

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 526**  
**89TH GENERAL ASSEMBLY**

Reported from the Committee on Tourism, Recreation & Cultural Affairs, April 15, 1998, with recommendation that the House Committee Substitute for Senate Bill No. 526 Do Pass by Consent.  
ANNE C. WALKER, Chief Clerk  
L2542.02C

**AN ACT**

To repeal section 315.037, RSMo 1994, relating to lodging establishments, and to enact in lieu thereof six new sections relating to the same subject

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

Section A. Section 315.037, RSMo 1994, is repealed and six new sections enacted in lieu thereof, to be known as sections 315.037, 315.067, 315.069, 315.075, 315.077 and 315.079, to read as follows:

315.037. The department director shall inspect or cause to be inspected as often as shall be deemed necessary but at least annually every lodging establishment in the state to implement the provisions of sections 315.005 to 315.065. **Seasonal resorts located in counties of the third classification shall be inspected by August first of each year.** For this purpose, the department shall have the right to entry and access thereto at all reasonable times and no order of court shall be necessary therefor.

**315.067. 1. For purposes of sections 315.067 to 315.079, "hotel" shall have the same meaning as lodging establishment as defined in section 315.005.**

**2. A person operating a hotel, including all lodging establishments defined in section 315.005, may refuse or deny the use of a room, accommodations, facilities or other privileges of the hotel to any of the following:**

**(1) An individual who is unwilling or unable to pay for the room, accommodations, facilities, or other privileges of the hotel;**

**(2) An individual who is visibly intoxicated, under the influence of alcohol or other drug, and is disorderly so as to create a public nuisance;**

**(3) An individual who the hotel operator reasonably believes is seeking to use a room, accommodations, facilities or other privileges of the hotel for an unlawful purpose;**

**(4) An individual who the hotel operator reasonably believes is bringing in anything which may create an unreasonable danger or risk to other persons, including but not limited to explosives or the unlawful use of firearms;**

**(5) An individual whose use of the room, accommodations, facilities or other privileges of the hotel would result in a violation of the maximum capacity of such hotel.**

**2. A hotel operator who reasonably refuses or denies the use of a room, accommodations, facilities or other privileges of the hotel pursuant to this section shall not be subject to any civil or criminal action or any fine or other penalty.**

**315.069. The hotel operator may require a person seeking the use of a room,**

accommodations, facilities or other privileges of the hotel to demonstrate his or her ability to pay for such use by cash, credit card or approved check. The hotel operator may require the parent or guardian of a person under the age of eighteen to:

(1) Accept in writing the liability for the cost of the room, accommodations, facilities or other privileges of the hotel used by the person, and the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room, accommodations, facilities or other privileges of the hotel;

(2) Provide the hotel operator with one of the following:

(a) The authority to charge the amount due for the cost of the room, accommodations, facilities or other privileges of the hotel used by the person, and the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room, accommodations, facilities or other privileges of the hotel to a credit card used by a person under the age of eighteen. The granting of such authority shall be deemed a waiver of any defense based upon the age of such person which may be raised by the minor or the person authorizing the use of the credit card; or

(b) An advance cash payment sufficient to cover the cost of the room, accommodations, facilities or other privileges of the hotel used by the person, and a reasonable amount as a deposit toward the cost of any damages to the room, furnishings in the room or other facilities of the hotel caused by the person while using the room, accommodations, facilities or other privileges of the hotel. A cash deposit for any damages required by the hotel operator shall be promptly refunded to the extent not used to cover the cost of any such damages as determined by the hotel operator following an inspection of the room, accommodations or facilities of the hotel used by the person at the end of his or her stay.

**315.075.** An owner or operator of a hotel may eject a person from the hotel and notify the appropriate local law enforcement authorities for any of the following reasons:

(1) Nonpayment of charges incurred by the individual renting or leasing a room, accommodations or facilities of the hotel when the charges are due and owing;

(2) The individual renting or leasing a room, accommodations or facilities of the hotel is visibly intoxicated, under the influence of alcohol or other drug and is disorderly so as to create a public nuisance;

(3) The owner or operator reasonably believes that the individual is using the premises for an unlawful purpose;

(4) The owner or operator reasonably believes that the individual has brought something into the hotel which may create an unreasonable danger or risk to other persons, including but not limited to unlawful use of firearms or explosives; and

(5) The individual is in violation of any federal, state or local laws or regulations relating to the hotel.

**315.077.** An owner or operator of a hotel shall post a copy of sections 315.067 to 315.079, in addition to any rules established by the owner or operator of the hotel, in a conspicuous place at or near the guest registration desk and in each room of the hotel.

**315.079. 1.** Each individual renting or leasing a room, accommodations or facilities of the hotel shall register and may be required by the owner or operator of the hotel to show proof of identity by producing a valid driver's license, other identification issued by the state or other identification satisfactory to the owner or operator. If the individual is under the age of eighteen, the owner or operator may also require a parent or guardian of

the person to register.

2. The guest registry may be kept and maintained by recording, copying or reproducing the registry by any photographic, photostatic, microfilm, microcard, miniature photographic, electronic imaging, electronic data processing or other process which accurately reproduces or forms a durable medium for accurately and legibly reproducing an unaltered image or reproduction of the original.

Unofficial

Bill

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