

Representative Carl Wimmer proposes the following substitute bill:

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 eject a guest.

Highlighted Provisions:

This bill:

- ▶ amends definitions;
 - ▶ addresses when an innkeeper may eject a guest for possessing or using a firearm;
- and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an effective date.

Utah Code Sections Affected:

AMENDS:

29-2-102 (Superseded 07/01/11), as enacted by Laws of Utah 1995, Chapter 231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

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



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

Section 1. Section **29-2-102 (Superseded 07/01/11)** is amended to read:

29-2-102 (Superseded 07/01/11).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

As used in this chapter:

(1) "Accommodation" means a room, apartment, suite, or similar space in a lodging establishment that:

(a) is provided for sleeping; and

(b) can be rented independently.

~~[(1)]~~ (2) "Alcoholic beverage" has the same meaning as provided in Section 32A-1-105.

~~[(2)]~~ (3) "Controlled substance" has the same meaning as provided in Section 58-37-2.

~~[(3)]~~ (4) "Guest" means a person for whom an innkeeper was paid to provide temporary sleeping accommodations in a lodging establishment.

~~[(4)]~~ (5) "Innkeeper" means the proprietor or designated employee of a proprietor of a lodging establishment.

~~[(5)]~~ (6) "Lodging establishment" means a place providing temporary sleeping accommodations to the public, including any of the following:

(a) a bed and breakfast establishment;

(b) a boarding house;

(c) a hotel;

(d) an inn;

(e) a lodging house;

(f) a motel;

(g) a resort; or

(h) a rooming house.

~~[(6)]~~ (7) "Minor" means an unemancipated person younger than 18 years of age.

Section 2. Section **29-2-102 (Effective 07/01/11)** is amended to read:

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

As used in this chapter:

56 (1) "Accommodation" means a room, apartment, suite, or similar space in a lodging
57 establishment that:

58 (a) is provided for sleeping; and

59 (b) can be rented independently.

60 [~~(1)~~] (2) "Alcoholic beverage" has the same meaning as provided in Section
61 32B-1-102.

62 [~~(2)~~] (3) "Controlled substance" has the same meaning as provided in Section 58-37-2.

63 [~~(3)~~] (4) "Guest" means a person for whom an innkeeper was paid to provide
64 temporary sleeping accommodations in a lodging establishment.

65 [~~(4)~~] (5) "Innkeeper" means the proprietor or designated employee of a proprietor of a
66 lodging establishment.

67 [~~(5)~~] (6) "Lodging establishment" means a place providing temporary sleeping
68 accommodations to the public, including any of the following:

69 (a) a bed and breakfast establishment;

70 (b) a boarding house;

71 (c) a hotel;

72 (d) an inn;

73 (e) a lodging house;

74 (f) a motel;

75 (g) a resort; or

76 (h) a rooming house.

77 [~~(6)~~] (7) "Minor" means an unemancipated person younger than 18 years of age.

78 Section 3. Section **29-2-103** is amended to read:

79 **29-2-103. Innkeeper's rights -- Liability -- Prohibition on discrimination.**

80 (1) An innkeeper may:

81 (a) refuse or deny accommodations, facilities, or privileges of a lodging establishment

82 to [~~any~~] a person who is:

83 (i) unwilling or unable to pay for the accommodations and services of the lodging
84 establishment;

85 (ii) visibly intoxicated;

86 (iii) creating a public nuisance;

87 (iv) in the reasonable belief of the innkeeper, seeking accommodations for ~~[any]~~ an
88 unlawful purpose, including:

89 (A) the unlawful possession or use of a controlled ~~[substances]~~ substance in violation
90 of federal or state law; or

91 (B) use of the premises for the consumption of ~~[alcoholic beverages by any]~~ an
92 alcoholic beverage by a person under 21 years of age in violation of federal or state law; or

93 (v) subject to Subsections (3) and (4), in the reasonable belief of the innkeeper,
94 bringing in property that may be dangerous to other persons, including firearms or explosives;

95 (b) require a prospective guest ~~[prior to]~~ before check-in to demonstrate the guest's
96 ability to pay ~~[either]~~:

97 (i) in cash~~[-]~~;

98 (ii) by credit card~~[-]~~; or

99 (iii) with a validated check;

100 (c) require a parent or legal guardian of a minor to:

101 (i) promise in writing to pay ~~[all]~~:

102 (A) the guest room costs, taxes, and charges incurred by the minor at a lodging
103 establishment; and ~~[any damages]~~

104 (B) for damage to the lodging establishment and its furnishings caused by the minor
105 while a guest at the lodging establishment;

106 (ii) provide an innkeeper with a valid credit card number to cover potential charges and
107 ~~[any]~~ potential ~~[damages]~~ damage to the lodging establishment and its furnishings caused by
108 the minor; or

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

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

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

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

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

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

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

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

124 (ii) visible intoxication of the guest;

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

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

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

130 (B) [~~any~~] a rule of the lodging establishment posted in a conspicuous place and manner
131 in the lodging establishment.

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

135 (3) (a) If a person brings a firearm onto the accommodations of a lodging
136 establishment, the innkeeper of the lodging establishment is not criminally or civilly liable for
137 any injury, damage to property, or loss that results from the person bringing a firearm onto the
138 accommodations of the lodging establishment.

139 (b) Subsection (3)(a) does not apply if the innkeeper solicits, requests, commands,
140 encourages, or intentionally aids the person with a firearm in discharging the firearm while on
141 the lodging establishment.

142 (4) Once an innkeeper enters into a contract under which a guest rents or leases
143 sleeping accommodations in the lodging establishment, the innkeeper may not eject the guest
144 from the lodging establishment's accommodations during the term of the contract because of
145 the guest's lawful possession or use of a firearm.

146 Section 4. **Effective date.**

147 This bill takes effect on May 10, 2011, except that the amendments in this bill to
148 Section 29-2-102 (Effective 07/01/11) take effect on July 1, 2011.

