

SENATE BILL 251

Unofficial Copy
C2

2002 Regular Session
(2r1438)

ENROLLED BILL
-- Finance/Economic Matters --

Introduced by **Senators Baker and Hooper**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Business Regulation - Lodging Establishments - Rights and Responsibilities**
3 **of Innkeepers**

4 FOR the purpose of authorizing an innkeeper to refuse lodging or services to or
5 remove from a lodging establishment an individual who is unwilling or unable
6 to pay for lodging or services, is under the influence of alcohol or drugs, is
7 disorderly, destroys or damages property of the lodging establishment or its
8 guests, is reasonably suspected of using the lodging establishment for the
9 possession or use of a controlled dangerous substance, is reasonably suspected of
10 using the lodging establishment for the consumption of alcohol by an individual
11 under the legal age, is reasonably suspected of possessing certain dangerous
12 items, or refuses to abide by certain rules of the lodging establishment;
13 requiring the innkeeper to provide a certain notice and refund certain payments
14 when removing an individual from a lodging establishment; establishing the
15 actions an innkeeper may take when removing an individual from a lodging
16 establishment; authorizing an innkeeper to require that a prospective guest
17 register, provide certain identification, and demonstrate an ability to pay for

1 lodging; authorizing an innkeeper to limit the number of individuals who may
 2 occupy a room at a lodging establishment; authorizing an innkeeper to require
 3 the parent or guardian of a guest who is a minor to accept liability for the
 4 minor's lodging costs and any damages the minor causes and make an advance
 5 deposit up to a certain amount; ~~authorizing an innkeeper to require certain~~
 6 ~~individuals to make an advance deposit up to a certain amount;~~ requiring an
 7 innkeeper to post certain information; ~~providing an innkeeper with immunity~~
 8 ~~from criminal and civil prosecution under certain circumstances;~~ specifying that
 9 this Act does not alter a certain prohibition against discrimination; defining
 10 certain terms; and generally relating to the rights and responsibilities of
 11 innkeepers and lodging establishments.

12 BY repealing and reenacting, with amendments,
 13 Article - Business Regulation
 14 Section 15-101 and 15-102 to be under the amended title "Title 15. Lodging
 15 Establishments" and the new subtitle "Subtitle 1. Hotel Liability for
 16 Valuables"
 17 Annotated Code of Maryland
 18 (2000 Replacement Volume and 2001 Supplement)

19 BY adding to
 20 Article - Business Regulation
 21 Section 15-201 through ~~15-207~~ 15-206, inclusive, to be under the new subtitle
 22 "Subtitle 2. Rights and Responsibilities of Innkeepers"
 23 Annotated Code of Maryland
 24 (2000 Replacement Volume and 2001 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article - Business Regulation**

28 Title 15. [Hotels] LODGING ESTABLISHMENTS.

29 SUBTITLE 1. HOTEL LIABILITY FOR VALUABLES.

30 15-101.

31 In this [title] SUBTITLE, "valuable" means money, jewelry, securities, or plate.

32 15-102.

33 Except for § 15-105 of this [title] SUBTITLE, this [title] SUBTITLE applies only
 34 to those hotels that display in each guest room a notice of the provisions of this [title]
 35 SUBTITLE.

1 SUBTITLE 2. RIGHTS AND RESPONSIBILITIES OF INNKEEPERS.

2 15-201.

3 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED.

5 (B) "INNKEEPER" MEANS THE OWNER, OPERATOR, MANAGER, OR KEEPER OF A
6 LODGING ESTABLISHMENT, OR THE AGENT OF AN OWNER, OPERATOR, MANAGER, OR
7 KEEPER OF A LODGING ESTABLISHMENT.

8 (C) "LODGING ESTABLISHMENT" MEANS AN INN, HOTEL, MOTEL, OR OTHER
9 ESTABLISHMENT THAT HAS AT LEAST ~~SIX~~ FOUR ROOMS AVAILABLE FOR A FEE TO
10 TRANSIENT GUESTS FOR LODGING OR SLEEPING PURPOSES.

11 15-202.

12 EXCEPT AS PROVIDED IN THIS SUBTITLE FOR AN INDIVIDUAL WHO IS UNDER
13 THE AGE OF ~~18~~ 21 YEARS, THIS SUBTITLE MAY NOT BE CONSTRUED TO ALTER THE
14 PROHIBITION AGAINST DISCRIMINATION BY AN INNKEEPER OR LODGING
15 ESTABLISHMENT ESTABLISHED UNDER ARTICLE 49B, § 5 OF THE CODE.

