

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2361

By: Fallin

AS INTRODUCED

An Act relating to innkeepers; enacting the Oklahoma Innkeeper Rights Act; providing short title; providing definitions; authorizing innkeepers to refuse rooms to persons in certain circumstances; authorizing innkeepers to require certain financial guarantees on rooms; authorizing innkeepers to limit the number of guests to a room; providing immunity from liability; providing for damages in certain circumstances; providing for mandatory guest register; providing for ejection of guests from premises in certain circumstances; requiring innkeepers to give notice of rules; 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 504 of Title 15, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Innkeeper Rights Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 505 of Title 15, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Innkeeper Rights Act:

1. "Innkeeper" means:
  - a. the owner of a lodging establishment,
  - b. the operator of a lodging establishment,
  - c. the manager of a lodging establishment, or
  - d. the keeper of a lodging establishment;
2. "Lodging establishment" means:
  - a. a hotel,
  - b. a motel,
  - c. a resort,
  - d. a bed and breakfast establishment,
  - e. a boarding house,
  - f. a furnished apartment house, or
  - g. other building which is kept, used or advertised as, or held out to the public to be, a place where sleeping or housekeeping accommodations are supplied for pay to guests for transient occupancy; and
3. "Minor" means a person under the age of eighteen (18) years.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 506 of Title 15, unless there is created a duplication in numbering, reads as follows:

A. An innkeeper shall have the right to refuse or deny any accommodations, facilities or privileges of a lodging establishment to any person who is unwilling or unable to pay for accommodations and services of the lodging establishment. The innkeeper shall have the right to require the prospective guest to demonstrate their ability to pay by cash, valid credit card or a valid check. The innkeeper may require a parent of a minor or other responsible party to:

1. 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

2. Provide the innkeeper with a valid credit card number to cover the guest room costs, taxes, charges by the minor and any damages to the guest room or its furnishings, caused by the minor; or

3. Give the innkeeper:

a. an advance cash payment to cover the guest room cost and taxes for all room nights reserved for the minor, and

b. a cash deposit towards the payment of any charges of 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 charges or damages as determined by the innkeeper following room inspection at check-out.

B. A lodging establishment shall have the right to limit the number of persons who shall occupy any particular guest room in the lodging establishment.

C. An innkeeper refusing or denying accommodations, facilities or privileges of a lodging establishment for any of the reasons specified in this section shall not be liable in any civil or criminal action or for any fine or penalty based upon the refusal or denial, except that accommodations, facilities or privileges of a lodging establishment shall not be refused or denied based upon the race, creed, color, national origin, sex, disability or marital status of a person.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 507 of Title 15, unless there is created a duplication in numbering, reads as follows:

In an action involving damage to a lodging establishment room or its furnishings, the court may order the person who rented the lodging establishment room, the person who caused the damage to the lodging establishment room or the parent of the minor or other responsible party to do the following:

1. Pay restitution for any damages suffered by the owner or operator of the lodging establishment, which damages may include any loss of revenue suffered by the lodging establishment resulting from the inability of the innkeeper to rent or lease the room during the period of time the lodging establishment is being repaired; and

2. Pay damages or restitution to any other person who is injured or whose property is damaged. The parents of other responsible parties shall be liable for acts of the minor in violation of this section which cause damages to the lodging establishment room or furnishings or cause injury to persons on the lodging establishment property.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 508 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 five (5) years a guest register which shall show the name, address, date of arrival and departure of lodging 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 or other responsible party of the guest to register and to accept in writing liability for 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 of the lodging establishment. The guest register may be kept within the meaning of this section when

reproduced on any photographic, photostat, microfilm, micro card, miniature photograph or other process which actually reproduces the original record.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 509 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:

1. Nonpayment of the lodging establishment charges for accommodations or services;
2. The minor is disorderly or visibly intoxicated, so as to create a public nuisance;
3. The innkeeper reasonably believes that the minor is using the premises for unlawful purposes including, but not limited to, the unlawful use or possession of controlled substances or for the consumption of alcohol by any person under the age of twenty-one (21) years in violation of any statute, ordinance or regulation;
4. Violations of any federal, state or local laws or regulations relating to the lodging establishment; or
5. Violations of any rule of the lodging establishment which is posted in a conspicuous place and manner in the lodging establishment, however, no such rule may authorize the innkeeper to eject or to refuse or deny service or accommodations to a person because of race, creed, color, national origin, sex, disability or marital status.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 510 of Title 15, unless there is created a duplication in numbering, reads as follows:

The innkeeper shall post a copy of the Oklahoma Innkeeper Rights Act together with all rules of the lodging establishment in a conspicuous place at or near the guest registration desk and on the inside of the entrance door of any guest room.

SECTION 8. This act shall become effective September 1, 1994.

44-2-8474

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