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(P.812) 3/23/94 Senate - Do Pass

FEB 22 1994
Place On Calendar

HOUSE FILE 2232
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO HF 483)

Passed House, ^(P.645) Date 3-16-94 Passed Senate, ^(P.863) Date 3/28/94
Vote: Ayes 86 Nays 10 Vote: Ayes 49 Nays 0
Approved March 31, 1994

A BILL FOR

1 An Act relating to the rights and obligations of innkeepers and
2 guests.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2232

1 Section 1. NEW SECTION. 137C.25 RIGHT OF HOTEL OPERATOR
2 TO DENY SERVICES.

3 1. A person operating a hotel has the right to refuse or
4 deny the use of a room, accommodations, facilities, or other
5 privileges of the hotel to any of the following:

6 a. An individual unwilling or unable to pay for the room,
7 accommodations, facilities, or other privileges of the hotel.

8 b. An individual who is visibly publicly intoxicated or
9 under the influence of alcohol or some other illegal drug, or
10 who is disorderly so as to create a public nuisance.

11 c. An individual the hotel operator reasonably believes is
12 seeking to use a room, accommodations, facilities, or other
13 privileges of the hotel for an unlawful purpose.

14 d. An individual the hotel operator reasonably believes is
15 bringing in anything which may create an unreasonable danger
16 or risk to other persons, including but not limited to
17 firearms or explosives.

18 e. An individual whose use of the room, accommodations,
19 facilities, or other privileges of the hotel would result in a
20 violation of the maximum capacity of such hotel.

21 2. A hotel operator who reasonably refuses or denies the
22 use of a room, accommodations, facilities, or other privileges
23 of the hotel pursuant to this section is not subject to any
24 civil or criminal action or any fine or other penalty, unless
25 the refusal or denial is a violation of state or federal law.

26 Sec. 2. NEW SECTION. 137C.25A RIGHT TO REQUIRE FINANCIAL
27 GUARANTEE.

28 The hotel operator has the right to require a person
29 seeking the use of a room, accommodations, facilities, or
30 other privileges of the hotel to demonstrate the ability to
31 pay for such use by cash, credit card, or approved check. The
32 hotel operator may require the parent or guardian of a minor
33 to do all of the following:

34 1. Accept in writing the liability for the cost of the
35 room, accommodations, facilities, or other privileges of the

1 hotel used by the minor, and for the cost of any damages to
2 the room, furnishings in the room, or other facilities of the
3 hotel caused by the minor while the minor is using the room,
4 accommodations, facilities, or other privileges of the hotel.

5 2. Provide the hotel operator with one of the following:

6 a. The authority to charge any amount due for the cost of
7 the room, accommodations, facilities, or other privileges of
8 the hotel used by the minor, and for the cost of any damages
9 to the room, furnishings in the room, or other facilities of
10 the hotel caused by the minor while the minor is using the
11 room, accommodations, facilities, or other privileges of the
12 hotel to a credit card as defined in section 537.1301,
13 subsection 16.

14 b. An advance cash payment sufficient to cover the cost of
15 the room, accommodations, facilities, or other privileges of
16 the hotel used by the minor, and a reasonable amount as a
17 deposit toward the cost of any damages to the room,
18 furnishings in the room, or other facilities of the hotel
19 caused by the minor while the minor is using the room,
20 accommodations, facilities, or other privileges of the hotel.
21 A cash deposit for any damages required by the hotel operator
22 shall be refunded to the extent not used to cover the cost of
23 any such damages as determined by the hotel operator following
24 an inspection of the room, accommodations, or facilities of
25 the hotel used by the minor at the end of the minor's stay.

26 Sec. 3. NEW SECTION. 137C.25B RESTITUTION.

27 In addition to any other applicable penalties, a court may
28 order a person to pay restitution for any damages caused by
29 such person which are suffered by the owner or operator of the
30 hotel. Damages for which restitution may be ordered, in
31 addition to physical damages, may include the loss of revenue
32 resulting from the hotel being unable to rent or lease the
33 room, accommodation, or facility during any time of repair,
34 and restitution to any other individual who is injured or
35 whose property is damaged as a result of the violation. The

1 parent or guardian of a minor shall be liable to the owner or
2 operator for the acts of the minor which result in damage to
3 the room, accommodation, or facility, and for restitution to
4 any other individual who is injured or whose property is
5 damaged as a result of such acts.

