

Activities and Tour Excursions

INFORMATION FOR CONSUMERS

What is an activity desk? Activity desks act as intermediaries, selling, contracting for, and arranging, tour excursions and activities, like surf lessons, helicopter rides, and whale watching tours. Activity desks are often conveniently located in hotels or shopping malls, and allow consumers an opportunity to conveniently schedule and plan activities in which they may want to participate.



The State of Hawaii regulates activity desks and an activity desk must obtain a registration from the Department of Commerce and Consumer Affairs' Professional and Vocational Licensing Division before it can operate.

Client trust accounts, bonds, and letters of credit. Among other things, registered activity desks must maintain either a client trust account, a current bond, or a letter of credit. All of these things help to indemnify consumers from losing money if an activity desk does not perform. For example, activity desks that maintain client trust accounts must deposit monies within three business days and can only withdraw the bulk of it, (1) to pay for the excursion or activity, or (2) to refund monies to consumers.

Other obligations. An activity desk must clearly display the name and telephone number of the activity provider whose activity is being booked or sold. And, an activity desk provider must disclose to you, in writing, if a discount offered for an activity requires you to first attend a sales presentation.

Look Before You Book. Before you do business with a company that is offering activity desk services, check to make sure the company is properly registered as an activity desk.

HELPFUL HINTS

1. Find out where the excursion or activity is located and figure out how you're going to get there. Ask where you will need to meet and whether transportation to the site is included.
2. Ask what's included in the cost. Are there additional fees like equipment rental or meals?
3. Know your limits. Some excursions and activities require extensive walking or climbing steps. Some high adventure activities may not be appropriate for individuals with certain health issues.
4. Canceling or rescheduling. Ask about the cancellation policy and be sure you understand it. Make sure you understand under what conditions a refund may be available.
5. Pay with a credit card and be wary of deals that require you to book 60 days in advance. (Most credit card companies will only allow you to dispute a charge within 60 days of purchase.)
6. Ask what you'll need. Water bottles, towels, hat, reef walkers, snorkel gear, boogie board? Be sure you know what you'll need to bring.
7. Ask if there are any limitations on what you can bring. Plan ahead if purses, handbags or backpacks are not allowed.
8. Smile for the camera. Ask if you can bring your camera and if you can take pictures. If not, ask if pictures will be available for purchase.
9. Stay cool and don't forget sunscreen.
10. Have fun!

INFORMATION FOR ACTIVITY PROVIDERS AND OTHER BUSINESSES

The following information is provided for businesses that provide tour excursions and activities.

What should you do? If you accept tour reservations through an intermediary, like an activity desk, read the laws and rules relating to the registration of activity desks carefully. Including Chapter 468M, Hawaii Revised Statutes and Chapter 16-117, Hawaii Administrative Rules. Information and links to the laws and rules can be found at: cca.hawaii.gov/hawaii-revised-statutes/ and cca.hawaii.gov/hawaii-administrative-rules/.

Not limited to actual desks. The activity desk law is not limited to businesses that operate from an actual desk and may include Hawaii businesses that book reservations online.

Timing is everything. Within 3 days, an activity desk is supposed to deposit all sums received from a consumer in its **client trust account** (unless the reservation provides for direct payment by the consumer at the time of the activity). Absent an express, written contract to the contrary, payments are due and payable 30 days from the date of invoice. Money deposited in a client trust account should be immediately available. **Performance bonds** and **irrevocable letters of credit** are designed to cover an activity desk's average monthly net sales revenues for a 12-month period.

Ask if the activity desk you are dealing with maintains a client trust account, performance bond, or letter of credit. This information may help you make important business decisions about how you chose to get paid. And, when it comes to getting paid, don't delay.

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 1-844-808-3222 or online at cca.hawaii.gov/businesscheck. Please also dial 1-844-808-3222 (DCCA) to reach RICO for information about filing a RICO complaint or to report unlicensed activity. Or, visit RICO online at cca.hawaii.gov/rico.

RICO is the enforcement arm for over forty-nine professional boards, commissions, and programs that are administratively attached to the Department of Commerce and Consumer Affairs. RICO receives complaints, conducts investigations, and prosecutes licensing law violations. RICO also prosecutes unlicensed activity through the issuance of citations and by filing civil lawsuits in the Circuit Courts. RICO works to resolve consumer complaints where appropriate and provides consumer education about various issues relating to licensing and consumer protection. RICO also administers the State Certified Arbitration Program (SCAP) for "lemon" motor vehicle claims.

The DCCA and its RICO offer the following tools, tips, and services you can use to check out an individual or business online at cca.hawaii.gov/businesscheck:

Professional and Vocational license search: Search for information about professionals licensed by DCCA, including activity desks and travel agencies.

RICO complaint history search: Search Regulated Industries Complaints Office complaints information for information about complaints filed against licensees and for information about unlicensed activity investigations.

Office of Consumer Protection complaint history search: Search Office of Consumer Protection information for complaints about unfair and deceptive trade practices.

Business Registration name search: Search for information about businesses registered with the Business Registration Division. Look at: 1) when the business was established, 2) the names of the people involved in the business, and 3) any previous names of the business. Names gathered from this search can be used to search for licensing and complaints history information.

This brochure is for informational purposes only and not intended for the purposes of providing legal advice. Information provided is subject to change.