

Information for Consumers About Travel Agencies

What is a travel agency? Travel agencies act as intermediaries between people who are seeking to buy travel agency services and the companies and people that provide them. Travel services include transportation by air, sea, and rail, related ground transportation, hotel accommodations, and packaged tours.



Registration required. In the State of Hawaii, a person or business operating as a travel agency must be registered with the Department of Commerce and Consumer Affairs' Professional and Vocational Licensing Division before it can operate.

Hawaii law requires registered travel agencies maintain a client trust account in Hawaii. When a registered travel agency receives money from a consumer for travel services, Hawaii law requires the travel agency deposit the money into a client trust account in a federally insured financial institution located in the State. The money should only be withdrawn to pay for travel services or to make required refunds.

Credit card payments. If you pay for travel services with a credit card, the registered travel agency must submit the charge data to the appropriate payment processing or card issuing company within 5 days of the charge.

Know your rights. Under Hawaii law, when purchasing travel services from a registered travel agency, you have certain rights that protect you as a consumer. The law requires registered travel agencies disclose those rights to you, in writing, before the travel agency issues you a ticket. If you don't receive this information, contact RICO.

RICO'S TOP TEN TRAVEL TIPS

1. **Check licensing.** If you plan to use a travel agency, make sure the travel agency is registered with the Department of Commerce and Consumer Affairs. This includes any online sellers you may be working with. Information is available by calling (808) 587-4272 or online at cca.hawaii.gov/rico/business_online.

2. **Plan ahead.** Think about in advance where you want to go and what services you'll ask the travel agency to arrange. Do you just need airfare or do you need hotel and ground transportation too? Make sure the person you're working with understands exactly what type of travel services you're requesting.

3. **Save the date.** Use a calendar to mark the days you plan to travel and the dates of important events you don't want to miss. This is especially important if your trip includes a long flight or travel to a different time zone. Landing in a different city, on a different day, can be confusing; arriving a day too late for your cousin's wedding, disastrous. Share the calendar with the person you're working with so everyone understands what dates are important to you.

4. **Show me the money.** At the time of payment, Hawaii law requires the travel agency furnish you with a written statement that includes:

- The name, business address, and telephone number of the travel agency;
- The amount paid, the date payment is due, the purpose of the payment to be made, and an itemized statement with the outstanding balance;
- The name and address of the financial institution of the Hawaii institution that maintains the travel agency's client trust account and the name of that client trust account;
- The name of the entity who will be providing your travel services and pertinent information, including the type of accommodation and the dates and times of services;

- ✈ Any restrictions, limitations, conditions, and fee assessments that affect your right to cancel, obtain a refund, change an itinerary, or make a claim for lost tickets; and
- ✈ The cancellation provisions of the contract between you and the travel agency, and the rights and obligations of both parties in the event of a cancellation.

If paying by credit card, don't give the travel agency your credit card number in advance. Wait until you are ready to make the arrangements.

5. **Got ticket?** Upon making full payment to the travel agency, you should receive your ticket or other similar documentation for travel services from the travel agency. If you're told a ticket is electronic, make sure the travel agency gives you a reservation number and any other instructions you need so that you clearly understand where you need to go and what information you will need to have with you. Don't hesitate to call the airline, hotel, or other service provider directly to confirm your reservation or ticket. Make sure you have the information provided to you by the travel agency on hand.

6. **Ask about cancellation and refund policies before purchasing any travel service.** Make sure the travel agency explains any limitations, conditions, events, circumstances, or any other business or commercial factors that may affect the availability of the travel services or your ability to obtain a refund. Generally, under Hawaii law, if you cancel your travel arrangements, you have the right to a refund within 14 calendar days from the date the refund is requested, of all moneys paid to the travel agency, less (1) any amounts for cancellation fees that were previously disclosed to you; and (2) any amounts held by the ultimate provider of the travel services (for example, the airline or the hotel). **Cancellation fees.** Some travel agencies charge a cancellation fee, which is sometimes a percentage of the total price you paid for the travel service. **Refund policies.** If the travel agency has already paid a service provider (for example, the airline or the hotel), you may have to contact the service provider to see about getting your money back. A travel agency may also ask you to sign a statement that no refunds will be made if you are unable to complete your scheduled travel arrangements. This means no refunds will be made under any circumstances, even in the event of illness or death. If you signed a statement with the travel agency that no refunds will be given if travel services are canceled, you will not receive a refund, so it's important to read and discuss anything you're asked to sign. Make sure you understand these provisions and be aware that you may incur additional expenses should you wish to change your original travel arrangements.

7. **Be sure you know what's included in the cost.** Extras, like luggage fees, parking at the hotel, and resort fees can really add up. Write down any questions you have about what's covered and don't feel shy about asking the person you're working with what's included in the price.

8. **If there's a problem, how will I contact you?** Ask the person you're working with what to do or who to contact if there's a problem with your reservations. What if it's after hours? What if you're overseas?

9. **Ask about layovers.** Study the airport you're going to. Although a short layover time may be "legal" or allowed by the airline, if you're traveling with kids or just need extra time to get around, ask if you may need additional time. (This is especially important if you need to go through customs upon arriving back in the United States.)

10. **Don't feel rushed.** Travel costs fluctuate, but some airlines allow you (usually for a small fee) to hold a reservation while you confirm dates. And remember, doing some planning in advance, may make you better prepared to make decisions when you start working with an agent.

RESOURCES

The Department of Commerce and Consumer Affairs (DCCA), and its Regulated Industries Complaints Office (RICO), offer tools, tips and services you can use to check out an individual or business. Information is available by calling **(808) 587-4272** or online at cca.hawaii.gov/rico/business_online/.

To call Oahu-RICO, dial the following toll free numbers: Kauai 274-3141, extension 74272; Maui 984-2400, extension 74272; Big Island 974-4000, extension 74272; Molokai and Lanai 1-800-468-4644, extension 74272, followed by the # sign.

This brochure is for informational purposes only and not intended for the purposes of providing legal advice. Information provided is subject to change. This material is available in alternate formats including large print. Submit requests to the RICO Complaints and Enforcement Officer at 586-2666.