

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 179 Session of  
2015

---

INTRODUCED BY GREENLEAF, GORDNER, TARTAGLIONE, VULAKOVICH AND  
WOZNIAK, JANUARY 27, 2015

---

REFERRED TO URBAN AFFAIRS AND HOUSING, JANUARY 27, 2015

---

AN ACT

1 Amending Title 48 (Lodging and Housing) of the Pennsylvania  
2 Consolidated Statutes, consolidating statutory provisions on  
3 hotels; and repealing certain provisions of the Fire and  
4 Panic Act, The Landlord and Tenant Act of 1951, the  
5 Pennsylvania Innkeepers' Rights Act, the Infant Crib Safety  
6 Act and other acts relating to hotels.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Title 48 of the Pennsylvania Consolidated  
10 Statutes is amended by adding parts to read:

11 PART I

12 PRELIMINARY PROVISIONS (Reserved)

13 PART II

14 LODGING

15 Chapter

16 11. General Provisions (Reserved)

17 13. Hotels

18 CHAPTER 11

19 GENERAL PROVISIONS (Reserved)

20 CHAPTER 13

1 HOTELS

2 Subchapter

3 A. General Provisions

4 B. Rights

5 C. Protection of Keepers of Hotels, Inns and Boardinghouses

6 D. (Reserved)

7 E. Safety

8 SUBCHAPTER A

9 GENERAL PROVISIONS

10 Sec.

11 1301. Definitions.

12 § 1301. Definitions.

13 The following words and phrases when used in this chapter  
14 shall have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 "Hotelkeeper." Except for a time-share arrangement, a person  
17 or entity providing lodging, accommodations, facilities or  
18 privileges or services at the following:

19 (1) a hotel, motel, inn, resort, guest house or bed and  
20 breakfast establishment;

21 (2) a building, other than one listed under paragraph  
22 (1), which is held out by any means, including advertising,  
23 license, registration with a hotelkeepers' group, convention  
24 listing association, travel publication or similar  
25 association or with a government agency, as being available  
26 to provide overnight lodging or use of facility space for  
27 consideration to persons seeking temporary accommodation;

28 (3) a place that advertises to the public that it will  
29 provide beds, sanitary facilities or other space for a  
30 temporary period to members of the public; or



1 cost, taxes, charges by the minor and any damages to the  
2 guest room or its furnishings caused by the minor.

3 (iii) Require all of the following, if a credit card  
4 authorization is not provided:

5 (A) An advanced cash payment to cover the guest  
6 room cost and taxes for all room nights reserved for  
7 the minor.

8 (B) A cash damage deposit in an amount not to  
9 exceed the cost of one night's guest room  
10 accommodations, including taxes, for payment of  
11 additional charges by the minor or for damages to the  
12 guest room or its furniture or furnishings. The  
13 hotelkeeper shall refund the cash deposit to the  
14 extent that it is not used to cover any reasonable  
15 charges or damages, as determined by the hotelkeeper  
16 following room inspection at checkout.

17 (2) A person who is disorderly.

18 (3) A person who the hotelkeeper reasonably believes is  
19 seeking accommodations for an unlawful purpose, including the  
20 unlawful possession or use of a controlled substance by the  
21 person or the use of the premises for the consumption of  
22 alcoholic beverages by any person under 21 years of age.

23 (4) A person who the hotelkeeper reasonably believes is  
24 bringing into the lodging establishment property which may be  
25 dangerous to other persons, including explosives or illegal  
26 firearms.

27 (5) A person who exceeds the maximum number of persons  
28 allowed to occupy a particular guest room in the lodging  
29 establishment, as posted by the lodging establishment.

30 (b) Civil liability for refusal.--

1           (1) Except as provided for under paragraph (2), a  
2 hotelkeeper refusing or denying accommodations, facilities or  
3 privileges of a lodging establishment for any of the reasons  
4 specified under subsection (a) shall not be liable in a civil  
5 action or for a fine or penalty based on the refusal or  
6 denial.

