

TITLE 39
HEALTH AND SAFETY

CHAPTER 18

HOTELS AND FOOD VENDING ESTABLISHMENTS -- REGULATIONS AND INSPECTION

39-1801. DEFINITIONS. As used in this chapter:

(1) "Guest" means any person who is registered in a hotel, or who is in the hotel and intends to register, and each person in such hotel who is present in the hotel with the registrant at the registrant's invitation.

(2) "Hotel" means every building or structure kept, used, maintained or advertised as an inn, hotel or public lodging house, or place where sleeping accommodations are furnished for hire to transient guests, whether with or without meals, in which more than ten (10) rooms are used for the accommodation of such guests.

(3) "Hotel day" means a period which commences at three o'clock in the afternoon of each day and which concludes at three o'clock the following afternoon or at the posted checkout time of the following day in the event the guest is checking out, whichever occurs first. Rates per day for furnished rooms shall mean for such period, or any part thereof, following the time of acceptance of a room by the guest.

(4) "Hotelkeeper" means the owner, operator, management company, proprietor, keeper, manager or lessee of a hotel.

[39-1801, added 1991, ch. 296, sec. 2, p. 780.]

39-1802. POSTING OF INFORMATION. (1) In each hotel there shall be posted in a plainly legible fashion, in a conspicuous place in each sleeping room, the following information:

- (a) The maximum rates at which such room is rented;
- (b) A copy of section 18-2405, Idaho Code; and
- (c) A copy of section 39-1804, Idaho Code.

(2) In each hotel there shall be posted a copy of this chapter in a plainly legible fashion, in at least two (2) conspicuous places.

[39-1802, added 1991, ch. 296, sec. 2, p. 780.]

39-1803. REGISTER. Every hotel shall keep a record of the arrival and departure of its guests in such a manner that the record will be permanent for at least one (1) year from the date of departure.

[39-1803, added 1991, ch. 296, sec. 2, p. 780.]

39-1804. LIABILITY FOR PROPERTY OF GUESTS. (1) The hotelkeeper is under no obligation to accept for safekeeping any moneys, securities, jewelry, or precious stones of any kind belonging to any guest, and, if such are accepted for safekeeping, he shall not be liable for the loss thereof unless such loss is the proximate result of fault or negligence of the hotelkeeper. The liability, if any, of the hotelkeeper to a guest shall be limited to one thousand dollars (\$1,000) for such loss, or such higher amount as the hotelkeeper may agree in writing to assume, if the hotel has given a receipt for the property to the guest, stating the value of the property accepted for safekeeping, on a form which states, in type large enough to be clearly noticeable, that the hotel is not liable for any loss exceeding one thousand dollars (\$1,000), or such higher amount as the hotelkeeper may agree in writing to assume, and is

only liable for that amount if the loss is the proximate result of fault or negligence of the hotelkeeper.

(2) The hotelkeeper shall not be liable or responsible to any guest for the loss of wearing apparel, goods, or other property, except as provided in subsection (1) of this section, unless such loss occurred as the proximate result of fault or negligence of such hotelkeeper. In case of such fault or negligence, the hotelkeeper shall not be liable for a sum greater than five hundred dollars (\$500) unless prior to the loss or damage the guest files with the hotelkeeper an inventory of his effects and the value thereof and the hotelkeeper is given the opportunity to inspect such effects and check them against such inventory. The hotelkeeper shall not be liable or responsible to any guest for the loss of effects listed in such inventory in a total amount exceeding one thousand dollars (\$1,000) or such higher amount as the hotelkeeper may agree in writing to assume.

[39-1804, added 1991, ch. 296, sec. 2, p. 780.]

39-1805. EVICTION OF GUESTS. (1) A hotelkeeper shall have the right to evict a guest who has failed to pay his hotel bill when due. Before such eviction may occur, demand for payment of the bill must be made and the guest must be requested to leave if the bill is not paid. If the guest fails to pay the bill after such demand, the hotelkeeper may evict such guest by locking the door to his room, removing said guest's baggage and other personal property, or by any other peaceful means. The hotel shall have the right to hold said baggage and other property as hereinafter provided.

(2) A hotelkeeper also shall have the right to evict a person, whether or not such person is [a] guest of the hotel, who:

- (a) Is under the influence of alcohol, drugs or any other intoxicating substances;
- (b) Is disorderly so as to disturb the peace of other guests;
- (c) Seeks to use the hotel for any unlawful purpose;
- (d) Seeks to bring property into the hotel which may be dangerous to other persons (such as firearms, explosives or hazardous or toxic substances) or the possession of which by such person is unlawful;
- (e) Destroys, damages or defaces property of the hotel or its guests or threatens to do so;
- (f) Would cause or permit any hotel room to exceed its maximum allowable occupancy as established by the hotelkeeper; or
- (g) Refuses to abide by reasonable standards or policies established by the hotelkeeper for operation and management of the hotel.

[39-1805, added 1991, ch. 296, sec. 2, p. 781; am. 1993, ch. 125, sec. 1, p. 317.]

39-1806. HOTELKEEPER'S LIEN. A hotelkeeper has a lien upon and may retain all baggage and other personal property in possession of a guest for the proper charges due to the hotel from the guest for his food, board, room rent, lodging and accommodations and for any other charges incurred by the guest and for all money and credit paid for or furnished to him and for the costs of enforcing such lien including court costs and reasonable attorney's fees. The hotelkeeper shall have the right to retain and hold possession of such baggage and other personal property until the amount of such charges and money be fully paid, and to sell such baggage and other personal property for payment of such lien, charges and costs, including court costs and reasonable attorney's fees in the manner provided in section 39-1807, Idaho Code.

