

Introduced: 2/6/68
Referred: Commerce and
Judiciary

1 IN THE HOUSE

BY STEVENS

2 HOUSE BILL NO. 510

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to hotels and boardinghouses."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 08.56 is amended by adding new sections to read:

9 Sec. 08.56.050. LIABILITY FOR VALUABLES. (a) When the operator
10 of a hotel or boardinghouse provides a safe or vault in which guests may
11 deposit valuable property for safekeeping and notice of this fact is
12 posted in three or more conspicuous places in the hotel or boarding-
13 house, the operator is not liable for the loss, damage or destruction
14 of property not deposited by a guest in the safe or vault.

15 (b) No operator of a hotel or boardinghouse is obligated to
16 receive property on deposit for safekeeping as provided in (a) of this
17 section which exceeds \$500 in value. If property exceeding \$500 in
18 value is deposited in the hotel or boardinghouse safe or vault, the
19 operator shall not be liable for its loss, damage or destruction unless
20 he enters into a written agreement with the guest who deposits the
21 property. In the case where the operator does contract with a guest
22 for the safekeeping of property exceeding \$500 in value, the operator
23 is liable only where the property deposited is stolen or lost, damaged
24 or destroyed by the gross negligence of the operator or his agent.

25 Sec. 08.56.060. BAGGAGE LIABILITY. (a) Except as provided in
26 Sec. 50 of this chapter, the operator of a hotel or boardinghouse is
27 not liable for the loss, damage or destruction of property brought to
28 or sent into the hotel or boardinghouse by a guest unless the loss,
29 damage or destruction was caused by gross negligence of the operator

1 or his agent.

2 (b) In no event shall the liability of a hotel or boardinghouse
3 operator or his agent exceed the following:

4 (1) for a guest paying \$5 or less a day

5 (A) trunk and contents \$50

6 (B) suitcase or valise and contents,

7 wearing apparel and miscellaneous 10

8 (C) box, bundle, or package. 5

9 (2) for a guest paying \$5 but less than \$12 a day

10 (A) trunk and contents \$75

11 (B) suitcase or valise and contents,

12 wearing apparel and miscellaneous 20

13 (C) box, bundle or package 10

14 (3) unless the operator consents in writing to assume a
15 greater liability for a guest paying more than \$12 a day

16 (A) trunk and contents \$150

17 (B) suitcase or valise and contents,

18 wearing apparel and miscellaneous 50

19 (C) box, bundle or package 10

20 (c) When an operator of a hotel or boardinghouse takes possession
21 of baggage or other property left behind by a guest or receives baggage
22 or other property from a person who anticipates becoming a guest, the
23 liability of the operator does not exceed \$50. The operator of a
24 hotel or boardinghouse may hold and store baggage or other property
25 left behind or sent in advance for a period of four months after
26 which time he may sell it at public auction as provided in AS 34.35.-
27 520. The proceeds of a sale (as provided in this section) are to be
28 used to satisfy the hotel or boardinghouse operator's lien, pay ex-
29 penses of sale and any storage costs incurred. If the hotel or

1 boardinghouse operator does not desire to sell baggage or other property
2 which he has in his possession, he may have the property delivered to
3 a storage or warehouse company for storage in which case his liability
4 for the safekeeping of the property terminates.

5 Sec. 08.56.070. DEFINITIONS. In this chapter

6 (1) "hotel or boardinghouse" includes any building held out
7 to the public to be an inn, motel, hotel, or public lodginghouse, or
8 place where sleeping accommodations, whether with or without meals, are
9 furnished for hire to transient guests;

10 (2) "operator" includes innkeeper, proprietor, keeper, owner,
11 lessee, or manager of a hotel or boardinghouse;

12 (3) "guest" includes every person who is a member of the
13 family of, or dependent upon, a guest, boarder or lodger in a hotel or
14 boardinghouse.

15 * Sec. 2. AS 34.35 is amended by adding new sections to read:

16 ARTICLE 13. HOTELS AND BOARDINGHOUSES.

17 Sec. 34.35.510. HOTEL AND BOARDINGHOUSE OPERATORS' LIENS. The
18 operator of a hotel or boardinghouse has a lien upon, and may retain,
19 all baggage, and other property lawfully in the possession of a guest
20 for all proper charges owed by the guest to the hotel or boardinghouse
21 operator. However, this section does not apply when the baggage or
22 other property is not owned by the guest and the hotel or boardinghouse
23 operator has actual notice of this fact.

24 Sec. 34.35.520. DISPOSITION OF PROPERTY TO SATISFY LIENS. (a)
25 If a lien, as provided for in sec. 510 of this chapter is not satisfied
26 within 60 days after the charges become due, the hotel or boardinghouse
27 operator may proceed to sell the baggage or other property in his
28 possession at public auction. Ten days prior to the sale the hotel
29 or boardinghouse operator shall give notice of the time and place of

1 sale by posting notice in three public places in the town or city where
2 the hotel or boardinghouse is located and by mailing notice of the
3 time and place to the owner of the baggage or other property at the
4 place of residence as set out in the hotel or boardinghouse register.
5 If the guest failed to register or to give sufficient address, the re-
6 quired notice shall be mailed to the guest at the city or town where
7 the hotel or boardinghouse is located. When the notice requirements
8 of this section have been complied with, the sale of the baggage or
9 other property is a perpetual bar to any action against the hotel or
10 boardinghouse operator for recovery of baggage, property or their
11 value.

12 (b) After satisfying the lien, paying all legal charges for
13 storage and expenses incurred in selling the property, the remaining
14 proceeds of the sale shall, within one year, be paid to the guest upon
15 demand.

16 Sec. 34.35.530. DEFINITIONS. In this chapter

17 (1) "hotel or boardinghouse" includes any building held out
18 to the public to be an inn, motel, hotel, or public lodginghouse, or
19 place where sleeping accommodations, whether with or without meals,
20 are furnished for hire to transient guests;

21 (2) "operator" includes innkeeper, proprietor, keeper, owner
22 lessee, or manager of a hotel or boardinghouse;

23 (3) "guest" includes every person who is a member of the
24 family of, or dependent upon, a guest, boarder or lodger in a hotel
25 or boardinghouse.

26 * Sec. 3. AS 11.20.480 is amended to read:

27 Sec. 11.20.480. DEFRAUDING HOTEL OR BOARDINGHOUSE OPERATORS
28 [KEEPERS]. A person who puts up at a hotel, inn, boardinghouse, or
29 lodginghouse and who procures a fare, board, or lodging from the owner

1 or operator [KEEPER] by means of a trick, deception, or false repre-
2 sentation, or a false show of baggage or effects, with the intent to
3 cheat or defraud the owner or operator [KEEPER] out of the pay for the
4 fare, board, lodging, or accommodation; or who with that intent
5 absconds, surreptitiously removes, or causes to be removed baggage or
6 effects from a hotel, inn, boardinghouse, or lodginghouse without
7 first paying the proper charges due is guilty of a misdemeanor, if the
8 charges are less than \$50, and upon conviction is punishable by a fine
9 of not more than \$200, or by imprisonment for not more than six months,
10 or by both and is guilty of a felony if the charges are \$50 or more,
11 and upon conviction is punishable by a fine of not more than \$1,000,
12 or by imprisonment for not more than five years, or by both. The
13 words "fare, board, or lodging" do not include spirituous or malt
14 liquors or intoxicants of any description.
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