

1 S.123

2 Introduced by Senator Brock

3 Referred to Committee on

4 Date:

5 Subject: Commerce and trade; consumer protection

6 Statement of purpose of bill as introduced: This bill proposes to require a  
7 lodging establishment that advertises its lodging rate to include in its  
8 advertisement a fair and accurate description of the total cost to a consumer for  
9 the lodging, including any resort fee.

10 An act relating to fair disclosure of lodging rates and resort fees

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. FINDINGS AND PURPOSE

13 (a) Findings. The General Assembly finds:

14 (1) While lodging establishments regularly advertise room rates to  
15 consumers to attract business, the advertisements do not always accurately  
16 reflect the total cost of lodging.

17 (2) In addition to the advertised rate, some lodging establishments  
18 impose a “resort fee” that is not included in the advertised rate. Often a resort  
19 fee is imposed at the conclusion of a consumer’s stay and was never disclosed  
20 to the consumer until checkout.

1           (3) This practice harms consumers, who cannot make an accurate  
2           comparison of the actual costs for lodging among many options, and who have  
3           little recourse to dispute the additional fee at the conclusion of their stay.

4           (4) The practice of imposed unadvertised fees has been challenged by  
5           numerous Attorneys General in U.S. states, federal legislation has been  
6           introduced to ban the practice, and the practice is forbidden in countries in the  
7           European Economic Area and in Australia.

8           (b) Purpose. The purposes of this act are:

9           (1) to ensure that lodging establishments provide a fair and accurate  
10           description of the total cost for lodging;

11           (2) to prohibit a lodging establishment from imposing any costs or fees  
12           that it has not previously described in its advertisement to consumers; and

13           (3) to provide for enforcement by the Vermont Attorney General under  
14           the Vermont Consumer Protection Act.

15           Sec. 2. 9 V.S.A. § 2466d is added to read:

16           § 2466d. FAIR DISCLOSURE OF LODGING RATES

17           (a) In an advertisement in which a lodging establishment advertises its  
18           lodging rate, the advertised rate shall reflect the total cost to a consumer for the  
19           lodging, exclusive of government-imposed taxes or fees. and shall disclose:

20           (1) the applicable base rate;

21           (2) any resort fee; and

1           (3) any additional costs or fees.

2           (b) In addition to advertisements, a lodging establishment shall disclose to  
3           a consumer in writing the rates, costs, and fees specified in subsection (a) of  
4           this section to prior to or at the time of check-in.

5           (c) A lodging establishment shall not impose a resort fee or any other  
6           additional costs or fees not previously described in its advertisement and  
7           disclosed to a consumer pursuant to subsections (a) and (b) of this section.

8           (d) A person who violates this section commits an unfair and deceptive act  
9           in commerce in trade in violation of section 2453 of this title.

10        Sec. 3. EFFECTIVE DATE

11        This act shall take effect on July 1, 2023.