

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:

H→ ▶ amends definitions; ←H

▶ 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:

H→ [None] This bill provides an effective date. ←H

Utah Code Sections Affected:

AMENDS:

H→ 29-2-102 (Superseded 07/01/11), as enacted by Laws of Utah 1995, Chapter 231

29-2-102 (Effective 07/01/11), as last amended by Laws of Utah 2010, Chapter 276 ←H

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

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

H→ Section 1. Section 29-2-102 is amended to read:

29-2-102 (Superseded 07/01/11). Definitions.

As used in this chapter:



- 25d **H→ (1) "Accommodation" means a room, apartment, suite, or similar space in a lodging**
 25e **establishment that:**
- 25f **(a) is provided for sleeping; and**
- 25g **(b) can be rented independently.**
- 25h **[H] (2) "Alcoholic beverage" has the same meaning as provided in Section 32A-1-105.**
- 25i **[2] (3) "Controlled substance" has the same meaning as provided in Section 58-37-2.**
- 25j **[3] (4) "Guest" means a person for whom an innkeeper was paid to provide temporary**
 25k **sleeping accommodations in a lodging establishment.**
- 25l **[4] (5) "Innkeeper" means the proprietor or designated employee of a proprietor of a**
 25m **lodging establishment.**
- 25n **[5] (6) "Lodging establishment" means a place providing temporary sleeping**
 25o **accommodations to the public, including any of the following:**
- 25p **(a) a bed and breakfast establishment;**
- 25q **(b) a boarding house;**
- 25r **(c) a hotel;**
- 25s **(d) an inn;**
- 25t **(e) a lodging house;**
- 25u **(f) a motel;**
- 25v **(g) a resort; or**
- 25w **(h) a rooming house.**
- 25x **[6] (7) "Minor" means an unemancipated person younger than 18 years of age.**
- 25y **Section 2. Section 29-2-102 is amended to read:**
- 25z **29-2-102 (Effective 07/01/11). Definitions.**
- 25aa **As used in this chapter:**
- 25ab **(1) "Accommodation" means a room, apartment, suite, or similar space in a lodging**
 25ac **establishment that:**
- 25ad **(a) is provided for sleeping; and**
- 25ae **(b) can be rented independently.**
- 25af **[H] (2) "Alcoholic beverage" has the same meaning as provided in Section 32B-1-102.**
- 25ag **[2] (3) "Controlled substance" has the same meaning as provided in Section 58-37-2.**
- 25ah **[3] (4) "Guest" means a person for whom an innkeeper was paid to provide temporary**
 25ai **sleeping accommodations in a lodging establishment.**
- 25aj **[4] (5) "Innkeeper" means the proprietor or designated employee of a proprietor of a**
 25ak **lodging establishment.**
- 25al **[5] (6) "Lodging establishment" means a place providing temporary sleeping**
 25am **accommodations to the public, including any of the following:**
- 25an **(a) a bed and breakfast establishment;**
- 25ao **(b) a boarding house;**
- 25ap **(c) a hotel;←H**

- 25aq (d) an inn;
- 25ar (e) a lodging house;
- 25as (f) a motel;
- 25at (g) a resort; or
- 25au (h) a rooming house.
- 25av [~~(6)~~] (7) "Minor" means an unemancipated person younger than 18 years of age. ← H
- 26 Section H → [†] 3 ← H . Section 29-2-103 is amended to read:
- 27 **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) ~~H~~→ **subject to Subsection (3),** ←~~H~~ in the reasonable belief of the innkeeper, bringing
41a [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.

86a **H→ (3)(a) If a person brings a firearm onto the accommodations of a lodging establishment,**
86b **the innkeeper of the lodging establishment is not criminally or civilly liable for any injury,**
86c **damage to property, or loss that results from the person bringing a firearm onto the**
86d **accommodations of the lodging establishment.**

86e **(b) Subsection (3)(a) does not apply if the innkeeper solicits, requests, commands, encourages,**
86f **or intentionally aids the person with a firearm in discharging the firearm while on the**

86g lodging establishment.

86h Section 4. Effective date.

86i This bill takes effect on May 10, 2011, except that the amendments in this bill to Section

86j 29-2-102 (Effective 07/01/11) take effect on July 1, 2011. ←H

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.