

No. 1996-131

AN ACT

HB 2024

Establishing grounds upon which innkeepers may deny accommodations, facilities or privileges of a lodging establishment to any person who is unable or unwilling to pay for accommodations and services, to any person who is disorderly, to any person who an innkeeper reasonably believes is seeking accommodations for any unlawful purpose and to any person who an innkeeper reasonably believes is bringing upon the lodging establishment property which may be dangerous to other persons; allowing an innkeeper to limit the number of persons who shall occupy any particular guest room of a lodging establishment; providing for the posting of notice relative to this statute; and providing for penalties.

The purpose of this legislation is to enable innkeepers to deny, without liability, accommodations, facilities or privileges of a lodging establishment to persons for reasons of public health and safety or to persons who do not demonstrate the financial ability to pay for the accommodations and services of the lodging establishment and to preclude the innkeeper from being held liable or in violation of any of the laws of this Commonwealth in the event of denial of accommodations, facilities or privileges for such reasons.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Pennsylvania Innkeepers' Rights Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Alcoholic beverages." "Alcohol," as defined in the act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code.

"Controlled substance." As defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

"Disorderly." A person is disorderly if, with intent to cause public inconvenience, annoyance or alarm or recklessly creating a risk thereof, the person:

- (1) engages in fighting or threatening or in violent or tumultuous behavior;
- (2) makes unreasonable noise;
- (3) uses obscene language or makes an obscene gesture; or
- (4) creates a hazard or physically offensive condition by any act which serves no legitimate purpose of the actor.

“Innkeeper.” The owner, operator, management or keeper of a lodging establishment.

“Lodging establishment.” A hotel, motel, inn, resort, guest house, bed and breakfast establishment, regardless of size, or other building which holds itself out by any means, including advertising, license, registration with an innkeepers’ group, convention listing association, travel publication or similar association or with a government agency, as being available to provide overnight lodging or use of facility space, such as space for food and beverage service or meeting rooms, for consideration to persons seeking temporary accommodation. The term includes a place which advertises to the public at large or a segment of the public that it will provide beds, sanitary facilities or other space for a temporary period to members of the public at large. The term also includes a place recognized as a hostelry, provided that portions of the facility which are devoted to persons who have established permanent residence shall not be included in this definition. The term does not include “time-share” arrangements.

“Minor.” An unemancipated person under 18 years of age.

“Person.” Any individual, corporation, association, partnership, joint stock company, business trust, syndicate, joint ventureship or other combination or group of individuals.

“Temporary.” Occupancy or the right to occupancy of any lodging establishment for less than 30 days or on a day-to-day basis if for more than 30 days.

Section 3. Innkeepers’ rights.

(a) Refusal of accommodations.—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 that prospective guests demonstrate their ability to pay by cash, valid credit card or a certified or cashier’s check. When a minor is unaccompanied by the parent or legal guardian of that minor, the innkeeper may require the minor’s parent or legal guardian:

(i) to accept in writing liability for the guest room cost, taxes, all charges by the minor and any damages in excess of normal wear and tear to the guest room or its furnishings caused by the minor while a guest at the lodging establishment; such damages shall be calculated at the cost of labor and materials for repair by the lodging establishment;

(ii) to provide the innkeeper with a valid credit card number and authorization to cover the guest room cost, taxes, charges by the minor and any damages to the guest room or its furnishings caused by the minor; or

(iii) if a credit card authorization is not provided, the innkeeper may require:

(A) an advanced cash payment to cover the guest room cost and taxes for all room nights reserved for the minor; and

(B) a cash damage deposit in an amount not to exceed the cost of one night's guest room accommodations, including taxes, for payment of any additional charges by the minor or for any damages to the guest room or its furniture or furnishings. The innkeeper shall refund the cash deposit to the extent that it is not used to cover any reasonable charges or damages, as determined by the innkeeper following room inspection at checkout.

(2) Any person who is disorderly.

(3) Any person who the innkeeper reasonably believes is seeking accommodations for any unlawful purpose, including the unlawful possession or use of a controlled substance by such person or the use of the premises for the consumption of alcoholic beverages by any person under 21 years of age.

(4) Any person who the innkeeper reasonably believes is bringing into the lodging establishment property which may be dangerous to other persons, such as explosives or illegal firearms.

(5) Any person who exceeds the maximum number of persons allowed to occupy any particular guest room in the lodging establishment, as posted by the lodging establishment.

(b) Civil liability.—The innkeeper so refusing or denying such accommodations, facilities or privileges of a lodging establishment for any of the reasons specified in subsection (a) shall not be liable in any civil action or for any fine or penalty based on such refusal or denial, except that such accommodations, facilities or privileges of a lodging establishment shall not be refused or denied based upon the factors set forth in section 3 of the act of October 27, 1955 (P.L.744, No.222), known as the Pennsylvania Human Relations Act.

Section 4. Penalties.

(a) Restitution and damages permitted.—In addition to any penalties provided by any other statute, a court may order a person to:

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

(2) Pay damages or restitution to any person who is injured in person or property.

(b) Minor.—In the case of a minor, the parents or guardians of the minor shall be liable for acts of the minor which cause damages to the lodging establishment room or furnishings or cause injury to persons or property.

(c) Other violations.—This section shall not prohibit the prosecution of any person for any other violation of law which occurred on the property of the lodging establishment.

Section 5. Guest register requirement.

(a) Register.—The innkeeper of a lodging establishment shall maintain for a period of three years a guest register which shows the name, residence, date of arrival and departure of guests of the lodging establishment.

(b) Verification of identity.—Every guest shall register, and the registering guest may be required by the innkeeper to produce a valid driver's license or other identification, satisfactory to the innkeeper, containing a photograph of the guest and setting forth the name and residence address of the guest. If the guest is a minor, the innkeeper may also require a parent of such guest to register, accepting in writing liability for the guest room cost, 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.

(c) Maintenance of register.—The guest register will be deemed "maintained" within the meaning of this section when maintained in its original form or when reproduced on any photographic, photostatic, microfilm, microcard, miniature photographic or other process which actually reproduces the original record.

Section 6. Right to eject from premises.

An innkeeper may eject immediately a person from the lodging establishment premises for violating any provisions of this act which is posted in a conspicuous place and manner in the lodging establishment in accordance with section 7.

Section 7. Posting notice to guests.

This act shall not apply to an innkeeper unless the innkeeper posts a copy of this act at or near the guest registration desk.

Section 8. Effective date.

This act shall take effect in 60 days.

APPROVED—The 30th day of October, A.D. 1996.

THOMAS J. RIDGE