7           (2) Accommodations, facilities or privileges of a  
8 lodging establishment may not be refused or denied based upon  
9 the factors under section 3 of the act of October 27, 1955  
10 (P.L.744, No.222), known as the Pennsylvania Human Relations  
11 Act.

12 (c) Restitution and damages permitted.--

13           (1) In addition to any penalties provided under any  
14 other statute, a court may order a person to do all of the  
15 following:

16                 (i) Pay restitution for any damages suffered by the  
17 hotelkeeper of the lodging establishment, including the  
18 lodging establishment's loss of revenue resulting from  
19 the lodging establishment's inability to rent or lease  
20 the room during the period of time the lodging  
21 establishment room is being repaired.

22                 (ii) Pay damages or restitution to a person or his  
23 property that is injured.

24           (2) The parents or guardians of a minor shall be liable  
25 for the acts of the minor which cause damages to the lodging  
26 establishment room or furnishings or cause injury to persons  
27 or property.

28           (3) This subsection shall not prohibit the prosecution  
29 of any person for any other violation of law which occurred  
30 on the property of the lodging establishment.

1 (d) Guest register requirement.--

2 (1) The hotelkeeper of a lodging establishment shall  
3 maintain, for a period of three years, a guest register which  
4 shows the name, residence, date of arrival and departure of  
5 guests of the lodging establishment.

6 (2) (i) Every guest shall register. A registering guest  
7 may be required by the hotelkeeper to produce a valid  
8 driver's license or other identification, satisfactory to  
9 the hotelkeeper, containing a photograph of the guest and  
10 setting forth the name and residence address of the  
11 guest.

12 (ii) In addition to the provisions of subparagraph  
13 (i), if the guest is a minor, the hotelkeeper may also  
14 require a parent of the guest to register, accepting in  
15 writing liability for the guest room cost, taxes, all  
16 charges by the minor and any damages to the guest room or  
17 its furnishings caused by the minor while a guest at the  
18 lodging establishment.

19 (3) The guest register shall be maintained in its  
20 original form or may be reproduced on any photographic,  
21 photostatic, microfilm, microcard, miniature photographic or  
22 other process which actually reproduces the original record.

23 (e) Right to eject from premises.--A hotelkeeper may  
24 immediately eject a person from the lodging establishment  
25 premises for violating this chapter if a copy of the chapter is  
26 posted in a conspicuous place and manner in the lodging  
27 establishment in accordance with subsection (f).

28 (f) Posting notice to guests.--This chapter shall not apply  
29 to a hotelkeeper unless the hotelkeeper posts a copy of this  
30 chapter at or near the guest registration desk.

1 (g) Definitions.--As used in this section, the following  
2 words and phrases shall have the meanings given to them in this  
3 subsection unless the context clearly indicates otherwise:

4 "Alcohol." The term as defined in section 102 of the act of  
5 April 12, 1951 (P.L.90, No.21), known as the Liquor Code.

6 "Controlled substance." The term as defined in section 2 of  
7 the act of April 14, 1972 (P.L.233, No.64), known as The  
8 Controlled Substance, Drug, Device and Cosmetic Act.

9 "Disorderly." A person is disorderly if, with intent to  
10 cause or recklessly create a risk of public inconvenience,  
11 annoyance or alarm, the person does any of the following:

12 (1) Engages in fighting or threatening or in violent or  
13 tumultuous behavior.

14 (2) Makes unreasonable noise.

15 (3) Uses obscene language or makes an obscene gesture.

16 (4) Creates a hazard or physically offensive condition  
17 by an act which serves no legitimate purpose of the actor.

18 "Lodging establishment." Except for a time-share  
19 arrangement, any of the following:

20 (1) A hotel, motel, inn, resort, guest house or bed and  
21 breakfast establishment, regardless of size.

22 (2) A building, other than listed under paragraph (1),  
23 which is held out by any means, including advertising,  
24 license, registration with an innkeepers' group, convention  
25 listing association, travel publication or similar  
26 association or with a government agency, as being available  
27 to provide overnight lodging or use of facility space for  
28 consideration to persons seeking temporary accommodation.

