
HOTEL

CHAPTER 183.

[S. B. No. 274—Trageton.]

HOTEL REGULATIONS.

AN ACT to Fix and Regulate Obligations and Liabilities as between Hotel and Innkeepers and their Guests and Boarders and those Intending to Become such with Respect to the Baggage and Other Property of such Guests and Boarders, and the Property Belonging to or in use in any Hotel, Lodging House, Boarding or Eating House Defining and Fixing the Liability Hotel and Innkeepers for Loss of or Injury to Property of Guests or Boarders, or Persons Intending to Become Such and Giving to such Hotel and Innkeepers a Lien upon the Baggage and other Property of Guests and Boarders for Charges Due. Providing the Time and Manner of Foreclosure of such Lien, the Sale of Property Thereunder and Disposition of the Proceeds Thereof; Providing a Penalty for obtaining any Food, Lodging or other Accommodations at any Hotel, Lodging House, Boarding or Eating House with Intent to Defraud the Owner or Manager thereof and Defining what shall Constitute Prima Facie Evidence of such Intent, and to Repeal all Laws in Conflict Therewith.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. LIABILITY FOR THE LOSS OF PROPERTY. SPECIAL ARRANGEMENTS.] No innkeeper or hotel keeper, whether individual, partnership or corporation, who constantly has in his inn or hotel a metal safe or suitable vault in good order, and fit for the custody of money, bank notes, jewelry, articles of gold and silver manufacture, precious stones, personal ornaments, railroad mileage books or tickets, negotiable or valuable papers, and bullion, and who keeps on the doors of the sleeping rooms used by guests suitable locks or bolts, and on the transoms and windows of said rooms suitable fastenings, and who keeps a copy of this Section printed in distinct type constantly posted in not less than ten conspicuous places in all in said hotel, or inn, shall be liable for the loss or injury suffered by any guest, unless such guest has offered to deliver the same to such innkeeper or hotel keeper for custody in such metal safe or vault, and such innkeeper or hotel keeper has omitted or refused to take it and deposit it in such safe or vault for custody and to give such

guest a receipt therefor. *Provided*, however, that the keeper of any inn or hotel shall not be obliged to receive from any one guest for deposit in such safe or vault any property hereinbefore described exceeding the total value of three hundred dollars and shall not be liable for any excess for such property, whether received or not.

§ 2. SPECIAL ARRANGEMENTS.] But such innkeeper or hotel keeper may by special arrangement with a guest receive for deposit in such safe or vault any property upon such terms as they may agree to in writing, but every innkeeper or hotel keeper shall be liable for any loss of the above enumerated articles of a guest in his inn or hotel after said articles have been accepted for deposit if caused by the theft or negligence of the innkeeper, hotel keeper or any of his servants.

§ 3. DUTIES OF GUESTS AND INNKEEPERS.] It shall be the duty of every guest and of every one intending to be a guest, of any hotel in this state, upon delivering to the proprietor of such hotel, or to his servants, any baggage or other articles of property of such guest for safe keeping (elsewhere than to the room assigned to such guest), demand, and of such hotel proprietor to give, a check or receipt therefor in such case, to evidence the fact of such delivery; and no hotel proprietor shall be liable for the loss of or injury to such baggage or other article of property of this guest unless the same shall have been actually delivered by such guest to such hotel proprietor or to his servants for safe keeping, or unless such loss or injury shall have occurred through the negligence of such hotel proprietor or by his servants or employees in such hotel.

§ 4. CHARACTER OF LIABILITY AS TO SUCH PROPERTY; LIMITATIONS.] The liability of the keeper of any inn or hotel, whether individual, partnership or corporation, for the loss of or injury to personal property placed by his guests under his care, other than that described in the preceding Sections, shall be that of a depository for hire, except in case of such loss or injury is caused by fire not intentionally produced by the innkeeper, or his servants, such innkeeper shall not be liable. *Provided*, however, that in no case shall such liability exceed the sum of one hundred and fifty dollars for each trunk and its contents, and ten dollars for each box, bundle or package, and contents, so placed under his care, and all other miscellaneous effects, including wearing apparel and personal belongings, fifty dollars, unless he shall have consented in writing with such guest to assume a greater liability.

