

119TH CONGRESS
1ST SESSION

S. 314

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

JANUARY 29, 2025

Ms. KLOBUCHAR (for herself, Mr. MORAN, Ms. CORTEZ MASTO, and Mrs. CAPITO) 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 2025”.

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

9 (a) PROHIBITION.—

1 (1) IN GENERAL.—It shall be unlawful for a
2 covered entity to display, advertise, market, or offer
3 in interstate commerce, including through direct of-
4 ferings, third-party distribution, or metasearch refer-
5 rals, a price for covered services that does not clear-
6 ly, conspicuously, and prominently—

7 (A) display the total services price, if a
8 price is displayed, in any advertisement, mar-
9 keting, or price list wherever the covered serv-
10 ices are displayed, advertised, marketed, or of-
11 fered for sale;

12 (B) disclose to any individual who seeks to
13 purchase covered services the total services
14 price at the time the covered services are first
15 displayed to the individual and anytime there-
16 after throughout the covered services pur-
17 chasing process; and

18 (C) disclose, prior to the final purchase,
19 any tax, fee, or assessment imposed by any gov-
20 ernment entity, quasi-government entity, or
21 government-created special district or program
22 on the sale of covered services.

23 (2) INDIVIDUAL COMPONENTS.—Provided that
24 such displays are less prominent than the total serv-

1 ice price required in paragraph (1), nothing in this
 2 Act shall be construed to prohibit the display of—

3 (A) individual components of the total
 4 price; or

5 (B) details of other items not required by
 6 paragraph (1).

7 (3) INDEMNIFICATION PROVISIONS.—Nothing
 8 in this section shall be construed to prohibit any cov-
 9 ered entity from entering into a contract with any
 10 other covered entity that contains an indemnification
 11 provision with respect to price or fee information
 12 disclosed, exchanged, or shared between the covered
 13 entities that are parties to the contract.

14 (b) ENFORCEMENT.—

15 (1) ENFORCEMENT BY THE COMMISSION.—

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

22 (B) POWERS OF THE COMMISSION.—

23 (i) IN GENERAL.—The Commission
 24 shall enforce this section in the same man-
 25 ner, by the same means, and with the

1 same jurisdiction, powers, and duties as
 2 though all applicable terms and provisions
 3 of the Federal Trade Commission Act (15
 4 U.S.C. 41 et seq.) were incorporated into
 5 and made a part of this Act.

6 (ii) PRIVILEGES AND IMMUNITIES.—

7 Any person who violates this section shall
 8 be subject to the penalties and entitled to
 9 the privileges and immunities provided in
 10 the Federal Trade Commission Act (15
 11 U.S.C. 41 et seq.).

12 (iii) AUTHORITY PRESERVED.—Noth-

13 ing in this section shall be construed to
 14 limit the authority of the Commission
 15 under any other provision of law.

16 (2) ENFORCEMENT BY STATES.—

17 (A) IN GENERAL.—If the attorney general

18 of a State has reason to believe that an interest
 19 of the residents of the State has been or is
 20 being threatened or adversely affected by a
 21 practice that violates subsection (a), the attor-
 22 ney general of the State may, as *parens patriae*,
 23 bring a civil action on behalf of the residents of
 24 the State in an appropriate district court of the
 25 United States to obtain appropriate relief.

1 (B) RIGHTS OF THE COMMISSION.—

2 (i) NOTICE TO THE COMMISSION.—

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

10 (II) CONTENTS.—The notifica-
11 tion required by subclause (I) shall in-
12 clude a copy of the complaint to be
13 filed to initiate the civil action.

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

22 (ii) INTERVENTION BY THE COMMIS-
23 SION.—The Commission may—

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

4 (II) upon intervening—
5 (aa) be heard on all matters
6 arising in the civil action; and
7 (bb) file petitions for appeal.

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

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

25 (E) VENUE; SERVICE OF PROCESS.—

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

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

(II) another court of competent jurisdiction.

(ii) SERVICE OF PROCESS.—In an action brought under subparagraph (A), process may be served in any district in which—

(I) the defendant is an inhabitant, may be found, or transacts business; or

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

(F) ACTIONS BY OTHER STATE OFFICIALS.—

(i) IN GENERAL.—In addition to civil actions brought by an attorney general under subparagraph (A), any other officer of a State who is authorized by the State

1 to do so may bring a civil action under
 2 subparagraph (A), subject to the same re-
 3 quirements and limitations that apply
 4 under this paragraph to civil actions
 5 brought by attorneys general.