6 Sec. 4. NEW SECTION. 137C.25C RIGHT TO EJECT.

7 An owner or operator of a hotel may eject a person from the
8 hotel for any of the following reasons:

9 1. Nonpayment of charges incurred by the individual
10 renting or leasing a room, accommodations, or facilities of
11 the hotel when the charges are due and owing.

12 2. The individual renting or leasing a room,
13 accommodations, or facilities of the hotel is visibly
14 intoxicated, or is disorderly so as to create a public
15 nuisance.

16 3. The owner or operator reasonably believes that the
17 individual is using the premises for an unlawful purpose
18 including, but not limited to, the unlawful use or possession
19 of controlled substances or the use of the premises for the
20 consumption of alcohol by an individual in violation of
21 section 123.47 or 123.47A.

22 4. The owner or operator reasonably believes that the
23 individual has brought anything into the hotel which may
24 create an unreasonable danger or risk to other persons,
25 including but not limited to firearms or explosives.

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

28 6. The individual is in violation of any rule of the hotel
29 which is posted as provided in section 137C.25D.

30 Sec. 5. NEW SECTION. 137C.25D POSTING RULES BY OWNER OR
31 OPERATOR.

32 An owner or operator of a hotel shall post a copy of
33 sections 137C.25 through 137C.25C, in addition to any rules
34 established by the owner or operator of the hotel, in a
35 conspicuous place at or near the guest registration desk and

1 in each room of the hotel.

2 Sec. 6. NEW SECTION. 137C.25E DOCUMENTATION AND
3 REGISTRATION REQUIREMENTS.

4 A hotel shall keep and maintain for a period of three
5 years, a guest register which shall show the name, residence,
6 date of arrival, and date of departure of each individual
7 renting or leasing a room, accommodations, or facilities of
8 the hotel.

9 Each individual renting or leasing a room, accommodations,
10 or facilities of the hotel shall register, and may be required
11 by the owner or operator of the hotel to show proof of
12 identity by producing a valid driver's license, or other
13 identification satisfactory to the owner or operator. The
14 identification shall have a photograph of the individual and
15 include the name and residence of the individual. If the
16 individual is a minor, the owner or operator may also require
17 a parent or guardian of the minor to register.

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

25 EXPLANATION

26 This bill creates certain rights and responsibilities of an
27 owner and operator of a hotel. The bill defines instances
28 when the person operating a hotel may deny the use of a room,
29 accommodations, facilities, or other privileges including when:
30 an individual is unwilling or unable to pay, is visibly
31 publicly intoxicated or under the influence of alcohol or some
32 other illegal drug, or when the operator reasonably believes
33 an individual intends to use such facilities for an illegal
34 purpose, is creating an unreasonable danger to others, or
35 whose use of the room would exceed established occupancy

1 limits.

2 The bill provides that the owner or operator may require a
3 financial guarantee prior to use of a room, accommodations,
4 facilities, or other privileges. In the case of a minor, the
5 owner or operator may require a parent or guardian to provide
6 a financial guarantee for the cost of such facilities and a
7 reasonable damage deposit.

8 In addition to any other penalties which may apply, the
9 bill provides that the court may order a person to pay
10 restitution for any damages caused as a result of such acts.

11 The bill provides the owner or operator authority to eject
12 certain individuals. The bill requires the owner or operator
13 to post a copy of sections 137C.25 through 137C.25C, created
14 in this bill, and any rules established by the owner or
15 operator.

16 The bill also requires the hotel to maintain guest registry
17 records for a minimum of three years, including the name,
18 residence, and dates of arrival and departure of all guests.
19 Alternative forms of maintaining such records are provided,
20 including recording, copying, or reproducing the register by
21 any photographic, photostatic, microfilm, microcard, miniature
22 photographic, electronic imaging, electronic data processing,
23 or other process which accurately reproduces or forms a
24 durable medium for accurately and legibly reproducing an
25 unaltered image or reproduction of the original.

26 The term "hotel" includes a motel, inn, and motor inn. A
27 bed and breakfast "inn" is also a hotel and would be subject
28 to the provisions of this bill. However, a bed and breakfast
29 "home", in which no more than two guest families are lodged at
30 the same time and which does not hold itself out to the public
31 as a hotel or motel, would not be covered.