29 (3) A place which advertises to the public at large or a  
30 segment of the public that it will provide beds, sanitary

1 facilities or other space for a temporary period to members  
2 of the public at large.

3 (4) A place recognized as a hostelry, except for  
4 portions of the facility which are devoted to persons who  
5 have established permanent residence.

6 "Minor." An unemancipated person under 18 years of age.

7 "Person." Any individual, corporation, association,  
8 partnership, joint stock company, business trust, syndicate,  
9 joint venture or other combination or group of individuals.

10 "Temporary." Occupancy or the right to occupancy of a  
11 lodging establishment for less than 30 days or on a day-to-day  
12 basis if for more than 30 days.

13 SUBCHAPTER C

14 PROTECTION OF KEEPERS OF HOTELS, INNS

15 AND BOARDINGHOUSES

16 Sec.

17 1321. Notice to boarders to lock rooms.

18 1322. Lien, warrant, sale and right of redemption.

19 1323. Liability for property loss or damage.

20 1324. Special arrangements for safe deposit of valuables.

21 1325. Duty of guest.

22 1326. Other liability.

23 1327. Exemption from levy or sale.

24 1328. Baggage.

25 1329. Baggage sale requirements.

26 1330. Sale proceeds.

27 § 1321. Notice to boarders to lock rooms.

28 If a hotelkeeper posts in a conspicuous place notice  
29 requiring the guest or boarder to bolt the door of the room  
30 occupied by the guest or boarder, or, in leaving the room, to

1 lock the door and to deposit the key with the hotelkeeper or the  
2 clerk at the office, the hotelkeeper shall not be liable for any  
3 baggage of the guest or boarder which may be stolen from the  
4 room, if the guest or boarder shall neglect to do so. In order  
5 to avoid liability, the hotelkeeper must clearly establish the  
6 fact of the room's having been left unbolted or unlocked by the  
7 guest or boarder at the time of the loss of the baggage.

8 § 1322. Lien, warrant, sale and right of redemption.

9 (a) Lien.--A hotelkeeper within this Commonwealth shall have  
10 a lien upon the goods and baggage belonging to a guest or  
11 boarder for the amount of indebtedness contracted for boarding  
12 and lodging for a period of time not exceeding two weeks. The  
13 hotelkeeper may detain the goods and baggage until the amount of  
14 indebtedness is paid.

15 (b) Public sale.--

16 (1) Except as provided under paragraph (2), after the  
17 detention of goods under subsection (a) for three months, the  
18 hotelkeeper may apply to a magisterial district judge to  
19 publicly sell the goods and baggage. At least 10 days' notice  
20 of the public sale must be placed in at least three public  
21 places in the ward of the city or borough or in the township  
22 where the inn, hotel or boardinghouse is located. The owner  
23 of the goods and baggage shall receive the balance of the  
24 proceeds of the public sale, minus all costs and the amount  
25 of indebtedness.

26 (2) Notwithstanding paragraph (1), the owner of the  
27 goods and baggage shall have the right to redeem the goods  
28 and baggage as follows:

29 (i) At any time within the three months of  
30 detention, upon paying the amount of the indebtedness.

1           (ii) At any time previous to the public sale, upon  
2           paying the amount of the indebtedness and any additional  
3           costs established under law.

4 § 1323. Liability for property loss or damage.

5       (a) General rule.--Except as provided in subsection (b) and  
6 section 1324 (relating to special arrangements for safe deposit  
7 of valuables), no hotelkeeper, whether individual, partnership  
8 or corporation, shall be liable for loss or damage to property  
9 suffered by a guest, unless the hotelkeeper fails to constantly  
10 maintain any of the following:

11           (1) A metal safe or vault in good order and fit for  
12 custody of money, bank notes, jewelry, gold or silver  
13 articles, precious stones, personal ornaments, railroad  
14 mileage books or tickets, negotiable or valuable papers and  
15 bullion.

16           (2) Suitable locks, bolts and fastening on the doors,  
17 transoms and windows of the sleeping rooms used by guests.

18           (3) A copy of this section, posted and printed in  
19 distinct type in not fewer than 10 conspicuous places  
20 throughout the hotel or inn.