And *provided*, further, whenever any person shall suffer his baggage or property to remain in any inn or hotel,

after leaving the same as a guest, and after the relation of innkeeper and guest between such guest and the proprietors of such inn or hotel has ceased, or shall forward the same to such inn or hotel, before becoming a guest thereof, and the same shall be received into such inn or hotel, such innkeeper may, at his option, hold such baggage or property at the risk of such owner.

§ 5. INNKEEPER'S LIEN.] The keeper of any inn or hotel, whether individual, partnership or corporation, shall have a lien on the baggage and other property in and about such inn belonging to or under the control of his guests or boarders for the proper charges due him from such guests for the accommodation, board and lodging, and for all money paid for or advanced to them not to exceed the sum of two hundred dollars, and for such other extras as are furnished at their request, and said innkeeper or hotel keeper shall have the right to detain the baggage and other property until the amount of such charges is paid, and such baggage and other property shall be exempt from attachment or execution until such innkeeper's lien and the cost of satisfying it are satisfied.

§ 6. SALE OF PROPERTY.] The innkeeper or hotel keeper shall retain such baggage and other property upon which he has a lien for a period of ninety days, at the expiration of which time, if such lien is not satisfied, he may sell such baggage and other property at public auction, after giving ten days' notice of the time and place of sale in a newspaper of circulation in the county where the inn or hotel is situated, and also by mailing a copy of such notice addressed to said guest or boarder at the place of residence registered by him in the register of such inn or hotel.

§ 7. DISPOSAL OF PROPERTY.] And after satisfying the lien and any costs that may accrue, any residue remaining shall, on demand within six months, be paid such guest or boarder, and if not so demanded within six months from date of such sale, such residue shall be deposited by such innkeeper or hotel keeper, with the treasurer of the county in which the inn or hotel is situated, together with a statement of the innkeeper's claim and the cost of enforcing same, a copy of the published notice, and of the amounts received for the goods sold at said sale; said residue shall by said county treasurer be credited to the general revenue fund for said county, subject to a right of said guest or boarder, or his representative, to reclaim at any time within three years of the date of deposit with said treasurer.

§ 8. JUMPING HOTEL BILLS A MISDEMEANOR. PENALTY.] Any person who shall obtain food, lodging or other accom-

modation at any hotel, lodging house, inn, boarding or eating house, without paying therefor, with intent to defraud the owner or manager thereof, or who obtains credit at any hotel, lodging house, inn, boarding or eating house by or through any false pretense, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten (\$10) dollars, nor more than one hundred (\$100.00) dollars, or by imprisonment in the county jail for not more than ninety (90) days.

§ 9. PROOF; WHAT CONSTITUTES.] Proof that food, lodging or other accommodation was obtained by false pretense or by false or fictitious show or pretense of baggage or other property, or proof that the person refused or neglected to pay for such food, lodging or other accommodation, on demand or that he gave in payment for such food, lodging or other accommodation negotiable paper on which payment was refused, or that he absconded without offering to pay for such food, lodging or other accommodation, or that he surreptitiously removed or attempted to remove his or her baggage, shall be prima facie proof of the fraudulent intent mentioned on Section 8 hereof; but this Act shall not apply where there has been an agreement in writing for delay in payment for a period not to exceed ten (10) days.

§ 10. DAMAGING PROPERTY A MISDEMEANOR.] That any guest or boarder who shall intentionally destroy or damage any property belonging to or in use in any hotel, lodging house, boarding house or eating house, shall be guilty of a misdemeanor.

§ 11. REPEAL.] That all Acts or parts of Acts in conflict herewith are hereby repealed, particularly Sections 5476, 5477, 6292 and 9448 of the 1905 Revised Codes of the state of North Dakota.

§ 12. EMERGENCY.] Whereas, an emergency exists, it is provided that this Act shall be in force and take effect from and after its passage and approval.

Approved March 13, 1913.