ MASTO, and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 1, 2024

Reported by Ms. CANTWELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

---

**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 “~~Hotel Fees Trans-~~  
5 ~~parency Act of 2023~~”.

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

4 (a) **PROHIBITION.—**

5 (1) **IN GENERAL.—**No covered person may ad-  
6 vertise, display, market, or offer in interstate com-  
7 merce, including through direct offerings, third-  
8 party distribution, or metasearch referrals, a price  
9 for a place of short-term lodging that does not in-  
10 clude all required fees (excluding any taxes or fees  
11 imposed by a government or quasi-government entity  
12 and assessment fees of a government-created special  
13 district or program).

14 (2) **INDIVIDUAL COMPONENTS.—**Nothing in this  
15 Act shall be construed to prohibit the display of—

16 (A) individual components of the total  
17 price; or

18 (B) details of taxes or other items not re-  
19 quired by paragraph (1).

20 (b) **ENFORCEMENT.—**

21 (1) **ENFORCEMENT BY THE COMMISSION.—**

22 (A) **UNFAIR OR DECEPTIVE ACTS OR PRAC-**  
23 **TICES.—**A violation of subsection (a) shall be  
24 treated as a violation of a rule defining an un-  
25 fair or deceptive act or practice prescribed

1 under section 18(a)(1)(B) of the Federal Trade  
2 Commission Act (15 U.S.C. 57a(a)(1)(B)).

3 ~~(B) POWERS OF THE COMMISSION.—~~

4 (i) ~~IN GENERAL.—~~The Commission  
5 shall enforce this section in the same man-  
6 ner, by the same means, and with the  
7 same jurisdiction, powers, and duties as  
8 though all applicable terms and provisions  
9 of the Federal Trade Commission Act (15  
10 U.S.C. 41 et seq.) were incorporated into  
11 and made a part of this Act.

12 ~~(ii) PRIVILEGES AND IMMUNITIES.—~~

13 Any person who violates this section shall  
14 be subject to the penalties and entitled to  
15 the privileges and immunities provided in  
16 the Federal Trade Commission Act (15  
17 U.S.C. 41 et seq.).

18 ~~(iii) AUTHORITY PRESERVED.—~~Notth-

19 ing in this section shall be construed to  
20 limit the authority of the Commission  
21 under any other provision of law.

22 ~~(2) ENFORCEMENT BY STATES.—~~

23 (A) ~~IN GENERAL.—~~If the attorney general  
24 of a State has reason to believe that an interest  
25 of the residents of the State has been or is

1 being threatened or adversely affected by a  
 2 practice that violates subsection (a), the attor-  
 3 ney general of the State may, as parens patriae,  
 4 bring a civil action on behalf of the residents of  
 5 the State in an appropriate district court of the  
 6 United States to obtain appropriate relief.

7 ~~(B) RIGHTS OF THE COMMISSION.—~~

8 ~~(i) NOTICE TO THE COMMISSION.—~~

9 ~~(I) IN GENERAL.—~~Except as pro-  
 10 vided in subclause (III), the attorney  
 11 general of a State, before initiating a  
 12 civil action under subparagraph (A)  
 13 shall notify the Commission in writing  
 14 that the attorney general intends to  
 15 bring such civil action.

16 ~~(II) CONTENTS.—~~The notifica-  
 17 tion required by subclause (I) shall in-  
 18 clude a copy of the complaint to be  
 19 filed to initiate the civil action.

20 ~~(III) EXCEPTION.—~~If it is not  
 21 feasible for the attorney general of a  
 22 State to provide the notification re-  
 23 quired by subclause (I) before initi-  
 24 ating a civil action under subpara-  
 25 graph (A), the attorney general shall

1 notify the Commission immediately  
2 upon instituting the civil action.

3 (ii) INTERVENTION BY THE COMMISS-  
4 SION.—The Commission may—

5 (I) intervene in any civil action  
6 brought by the attorney general of a  
7 State under subparagraph (A); and

8 (II) upon intervening—

9 (aa) be heard on all matters  
10 arising in the civil action; and

11 (bb) file petitions for appeal  
12 of a decision in the civil action.

13 (C) INVESTIGATORY POWERS.—Nothing in  
14 this paragraph may be construed to prevent the  
15 attorney general of a State from exercising the  
16 powers conferred on the attorney general by the  
17 laws of the State to conduct investigations, to  
18 administer oaths or affirmations, or to compel  
19 the attendance of witnesses or the production of  
20 documentary or other evidence.

