



LAWS OF ALASKA

1968

Source

HCSSB 265 am FCC

Chapter No.

184

AN ACT

Relating to hotels and boardinghouses.

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

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

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

(b) No operator of a hotel or boardinghouse is obligated to receive property on deposit for safekeeping as provided in (a) of this section which exceeds \$1,000 in value. If property exceeding \$1,000 in value is deposited in the hotel or boardinghouse safe or vault, the operator is not liable for its loss, damage or destruction unless he enters into a written agreement with the guest who deposits the property. If the operator does contract with a guest for the safekeeping of property exceeding \$1,000 in value, the operator is liable only if the property deposited is stolen or lost, damaged or destroyed by the negligence of the operator or his agent.

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

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

Sec. 08.56.070. DEFINITIONS. In this chapter

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

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

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

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

ARTICLE 13. HOTELS AND BOARDINGHOUSES.

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

Sec. 34.35.520. DISPOSITION OF PROPERTY TO SATISFY LIENS. (a) If a lien, as provided for in sec. 510 of this chapter is not satisfied within 60 days after the charges become due, the hotel or boardinghouse operator may proceed to sell the baggage or other property in his possession at public auction. Ten days before the sale the hotel or boardinghouse operator shall give notice of the time and place of sale by posting notice in three public places in the town or city where the hotel or boardinghouse is located and by mailing notice of the time and place to the owner of the baggage or other property at the place of residence as set out in the hotel or boardinghouse register. If the guest failed to register or to give sufficient address, the required notice shall be mailed to the guest at the city or town where the hotel or boardinghouse is located. When the notice requirements of this section have been complied with, the sale of the baggage or other property is a perpetual bar to an action against the

hotel or boardinghouse operator for recovery of baggage, property or their value.

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

Sec. 34.35.530. DEFINITIONS. In this chapter

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

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

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

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

Sec. 11.20.480. DEFRAUDING HOTEL OR BOARDINGHOUSE OPERATOR. (a) A person who puts up at a hotel, inn, boardinghouse, or lodginghouse and who procures a fare, board, or lodging from the owner or operator by means of a trick, deception, or false representation, or a false show of baggage or effects, with the intent to cheat or defraud the owner or operator out of the pay for the fare, board, lodging, or accommodation; or who with that intent absconds, surreptitiously removes, or causes to be removed baggage or effects from a hotel, inn, boardinghouse, or lodginghouse without first paying the proper charges due is guilty of a misdemeanor, if the charges are less than \$100, and upon conviction is punishable by a fine of not more than \$200, or by imprisonment for not more than six months, or by both, and is guilty of a felony if the charges are \$100 or more, and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment for not more than five years, or by both. The words "fare, board, or lodging" include all charges incurred except for cash payouts to a guest.

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

* Sec. 4. AS 11.20.490 is repealed.