

## CHAPTER 511—H. F. No. 101.

*An act concerning, and defining the rights, duties and responsibilities of inn keepers, hotel keepers and landlords, and for the protection of their guests, providing for penalties for violations of the provisions of this act, and repealing Sections 6080, 6081, 8969, General Statutes 1913, and Section 5164, Revised Laws 1905.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. Liability of inn-keepers.**—No inn or hotel keeper who has constantly in his or its inn or hotel a metal safe or suitable vault in good order and fit for the custody of money, bank notes, jewelry, articles of gold and silver manufacture, precious stones, personal ornaments, railway mileage books or tickets, negotiable or valuable papers, and bullion, and who keeps on the doors of the sleeping rooms used by guests suitable locks or bolts and suitable fastenings on the transoms and windows of said rooms, and who keeps a copy of this section, printed in distinct type, constantly and conspicuously posted in the office and on the inside of the entrance door to every bedroom and to every parlor and other public room in the building, shall be liable for the loss of or injury to property suffered by any guest unless such guest has offered to deliver the same to such inn keeper or hotel keeper for custody in such metal safe or vault, and such inn keeper or hotel keeper has omitted or refused to take the same and deposit it in such safe or vault for custody and to give such guest a receipt therefor. Provided, however, that the keeper of any such inn or hotel shall not be liable for the loss, destruction or injury of or to any property hereinbefore described for more than the sum of three hundred dollars (\$300) unless the same shall be lost, destroyed or injured through theft or negligence of such inn keeper or hotel keeper.

**Sec. 2. Loss or injury to baggage.**—For the loss of or injury to the kind of baggage or property enumerated in this section, when actually delivered to the hotel proprietor or inn keeper for safe keeping elsewhere than in the room assigned to such guest the hotel proprietor or inn keeper shall not be liable unless such hotel proprietor or inn keeper shall have given the guest a check or receipt therefor to evidence such delivery; and when so received and checked the liability shall be limited to the following amounts:

\$150 for each trunk and its contents.

\$50 for each valise or traveling case and its contents.

\$10 for each box, parcel, package and its contents.

\$50 for wearing apparel.

Provided that if any such property of a guest when not so delivered for safe keeping shall be lost or injured in such hotel or inn through the negligence of such hotel proprietor or inn keeper,

such hotel proprietor or inn keeper shall be liable for the actual value thereof.

**Sec. 3. Loss or injury to other receptacles and apparel.**—For the loss of or injury to baggage or property of a guest not enumerated in either of the foregoing sections, such as trunks, valises, traveling cases or other receptacles not suitable to be placed in the safe, containing property of special or unusual value delivered to the hotel proprietor or inn keeper for safe keeping or other purpose, the hotel proprietor or inn keeper shall not be liable unless the owner or person delivering such property shall at the time of such delivery acquaint such hotel proprietor or inn keeper with the approximate value thereof, and, if demanded, with the nature of the contents thereof, and such hotel proprietor or inn keeper shall receive such property and give a check or receipt therefor; and in such case the liability shall not exceed the actual value of such receptacle and contents lost or the amount of the actual injury thereto.

And provided further, that whenever any person shall suffer his baggage or property to remain in any hotel after leaving such hotel as a guest, and after the relation of inn keeper and guest has ceased, or shall forward the same to such hotel before becoming a guest, and the same shall be received into such hotel, such hotel proprietor after the lapse of ten days may, at his or its option hold such baggage or property at the risk of such owner, or he shall have the right to deposit such baggage or property in a storage warehouse, in which event he shall take from the proprietor of such storage warehouse a receipt for the same in the name of the owner thereof, and hold the same for such owner; and such hotel proprietor, after he shall have so deposited such baggage or property in such storage warehouse, shall not be responsible for the loss thereof to such owner, provided he shall deliver to the owner of such baggage or property said storage warehouse receipt upon demand. Provided, that proof on behalf of the guest of the bringing of his property to the hotel or inn under the foregoing provisions, the loss thereof, and ordinary care on his part, shall be proof prima facie of negligence on part of the hotel keeper or inn keeper.