21 (D) COORDINATION WITH THE COMMISS-  
22 SION.—If the Commission institutes a civil ac-  
23 tion or an administrative action with respect to  
24 a violation of subsection (a), the attorney gen-  
25 eral of a State shall coordinate with the Com-

1 mission before bringing a civil action under sub-  
 2 paragraph (A) against any defendant named in  
 3 the complaint of the Commission for the viola-  
 4 tion with respect to which the Commission in-  
 5 stituted such action.

6 ~~(E) VENUE; SERVICE OF PROCESS.—~~

7 (i) ~~VENUE.—~~Any action brought  
 8 under subparagraph (A) may be brought  
 9 in—

10 (I) the district court of the  
 11 United States that meets applicable  
 12 requirements relating to venue under  
 13 section 1391 of title 28, United States  
 14 Code; or

15 (II) another court of competent  
 16 jurisdiction.

17 (ii) ~~SERVICE OF PROCESS.—~~In an ac-  
 18 tion brought under subparagraph (A),  
 19 process may be served in any district in  
 20 which—

21 (I) the defendant is an inhab-  
 22 itant, may be found, or transacts  
 23 business; or

24 (II) venue is proper under section  
 25 1391 of title 28, United States Code.

1           (F) ACTIONS BY OTHER STATE OFFI-  
2           CIALS.—

3           (i) IN GENERAL.—In addition to civil  
4           actions brought by an attorney general  
5           under subparagraph (A), any other officer  
6           of a State who is authorized by the State  
7           to do so may bring a civil action under  
8           subparagraph (A), subject to the same re-  
9           quirements and limitations that apply  
10          under this paragraph to civil actions  
11          brought by attorneys general.

12          (ii) SAVINGS PROVISION.—Nothing in  
13          this paragraph may be construed to pro-  
14          hibit an authorized official of a State from  
15          initiating or continuing any proceeding in  
16          a court of the State for a violation of any  
17          civil or eriminal law of the State.

18          (c) DEFINITIONS.—In this section:

19           (1) COMMISSION.—The term “Commission”  
20           means the Federal Trade Commission.

21           (2) COVERED PERSON.—The term “covered  
22           person” means a person with respect to whom the  
23           Commission has jurisdiction under section 5(a)(2) of  
24           the Federal Trade Commission Act (15 U.S.C.  
25           45(a)(2)), including a place of short-term lodging;

1 an online travel agency, a metasearch website, or  
 2 any other person determined appropriate by the  
 3 Commission.

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

9 (4) STATE.—The term “State” means each of  
 10 the 50 States, the District of Columbia, and any ter-  
 11 ritory or possession of the United States.

12 (d) EFFECTIVE DATE.—

13 (1) IN GENERAL.—Subject to paragraph (2),  
 14 the prohibition under subsection (a) shall take effect  
 15 450 days after the date of the enactment of this Act.

16 (2) APPLICATION TO PRIOR BOOKINGS.—The  
 17 prohibition under subsection (a) shall only apply to  
 18 bookings for a place of short-term lodging made on  
 19 or after the effective date described in paragraph  
 20 (1).

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Hotel Fees Trans-*  
 23 *parency Act of 2024”.*



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

4 (a) *PROHIBITION.—*

5 (1) *IN GENERAL.—It shall be unlawful for a cov-*  
6 *ered entity to display, advertise, market, or offer in*  
7 *interstate commerce, including through direct offer-*  
8 *ings, third-party distribution, or metasearch referrals,*  
9 *a price for covered services that does not clearly, con-*  
10 *spicuously, and prominently—*

11 (A) *display the total services price, if a*  
12 *price is displayed, in any advertisement, mar-*  
13 *keting, or price list wherever the covered services*  
14 *are displayed, advertised, marketed, or offered*  
15 *for sale;*

16 (B) *disclose to any individual who seeks to*  
17 *purchase covered services the total services price*  
18 *at the time the covered services are first dis-*  
19 *played to the individual and anytime thereafter*  
20 *throughout the covered services purchasing proc-*  
21 *ess; and*

22 (C) *disclose, prior to the final purchase, any*  
23 *tax, fee, or assessment imposed by any govern-*  
24 *ment entity, quasi-government entity, or govern-*  
25 *ment-created special district or program on the*  
26 *sale of covered services.*

1           (2) *INDIVIDUAL COMPONENTS.*—*Provided that*  
2 *such displays are less prominent than the total service*  
3 *price required in paragraph (1), nothing in this Act*  
4 *shall be construed to prohibit the display of—*

