

001 CHAPTER 2  
Lodging Establishment Act

**SECTION 45-2-10.** Short title.

Sections 45-2-10 through 45-2-80 may be cited as the Lodging Establishment Act.

HISTORY: 1994 Act No. 446, Section 1, eff July 1, 1994.

**SECTION 45-2-20.** Definitions.

For purposes of Sections 45-2-10 through 45-2-80:

- (1) "Innkeeper" means the owner, operator, manager, or keeper of a lodging establishment;
- (2) "Lodging establishment" means a hotel, motel, villa, condominium, inn, tourist court, tourist camp, campground, bed and breakfast, residence, or any place in which rooms, lodging, or sleeping accommodations are furnished to transients for a consideration;
- (3) "Minor" means an unemancipated person under age eighteen.

HISTORY: 1994 Act No. 446, Section 1, eff July 1, 1994.

**SECTION 45-2-30.** Refusal or denial of accommodations, facilities or privileges; demonstration of ability to pay; minors; deduction from advance payment for value of lodging.

(A) An innkeeper may refuse or deny any accommodations, facilities, or privileges of a lodging establishment to:

(1) A person who is unwilling or unable to pay for accommodations and services of the lodging establishment. The innkeeper may require the prospective guest to demonstrate his ability to pay by cash, valid credit card, or a validated check. The innkeeper may require a parent of a minor:

(a) to accept in writing liability of the guest room costs, taxes, all charges by the minor, and any damages to the guest room or its furnishings caused by the minor while a guest at the lodging establishment; and

(b) to provide the innkeeper with a valid credit card number to cover the guest room costs, taxes, charges by the minor, and any damages to the guest room or its furnishings caused by the minor; or

(c) if the credit card is not an option, give the innkeeper:

(i) an advance cash payment to cover the guest room costs and taxes for all room nights reserved for the minor; plus

(ii) a one hundred dollar cash deposit towards the payment of any charges by the minor or any damages to the guest room or its furnishings, which must be refunded to the extent not used to cover any such charges or any damages as determined by the innkeeper following room inspection at check-out.

(2) A person who is visibly intoxicated or who is disorderly so as to create a public nuisance.

(3) A person whom the innkeeper reasonably believes is seeking accommodations for any unlawful purpose, including the unlawful possession or use of controlled substances by such person in violation of Chapter 53 of Title 44 or the use of the premises for the consumption of beer, wine, or alcoholic liquors by a person under the age of twenty-one years in violation of Sections 63-19-2440 or 63-19-2450.

(4) A person whom the innkeeper reasonably believes is bringing in property which may be dangerous to other persons including, but not limited to, firearms or explosives.

(5) A person in excess of the number of persons a lodging establishment allows to occupy a particular guest room in the lodging establishment.

(B) The innkeeper refusing or denying accommodations, facilities, or privileges of a lodging establishment for any of the reasons specified in items (1) through (5) of this section may not be determined liable in any civil or criminal action or for any fine or penalty based upon the refusal or denial, except that the accommodation, facilities, or privilege of a lodging establishment may not be refused or denied based upon a person's race, creed, color, national origin, gender, disability, or marital status.

(C) The innkeeper may deduct from a refund of an advance payment to a person who has been ejected from the lodging establishment the value of one day's lodging plus half the value of lodging for any additional days remaining in the reserved period. This subsection would not preclude the innkeeper from deducting a lesser amount of the advance payment or making a full refund.

HISTORY: 1994 Act No. 446, Section 1, eff July 1, 1994.

**SECTION 45-2-35.** Canines certified to work with law enforcement officers or fire service personnel permitted to stay overnight in certain places of public accommodation on official business; penalties for violations.

(A) Canines certified to work with law enforcement officers or fire service personnel for the purpose of fire investigations, training, or other related purposes must be permitted to stay overnight with the officers or personnel when they are staying in a place of public accommodation on official business. No extra charge may be made for the certified canine; however, the employer of the officer or personnel in the accompany of the canine is liable for any damage done to the premises or facilities by the certified canine. In a nonemergency situation, the law enforcement or fire service agency shall notify the manager of the place of public accommodation at the time of making the reservation for the law enforcement officer or fire service personnel that a certified canine shall accompany the law enforcement officer or fire service personnel.

(B) A person who refuses to allow law enforcement officers or fire service personnel to stay overnight on official business in a place of public accommodation because the officer or personnel is accompanied by a certified canine is subject to a civil fine not exceeding one hundred dollars for each violation.

(C) Hotels which operate for the express purpose of renting individually owned private dwellings are exempt from this section.

(D) An innkeeper of a lodging establishment, as defined in Section 45-2-20, may designate a specific room for use by the certified canine and the accompanying law enforcement officer or fire service personnel.

HISTORY: 1997 Act No. 113, Section 5, eff June 13, 1997.

**SECTION 45-2-40.** Violations committed by person on premises or property of lodging establishment; classification; penalties; fines.