21       (b) Exception.--Notwithstanding compliance with subsection  
22 (a), a hotelkeeper is liable for property loss or damage if a  
23 guest delivers property for custody in the safe or vault and the  
24 hotelkeeper omits or refuses to accept it, deposit it in the  
25 safe or vault or provide the guest with a receipt, except that a  
26 hotelkeeper is not:

27           (1) obliged to receive from any one guest property  
28 exceeding a total value of \$300; or

29           (2) liable for an amount in excess of \$300, whether or  
30 not the property was actually received.

1 (c) Definitions.--The following words and phrases when used  
2 in this section shall have the meanings given to them in this  
3 subsection unless the context clearly indicates otherwise:

4 "Hotel." The term includes apartment hotels.

5 "Hotelkeeper." The term includes apartment hotelkeepers.

6 § 1324. Special arrangements for safe deposit of valuables.

7 Notwithstanding section 1323 (relating to liability for  
8 property loss or damage), a hotelkeeper may, by special  
9 arrangement with a guest, receive any property for deposit in  
10 the safe or vault upon terms as to which the parties agree in  
11 writing, but the hotelkeeper shall be liable for property loss  
12 or damage after the articles have been accepted for deposit, if  
13 the loss or damage is caused by theft or negligence of the  
14 hotelkeeper.

15 § 1325. Duty of guest.

16 It shall be the duty of every guest, and of anyone intending  
17 to be a guest, of any hotel or inn, upon delivering to the  
18 hotelkeeper of the hotel or inn, or a servant or employee,  
19 baggage or other property of the guest for safekeeping elsewhere  
20 than in the room assigned to the guest, to demand of the  
21 hotelkeeper a check or receipt for the property to evidence the  
22 fact of delivery.

23 § 1326. Other liability.

24 (a) Depository liability.--Except as provided in subsection  
25 (b), the liability of the hotelkeeper, whether individual,  
26 partnership or corporation, for property loss or damage to a  
27 guest other than that described in sections 1323 (relating to  
28 liability for property loss or damage) and 1324 (relating to  
29 special arrangements for safe deposit of valuables) shall be  
30 that of a depository for hire.

1 (b) Exception.--Notwithstanding subsection (a), the  
2 hotelkeeper shall not be liable in the case of loss or damage  
3 caused by a fire not intentionally produced by the hotelkeeper.

4 (c) Limitation of liability.--Unless the hotelkeeper has  
5 consented in writing to assume a greater liability, in no case  
6 shall liability under this section exceed \$150 for each trunk  
7 and its contents, \$50 for each valise and its contents, \$10 for  
8 each box, bundle or package and its contents and \$50 for all  
9 other miscellaneous effects, including wearing apparel and  
10 personal belongings.

11 (d) Persons other than guests.--A hotelkeeper may hold  
12 baggage or property at the risk of the owner if:

13 (1) The owner has forwarded the baggage or property to  
14 the inn or hotel before becoming a guest and the baggage or  
15 property has been received into the inn or hotel.

16 (2) The owner has allowed baggage or property to remain  
17 in the inn or hotel after leaving as a guest and after the  
18 relationship between the hotelkeeper and the guest has  
19 ceased.

20 § 1327. Exemption from levy or sale.

21 The personal property of a guest at an inn or hotel, or of a  
22 boarder at a boardinghouse where the property is in the  
23 exclusive use of the boarder, when located on premises occupied  
24 by the guest or boarder, shall be exempt from levy and sale on  
25 distress for rent.

26 § 1328. Baggage.

27 (a) Hotelkeeper lien.--A hotelkeeper, whether individual,  
28 partnership or corporation, shall have a lien on baggage and  
29 other property located in and about the inn or hotel and  
30 belonging to or under the control of a guest or boarder for the

1 proper charges due for accommodation, board and lodging and for  
2 all money paid for or advanced to the guest or boarder.

3 (b) Limitation.--The amount of a lien under subsection (a)  
4 shall not exceed \$200.