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HOUSE FILE 2232

AN ACT

RELATING TO THE RIGHTS AND OBLIGATIONS OF INNKEEPERS AND GUESTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 137C.25 RIGHT OF HOTEL OPERATOR TO DENY SERVICES.

1. A person operating a hotel has the right to refuse or deny the use of a room, accommodations, facilities, or other privileges of the hotel to any of the following:
 - a. An individual unwilling or unable to pay for the room, accommodations, facilities, or other privileges of the hotel.
 - b. An individual who is visibly publicly intoxicated or under the influence of alcohol or some other illegal drug, or who is disorderly so as to create a public nuisance.
 - c. An individual the hotel operator reasonably believes is seeking to use a room, accommodations, facilities, or other privileges of the hotel for an unlawful purpose.
 - d. An individual 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 firearms or explosives.
 - e. 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 is not subject to any civil or criminal action or any fine or other penalty, unless the refusal or denial is a violation of state or federal law.

Sec. 2. NEW SECTION. 137C.25A RIGHT TO REQUIRE FINANCIAL GUARANTEE.

The hotel operator has the right to require a person seeking the use of a room, accommodations, facilities, or other privileges of the hotel to demonstrate the ability to pay for such use by cash, credit card, or approved check. The hotel operator may require the parent or guardian of a minor to do all of the following:

1. Accept in writing the liability for the cost of the room, accommodations, facilities, or other privileges of the hotel used by the minor, and for the cost of any damages to the room, furnishings in the room, or other facilities of the hotel caused by the minor while the minor is 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 any amount due for the cost of the room, accommodations, facilities, or other privileges of the hotel used by the minor, and for the cost of any damages to the room, furnishings in the room, or other facilities of the hotel caused by the minor while the minor is using the room, accommodations, facilities, or other privileges of the hotel to a credit card as defined in section 537.1301, subsection 16.
 - b. An advance cash payment sufficient to cover the cost of the room, accommodations, facilities, or other privileges of the hotel used by the minor, 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 minor while the minor is using the room, accommodations, facilities, or other privileges of the hotel. A cash deposit for any damages required by the hotel operator shall be 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 minor at the end of the minor's stay.

Sec. 3. NEW SECTION. 137C.25B RESTITUTION.

In addition to any other applicable penalties, a court may order a person to pay restitution for any damages caused by such person which are suffered by the owner or operator of the hotel. Damages for which restitution may be ordered, in addition to physical damages, may include the loss of revenue resulting from the hotel being unable to rent or lease the room, accommodation, or facility during any time of repair, and restitution to any other individual who is injured or whose property is damaged as a result of the violation. The parent or guardian of a minor shall be liable to the owner or operator for the acts of the minor which result in damage to the room, accommodation, or facility, and for restitution to any other individual who is injured or whose property is damaged as a result of such acts.

Sec. 4. NEW SECTION. 137C.25C RIGHT TO EJECT.

An owner or operator of a hotel may eject a person from the hotel 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, or 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 including, but not limited to, the unlawful use or possession of controlled substances or the use of the premises for the consumption of alcohol by an individual in violation of section 123.47 or 123.47A.

4. The owner or operator reasonably believes that the individual has brought anything into the hotel which may create an unreasonable danger or risk to other persons, including but not limited to firearms or explosives.

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

6. The individual is in violation of any rule of the hotel which is posted as provided in section 137C.25D.

Sec. 5. NEW SECTION. 137C.25D POSTING RULES BY OWNER OR OPERATOR.

An owner or operator of a hotel shall post a copy of sections 137C.25 through 137C.25C, 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.

Sec. 6. NEW SECTION. 137C.25E DOCUMENTATION AND REGISTRATION REQUIREMENTS.

A hotel shall keep and maintain for a period of three years, a guest register which shall show the name, residence, date of arrival, and date of departure of each individual renting or leasing a room, accommodations, or facilities of the hotel.

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, or other identification satisfactory to the owner or operator. The identification shall have a photograph of the individual and include the name and residence of the individual. If the individual is a minor, the owner or operator may also require a parent or guardian of the minor to register.

The guest register may be kept and maintained by recording, copying, or reproducing the register 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.

HAROLD VAN MAANEN
Speaker of the House

LEONARD L. BOSWELL
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2232, Seventy-fifth General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved March 31, 1994

TERRY E. BRANSTAD
Governor