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

12 (3) AFFIRMATIVE DEFENSE.—In any action
 13 pursuant to paragraph (1) or (2), an intermediary
 14 or third-party online seller may assert an affirmative
 15 defense if such intermediary or third-party online
 16 seller—

17 (A) established procedures to receive up-to-
 18 date price information from hotels or short-
 19 term rentals, or agents acting on behalf of a
 20 hotel or short-term rental;

21 (B) relied in good faith on information
 22 provided to the intermediary or third-party on-
 23 line seller by a hotel or short-term rental, or
 24 agent acting on behalf of such hotel or short-
 25 term rental, and such information was inac-

1 curate at the time it was provided to the inter-
 2 mediary or third-party online seller; and

3 (C) took prompt action to remove or cor-
 4 rect any false or inaccurate information about
 5 the total services price after receiving notice
 6 that 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, pre-
 10 scribe, or continue in effect any law, rule, regulation,
 11 requirement, 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
 17 otherwise offer, for sale in interstate commerce, in-
 18 cluding through a direct offering, third-party dis-
 19 tribution, or metasearch referral, a price of a res-
 20 ervation for a covered service, and that requires fee
 21 disclosure, unless the law requires the total services
 22 price to include each service fee, as defined in sub-
 23 section (d)(8), and in accordance with subsection
 24 (a)(1).

1 (2) RULE OF CONSTRUCTION.—This section
2 may not be construed to—

3 (A) preempt any law of a State or political
4 subdivision of a State relating to contracts or
5 torts; or

6 (B) preempt any law of a State or political
7 subdivision of a State to the extent that such
8 law relates to an act of fraud, unauthorized ac-
9 cess to personal information, or notification of
10 unauthorized access to personal information.

11 (d) DEFINITIONS.—In this Act:

12 (1) BASE SERVICES PRICE.—The term “base
13 services price”—

14 (A) means, with respect to the covered
15 services provided by a hotel or short-term rent-
16 al, the price in order to obtain the covered serv-
17 ices of the hotel or short-term rental; and

18 (B) does not include—

19 (i) any service fee;

20 (ii) any taxes or fees imposed by a
21 government or quasi-government entity;

22 (iii) assessment fees of a government-
23 created special district or program; or

24 (iv) any charges or fees for an op-
25 tional product or service associated with

1 the covered services that may be selected
2 by a purchaser of covered services.

3 (2) COMMISSION.—The term “Commission”
4 means the Federal Trade Commission.

5 (3) COVERED ENTITY.—The term “covered en-
6 tity” means a person, partnership, or corporation
7 with respect to whom the Commission has jurisdic-
8 tion under section 5(a)(2) of the Federal Trade
9 Commission Act (15 U.S.C. 45(a)(2)), including—

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

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

12 (C) an intermediary.

13 (4) COVERED SERVICES.—The term “covered
14 services”—

15 (A) means the temporary provision of a
16 room, building, or other lodging facility; and

17 (B) does not include the provision of a
18 meeting room, banquet services, or catering
19 services.

20 (5) HOTEL.—The term “hotel” means an es-
21 tablishment that is—

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

24 (B) promoted, advertised, or marketed in
25 interstate commerce or for which such estab-

1 lishment’s services are sold in interstate com-
2 merce.

3 (6) INTERMEDIARY.—The term “intermediary”
4 means an entity that operates either as a business-
5 to-business platform, consumer-facing platform, or
6 both, that displays, including through direct offer-
7 ings, third-party distribution, or metasearch referral,
8 a price for covered services or price comparison tools
9 for consumers seeking covered services.

10 (7) OPTIONAL PRODUCT OR SERVICE.—The
11 term “optional product or service” means a product
12 or service that an individual does not need to pur-
13 chase to use or obtain covered services

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

15 (A) means a charge imposed by a covered
16 entity that must be paid in order to obtain cov-
17 ered services; and

18 (B) does not include—

19 (i) any taxes or fees imposed by a
20 government or quasi-government entity;

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

23 or

24 (iii) any charges or fees for an op-
25 tional product or service associated with

1 the covered services that may be selected
2 by a purchaser of covered services.

3 (9) SHORT-TERM RENTAL.—The term “short-
4 term rental” means a property, including a single-
5 family dwelling or a unit in a condominium, coopera-
6 tive, or time-share, that provides covered services
7 (either with respect to the entire property or a part
8 of the property) to the general public—

9 (A) in exchange for a fee;

10 (B) for periods shorter than 30 consecutive
11 days; and

12 (C) is promoted, advertised, or marketed in
13 interstate commerce or for which such prop-
14 erty’s services are sold in interstate commerce.

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

18 (11) THIRD-PARTY ONLINE SELLER.—The term
19 “third-party online seller” means any person other
20 than a hotel or short-term rental that sells covered
21 services or offers for sale covered services with re-
22 spect to a hotel or short-term rental in a transaction
23 facilitated on the internet.

24 (12) TOTAL SERVICES PRICE.—The term “total
25 services”—

1 (A) means, with respect to covered serv-
 2 ices, the total cost of the covered services, in-
 3 cluding the base services price and any service
 4 fees; and

5 (B) does not include—

6 (i) any taxes or fees imposed by a
 7 government or quasi-government entity;

8 (ii) any assessment fees of a govern-
 9 ment-created special district or program;
 10 or

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

15 (e) EFFECTIVE DATE.—The prohibition under sub-
 16 section (a) shall take effect 450 days after the date of
 17 the enactment of this Act and shall apply to advertise-
 18 ments, displays, marketing, and offers of covered services
 19 of a covered entity made on or after such date.

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