5 (c) Right of hotelkeeper.--The hotelkeeper may detain the  
6 baggage and other property until the amount of any charges due  
7 has been paid.

8 (d) Exemption from attachment and execution.--Baggage and  
9 other property shall be exempt from attachment or execution  
10 until the hotelkeeper's lien and the cost of satisfying it are  
11 satisfied.

12 § 1329. Baggage sale requirements.

13 (a) Public auction.--The hotelkeeper shall retain the  
14 baggage or other property upon which a lien exists for a period  
15 of 30 days, after which, if the lien is not satisfied, the  
16 baggage or other property may be sold at public auction.

17 (b) Notice.--Notice of the public auction under subsection  
18 (a) shall be provided by:

19 (1) providing a minimum of 10 days' notice in a  
20 newspaper of general circulation in the county where the inn  
21 or hotel is situated; and

22 (2) mailing a copy of the notice, addressed to the guest  
23 or boarder at the place of residence recorded in the register  
24 of the inn or hotel.

25 § 1330. Sale proceeds.

26 (a) Duty of hotelkeeper.--After satisfying the lien and any  
27 costs that may accrue, any residue remaining shall be paid to  
28 the guest or boarder:

29 (1) on demand within six months; or

30 (2) if there is no demand, within six months from the

1 date of the sale.

2 (b) Deposit of residual funds.--The residue shall be  
3 deposited by the hotelkeeper with the treasurer of the county in  
4 which the inn or hotel is situated, together with a statement of  
5 the claim of the hotelkeeper, the costs of enforcing the claim,  
6 a copy of the published public auction notice and a report of  
7 amounts received for the goods sold at the auction.

8 (c) Duty of county treasurer.--The county treasurer shall  
9 credit the residue to the general revenue fund of the county,  
10 subject to the right of the guest or boarder to reclaim it  
11 within three years of the date of deposit with the treasurer.

12 SUBCHAPTER D

13 (RESERVED)

14 SUBCHAPTER E

15 SAFETY

16 Sec.

17 1351. Tourist camp heater safety.

18 1352. Crib safety.

19 1353. Information concerning protection from fire.

20 § 1351. Tourist camp heater safety.

21 (a) General requirements.--The owner or operator of a  
22 tourist camp where cabins or trailers are heated by stoves, gas  
23 burners or any other heating device, except electrical  
24 appliances, radiators and electric water heaters, shall install  
25 adequate chimneys or other vents or outlets for escape of carbon  
26 monoxide gas and other harmful or injurious gases generated by  
27 the heating devices.

28 (b) Penalty.--Upon conviction in a summary proceeding, a  
29 person who violates this section shall be sentenced to pay a  
30 fine of not less than \$10 or more than \$25 or to imprisonment

1 for a term of not more than 30 days, or both, in the discretion  
2 of the court.

3 § 1352. Crib safety.

4 (a) Unsafe crib prohibition.--No hotel, motel or similar  
5 transient lodging facility shall offer or provide for use or  
6 otherwise place in the stream of commerce a full-size or non-  
7 full-size crib that is unsafe for an infant using the crib  
8 because it does not conform to section 3(c)(1), (2) or (3) of  
9 the act of June 22, 2000 (P.L.339, No.39), known as the Infant  
10 Crib Safety Act, or because it has a dangerous feature or  
11 characteristic under section 3(d) of the Infant Crib Safety Act.

12 (b) Penalty.--A hotel, motel or similar transient lodging  
13 facility that willfully and knowingly violates subsection (a)  
14 commits a summary offense which, upon conviction, shall be  
15 punishable by a fine of not more than \$1,000.

16 § 1353. Information concerning protection from fire.

17 The management of hotels and motels shall, upon the request  
18 of travel agents and other persons interested in utilizing their  
19 facilities, furnish information concerning the measures which  
20 have been taken at the hotel or motel for protection from fire.  
21 The information shall be provided in writing, free of charge,  
22 and shall be in such detail as the Department of Labor and  
23 Industry may prescribe by regulation.

24 Section 2. Repeals are as follows:

25 (1) The General Assembly declares that the repeals under  
26 paragraph (2) are necessary to effectuate the addition of 48  
27 Pa.C.S. Ch. 13.

