

INNKEEPER'S RIGHTS ACT MODIFICATIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen E. Sandstrom

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Innkeeper's Rights Act to address the conditions under which an innkeeper may refuse or deny accommodations, facilities, or privileges.

Highlighted Provisions:

This bill:

- ▶ modifies the provision under which an innkeeper may refuse or deny accommodations, facilities, or privileges related to a person bringing in firearms or explosives; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

29-2-103, as enacted by Laws of Utah 1995, Chapter 231

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **29-2-103** is amended to read:

29-2-103. Innkeeper's rights -- Liability -- Prohibition on discrimination.



- 28 (1) An innkeeper may:
- 29 (a) refuse or deny accommodations, facilities, or privileges of a lodging establishment
- 30 to ~~[any]~~ a person who is:
- 31 (i) unwilling or unable to pay for the accommodations and services of the lodging
- 32 establishment;
- 33 (ii) visibly intoxicated;
- 34 (iii) creating a public nuisance;
- 35 (iv) in the reasonable belief of the innkeeper, seeking accommodations for ~~[any]~~ an
- 36 unlawful purpose, including:
- 37 (A) the unlawful possession or use of a controlled ~~[substances]~~ substance in violation
- 38 of federal or state law; or
- 39 (B) use of the premises for the consumption of ~~[alcoholic beverages by any]~~ an
- 40 alcoholic beverage by a person under 21 years of age in violation of federal or state law; or
- 41 (v) in the reasonable belief of the innkeeper, bringing ~~[it]~~ onto the accommodations
- 42 property that may be dangerous to other persons;
- 43 (A) including ~~[firearms or explosives;]~~ an explosive; and
- 44 (B) except that an innkeeper may refuse or deny accommodations, facilities, or
- 45 privileges to a person for bringing a firearm onto the accommodations, only for the unlawful
- 46 possession or unlawful use of the firearm;
- 47 (b) require a prospective guest ~~[prior to]~~ before check-in to demonstrate the guest's
- 48 ability to pay ~~[either]~~:
- 49 (i) in cash;
- 50 (ii) by credit card; or
- 51 (iii) with a validated check;
- 52 (c) require a parent or legal guardian of a minor to:
- 53 (i) promise in writing to pay ~~[all]~~:
- 54 (A) the guest room costs, taxes, and charges incurred by the minor at a lodging
- 55 establishment; and ~~[any damages]~~
- 56 (B) for damage to the lodging establishment and its furnishings caused by the minor
- 57 while a guest at the lodging establishment;
- 58 (ii) provide an innkeeper with a valid credit card number to cover potential charges and

59 [any] potential [~~damages~~] damage to the lodging establishment and its furnishings caused by
60 the minor; or

61 (iii) if a valid credit card is not an option, provide an innkeeper with:

62 (A) an advance cash payment to cover the guest room costs and taxes for the
63 anticipated stay of the minor; and

64 (B) a deposit, not to exceed \$500, towards the payment of [any] the charges by the
65 minor or [~~any damages~~] for damage to the lodging establishment or its furnishings[, ~~which~~
66 ~~deposit shall be~~] if the deposit is refunded to the extent not used to cover [~~any damages~~]
67 damage as determined by the innkeeper following room inspection at check-out;

68 (d) require a guest to produce a valid driver's license, or other identification satisfactory
69 to the innkeeper, containing a photograph and the name and address of the guest;

70 (e) if the guest is a minor, require a parent or guardian of the guest to register and
71 produce the same identification required in Subsection (1)(d);

72 (f) limit the number of persons who may occupy a guest room in the lodging
73 establishment;

74 (g) eject a person from a lodging establishment for any of the following reasons:

75 (i) nonpayment of the lodging establishment's charges for accommodations or services;

76 (ii) visible intoxication of the guest;

77 (iii) disorderly conduct of the guest resulting in a public nuisance; or

78 (iv) in the reasonable belief of the innkeeper [~~reasonably believes that~~], the person has
79 violated:

80 (A) this chapter or [any] a federal, state, or local law or regulation relating to the
81 lodging establishment; or

82 (B) [any] a rule of the lodging establishment posted in a conspicuous place and manner
83 in the lodging establishment.

84 (2) An innkeeper may not refuse or deny use of or eject a person from a lodging
85 establishment's facilities or privileges based upon the person's race, creed, color, national
86 origin, gender, disability, or marital status.

Legislative Review Note
as of 1-19-11 10:10 AM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 223, 2011 General Session

SHORT TITLE: Innkeeper's Rights Act Modifications

SPONSOR: **Sandstrom, S.**

STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.