5                   (A) *individual components of the total*  
6 *price; or*

7                   (B) *details of other items not required by*  
8 *paragraph (1).*

9           (3) *INDEMNIFICATION PROVISIONS.*—*Nothing in*  
10 *this section shall be construed to prohibit any covered*  
11 *entity from entering into a contract with any other*  
12 *covered entity that contains an indemnification pro-*  
13 *vision with respect to price or fee information dis-*  
14 *closed, exchanged, or shared between the covered enti-*  
15 *ties that are parties to the contract.*

16 (b) *ENFORCEMENT.*—

17           (1) *ENFORCEMENT BY THE COMMISSION.*—

18                   (A) *UNFAIR OR DECEPTIVE ACTS OR PRAC-*  
19 *TICES.*—*A violation of subsection (a) shall be*  
20 *treated as a violation of a rule defining an un-*  
21 *fair or deceptive act or practice prescribed under*  
22 *section 18(a)(1)(B) of the Federal Trade Com-*  
23 *mission Act (15 U.S.C. 57a(a)(1)(B)).*

24                   (B) *POWERS OF THE COMMISSION.*—

1           (i) *IN GENERAL.*—*The Commission*  
2           *shall enforce this section in the same man-*  
3           *ner, by the same means, and with the same*  
4           *jurisdiction, powers, and duties as though*  
5           *all applicable terms and provisions of the*  
6           *Federal Trade Commission Act (15 U.S.C.*  
7           *41 et seq.) were incorporated into and made*  
8           *a part of this Act.*

9           (ii) *PRIVILEGES AND IMMUNITIES.*—  
10          *Any person who violates this section shall be*  
11          *subject to the penalties and entitled to the*  
12          *privileges and immunities provided in the*  
13          *Federal Trade Commission Act (15 U.S.C.*  
14          *41 et seq.).*

15          (iii) *AUTHORITY PRESERVED.*—*Noth-*  
16          *ing in this section shall be construed to*  
17          *limit the authority of the Commission*  
18          *under any other provision of law.*

19          (2) *ENFORCEMENT BY STATES.*—

20                (A) *IN GENERAL.*—*If the attorney general of*  
21                *a State has reason to believe that an interest of*  
22                *the residents of the State has been or is being*  
23                *threatened or adversely affected by a practice*  
24                *that violates subsection (a), the attorney general*  
25                *of the State may, as parens patriae, bring a civil*

1           *action on behalf of the residents of the State in*  
2           *an appropriate district court of the United*  
3           *States to obtain appropriate relief.*

4           *(B) RIGHTS OF THE COMMISSION.—*

5           *(i) NOTICE TO THE COMMISSION.—*

6                   *(I) IN GENERAL.—Except as pro-*  
7                   *vided in subclause (III), the attorney*  
8                   *general of a State, before initiating a*  
9                   *civil action under subparagraph (A)*  
10                  *shall notify the Commission in writing*  
11                  *that the attorney general intends to*  
12                  *bring such civil action.*

13                  *(II) CONTENTS.—The notification*  
14                  *required by subclause (I) shall include*  
15                  *a copy of the complaint to be filed to*  
16                  *initiate the civil action.*

17                  *(III) EXCEPTION.—If it is not*  
18                  *feasible for the attorney general of a*  
19                  *State to provide the notification re-*  
20                  *quired by subclause (I) before initi-*  
21                  *ating a civil action under subpara-*  
22                  *graph (A), the attorney general shall*  
23                  *notify the Commission immediately*  
24                  *upon instituting the civil action.*

1                   (ii) *INTERVENTION BY THE COMMISS-*  
2                   *SION.—The Commission may—*

3                   (I) *intervene in any civil action*  
4                   *brought by the attorney general of a*  
5                   *State under subparagraph (A); and*

6                   (II) *upon intervening—*

7                   (aa) *be heard on all matters*  
8                   *arising in the civil action; and*

9                   (bb) *file petitions for appeal.*

10               (C) *INVESTIGATORY POWERS.—Nothing in*  
11               *this paragraph may be construed to prevent the*  
12               *attorney general of a State from exercising the*  
13               *powers conferred on the attorney general by the*  
14               *laws of the State to conduct investigations, to*  
15               *administer oaths or affirmations, or to compel*  
16               *the attendance of witnesses or the production of*  
17               *documentary or other evidence.*

