

Original sponsor: V. Phillips and Harris

Offered: 3/21/68
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 265

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 \$1,000 in value. If property exceeding \$1,000 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 \$1,000 in value, the operator
23 is liable only where the property deposited is stolen or lost, damaged
24 or destroyed by the 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 negligence of the operator or his

1 agent.

2 (b) The operator of a hotel or boardinghouse may hold and store
3 baggage or other property left behind or sent in advance for a period of
4 four months after which time he may sell it at public auction as pro-
5 vided in AS 34.35.520. The proceeds of a sale (as provided in this
6 section) are to be used to satisfy the hotel or boardinghouse opera-
7 tor's lien, pay expenses of sale and any storage costs incurred. If
8 the hotel or boardinghouse operator does not desire to sell baggage or
9 other property which he has in his possession, he may have the property
10 delivered to a storage or warehouse company for storage in which case
11 his liability for the safekeeping of the property terminates.

12 Sec. 08.56.070. DEFINITIONS. In this chapter

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

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

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

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

23 ARTICLE 13. HOTELS AND BOARDINGHOUSES.

24 Sec. 34.35.510. HOTEL AND BOARDINGHOUSE OPERATOR'S LIENS. The
25 operator of a hotel or boardinghouse has a lien upon, and may retain,
26 all baggage, and other property lawfully in the possession of a guest
27 for all proper charges owed by the guest to the hotel or boardinghouse
28 operator. However, this section does not apply when the baggage or
29 other property is not owned by the guest and the hotel or boardinghouse

1 operator has actual notice of this fact.

2 Sec. 34.35.520. DISPOSITION OF PROPERTY TO SATISFY LIENS. (a)
3 If a lien, as provided for in sec. 510 of this chapter is not satis-
4 fied within 60 days after the charges become due, the hotel or boarding-
5 house operator may proceed to sell the baggage or other property in his
6 possession at public auction. Ten days prior to the sale the hotel
7 or boardinghouse operator shall give notice of the time and place of
8 sale by posting notice in three public places in the town or city where
9 the hotel or boardinghouse is located and by mailing notice of the
10 time and place to the owner of the baggage or other property at the
11 place of residence as set out in the hotel or boardinghouse register.
12 If the guest failed to register or to give sufficient address, the re-
13 quired notice shall be mailed to the guest at the city or town where
14 the hotel or boardinghouse is located. When the notice requirements
15 of this section have been complied with, the sale of the baggage or
16 other property is a perpetual bar to any action against the hotel or
17 boardinghouse operator for recovery of baggage, property or their
18 value.

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

23 Sec. 34.35.530. DEFINITIONS. In this chapter

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

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

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

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

5 Sec. 11.20.480. DEFRAUDING HOTEL OR BOARDINGHOUSE OPERATOR

6 [KEEPERS]. (a) A person who puts up at a hotel, inn, boardinghouse, or
7 lodginghouse and who procures a fare, board, or lodging from the owner
8 or operator [KEEPER] by means of a trick, deception, or false repre-
9 sentation, or a false show of baggage or effects, with the intent to
10 cheat or defraud the owner or operator [KEEPER] out of the pay for the
11 fare, board, lodging, or accommodation; or who with that intent
12 absconds, surreptitiously removes, or causes to be removed baggage or
13 effects from a hotel, inn, boardinghouse, or lodginghouse without
14 first paying the proper charges due is guilty of a misdemeanor, if the
15 charges are less than \$100, and upon conviction is punishable by a fine
16 of not more than \$200, or by imprisonment for not more than six months,
17 or by both and is guilty of a felony if the charges are \$100 or more,
18 and upon conviction is punishable by a fine of not more than \$1,000,
19 or by imprisonment for not more than five years, or by both. The words
20 "fare, board, or lodging" includes all charges incurred except for cash
21 pay outs to a guest. [DO NOT INCLUDE SPIRITUOUS OR MALT LIQUORS OR INTOXI-
22 CANTS OF ANY DESCRIPTION].

23 (b) Proof that fare, board or lodging were obtained by false
24 pretences, or that the person refused or neglected to pay for the fare,
25 board or lodging on demand, or that he gave payment for the food, board
26 or lodging with negotiable paper or credit card voucher upon which
27 payment was refused, shall be prima facie evidence of the fraudulent
28 intent required in (a) of this section.

29 * Sec. 4. AS 11.20.490 is repealed.