

Department of Legislative Services

Maryland General Assembly

2002 Session

FISCAL NOTE

Revised

Senate Bill 251

(Senators Baker and Hooper)

Finance

Economic Matters

Business Regulation - Lodging Establishments - Rights and Responsibilities of Innkeepers

This bill authorizes an innkeeper or lodging establishment to: (1) refuse service to an individual under specified conditions; and (2) require the parent or guardian of an individual under age 18 to accept responsibility for the individual's charges while at the establishment.

Fiscal Summary

State Effect: The bill's changes could be handled with existing budgeted resources.

Local Effect: None.

Small Business Effect: Minimal.

Analysis

Bill Summary: The bill authorizes an innkeeper to refuse to provide lodging or services to or remove from a lodging establishment an individual who: (1) refuses or is unable to pay; (2) is intoxicated or disorderly while on the premises of the establishment so as to create a public nuisance; (3) destroys, damages, or defaces property of the establishment or its guests, or threatens to do so; (4) the innkeeper reasonably believes: (a) is using the premises for the unlawful possession or use of a controlled dangerous substance; (b) is using the premises for the consumption of alcohol by an individual under age 21; or (c) possesses property, such as firearms, that may be dangerous to others; or (5) refuses to abide by any conspicuously posted rule or policy.

If an innkeeper seeks to remove an individual for any of the above stated reasons, the innkeeper must: (1) notify the individual that: (a) the establishment will not provide further lodging or services; and (b) the individual should leave the establishment immediately; and (2) refund any unused portion of an advance payment if an individual has paid in advance. The establishment may withhold payment for a full day's lodging if the individual was lodged for a portion of the day. If an individual attempts to remain after having been requested to leave, an innkeeper may lock the door of the individual's room, remove the individual's baggage and other property, and eject the individual with necessary force.

For individuals who are under age 18, the bill authorizes an innkeeper to require a parent or guardian to: (1) accept liability for lodging and any damages; and (2) provide a valid credit card or make an advance cash deposit of up to \$5,000 to cover any charges incurred or damages caused by the individual. The innkeeper must refund any unused portion of the advance deposit.

The bill requires innkeepers to post a copy of the bill's provisions, together with all rules of the establishment, in a place at or near the guest registration desk and in each guest room. The bill may not be construed to alter the prohibition against discrimination applicable to innkeepers and lodging establishments.

Current Law: It is unlawful for an owner or operator of a place of public accommodation, or an agent or employee of the owner or operator to refuse, withhold from, or deny any of the accommodations, advantages, facilities, and privileges of the accommodation to an individual because of the race, creed, sex, age, color, national origin, marital status, sexual orientation, or disability of any person.

Additional Information

Prior Introductions: Similar bills were introduced in the 1994 session, HB 1652, and the 1995 session, HB 1255. Both received an unfavorable report from the House Economic Matters Committee.

Cross File: HB 308 (Delegate Doory, *et al.*) – Economic Matters.

Information Source(s): Human Relations Commission, Office of the Attorney General (Consumer Protection Division), Department of Legislative Services

Fiscal Note History: First Reader - February 5, 2002
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