16 15-203.

17 (A) AN INNKEEPER MAY REFUSE TO PROVIDE LODGING OR SERVICES TO OR
18 MAY REMOVE FROM A LODGING ESTABLISHMENT AN INDIVIDUAL WHO:

19 (1) REFUSES TO PAY OR IS UNABLE TO PAY FOR LODGING OR SERVICES;

20 (2) WHILE ON THE PREMISES OF THE LODGING ESTABLISHMENT IS
21 UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR OTHER INTOXICATING SUBSTANCE
22 SO AS TO CREATE A PUBLIC NUISANCE;

23 (3) WHILE ON THE PREMISES IS DISORDERLY SO AS TO CREATE A
24 PUBLIC NUISANCE;

25 (4) DESTROYS, DAMAGES, OR DEFACES PROPERTY OF THE LODGING
26 ESTABLISHMENT OR ITS GUESTS, OR THREATENS TO DO SO;

27 (5) THE INNKEEPER REASONABLY BELIEVES IS USING THE LODGING
28 ESTABLISHMENT FOR THE UNLAWFUL POSSESSION OR USE OF A CONTROLLED
29 DANGEROUS SUBSTANCE IN VIOLATION OF TITLE 5 OF THE CRIMINAL LAW ARTICLE
30 OR FOR THE CONSUMPTION OF ALCOHOL BY AN INDIVIDUAL UNDER THE AGE OF 21
31 YEARS IN VIOLATION OF ARTICLE 2B, § 12-108 OF THE CODE;

32 (6) THE INNKEEPER REASONABLY BELIEVES POSSESSES PROPERTY
33 THAT MAY BE DANGEROUS TO OTHER INDIVIDUALS, SUCH AS FIREARMS OR
34 EXPLOSIVES; OR

35 (7) REFUSES TO ABIDE BY ANY CONSPICUOUSLY POSTED RULE OR
36 POLICY OF THE LODGING ESTABLISHMENT.

1 (B) (1) IF AN INNKEEPER SEEKS TO REMOVE AN INDIVIDUAL FROM A
2 LODGING ESTABLISHMENT AS PROVIDED UNDER THIS SECTION, THE INNKEEPER
3 SHALL:

4 (I) NOTIFY THE INDIVIDUAL, EITHER ORALLY OR IN WRITING,
5 THAT THE LODGING ESTABLISHMENT REFUSES TO PROVIDE FURTHER LODGING OR
6 SERVICES TO THE INDIVIDUAL AND THAT THE INDIVIDUAL SHOULD IMMEDIATELY
7 LEAVE THE LODGING ESTABLISHMENT; AND

8 (II) IF THE INDIVIDUAL HAS PAID FOR LODGING OR SERVICES IN
9 ADVANCE, REFUND ANY UNUSED PORTION OF THE ADVANCE PAYMENT, BUT THE
10 LODGING ESTABLISHMENT MAY WITHHOLD PAYMENT FOR A FULL DAY'S LODGING IF
11 THE INDIVIDUAL WAS LODGED FOR A PORTION OF A DAY.

12 (2) IF AN INDIVIDUAL ATTEMPTS TO REMAIN IN A LODGING
13 ESTABLISHMENT AFTER HAVING BEEN REQUESTED TO LEAVE UNDER THE
14 PROVISIONS OF THIS SECTION, AN INNKEEPER MAY:

15 (I) IF THE INDIVIDUAL IS A GUEST, LOCK THE DOOR OF THE
16 INDIVIDUAL'S ROOM;

17 (II) REMOVE THE INDIVIDUAL'S BAGGAGE AND OTHER PERSONAL
18 PROPERTY; AND

19 (III) USING NO MORE FORCE THAN NECESSARY, EJECT THE
20 INDIVIDUAL FROM THE LODGING ESTABLISHMENT;

21 ~~(IV) COMMAND EMPLOYEES OF THE LODGING ESTABLISHMENT TO
22 ASSIST IN THE EJECTION OF THE INDIVIDUAL; AND~~

23 ~~(V) IF THE INDIVIDUAL IS VIOLATING THE LAW, DETAIN THE
24 INDIVIDUAL UNTIL THE ARRIVAL OF LAW ENFORCEMENT AUTHORITIES.~~

25 15-204.