18               (D) *ACTION BY THE COMMISSION.—When-*  
19               *ever a civil action has been instituted by or on*  
20               *behalf of the Commission for violation of sub-*  
21               *section (a), no attorney general of a State may,*  
22               *during the pendency of that action, institute an*  
23               *action under subparagraph (A) against any de-*  
24               *fendant named in the complaint in that action*

1           *for a violation of subsection (a) alleged in such*  
2           *complaint.*

3           *(E) VENUE; SERVICE OF PROCESS.—*

4                   *(i) VENUE.—Any action brought under*  
5                   *subparagraph (A) may be brought in—*

6                           *(I) the district court of the United*  
7                           *States that meets applicable require-*  
8                           *ments relating to venue under section*  
9                           *1391 of title 28, United States Code; or*

10                           *(II) another court of competent*  
11                           *jurisdiction.*

12                           *(ii) SERVICE OF PROCESS.—In an ac-*  
13                           *tion brought under subparagraph (A), proc-*  
14                           *ess may be served in any district in*  
15                           *which—*

16                                   *(I) the defendant is an inhab-*  
17                                   *itant, may be found, or transacts busi-*  
18                                   *ness; or*

19                                   *(II) venue is proper under section*  
20                                   *1391 of title 28, United States Code.*

21           *(F) ACTIONS BY OTHER STATE OFFI-*  
22           *CIALS.—*

23                           *(i) IN GENERAL.—In addition to civil*  
24                           *actions brought by an attorney general*  
25                           *under subparagraph (A), any other officer*

1           of a State who is authorized by the State to  
2           do so may bring a civil action under sub-  
3           paragraph (A), subject to the same require-  
4           ments and limitations that apply under  
5           this paragraph to civil actions brought by  
6           attorneys general.

7           (ii) SAVINGS PROVISION.—Nothing in  
8           this paragraph may be construed to pro-  
9           hibit an authorized official of a State from  
10          initiating or continuing any proceeding in  
11          a court of the State for a violation of any  
12          civil or criminal law of the State.

13          (3) REBUTTABLE PRESUMPTION OF COMPLI-  
14          ANCE.—In any action pursuant to paragraph (1) or  
15          (2), an intermediary or third-party online seller shall  
16          be entitled to a rebuttable presumption of compliance  
17          with the price display requirements of subsection  
18          (a)(1), if such intermediary or third-party online sell-  
19          er—

20                 (A) relied in good faith on information pro-  
21                 vided to the intermediary or third-party online  
22                 seller by a hotel or short-term rental, or agent  
23                 acting on behalf of such hotel or short-term rent-  
24                 al, and such information was inaccurate at the

1           *time it was provided to the intermediary or*  
2           *third-party online seller; and*

3                   *(B) took prompt action to remove or correct*  
4           *any false or inaccurate information about the*  
5           *total services price after receiving notice that*  
6           *such information was false or inaccurate.*

7           *(c) PREEMPTION.—*

8                   *(1) IN GENERAL.—A State, or political subdivi-*  
9           *sion of a State, may not maintain, enforce, prescribe,*  
10          *or continue in effect any law, rule, regulation, re-*  
11          *quirement, standard, or other provision having the*  
12          *force and effect of law of the State, or political sub-*  
13          *division of the State, that prohibits a covered entity*  
14          *from advertising, displaying, marketing, or otherwise*  
15          *offering, or otherwise affects the manner in which a*  
16          *covered entity may advertise, display, market, or oth-*  
17          *erwise offer, for sale in interstate commerce, including*  
18          *through a direct offering, third-party distribution, or*  
19          *metasearch referral, a price of a reservation for a cov-*  
20          *ered service that does not include each mandatory fee.*

21                   *(2) RULE OF CONSTRUCTION.—This section may*  
22          *not be construed to—*

23                    *(A) preempt any law of a State or political*  
24            *subdivision of a State relating to contracts or*  
25            *torts; or*



1           (B) preempt any law of a State or political  
 2           subdivision of a State to the extent that such law  
 3           relates to an act of fraud, unauthorized access to  
 4           personal information, or notification of unau-  
 5           thorized access to personal information.

