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 2 INTRODUCED BY House BILL NO. 322  
 3 *Walter* *Fisher* *Simon* *Benefield*

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THAT INNKEEPERS MAY EVICT GUESTS  
 5 OR REFUSE ACCOMMODATIONS AND SERVICES UNDER CERTAIN CONDITIONS; ESTABLISHING THE  
 6 LIABILITY OF INNKEEPERS IN INCIDENTS INVOLVING THE UNLAWFUL CONSUMPTION OR POSSESSION  
 7 OF ALCOHOL AT HOTELS; AND AMENDING SECTION 49-2-304, MCA."

8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10  
 11 NEW SECTION. **Section 1. Eviction of guests.** (1) An innkeeper may evict a guest of a hotel, as  
 12 defined in 50-51-102, who refuses or has otherwise failed to pay the bill when due. Before evicting a guest,  
 13 the innkeeper shall demand payment of the bill and shall ask the guest to vacate the premises. If the guest  
 14 does not pay the bill or leave following these requests, the innkeeper may lock the door to the guest's  
 15 room, remove the guest's baggage and other personal property, or evict the guest by any other peaceful  
 16 means. The innkeeper may hold the guest's baggage and other personal property but is subject to liability  
 17 as provided in 70-6-501.

18 (2) An innkeeper may also evict a person, whether or not the person is a guest of the hotel, who:

- 19 (a) is under the influence of alcohol, drugs, or any other intoxicating substance or is not in
- 20 compliance with state liquor laws;
- 21 (b) acts in a disorderly fashion so as to disturb the peace of other guests;
- 22 (c) seeks to use the hotel for an unlawful purpose;
- 23 (d) seeks to bring into the hotel property, including firearms, explosives, or hazardous or toxic
- 24 substances, that is unlawful to possess or that may be dangerous to other persons;
- 25 (e) destroys, damages, defaces, or threatens harm to hotel property or guests;
- 26 (f) causes or permits persons to exceed the maximum allowable occupancy of a hotel room as
- 27 established by the innkeeper;
- 28 (g) refuses to abide by reasonable standards or policies established by the innkeeper for operation
- 29 and management of the hotel.

30

1            **NEW SECTION. Section 2. Innkeeper's responsibilities -- limits.** (1) An innkeeper may not be  
2 required to provide accommodations, facilities, or privileges of a hotel, as defined in 50-51-102, to a person  
3 who:

4            (a) is unwilling or unable to pay for the accommodations and services of the hotel. An innkeeper  
5 may require a prospective guest to demonstrate the ability to pay for the accommodations and services by  
6 paying a damage deposit in cash or with an accepted credit card.

7            (b) the innkeeper reasonably believes to be under the influence of alcohol, drugs, or another  
8 intoxicating substance or who acts in a disorderly fashion so as to disturb the peace of other guests;

9            (c) the innkeeper reasonably believes seeks to bring into the hotel property, including firearms,  
10 explosives, or hazardous or toxic substances, that is unlawful to possess or that may be dangerous to other  
11 persons;

12            (d) destroys, damages, defaces, or threatens harm to hotel property or guests;

13            (e) refuses to abide by reasonable standards or policies established by the innkeeper for operation  
14 and management of the hotel;

15            (f) causes or permits persons to exceed the maximum allowable occupancy of a hotel room as  
16 established by the innkeeper; or

17            (g) is under 18 years of age and unaccompanied by a parent or guardian. An innkeeper may  
18 condition the provision of accommodations, facilities, or privileges of a hotel to persons under the age of  
19 18 by requiring the parent or guardian to:

20            (i) agree in writing to accept liability for the costs of the accommodations, including the cost of the  
21 room taxes, other charges, and any damages to the hotel caused by the guest or invitees; and

22            (ii) provide an acceptable credit card or cash deposit sufficient to cover the costs of  
23 accommodations and services.

24            (2) Except as provided in subsection (1)(g), this section does not relieve an innkeeper from the  
25 responsibility to not engage in unlawful discriminatory practices as defined in 49-2-304 and other provisions  
26 of Title 49, chapter 2.

27  
28            **Section 3.** Section 49-2-304, MCA, is amended to read:

29            **"49-2-304. Discrimination in public accommodations.** (1) Except when the distinction is based on  
30 reasonable grounds, it is an unlawful discriminatory practice for the owner, lessee, manager, agent, or

1 employee of a public accommodation:

2 (a) to refuse, withhold from, or deny to a person any of its services, goods, facilities, advantages,  
3 or privileges because of sex, marital status, race, age, physical or mental disability, creed, religion, color,  
4 or national origin;

5 (b) to publish, circulate, issue, display, post, or mail a written or printed communication, notice,  
6 or advertisement which states or implies that any of the services, goods, facilities, advantages, or privileges  
7 of the public accommodation will be refused, withheld from, or denied to a person of a certain race, creed,  
8 religion, sex, marital status, age, physical or mental disability, color, or national origin.