28 (2) The following acts and parts of acts are repealed:

29 (i) The act of May 7, 1855 (P.L.479, No.509),  
30 entitled "An act to protect Keepers of Hotels, Inns and

1 Boarding Houses."

2 (ii) The act of June 12, 1913 (P.L.481, No.318),  
3 entitled "An act relating to inns and hotels; regulating  
4 certain rights and liabilities of hotelkeepers and  
5 innkeepers; and providing penalties for fraud against  
6 innkeepers and hotelkeepers."

7 (iii) Section 3.3 of the act of April 27, 1927  
8 (P.L.465, No.299), referred to as the Fire and Panic Act.

9 (iv) Section 404(4) of the act of April 6, 1951  
10 (P.L.69, No.20), known as The Landlord and Tenant Act of  
11 1951.

12 (v) The act of August 19, 1953 (P.L.1083, No.285),  
13 entitled "An act requiring owners and operators of  
14 tourist camps having heated cabins to provide adequate  
15 chimneys or escape vents for harmful gases, and imposing  
16 penalties."

17 (vi) The act of October 30, 1996 (P.L.732, No.131),  
18 known as the Pennsylvania Innkeepers' Rights Act.

19 (vii) Sections 3(b) and 5 of the act of June 22,  
20 2000 (P.L.339, No.39), known as the Infant Crib Safety  
21 Act.

22 Section 3. The following apply:

23 (1) The addition of 48 Pa.C.S. Ch. 13 is a continuation  
24 of the following:

25 (i) The act of May 7, 1855 (P.L.479, No.509),  
26 entitled "An act to protect Keepers of Hotels, Inns and  
27 Boarding Houses."

28 (ii) The act of June 12, 1913 (P.L.481, No.318),  
29 entitled "An act relating to inns and hotels; regulating  
30 certain rights and liabilities of hotelkeepers and

1 innkeepers; and providing penalties for fraud against  
2 innkeepers and hotelkeepers."

3 (iii) Section 3.3 of the act of April 27, 1927  
4 (P.L.465, No.299), referred to as the Fire and Panic Act.

5 (iv) Section 404(4) of the act of April 6, 1951  
6 (P.L.69, No.20), known as The Landlord and Tenant Act of  
7 1951.

8 (v) The act of August 19, 1953 (P.L.1083, No.285),  
9 entitled "An act requiring owners and operators of  
10 tourist camps having heated cabins to provide adequate  
11 chimneys or escape vents for harmful gases, and imposing  
12 penalties."

13 (vi) The act of October 30, 1996 (P.L.732, No.131),  
14 known as the Pennsylvania Innkeepers' Rights Act.

15 (vii) Sections 3(b) and 5 of the act of June 22,  
16 2000 (P.L.339, No.39), known as the Infant Crib Safety  
17 Act.

18 (2) Except as otherwise provided in 48 Pa.C.S. Ch. 13,  
19 all activities initiated under the statutory provisions  
20 referred to in paragraph (1) shall continue and remain in  
21 full force and effect and may be completed under 48 Pa.C.S.  
22 Ch. 13. Orders, regulations, rules and decisions which were  
23 made under the statutory provisions referred to in paragraph  
24 (1) and which are in effect on the effective date of section  
25 2 of this act shall remain in full force and effect until  
26 revoked, vacated or modified under 48 Pa.C.S. Ch. 13.  
27 Contracts, obligations and collective bargaining agreements  
28 entered into under the statutory provisions referred to in  
29 paragraph (1) are not affected nor impaired by the repeal of  
30 the statutory provisions referred to in paragraph (1).

1           (3) Any difference in language between 48 Pa.C.S. Ch. 13  
2 and the statutory provisions referred to in paragraph (1) is  
3 intended only to conform to the style of the Pennsylvania  
4 Consolidated Statutes and is not intended to change or affect  
5 the legislative intent, judicial construction or  
6 administration and implementation of the statutory provisions  
7 referred to in paragraph (1).  
8 Section 4. This act shall take effect in 60 days.