Such baggage and other personal property shall not be subject to attachment or execution until such lien and storage charge and costs of satisfying such lien are fully satisfied.

[39-1806, added 1991, ch. 296, sec. 2, p. 781.]

39-1807. DISPOSITION OF PROPERTY TO SATISFY LIEN. The hotelkeeper shall retain such baggage and other property upon which he has a lien as provided in section 39-1806, Idaho Code, for a period of thirty (30) days. At the expiration of such time if such lien is not fully satisfied he may proceed to sell such baggage and other personal property or a part thereof at public auction after posting notice of the sale as provided by law upon execution, and by mailing a notice fifteen (15) days prior to the sale by registered mail of the time and place of such sale to such guest at the address given by the guest on the hotel register. The proceeds of the sale shall be applied first to cost of the sale and attorney's fees and then to the discharge of the lien. The remainder, if any, must be paid to the guest. Provided, however, if the hotelkeeper knew that the property brought upon his premises was not, when brought, legally in possession of such guest, or had written notice that such property was not then the property of such guest, at the time when such charges or indebtedness were incurred, such property shall not be subject to the lien or sale as hereinbefore provided.

[39-1807, added 1991, ch. 296, sec. 2, p. 781.]

39-1808. DISPOSITION OF UNCLAIMED PROPERTY. When any baggage or other personal property is received by a hotel and left unclaimed, or left unclaimed by a guest in a hotel, the hotelkeeper may hold and store the same, until all just and reasonable storage and other charges are paid, and if no guest calls for his baggage or other personal property left in a hotel for a period of sixty (60) days or more, the hotelkeeper may sell such property at public auction to the highest bidder, having given fifteen (15) days prior notice, by registered mail, of the time and place of such sale to such guest at the address given by the guest on the hotel register, and by posting notice of such sale as provided by law upon execution. If any surplus be left after paying storage, freight, cost of advertising, and other reasonable charges, the same must be paid to the owner of such property, when known, at any time thereafter, upon demand being made therefor within thirty (30) days after the sale.

[39-1808, added 1991, ch. 296, sec. 2, p. 782.]

39-1809. HOTELKEEPER'S RESPONSIBILITY TO PROVIDE ACCOMMODATIONS. A hotelkeeper shall not be required to provide accommodations, facilities or privileges of a hotel to any person who:

(1) Is unwilling or unable to pay for the accommodations and services of the hotel. A hotelkeeper may require a prospective guest to demonstrate the ability to pay for the accommodations and services, including a damage deposit in a reasonable amount, by cash or acceptable credit card;

(2) The hotelkeeper reasonably believes to be under the influence of alcohol, drugs or any other intoxicating substances or who is disorderly so as to disturb the peace of other guests;

(3) The hotelkeeper reasonably believes seeks to use the hotel for any unlawful purpose;

(4) The hotelkeeper reasonably believes seeks to bring property into the hotel which may be dangerous to other persons (such as firearms, explo-

sives or hazardous or toxic substances) or the possession of which by such person is unlawful;

(5) Destroys, damages or defaces property of the hotel or its guests or threatens to do so;

(6) Is under eighteen (18) years of age and unaccompanied by his parent or guardian. A hotelkeeper may condition the provision of accommodations, facilities or privileges of a hotel to persons under the age of eighteen (18) years by requiring the parent or guardian to:

(a) Agree in writing to accept liability for the costs of the accommodations, including the cost of the room, taxes, other charges and any damages to the hotel caused by such person or his invitees; and

(b) To provide an acceptable credit card or cash deposit sufficient to cover such costs;

(7) Would cause or permit any hotel room to exceed its maximum allowable occupancy as established by the hotelkeeper; or

(8) Refuses to abide by reasonable standards or policies established by the hotelkeeper for operation and management of the hotel.

[39-1809, added 1993, ch. 125, sec. 2, p. 317.]

39-1810. CONSUMPTION OR POSSESSION OF ALCOHOL AT HOTELS. (1) A license or permit properly issued to a person to serve beer, wine or liquor by the drink, which license or permit is used at or in a hotel, may not be suspended, revoked or not be renewed, nor may conditions be placed upon it, by reason of the fact that individuals at or in the hotel, whether or not they are guests, possess or consume beer, wine or liquor without being of a legal age to do so or at a time when such consumption is not legal if:

(a) (i) The alcohol was not sold, provided or delivered to the persons who are not of legal age by the licensee or its agents or employees; or

(ii) The alcohol was not sold, provided or delivered by the licensee or its agents or employees at a time when it was legally prohibited from doing so;

(b) The licensee, the hotelkeeper and their agents and employees took reasonable precautions to prevent:

(i) Persons who are not of legal age from possessing or consuming alcohol at or in the hotel; or

(ii) Possession or consumption of alcohol at or in the hotel at a time when such possession or consumption is not legal; and

(c) The possession or consumption is not on that portion of the premises which the hotelkeeper has identified as the bar or restaurant or in a meeting room, ballroom or the like in which beer, wine or liquor then is being sold by the licensee.

(2) A license or permit properly issued to a person to serve beer, wine or liquor by the drink, which license or permit is used at or in a hotel, may not be suspended, revoked or not be renewed, nor may conditions be placed upon it, by reason of the fact that hotel guests possess or consume beer, wine or liquor in their sleeping rooms and serve it there to their invitees who are not of legal age or at a time during which it would not be legal for the licensee to sell or permit the possession or consumption of alcohol on the premises.

[39-1810, added 1993, ch. 125, sec. 3, p. 318.]

FIRE ESCAPES AND DOORS