6           (d) *DEFINITIONS.*—*In this Act:*

7           (1) *BASE SERVICES PRICE.*—*The term “base*  
 8           *services price” —*

9                   (A) *means, with respect to the covered serv-*  
 10                   *ices provided by a hotel or short-term rental, the*  
 11                   *price in order to obtain the covered services of*  
 12                   *the hotel or short-term rental; and*

13                   (B) *does not include—*

14                           (i) *any service fee;*

15                           (ii) *any taxes or fees imposed by a gov-*  
 16                           *ernment or quasi-government entity;*

17                           (iii) *assessment fees of a government-*  
 18                           *created special district or program; or*

19                           (iv) *any charges or fees for an optional*  
 20                           *product or service associated with the cov-*  
 21                           *ered services that may be selected by a pur-*  
 22                           *chaser of covered services.*

23           (2) *COMMISSION.*—*The term “Commission”*  
 24           *means the Federal Trade Commission.*

1           (3) *COVERED ENTITY*.—The term “covered enti-  
2           ty” means a person, partnership, or corporation with  
3           respect to whom the Commission has jurisdiction  
4           under section 5(a)(2) of the Federal Trade Commis-  
5           sion Act (15 U.S.C. 45(a)(2)), including—

6                     (A) a hotel or short-term rental;

7                     (B) a third-party online seller; or

8                     (C) an intermediary.

9           (4) *COVERED SERVICES*.—The term “covered  
10           services” means the temporary provision of a room,  
11           building, or other lodging facility.

12           (5) *HOTEL*.—The term “hotel” means an estab-  
13           lishment that is—

14                     (A) primarily engaged in providing a cov-  
15                     ered service to the general public; and

16                     (B) promoted, advertised, or marketed in  
17                     interstate commerce or for which such establish-  
18                     ment’s services are sold in interstate commerce.

19           (6) *INTERMEDIARY*.—The term “intermediary”  
20           means an entity that operates either as a business-to-  
21           business platform, consumer-facing platform, or both,  
22           that displays, including through direct offerings,  
23           third-party distribution, or metasearch referral, a  
24           price for covered services or price comparison tools for  
25           consumers seeking covered services.

1           (7) *OPTIONAL PRODUCT OR SERVICE.*—*The term*  
 2           *“optional product or service” means a product or*  
 3           *service that an individual does not need to purchase*  
 4           *to use or obtain covered services*

5           (8) *SERVICE FEE.*—*The term “service fee”*—

6           (A) *means a charge imposed by a covered*  
 7           *entity that must be paid in order to obtain cov-*  
 8           *ered services; and*

9           (B) *does not include*—

10           (i) *any taxes or fees imposed by a gov-*  
 11           *ernment or quasi-government entity;*

12           (ii) *any assessment fees of a govern-*  
 13           *ment-created special district or program; or*

14           (iii) *any charges or fees for an op-*  
 15           *tional product or service associated with the*  
 16           *covered services that may be selected by a*  
 17           *purchaser of covered services.*

18           (9) *SHORT-TERM RENTAL.*—*The term “short-*  
 19           *term rental” means a property, including a single-*  
 20           *family dwelling or a unit in a condominium, cooper-*  
 21           *ative, or time-share, that provides covered services (ei-*  
 22           *ther with respect to the entire property or a part of*  
 23           *the property) to the general public*—

24           (A) *in exchange for a fee;*

1           (B) for periods shorter than 30 consecutive  
2           days; and

3           (C) is promoted, advertised, or marketed in  
4           interstate commerce or for which such property's  
5           services are sold in interstate commerce.

6           (10) STATE.—The term “State” means each of  
7           the 50 States, the District of Columbia, and any ter-  
8           ritory or possession of the United States.

9           (11) THIRD-PARTY ONLINE SELLER.—The term  
10          “third-party online seller” means any person other  
11          than a hotel or short-term rental that sells covered  
12          services or offers for sale covered services with respect  
13          to a hotel or short-term rental in a transaction facili-  
14          tated on the internet.

15          (12) TOTAL SERVICES PRICE.—The term “total  
16          services”—

17               (A) means, with respect to covered services,  
18               the total cost of the covered services, including  
19               the base services price and any service fees; and

20               (B) does not include—

21                     (i) any taxes or fees imposed by a gov-  
22                     ernment or quasi-government entity;

23                     (ii) any assessment fees of a govern-  
24                     ment-created special district or program; or

1                   (iii) any charges or fees for an op-  
2                   tional product or service associated with the  
3                   covered services that may be selected by a  
4                   purchaser of covered services.

5           (e) *EFFECTIVE DATE.*—The prohibition under sub-  
6 section (a) shall take effect 450 days after the date of the  
7 enactment of this Act and shall apply to advertisements,  
8 displays, marketing, and offers of covered services of a cov-  
9 ered entity made on or after such date.

Calendar No. 478

118<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session  
**S. 2498**

---

**A BILL**

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

---

AUGUST 1, 2024

Reported with an amendment