



Ave Kwok, Chairman - Jade Dynasty

Andy Huang, Incoming Chair - L&L Hawaiian Barbeque **Tambara Garrick, Secretary** –Hawaii Farm Project

Kahili Soon, Treasurer – Hukilau Marketplace **Ryan Tanaka, Past Chairman** –Giovanni Pastrami

Sheryl Matsuoka, Executive Director **Ginny Wright**, Operations Associate **Holly Kessler**, Director of Membership Relations

2023-24

Board of Directors

Jesse Aguinaldo
Keoni Ahlo
Lee Anderson
Noa Aoki
Javier Barberi
Tim Januszewski
Tom Jones
Felix Koeppenkastrop
Victor Lim
Keith Mallini
Don Murphy
Conan Paik-Rosa
Mike Palmer
Tyler Roukema
Michael Skedeleski
Alison "Bo" Tanaka
Katy Tanaka
Tina Wang
Nicolas Ware
Anthony Wong
Nicholas Wong
Paul Yokota

Allied Members

Louis Chun
Robert Gutierrez
James Idemoto
Christopher Lee
Raymond Orozco
Bryan Pearl
Randy Sagon
David Yoshioka

Advisory Board

Jerry Agrusa
Jamie Brown
Richard Rand
John Richards
Richard Turbin

Date: February 9, 2024

To: Sen. Jarrett Keohokalole, Chair
Sen. Carol Fukunaga, Vice Chair
Committee on Commerce and Consumer Protection

From: Victor Lim, Legislative Lead

Subj: SB 2020 Relating to Deceptive Trade Practices

The Hawaii Restaurant Association representing 4,000 Eating and Drinking Place locations in Hawaii, stand opposed to SB2020 as it is currently written. This bill seeks to eliminate all fees or surcharges, forcing restaurant operators to change menus to reflect a single Total Price other than taxes and fees charges by the state or county on the transactions.

While we appreciate the bill's intent to provide increased transparency for consumers, this proposed rule fails to achieve this for the restaurant industry. Restaurant operators make significant efforts to ensure that fees and surcharges are evident and identifiable before consumers receive their check, they also typically provide customers with the option to remove a surcharge from their final bill. These practices differentiate the restaurant industry from the others.

By forcing restaurant operators to include service fees, credit card surcharges, or even delivery fees in menu pricing, this bill in fact forces operators to hide from consumers the costs of the services they value in the restaurant experience. Restaurant customers understand that they will pay extra if they are having their food delivered or are dining with a large party. The consumer understands that these are higher costs a restaurant is taking on to make the customer experience even more convenient.

Restaurant fees that are value adding including service fees and tips that go directly to tipped workers, credit card surcharges, and delivery fees should be preserved.

Thank you very much for allowing us to share our industry's view on this.