(A) A person who on the premises or property of a lodging establishment:

(1) uses or possesses a controlled substance in violation of Chapter 53, Title 44;

(2) consumes or possesses beer, wine, or alcoholic liquors in violation of Section 63-19-2440 or 63-19-2450; is guilty of a misdemeanor under the jurisdiction of the magistrates or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days.

(B) A person who on the premises or property of a lodging establishment maliciously and wilfully commits a violation of this chapter resulting in damage to a lodging establishment room or its furnishings is guilty of a:

(1) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years if the amount of injury or damage to the property is ten thousand dollars or more;

(2) felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years if the amount of injury or damage to the property is more than two thousand dollars but less than ten thousand dollars;

(3) misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, if the amount of injury or damage to the property is two thousand dollars or less. Upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than thirty days.

(C) A person who rents or leases a room in a lodging establishment for the purpose of allowing the room to be used by another to do any act enumerated in subsection (A) or (B) of this section is guilty of a misdemeanor under the jurisdiction of the magistrates or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than thirty days.

(D) In a case arising under this section involving damage to a lodging establishment room or its furnishings, the court may order the person renting or leasing the lodging establishment room or the person causing such damage, or both:

(1) to pay restitution for any damages suffered by the owner or operator of the lodging establishment, which damages may include the lodging establishment's loss of revenue resulting from the establishment's inability to rent or lease the room during the period of time the lodging establishment room is being repaired; and

(2) to pay damages or restitution to any other person who is injured in person or property.

In a case arising under this subsection triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65, a judge may order restitution not to exceed the civil jurisdictional amount of magistrates court provided in Section 22-3-10(2).

In the case of a minor, the parents of the minor are liable for acts of the minor in violation of this section which cause damages to the lodging establishment room or furnishings or cause injury to persons or property.

(E) This section does not prohibit the prosecution of a person for the underlying violation which occurred on the premises or property of the lodging establishment.

HISTORY: 1994 Act No. 446, Section 1, eff July 1, 1994; 2010 Act No. 273, Section 16.B.B, eff June 2, 2010.

**SECTION 45-2-50.** Guest register; requirement; identification; form, duration of record; parent of minor.

The innkeeper of a lodging establishment shall keep for at least five years a guest register showing the name, residence, date of arrival, and departure of hotel guests. Every guest shall register, and the registering guest may be required by the innkeeper to produce a valid driver's license, or other identification satisfactory to the innkeeper, containing a photograph of the guest and setting forth the name and residence of the guest. If the guest is a minor, the innkeeper may also require a parent of the guest to register and to accept in writing liability for the guest room costs, taxes, all charges by the minor, and any damages to the guest room or its furnishings caused by the minor while a guest at the lodging establishment. The guest register may be kept within the meaning of this section when reproduced on any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which actually reproduces the original record.

HISTORY: 1994 Act No. 446, Section 1, eff July 1, 1994.

**SECTION 45-2-60.** Ejection of person, grounds.

An innkeeper may eject a person from the lodging establishment premises for any of the following reasons:

- (1) nonpayment of the lodging establishment's charges for accommodations or services;
- (2) the person is visibly intoxicated, or the person is disorderly so as to create a public nuisance;
- (3) the innkeeper reasonably believes that the person is using the premises for unlawful purposes, including the unlawful use or possession of controlled substances by the person in violation of Chapter 53 of Title 44 or the use of the premises for the consumption of beer, wine, or alcoholic liquors by a person under the age of twenty-one years in violation of Sections 63-19-2440 or 63-19-2450;
- (4) the innkeeper reasonably believes that the person has brought property into the lodging establishment premises which may be dangerous to other persons including, but not limited to, firearms or explosives;
- (5) violation of any federal, state, or local laws, or regulations relating to the lodging establishment;
- (6) violation of a rule of the lodging establishment which is posted in a conspicuous place and manner in the lodging establishment in accordance with Section 45-2-70, but no rule may authorize the innkeeper to eject or to refuse or deny service or accommodations to a person because of race, creed, color, national origin, gender, disability, or marital status.

HISTORY: 1994 Act No. 446, Section 1, eff July 1, 1994.

**SECTION 45-2-70.** Posting of rules of establishment, statutes.

The innkeeper shall post a copy of this chapter, including the requirements of Section 45-5-80, together with all rules of the lodging establishment, in a conspicuous place at or near the guest registration desk.

HISTORY: 1994 Act No. 446, Section 1, eff July 1, 1994; 2005 Act No. 148, Section 1, eff upon approval (became law without the Governor's signature on June 9, 2005).

**SECTION 45-2-80.** Other valid nondiscriminatory reasons for ejection or denial of accommodations.

Nothing in this chapter prohibits an innkeeper from denying accommodations to a guest or ejecting a guest for any valid nondiscriminatory reason not otherwise provided in this chapter.

HISTORY: 1994 Act No. 446, Section 1, eff July 1, 1994.