

SECOND REGULAR SESSION

[PERFECTED]

# SENATE BILL NO. 1243

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY SENATOR JOHNSON.

Read 1st time February 28, 2002, and 1,000 copies ordered printed.

Read 2nd time March 5, 2002, and referred to the Committee on Commerce and Environment.

Reported from the Committee March 12, 2002, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 20, 2002. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

4940S.01P

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### AN ACT

To repeal sections 419.010, 419.020, 419.030 and 419.040, RSMo, relating to lodging establishments, and to enact in lieu thereof four new sections relating to the same subject.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 419.010, 419.020, 419.030 and 419.040, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 419.010, 419.020, 419.030 and 419.040, to read as follows:

419.010. **1. As used in this chapter, the term "lodging establishment" shall be any building, group of buildings, structure, facility, place, or places of business where five or more guest rooms are provided, which is owned, maintained, or operated by any person and which is kept, used, maintained, advertised or held out to the public for hire which can be construed to be a hotel, motel, motor hotel, apartment hotel, tourist court, resort, cabins, tourist home, bunkhouse, dormitory, or other similar place by whatever name called,**

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**and includes all such accommodations operated for hire as lodging establishments for either transient guests, permanent guests, or for both transient and permanent guests.**

**2.** No [hotel or innkeeper] **lodging establishment** in this state is liable for the loss of any money, jewelry, wearing apparel, baggage or other property of a guest in a total sum greater than two hundred dollars, unless the [hotel keeper or innkeeper] **lodging establishment** by an agreement in writing individually, or by the authorized agent or clerk in charge of the office of the [hotel or inn] **lodging establishment**, voluntarily assumes a greater liability with reference to such property. As regards money, jewelry or baggage, [an hotel keeper or innkeeper] **a lodging establishment** is not liable in any event for the loss thereof or damage thereto, unless the same was actually delivered by the guest to him or his authorized agent, or clerk, in the office of the [hotel or inn] **lodging establishment**, and the receipt thereof acknowledged by the delivery to the guest of a claim check of the [hotel keeper or innkeeper] **lodging establishment**, unless the loss or damage occurs through the willful negligence or wrongdoing of the [hotel keeper or innkeeper] **lodging establishment**, his servants or employees. This section shall be posted in [the office of every hotel and inn] **a conspicuous manner at the guest registration desk** and in every guest room thereof, and unless so posted the same does not apply in the case of [hotel keepers or innkeepers] **a lodging establishment** failing to post same.

419.020. No [innkeeper] **lodging establishment** in this state, [who] **which** shall constantly have [in his inn an iron] **a safe**, in good order, and suitable for the safe custody of money, jewelry and articles of gold and silver manufacture, and of the like, and [who] **which** shall keep a copy of sections 419.020 and 419.030 printed [by itself,] in large plain English type, [and framed,] constantly and conspicuously suspended [in the office, barroom, saloon, reading, sitting and parlor room of his inn, and also a copy printed by itself, in ordinary sized plain English type, posted upon the inside of the entrance door of every public sleeping room of his inn] **at the guest registration desk and in every guest room of the lodging establishment**, shall be liable for the loss of any such articles aforesaid, suffered by any guest, unless such guest shall have first offered to deliver such property lost by him **or her** to such [innkeeper] **lodging establishment**, for custody in such [iron] safe, and such [innkeeper] **lodging establishment** shall have refused or omitted to take it and deposit it in such safe for its custody and to give such guest a receipt therefor.

419.030. No [innkeeper] **lodging establishment** in this state shall be liable for the loss of any baggage or other property of a guest, caused by fire not intentionally produced by the [innkeeper] **lodging establishment** or [his] **its** servants, nor shall he

be liable for the loss of any merchandise for sale or sample belonging to a guest, unless the guest shall have given written notice of having such merchandise for sale or sample in his possession after entering the **[inn] lodging establishment**, nor shall the **[innkeeper] lodging establishment** be compelled to receive such guest with merchandise for sale or sample; but **[innkeepers] lodging establishment** shall be liable for the losses of their guests, caused by the theft of such **[innkeeper] lodging establishment** or **[his] its** servants, anything herein to the contrary notwithstanding.

419.040. It shall be the duty of every **[hotel keeper] lodging establishment** in this state to post a written or printed copy of the rates charged for **[board and lodging by such hotel] each guest room**, in each **guest** room and **[office or lobby of such hotel or boarding house]**; provided, that where a different rate is charged for different rooms in such **[hotel] lodging establishment** the rate posted in each room shall be the rate which shall apply to such room; and provided further, that this law shall not apply to **[hotels] lodging establishments** which do not have more than ten **[boarders or roomers or] guests** on an average each day.

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