9 (2) Except when the distinction is based on reasonable grounds, it is an unlawful discriminatory  
10 practice for a licensee under Title 16, chapter 4, to exclude from its membership or from its services,  
11 goods, facilities, advantages, privileges, or accommodations any individual on the grounds of race, color,  
12 religion, creed, sex, marital status, age, physical or mental disability, or national origin. This subsection  
13 does not apply to any lodge of a recognized national fraternal organization.

14 (3) ~~Nothing in this~~ This section prohibits ~~does not prohibit~~ public accommodations from giving or  
15 providing special benefits, incentives, discounts, or promotions for the benefit of individuals based on age.

16 (4) This section does not prohibit innkeepers from conditioning the provision of accommodations  
17 to a minor as provided in [section 2]."

18

19 NEW SECTION. Section 4. Consumption or possession of alcohol -- civil liability -- licensure  
20 protection. The provisions of 27-1-710 apply to an innkeeper. A license to serve beer, wine, or liquor that  
21 is issued to an innkeeper may not be suspended, revoked, or refused renewal because of the unlawful  
22 consumption or possession of alcohol by a guest or occupant except under the provisions of Title 16,  
23 Chapter 4.

24

25 NEW SECTION. Section 5. Codification instruction. [Sections 1, 2, and 4] are intended to be  
26 codified as an integral part of Title 70, chapter 6, and the provisions of Title 70, chapter 6, apply to  
27 [sections 1, 2, and 4].

28

-END-

## HOUSE BILL NO. 322

INTRODUCED BY HIBBARD, FISHER, SIMON, BENEDICT, HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THAT INNKEEPERS MAY EVICT GUESTS OR REFUSE ACCOMMODATIONS AND SERVICES UNDER CERTAIN CONDITIONS; AND ESTABLISHING THE LIABILITY OF INNKEEPERS IN INCIDENTS INVOLVING THE UNLAWFUL CONSUMPTION OR POSSESSION OF ALCOHOL AT HOTELS; ~~AND AMENDING SECTION 49-2-304, MCA.~~"

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

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(2) An innkeeper may also evict a person, whether or not the person is a guest of the hotel, who:

(a) is under the influence of alcohol, drugs, or any other intoxicating substance or is not in compliance with state liquor laws;

(b) acts in a disorderly fashion so as to disturb the peace of other guests;

(c) seeks to use the hotel for an unlawful purpose;

(d) seeks to bring into the hotel ~~property, including firearms, explosives, or hazardous or toxic substances, that is unlawful to possess or that may be dangerous to other persons;~~

(I) AN UNLAWFULLY POSSESSED FIREARM; OR

(II) SOMETHING, INCLUDING AN EXPLOSIVE OR A HAZARDOUS OR TOXIC SUBSTANCE, THAT

IT IS UNLAWFUL TO POSSESS AND THAT MAY BE DANGEROUS TO OTHER PERSONS;

(e) destroys, damages, defaces, or threatens harm to hotel property or guests;

(f) causes or permits persons to exceed the maximum allowable occupancy of a hotel room as established by the innkeeper;

1 (g) refuses to abide by reasonable standards or policies established by the innkeeper for operation  
2 and management of the hotel.

3  
4 NEW SECTION. Section 2. Innkeeper's responsibilities -- limits. (1) An innkeeper may not be  
5 required to provide accommodations, facilities, or privileges of a hotel, as defined in 50-51-102, to a person  
6 who:

7 (a) is unwilling or unable to pay for the accommodations and services of the hotel. An innkeeper  
8 may require a prospective guest to demonstrate the ability to pay for the accommodations and services by  
9 paying a damage deposit in cash or with an accepted credit card.

10 (b) the innkeeper reasonably believes to be under the influence of alcohol, drugs, or another  
11 intoxicating substance or who acts in a disorderly fashion so as to disturb the peace of other guests;

12 (c) the innkeeper reasonably believes seeks to bring into the hotel ~~property, including firearms,~~  
13 ~~explosives, or hazardous or toxic substances, that is unlawful to possess or that may be dangerous to other~~  
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20 and management of the hotel; OR

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22 established by the innkeeper; ~~or,~~

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24 ~~condition the provision of accommodations, facilities, or privileges of a hotel to persons under the age of~~  
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26 ~~(i) agree in writing to accept liability for the costs of the accommodations, including the cost of the~~  
27 ~~room taxes, other charges, and any damages to the hotel caused by the guest or invitees; and~~

28 ~~(ii) provide an acceptable credit card or cash deposit sufficient to cover the costs of~~  
29 ~~accommodations and services.~~

30 (2) ~~Except as provided in subsection (1)(g), this~~ THIS section does not relieve an innkeeper from

1 the responsibility to not engage in unlawful discriminatory practices as defined in 49-2-304 and other  
2 provisions of Title 49, chapter 2.

