

## HB0223S01 compared with HB0223

~~{deleted text}~~ shows text that was in HB0223 but was deleted in HB0223S01.

inserted text shows text that was not in HB0223 but was inserted into HB0223S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

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: \_\_\_\_\_

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#### 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}~~ eject a guest.

##### Highlighted Provisions:

This bill:

- ▶ ~~{modifies the provision under which}~~ amends definitions:
- ▶ addresses when an innkeeper may ~~{refuse or deny accommodations, facilities, or privileges related to a person bringing in firearms or explosives}~~ eject a guest for possessing or using a firearm; and
- ▶ makes technical changes.

##### Money Appropriated in this Bill:

None

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### Other Special Clauses:

~~{ None }~~ 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29-2-102 (Superseded 07/01/11), as enacted by Laws of Utah 1995, Chapter 231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 Section 29-2-102 (Superseded 07/01/11) is amended to read:

29-2-102 (Superseded 07/01/11).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

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(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:

(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 32B-1-102.

[~~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 ~~11~~3. Section 29-2-103 is amended to read:

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

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(1) An innkeeper may:

(a) refuse or deny accommodations, facilities, or privileges of a lodging establishment to ~~[any]~~ a person who is:

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

(ii) visibly intoxicated;

(iii) creating a public nuisance;

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

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

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

(v) subject to Subsections (3) and (4), in the reasonable belief of the innkeeper, bringing ~~{}~~in ~~{}~~onto the accommodations property that may be dangerous to other persons~~{}, {}~~:

~~—— (A) } including {} firearms or explosives; {} an explosive; and~~

~~—— (B) except that an innkeeper may refuse or deny accommodations, facilities, or privileges to a person for bringing a firearm onto the accommodations, only for the unlawful possession or unlawful use of the firearm; }~~

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

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

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

(iii) with a validated check;

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) visible intoxication of the guest;

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

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

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

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

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

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### Legislative Review Note

~~as of 1-19-11 10:10 AM~~

~~Office of Legislative Research and General Counsel;~~ (3) (a) If a person brings a firearm onto the accommodations of a lodging establishment, the innkeeper of the lodging establishment is not criminally or civilly liable for any injury, damage to property, or loss that results from the person bringing a firearm onto the accommodations of the lodging establishment.

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

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

#### Section 4. Effective date.

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