

CHAPTER 583

HOTELKEEPER'S LIEN

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583.1 Definitions.

For the purposes of this chapter:

1. "*Baggage*" shall include all property which is in any hotel belonging to or under the control of any guest.
2. "*Guest*" shall include boarder and patron, or any legal occupant of any hotel as herein defined.
3. "*Hotel*" shall include inn, rooming house, and eating house, or any structure where rooms or board are furnished, whether to permanent or transient occupants.
4. "*Hotelkeeper*" shall mean a person who owns or operates a hotel.
[C97, §3138; S13, §3138; C24, 27, 31, 35, 39, §10348; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §583.1]

583.2 Nature of hotelkeeper's lien.

A hotelkeeper shall have a lien upon the baggage of any guest, which may be in that hotel, for:

1. The accommodations and keep of said guest.
2. The money paid for or advanced to said guest.
3. The extras and other things furnished said guest.

[C97, §3138; S13, §3138; C24, 27, 31, 35, 39, §10349; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §583.2]

[P] Bond to release, chapter 584

583.3 Enforcement of claim by ordinary action.

The hotelkeeper may take and retain possession of all baggage and may enforce the claim by an ordinary action. Said baggage shall be subject to attachment and execution for the reasonable charges of the hotelkeeper against the guest, and for the costs of enforcing the lien thereon.

[C97, §3138; S13, §3138; C24, 27, 31, 35, 39, §10350; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §583.3]

[P] Attachment to enforce lien, §640.1

583.4 Satisfaction of lien by sale.

If the hotelkeeper does not proceed by an ordinary action the hotelkeeper shall retain the baggage upon which the hotelkeeper has a lien for a period of ninety days, at the expiration of which time, if such lien is not satisfied, the hotelkeeper may sell such baggage at public auction after giving ten days' notice of the time and place of sale in a newspaper of general circulation in the county where the hotel is situated, and also by mailing a copy of such notice addressed to said guest at the place of residence registered by the guest in the register of the hotel.

[C97, §3138; S13, §3138; C24, 27, 31, 35, 39, §10351; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §583.4]

583.5 Disposal of proceeds — statement.

From the proceeds of said sale the hotelkeeper shall satisfy the lien, the reasonable expense of storage, and the costs for enforcing the lien, and any remaining balance shall, on demand within six months, be paid to the guest, and if not demanded within said period of time, said balance shall be deposited by the hotelkeeper with the county treasurer of the county in which the hotel is situated, together with:

1. A statement of the hotelkeeper's claim and the costs of enforcing same.
2. A copy of the published notice of sale.
3. A statement of the amounts received for the goods sold at said sale.

[C97, §3138; S13, §3138; C24, 27, 31, 35, 39, §10352; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §583.5]

Referred to in §583.6

583.6 Duty of county treasurer — right of guest.

The balance received by the county treasurer under section 583.5 shall be credited to the county, subject to a right of the guest, or the guest's representative, to reclaim it at any time within three years from the date of deposit with the county treasurer.

[C97, §3138; S13, §3138; C24, 27, 31, 35, 39, §10353; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §583.6]

83 Acts, ch 123, §193, 209

Referred to in §331.427, 331.552