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4 ~~Section 3. Section 49-2-304, MCA, is amended to read:~~

5 ~~"49-2-304. Discrimination in public accommodations. (1) Except when the distinction is based on~~  
6 ~~reasonable grounds, it is an unlawful discriminatory practice for the owner, lessee, manager, agent, or~~  
7 ~~employee of a public accommodation:~~

8 ~~(a) to refuse, withhold from, or deny to a person any of its services, goods, facilities, advantages,~~  
9 ~~or privileges because of sex, marital status, race, age, physical or mental disability, creed, religion, color,~~  
10 ~~or national origin;~~

11 ~~(b) to publish, circulate, issue, display, post, or mail a written or printed communication, notice,~~  
12 ~~or advertisement which states or implies that any of the services, goods, facilities, advantages, or privileges~~  
13 ~~of the public accommodation will be refused, withheld from, or denied to a person of a certain race, creed,~~  
14 ~~religion, sex, marital status, age, physical or mental disability, color, or national origin.~~

15 ~~(2) Except when the distinction is based on reasonable grounds, it is an unlawful discriminatory~~  
16 ~~practice for a licensee under Title 16, chapter 4, to exclude from its membership or from its services,~~  
17 ~~goods, facilities, advantages, privileges, or accommodations any individual on the grounds of race, color,~~  
18 ~~religion, creed, sex, marital status, age, physical or mental disability, or national origin. This subsection~~  
19 ~~does not apply to any lodge of a recognized national fraternal organization.~~

20 ~~(3) Nothing in this This section prohibits does not prohibit public accommodations from giving or~~  
21 ~~providing special benefits, incentives, discounts, or promotions for the benefit of individuals based on age.~~

22 ~~(4) This section does not prohibit innkeepers from conditioning the provision of accommodations~~  
23 ~~to a minor as provided in [section 2]."~~

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25 **NEW SECTION. Section 3. Consumption or possession of alcohol -- civil liability -- licensure**  
26 **protection.** The provisions of 27-1-710 apply to an innkeeper. A license to serve beer, wine, or liquor that  
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

THERE ARE NO CHANGES IN THIS BILL AND IT WILL NOT BE REPRINTED. PLEASE REFER TO SECOND READING COPY (YELLOW) FOR COMPLETE TEXT.



SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 15, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration HB 322 (third reading copy -- blue), respectfully report that HB 322 be amended as follows and as so amended be concurred in.

Signed   
Senator Bruce Crippen, Chair

That such amendments read:

1. Title, line 5.

Strike: "AND"

2. Title, line 7.

Following: "MCA"

Insert: "; AND ESTABLISHING PARENTS' OR GUARDIANS' LIABILITY FOR MINORS' DAMAGE TO PUBLIC ACCOMMODATIONS"

3. Page 1, line 19.

Following: "substance"

Insert: "and acts in a disorderly fashion so as to disturb the peace of other guests"

4. Page 3, line 30.

Insert: "NEW SECTION. Section 4. Liability of parent or guardian for minor's damage to public accommodation. If a minor willfully defaces or damages hotel property, the parent or guardian of the minor is liable for the cost of repair or replacement as provided in 40-6-237 and 40-6-238."

Renumber: subsequent section

5. Page 4, line 1.

Page 4, line 3.


Following: "THROUGH"

Strike: "3"

Insert: "4"

-END-

HB 322

 Amd. Coord.

51 Sec. of Senate

San. Harrison

Senator Carrying Bill

SENATE

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23 (b) acts in a disorderly fashion so as to disturb the peace of other guests;

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13 (b) ~~to publish, circulate, issue, display, post, or mail a written or printed communication, notice,~~  
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3 NEW SECTION. SECTION 4. LIABILITY OF PARENT OR GUARDIAN FOR MINOR'S DAMAGE TO  
4 PUBLIC ACCOMMODATION. IF A MINOR WILLFULLY DEFACES OR DAMAGES HOTEL PROPERTY, THE  
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9 intended to be codified as an integral part of Title 70, chapter 6, and the provisions of Title 70, chapter 6,  
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11

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