STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1716 By: Fallin

AS INTRODUCED

An Act relating to rights of innkeepers; creating the Innkeeper's Rights Act; defining certain terms; providing certain rights and obligations of innkeepers and guests; providing guest register requirements; authorizing an innkeeper to eject certain guests from the premises; providing penalties for unlawful use of controlled dangerous substances or alcoholic beverages in guest rooms; mandating restitution for damages in certain circumstances; ordering notice to guests; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 500.1 of Title 15, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 7 of this act shall be known and may be cited as the "Innkeeper's Rights Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 500.2 of Title 15, unless there is created a duplication in numbering, reads as follows:

For purposes of the Innkeeper's Rights Act:

1. "Lodging establishment" means a hotel as defined in Section 1-1201 of Title 63 of the Oklahoma Statutes;

2. "Innkeeper" means the owner, operator, manager or keeper of a lodging establishment;

3. "Minor" means an unemancipated person under the age of eighteen (18) years;

4. "Alcoholic beverages" has the meaning given in Section 506 of Title 37 of the Oklahoma Statutes; and

5. "Controlled dangerous substance" has the meaning given in Section 2-101 of Title 63 of the Oklahoma Statutes.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 500.3 of Title 15, unless there is created a duplication in numbering, reads as follows:

An innkeeper may refuse or deny any accommodations, facilities or privileges of a lodging establishment to:

1. Any person who is unwilling or unable to pay for accommodations and services of the lodging establishment. The innkeeper may require the prospective guest to demonstrate the ability of the prospective guest to pay by cash, valid credit card or a validated check. The innkeeper may require a parent of a minor:

a. to accept in writing liability of the guest room costs, taxes, all charges by the minor and any damages to the guest room or its furnishings caused by the minor while a guest at the lodging establishment, and

b. to provide the innkeeper with a valid credit card number to cover all charges by the minor and any

damages to the guest room or its furnishings caused by the minor, or

c. if the credit card is not an option, to give the innkeeper:

(1) an advance cash payment to cover the guest room costs and taxes for all room nights reserved for the minor, and

(2) at the discretion of the innkeeper, a cash deposit towards the payment of any charges by the minor or any damages to the guest room or its furnishings, which cash deposit will be refunded to the extent not used to cover any such charges or any damages as determined by the innkeeper following room inspection at check-out;

2. Any person who is visibly intoxicated or who is disorderly so as to create a public nuisance;

3. Any person whom the innkeeper reasonably believes is seeking accommodations for any unlawful purpose, including the unlawful possession or use of controlled substances by such person in violation of Section 2-101 et seq. of Title 63 of the Oklahoma Statutes or the use of the premises for the consumption of alcoholic beverages by any person under the age of twenty-one (21) years in violation of Section 163.1 et seq. of Title 37 of the Oklahoma Statutes;

4. Any person whom the innkeeper reasonably believes is bringing property into the lodging establishment which may be dangerous to other persons, such as firearms or explosives; and

5. Any person, when the lodging establishment also has the right to limit the number of persons, who shall occupy any particular guest room in the lodging establishment.

The innkeeper so refusing or denying such accommodations, facilities or privileges of a lodging establishment for any of the

reasons specified in paragraphs 1 through 5 of this section shall not be liable in any civil or criminal action or for any fine or penalty based upon such refusal or denial, except that such accommodations, facilities or privileges of a lodging establishment shall not be refused or denied because of race, color, religion, sex, national origin, age or handicap.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 500.4 of Title 15, unless there is created a duplication in numbering, reads as follows:

The innkeeper of a lodging establishment shall keep for a period of three (3) years a guest register which shall show the name, residence, date of arrival and departure of hotel guests. Every guest shall register and the registering guest may be required by the innkeeper to produce a valid driver license, or other identification satisfactory to the innkeeper, containing a photograph of the guest and setting forth the name and residence of the guest. If the guest is a minor, the innkeeper may also require a parent of such guest to register and to accept in writing liability for the guest room costs, taxes, all charges by such minor and any damages to the guest room or its furnishings caused by such minor while a guest at the lodging establishment. The guest register may be kept within the meaning of this section when reproduced on any photographic, photostatic, microfilm, microcard, miniature photographic or other process which actually reproduces the original record.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 500.5 of Title 15, unless there is created a duplication in numbering, reads as follows:

An innkeeper may eject a person from the lodging establishment premises for any of the following reasons:

1. Nonpayment of the charges of the establishment for accommodations or services;

2. The person is visibly intoxicated or the person is disorderly so as to create a public nuisance;

3. The innkeeper reasonably believes that the person is using the premises for unlawful purposes, including the unlawful use or possession of controlled substances by such person in violation of Section 2-101 et seq. of Title 63 of the Oklahoma Statutes or the use of the premises for the consumption of alcoholic beverages by any person under the age of twenty-one (21) years in violation of Section 163.1 et seq. of Title 37 of the Oklahoma Statutes;

4. The innkeeper reasonably believes that the person has brought property into the lodging establishment premises which may be dangerous to other persons, such as firearms or explosives;

5. Violation of any federal, state or local laws or regulations relating to the lodging establishment; or

6. Violation of any rule of the lodging establishment which is posted in a conspicuous place and manner in the lodging establishment in accordance with Section 7 of this act.

No such rule may authorize the innkeeper to eject or to refuse or deny service or accommodations to a person because of race, color, religion, sex, national origin, age or handicap.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 500.6 of Title 15, unless there is created a duplication in numbering, reads as follows:

A. Any person who does one or more of the following acts on the premises or property of a lodging establishment, or any person who rents or leases a room in a lodging establishment for the purpose of allowing such room to be used by another person to do one or more of the following acts is guilty of a misdemeanor, punishable by imprisonment for not more than one (1) year in the county jail, or by a fine of not more than One Thousand Dollars ($1,000), or by both:

1. Uses or possesses a controlled substance in violation of Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;

2. Consumes or possesses alcoholic liquor in violation of Section 163.1 et seq. of Title 37 of the Oklahoma Statutes; or

3. Commits a violation of this act resulting in damage to a lodging establishment room or its furnishings.

B. In a case under this section, involving damage to a lodging establishment room or its furnishings, a court may order the person renting or leasing the lodging establishment room and/or the person causing such damage:

1. To pay restitution for any actual property damage suffered by the owner or operator of the lodging establishment, which damages may include loss of revenue resulting from the inability of the hotel to rent or lease the room during the period of time the lodging establishment room is being repaired, provided the hotel demonstrates all due diligence to make repairs; and

2. To pay damages or restitution to any person who is injured in person or in property as a result of actions by the person renting or leasing the lodging establishment. In the case of a minor, the parents of such minor shall be liable for acts of such minor in violation of this section which cause damages to the lodging establishment room or furnishings or cause injury to persons or property.

C. This section shall not prohibit the prosecution of a person for the underlying violation which occurred on the premises or property of the lodging establishment.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 500.7 of Title 15, unless there is created a duplication in numbering, reads as follows:

The innkeeper shall post a copy of this act, together with all rules of the lodging establishment, in a conspicuous place at or

near the guest registration desk and inside each guest room at the lodging establishment.

SECTION 8. This act shall become effective September 1, 1993.

44-1-5877 AJM