

SHORT TITLE: Inns and boarding houses; providing for certain innkeeper's rights; providing certain criminal and civil penalties; codification; effective date.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 278

By: Fisher

AS INTRODUCED

An Act relating to inns and boarding houses;

providing for innkeeper's right to refuse services to certain persons; granting innkeeper immunity from liability for refusal of services; declaring certain conduct on certain premises to be misdemeanors; providing criminal penalties; providing civil penalties; requiring innkeeper to keep certain register; providing for innkeeper's ejection of certain persons from premises; defining terms; requiring innkeeper to post certain statutes and rules in certain locations; 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:

A. An innkeeper shall have the right to 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 shall have the right to require the prospective guest to

demonstrate his ability to pay by cash, valid credit card or a valid check. The innkeeper may require a parent of a minor to:

- a. 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. 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
- c. 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) 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 charges or 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, but not limited to, the unlawful possession or use of controlled substances or for the consumption of alcoholic beverages by any person under the age of twenty-one (21) years in violation of any statute, ordinance or rule;

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

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

B. 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 such refusal or denial, except that accommodations, facilities or privileges of a lodging establishment shall not be refused or denied based upon the person's race, creed, color or national origin, sex, disability or marital status.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 504a of Title 15, unless there is created a duplication in numbering, reads as follows:

A. No person shall commit any of the following acts on the premises or property of a lodging establishment:

1. Use or possess a controlled substance in violation of any statute, ordinance or rule;

2. Consume or possess intoxicating or nonintoxicating alcoholic beverage in violation of any statute, ordinance or rule; or

3. Commit an act resulting in damage to a lodging establishment room or its furnishings.

B. Any person who commits one or more of the acts specified in paragraph A of this section 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 the room to be used by another person to do one or more of the specified acts, is guilty of a misdemeanor, punishable by imprisonment in county jail for not more than 1 year, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

C. 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 or the person causing such damage to:

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

2. Pay damages or restitution to any other person who is injured or whose property is damaged. In the case of a minor, the parents of the minor 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 or property.

D. 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 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 504b 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 hotel guests. Every guest shall register, and the registering guest may be required by the innkeeper to produce a valid drivers 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 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 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 4.

NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 504c 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 lodging establishment's charges 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, 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 rule;

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 6 of this act; provided, however, that 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, or national origin, sex, disability or marital status.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 504d of Title 15, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Lodging establishment" is defined to mean any of the following:

- a. a hotel,
- b. a motel,
- c. a resort, or
- d. a bed and breakfast establishment;

2. "Innkeeper" is defined to mean the owner, operator, manager or keeper of a lodging establishment;

3. "Minor" is defined to mean an unemancipated person under the age of eighteen (18) years;

4. "Alcoholic beverages" has the meaning given in Section 163.1 of Title 37 of the Oklahoma Statutes; and

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

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 504e of Title 15, unless there is created a duplication in numbering, reads as follows:

The innkeeper shall post a copy of Sections 1 through 6, 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 7. This act shall become effective September 1, 1993.

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