

118TH CONGRESS
1ST 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 and Mr. MORAN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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”.

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

9 (a) PROHIBITION.—

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

10 (2) INDIVIDUAL COMPONENTS.—Nothing in this
11 Act shall be construed to prohibit the display of—

12 (A) individual components of the total
13 price; or

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

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
22 under section 18(a)(1)(B) of the Federal Trade
23 Commission 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
4 same jurisdiction, powers, and duties as
5 though all applicable terms and provisions
6 of the Federal Trade Commission Act (15
7 U.S.C. 41 et seq.) were incorporated into
8 and made a part of this Act.

9 (ii) PRIVILEGES AND IMMUNITIES.—
10 Any person who violates this section shall
11 be subject to the penalties and entitled to
12 the privileges and immunities provided in
13 the Federal Trade Commission Act (15
14 U.S.C. 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
21 of a State has reason to believe that an interest
22 of the residents of the State has been or is
23 being threatened or adversely affected by a
24 practice that violates subsection (a), the attor-
25 ney general of the State may, as *parens patriae*,

1 bring a civil action on behalf of the residents of
2 the State in an appropriate district court of the
3 United 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 notifica-
14 tion required by subclause (I) shall in-
15 clude a copy of the complaint to be
16 filed to 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 COMMIS-
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 of a decision in the civil action.

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

19 (D) COORDINATION WITH THE COMMIS-
20 SION.—If the Commission institutes a civil ac-
21 tion or an administrative action with respect to
22 a violation of subsection (a), the attorney gen-
23 eral of a State shall coordinate with the Com-
24 mission before bringing a civil action under sub-
25 paragraph (A) against any defendant named in

1 the complaint of the Commission for the viola-
2 tion with respect to which the Commission in-
3 stituted such action.

4 (E) VENUE; SERVICE OF PROCESS.—

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

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

13 (II) another court of competent
14 jurisdiction.

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

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

22 (II) venue is proper under section
23 1391 of title 28, United States Code.

24 (F) ACTIONS BY OTHER STATE OFFI-
25 CIALS.—

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

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

16 (c) DEFINITIONS.—In this section:

17 (1) COMMISSION.—The term “Commission”
18 means the Federal Trade Commission.

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

1 any other person determined appropriate by the
2 Commission.

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

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

11 (d) EFFECTIVE DATE.—

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

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

○