**Sec. 4. Lien of inn keeper.**—Every inn keeper, hotel keeper and every keeper of a boarding house or lodging house, whether individual, copartnership or corporation, shall have a lien upon and may retain the possession of all the baggage and other effects brought into his or its inn, hotel, boarding house or lodging house by any guest, boarder or lodger, whether the same is the individual property of such guest, boarder or lodger or under his control, or the property of any other person for whose board, lodging or other accommodation the person contracting for such board and lodging is liable for the proper charges owing such inn keeper,

hotel keeper or keeper of a boarding house or lodging house for any board, lodging or other accommodation furnished to or for such guest, boarder or lodger, and for all money paid out for or advanced to any such guest, boarder or lodger, not to exceed the sum of two hundred dollars (\$200), and for such extras as are furnished at the written request signed by such guest, boarder or lodger until the amount of such charges are paid, and any execution, attachment or other process levied upon such baggage or effects shall be subject to such inn keeper's lien and the cost of satisfying it.

Sec. 5. Retention of baggage.—The inn keeper or hotel keeper may retain such baggage and other property upon which he has a lien for goods, board or lodging furnished to the owner thereof, for a period of ninety (90) days, at the expiration of which time if such lien is not satisfied, such baggage and other property may be sold at public auction to satisfy said lien and the costs of sale. The sale shall be made by a sheriff or constable upon the notice and in the manner provided for in the case of sale under execution from justice courts.

Sec. 6. Violation a misdemeanor.—Any person who shall obtain food, lodging or other accommodations at any hotel, lodging house, inn, boarding or eating house, without paying therefor, with intent to defraud the owner or manager thereof, or who obtains credit at any hotel, lodging house, inn, boarding or eating house by or through any false pretense, or by or through the aid, assistance or influence of any baggage or effects in his or her possession and control, but not actually belonging to such person, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), or by imprisonment in the county jail for not more than ninety (90) days.

Sec. 7. Proof of fraud.—Proof that food, lodging or other accommodations was obtained by false pretense or by false or fictitious show or pretense of baggage or other property, or proof that the person refused or neglected to pay for such food, lodging or other accommodation on demand, or that he gave in payment of such food, lodging or other accommodation negotiable paper on which payment was refused, or that he absconded without offering to pay for such food, lodging or other accommodation, or that he surreptitiously removed or attempted to remove his or her baggage, shall be prima facie proof of the fraudulent intent mentioned in section 6 hereof; but this act shall not apply where there has been an agreement in writing for delay in payment for a period to exceed ten days.

Sec. 8. **Certain sections repealed.**—Sections 6080, 6081 and 8969, General Statutes 1913, and section 5164 of the Revised Laws of 1905, and all acts or parts of acts inconsistent herewith are hereby repealed.

Approved April 25, 1919.

CHAPTER 512—H. F. No. 115.

*An act to amend Chapter 352, Laws of Minnesota 1917, relating to reserves and deposits under certain classes of indemnity contracts.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Amount of reservations and deposits which must be kept on hand for certain classes of indemnity contracts.**—That section 3362 of the General Statutes of Minnesota for 1913, be and the same is hereby amended so as to read as follows:

Section 3362. Such subscribers so contracting among themselves shall through their attorney file with the insurance commissioner of this state a declaration verified by the oath of such attorney, setting forth:

(a) The name or title of the office at which such subscribers propose to exchange such indemnity contracts. Said name or title shall not be so similar to any other name or title previously adopted by a similar organization or by any insurance corporation or association as in the opinion of the insurance commissioner is calculated to result in confusion or deception.

(b) The kind or kinds of insurance to be affected or exchanged.

(c) A copy of the form of policy contract or agreement under or by which such insurance is to be effected or exchanged.

(d) A copy of the form of power of attorney or other authority of such attorney under which such insurance is to be effected or exchanged.

(e) The location of the office or offices from which such contracts or agreements are to be issued.

(f) That applications have been made for indemnity upon at least one hundred separate risks aggregating not less than \$1,500,000.00 as represented by executed contracts or bona fide applications, to become concurrently effective, or, in case of liability or compensation insurance, covering a total pay roll of not less than one and one-half million (\$1,500,000.00) dollars.

(g) That there is on deposit with such attorney and available for the payment of losses a sum of not less than twenty-five thousand (\$25,000) dollars. Provided further, that in case of employers' liability or workmen's compensation insurance or liability insurance covering damage to persons or property of others by automobiles not used as carriers of passengers for hire, there is on