

SENATE BILL 251

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2002 Regular Session
2r1438
CF 2r0897

By: **Senators Baker and Hooper**
Introduced and read first time: January 22, 2002
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: February 12, 2002

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
18 lodging; authorizing an innkeeper to limit the number of individuals who may
19 occupy a room at a lodging establishment; authorizing an innkeeper to require
20 the parent or guardian of a guest who is a minor to accept liability for the
21 minor's lodging costs and any damages the minor causes and make an advance
22 deposit up to a certain amount; authorizing an innkeeper to require certain
23 individuals to make an advance deposit up to a certain amount; requiring an
24 innkeeper to post certain information; providing an innkeeper with immunity
25 from criminal and civil prosecution under certain circumstances; specifying that
26 this Act does not alter a certain prohibition against discrimination; defining
27 certain terms; and generally relating to the rights and responsibilities of
28 innkeepers and lodging establishments.

1 BY repealing and reenacting, with amendments,
2 Article - Business Regulation
3 Section 15-101 and 15-102 to be under the amended title "Title 15. Lodging
4 Establishments" and the new subtitle "Subtitle 1. Hotel Liability for
5 Valuables"
6 Annotated Code of Maryland
7 (2000 Replacement Volume and 2001 Supplement)

8 BY adding to
9 Article - Business Regulation
10 Section 15-201 through 15-207, inclusive, to be under the new subtitle "Subtitle
11 2. Rights and Responsibilities of Innkeepers"
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2001 Supplement)

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

16 **Article - Business Regulation**

17 Title 15. [Hotels] LODGING ESTABLISHMENTS.

18 SUBTITLE 1. HOTEL LIABILITY FOR VALUABLES.

19 15-101.

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

21 15-102.

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

25 SUBTITLE 2. RIGHTS AND RESPONSIBILITIES OF INNKEEPERS.

26 15-201.

27 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
28 INDICATED.

29 (B) "INNKEEPER" MEANS THE OWNER, OPERATOR, MANAGER, OR KEEPER OF A
30 LODGING ESTABLISHMENT, OR THE AGENT OF AN OWNER, OPERATOR, MANAGER, OR
31 KEEPER OF A LODGING ESTABLISHMENT.

32 (C) "LODGING ESTABLISHMENT" MEANS AN INN, HOTEL, MOTEL, OR OTHER
33 ESTABLISHMENT THAT HAS AT LEAST SIX ROOMS AVAILABLE FOR A FEE TO
34 TRANSIENT GUESTS FOR LODGING OR SLEEPING PURPOSES.

1 15-202.

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

6 15-203.

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

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

10 (2) WHILE ON THE PREMISES OF THE LODGING ESTABLISHMENT IS
11 UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR OTHER INTOXICATING
12 SUBSTANCE;

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

15 (4) DESTROYS, DAMAGES, OR DEFACTES PROPERTY OF THE LODGING
16 ESTABLISHMENT OR ITS GUESTS, OR THREATENS TO DO SO;

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

22 (6) THE INNKEEPER REASONABLY BELIEVES POSSESSES PROPERTY
23 THAT MAY BE DANGEROUS TO OTHER INDIVIDUALS, SUCH AS FIREARMS OR
24 EXPLOSIVES; OR

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

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

30 (I) NOTIFY THE INDIVIDUAL, EITHER ORALLY OR IN WRITING,
31 THAT THE LODGING ESTABLISHMENT REFUSES TO PROVIDE FURTHER LODGING OR
32 SERVICES TO THE INDIVIDUAL AND THAT THE INDIVIDUAL SHOULD IMMEDIATELY
33 LEAVE THE LODGING ESTABLISHMENT; AND

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

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

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

6 (II) REMOVE THE INDIVIDUAL'S BAGGAGE AND OTHER PERSONAL
7 PROPERTY;

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

10 (IV) COMMAND EMPLOYEES OF THE LODGING ESTABLISHMENT TO
11 ASSIST IN THE EJECTION OF THE INDIVIDUAL; AND

12 (V) IF THE INDIVIDUAL IS VIOLATING THE LAW, DETAIN THE
13 INDIVIDUAL UNTIL THE ARRIVAL OF LAW ENFORCEMENT AUTHORITIES.

14 15-204.

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

17 (B) AN INNKEEPER MAY REQUIRE EACH GUEST AT A LODGING
18 ESTABLISHMENT TO REGISTER AND MAY REQUIRE THE GUEST TO PRODUCE A VALID
19 DRIVER'S LICENSE OR OTHER IDENTIFICATION SATISFACTORY TO THE INNKEEPER.

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

22 15-205.

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

25 (1) ACCEPT LIABILITY FOR THE CHARGES FOR THE INDIVIDUAL'S
26 LODGING AND ANY DAMAGES TO THE LODGING ESTABLISHMENT CAUSED BY THE
27 INDIVIDUAL; AND

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

31 (B) FOR AN INDIVIDUAL WHO IS BETWEEN THE AGES OF 18 AND 21, AN
32 INNKEEPER MAY REQUIRE THAT THE INDIVIDUAL PROVIDE A VALID CREDIT CARD
33 OR MAKE AN ADVANCE CASH DAMAGE DEPOSIT OF NOT MORE THAN \$500 TO COVER
34 ANY CHARGES INCURRED OR DAMAGES CAUSED BY THE INDIVIDUAL.

35 ~~(B)~~ (C) IF AN INNKEEPER REQUIRES AN ADVANCE DEPOSIT UNDER
36 ~~SUBSECTION (A)~~ SUBSECTIONS (A) AND (B) OF THIS SECTION, THE INNKEEPER SHALL,

1 FOLLOWING A ROOM INSPECTION AT THE TIME OF CHECKOUT, REFUND ANY
2 AMOUNT OF THE DEPOSIT NOT NEEDED TO COVER REASONABLE CHARGES FOR
3 DAMAGES.

4 15-206.

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

8 15-207.

9 EXCEPT AS PROVIDED UNDER § 15-202 OF THIS SUBTITLE, AN INNKEEPER WHO
10 REFUSES TO PROVIDE LODGING OR SERVICES TO AN INDIVIDUAL OR REMOVES AN
11 INDIVIDUAL FROM A LODGING ESTABLISHMENT UNDER THE PROVISIONS OF THIS
12 SUBTITLE MAY NOT BE HELD LIABLE IN ANY CIVIL OR CRIMINAL ACTION BASED
13 UPON THE REFUSAL OR REMOVAL.

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