26 (A) AN INNKEEPER MAY REQUIRE A PROSPECTIVE GUEST TO DEMONSTRATE
27 AN ABILITY TO PAY BY CASH OR VALID CREDIT CARD.

28 (B) AN INNKEEPER MAY REQUIRE EACH GUEST AT A LODGING
29 ESTABLISHMENT TO REGISTER AND MAY REQUIRE THE GUEST TO PRODUCE:

30 ~~(1) A VALID DRIVER'S LICENSE OR OTHER IDENTIFICATION
31 SATISFACTORY TO THE INNKEEPER;~~

32 ~~(2) A VALID MILITARY IDENTIFICATION CARD;~~

33 ~~(3) A VALID PASSPORT; OR~~

34 ~~(4) ANY VALID GOVERNMENT ISSUED IDENTIFICATION CARD.~~

1 (C) AN INNKEEPER MAY LIMIT THE NUMBER OF INDIVIDUALS WHO MAY
2 OCCUPY A PARTICULAR GUEST ROOM IN A LODGING ESTABLISHMENT.

3 15-205.

4 (A) FOR AN INDIVIDUAL WHO IS UNDER THE AGE OF 18 YEARS, AN INNKEEPER
5 MAY REQUIRE A PARENT OR GUARDIAN OF THE INDIVIDUAL TO:

6 (1) ACCEPT LIABILITY FOR THE CHARGES FOR THE INDIVIDUAL'S
7 LODGING AND ANY DAMAGES TO THE LODGING ESTABLISHMENT CAUSED BY THE
8 INDIVIDUAL; AND

9 (2) PROVIDE A VALID CREDIT CARD OR MAKE AN ADVANCE CASH
10 DAMAGE DEPOSIT OF NOT MORE THAN \$500 TO COVER ANY CHARGES INCURRED OR
11 DAMAGES CAUSED BY THE INDIVIDUAL.

12 ~~(B) FOR AN INDIVIDUAL WHO IS BETWEEN THE AGES OF 18 AND 21 AT LEAST~~
13 ~~18 BUT NOT OLDER THAN 21 YEARS OLD, AN INNKEEPER MAY REQUIRE THAT THE~~
14 ~~INDIVIDUAL PROVIDE A VALID CREDIT CARD OR MAKE AN ADVANCE CASH DAMAGE~~
15 ~~DEPOSIT OF NOT MORE THAN \$500 TO COVER ANY CHARGES INCURRED OR DAMAGES~~
16 ~~CAUSED BY THE INDIVIDUAL.~~

17 ~~(B)~~ ~~(C)~~ IF AN INNKEEPER REQUIRES AN ADVANCE DEPOSIT UNDER
18 ~~SUBSECTION (A) SUBSECTIONS (A) AND (B) SUBSECTION (A)~~ OF THIS SECTION, THE
19 INNKEEPER SHALL, FOLLOWING A ROOM INSPECTION AT THE TIME OF CHECKOUT,
20 REFUND ANY AMOUNT OF THE DEPOSIT NOT NEEDED TO COVER REASONABLE
21 CHARGES FOR DAMAGES.

22 15-206.

23 AN INNKEEPER SHALL POST A COPY OF THIS SUBTITLE, TOGETHER WITH ALL
24 RULES OF THE LODGING ESTABLISHMENT, IN A CONSPICUOUS PLACE AT OR NEAR
25 THE GUEST REGISTRATION DESK AND IN EACH GUEST ROOM.

26 ~~15-207.~~

27 ~~EXCEPT AS PROVIDED UNDER § 15 202 OF THIS SUBTITLE, AN INNKEEPER WHO~~
28 ~~REFUSES TO PROVIDE LODGING OR SERVICES TO AN INDIVIDUAL OR REMOVES AN~~
29 ~~INDIVIDUAL FROM A LODGING ESTABLISHMENT UNDER THE PROVISIONS OF THIS~~
30 ~~SUBTITLE MAY NOT BE HELD LIABLE IN ANY CIVIL OR CRIMINAL ACTION BASED~~
31 ~~UPON THE REFUSAL OR REMOVAL.~~

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2002.

