

327.07 FRAUD.

Any person who ~~shall obtain~~ (1) obtains food, lodging, or other accommodations at any hotel, lodging house, inn, boarding or eating house, or recreational camping area, without paying ~~therefor~~ for it, with intent to defraud the owner or manager thereof, or ~~who~~ (2) obtains credit at any hotel, lodging house, inn, boarding or eating house, or recreational camping area by or through any false pretense, or by or through the aid, assistance, or influence of any baggage or effects in his possession and control, but not actually belonging to ~~such person~~ him, shall be guilty of a misdemeanor; ~~and upon conviction thereof shall be punished by a fine of not less than \$10 nor more than \$100 or by imprisonment in the county jail for not more than 90 days.~~

Sec. 2. Minnesota Statutes 1980, Section 327.14, Subdivision 8, is amended to read:

Subd. 8. **RECREATIONAL CAMPING AREA.** The words "recreational camping area" as used in sections 327.07, 327.10, 327.11, 327.14 to 327.28 ~~shall mean~~ means any area, whether privately or publicly owned, used on a daily, nightly, weekly, or longer basis for the accommodation of five or more units, consisting of tents, travel trailers, pick-up coaches, motor-homes, or camping trailers and whether use of ~~such~~ the accommodation is granted free of charge or for compensation. Provided, that nothing in this definition shall be constructed to include children's camps, industrial camps, migrant labor camps, as defined in Minnesota Statutes and state commissioner of health regulations and also shall not include United States forest service camps, state forest service camps, state wildlife management areas or state owned public access areas which are restricted in use to picnicking and boat landing.

Sec. 3. EFFECTIVE DATE.

Sections 1 and 2 are effective the day following final enactment.

Approved March 22, 1982

CHAPTER 517 — H.F.No. 1469

An act relating to commerce; revising and modernizing laws relating to hotels; providing for the rights and duties of innkeepers and their guests; prohibiting certain practices; imposing penalties; amending Minnesota Statutes 1980, Section 363.03, by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapter 327; repealing Minnesota Statutes 1980, Sections 327.01 to 327.095.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
HOTELS

Section 1. [327.70] DEFINITIONS.

Subdivision 1. TERMS. For the purposes of sections 1 to 7, the terms defined in this section have the meanings given them.

Subd. 2. GUEST. "Guest" means a person who is registered at a hotel and to whom a bedroom is assigned. The term "guest" includes members of the guest's family who accompany the guest.

Subd. 3. HOTEL. "Hotel" means a hotel, motel, resort, boarding house, furnished apartment house or other building, which is kept, used or advertised as, or held out to the public to be, a place where sleeping or housekeeping accommodations are supplied for pay to guests for transient occupancy.

Subd. 4. INNKEEPER. "Innkeeper" means an owner or operator of a hotel.

Subd. 5. TRANSIENT OCCUPANCY. "Transient occupancy" means occupancy when it is the intention of the parties that the occupancy will be temporary. There is a rebuttable presumption that, if the unit occupied is the sole residence of the guest, the occupancy is not transient. There is a rebuttable presumption that, if the unit occupied is not the sole residence of the guest, the occupancy is transient.

Subd. 6. VALUABLES. "Valuables" includes money, bank notes, bonds, precious stones, jewelry, ornaments, watches, securities, transportation tickets, photographic cameras, checks, drafts, and other negotiable instruments, business papers, documents, and other papers, and other articles of value.

Sec. 2. [327.71] INNKEEPER LIABILITY FOR THE PERSONAL PROPERTY OF GUESTS.

Subdivision 1. VALUABLES. No innkeeper who has in his establishment a fireproof, metal safe or vault, in good order and fit for the custody of valuables, and who keeps a copy of this subdivision clearly and conspicuously posted at or near the front desk and on the inside of the entrance door of every bedroom, shall be liable for the loss of or injury to the valuables of a guest unless: (1) the guest has offered to deliver the valuables to the innkeeper for custody in the safe or vault; and (2) the innkeeper has omitted or refused to take the valuables and deposit them in the safe or vault for custody and to give the guest a receipt for them. Except as otherwise provided in subdivision 6, the liability of an innkeeper for the loss of or injury to the valuables of a guest shall not exceed \$1,000. No innkeeper shall be required to accept valuables for custody in the safe or vault if their value exceeds \$1,000, unless the acceptance is in writing.

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Subd. 2. PROPERTY IN BAGGAGE ROOM. No innkeeper shall be liable for the loss of or damage to baggage, parcels, packages or wearing material of a guest that has been delivered to the innkeeper for custody elsewhere than in the room assigned to the guest, or in the hotel safe or vault, unless the innkeeper has given the guest a check or receipt in writing evidencing the delivery. Except as otherwise provided in subdivision 6, the liability of an innkeeper for the loss of or damage to property delivered to him for custody under this subdivision shall not exceed \$1,000.

Subd. 3. LARGE ITEMS OF SPECIAL VALUE. No innkeeper shall be liable for the loss of or damage to baggage or other receptacles of a guest, containing property of special value, and not suitable to be placed in the hotel safe or vault unless: (1) the property is delivered to the innkeeper for custody; (2) the guest, prior to the loss or damage, has filed with the innkeeper a written inventory of the property and its approximate value; (3) the innkeeper has been given an opportunity to inspect the property and to check it against the inventory; and (4) the innkeeper has given the guest a check or receipt evidencing the delivery. The liability of an innkeeper for the loss of or damage to property delivered for custody under this subdivision shall not exceed the actual value of the receptacle and its contents or the amount of the actual injury to the receptacle and its contents.

Subd. 4. PROPERTY IN ASSIGNED ROOM. Except as otherwise provided in subdivision 6, no innkeeper shall be liable in an amount exceeding \$1,000 for the loss of or damage to personal property of a guest that is contained in the bedroom registered to the guest.

Subd. 5. ABANDONED PROPERTY. Except as otherwise provided in subdivision 6, no innkeeper shall be liable for the loss of or damage to valuables or personal property of a guest that the guest has allowed to remain in the hotel after the relationship of innkeeper and guest has ceased, or that the guest has forwarded to the hotel before the relationship of innkeeper and guest has begun. If the valuables or personal property remain at the hotel for a period of at least ten days without having been claimed by the owner, the innkeeper has the right to deposit them in a storage warehouse, and to take a warehouse receipt in the name of the owner. An innkeeper who deposits valuables or personal property of a guest in a storage warehouse shall hold the warehouse receipt for the owner, and deliver it to him upon demand and upon payment of the costs of storage. The innkeeper may also dispose of abandoned, unclaimed property in the manner provided in sections 345.01 to 345.07.

Subd. 6. FAULT OR NEGLIGENCE OF INNKEEPER. An innkeeper who, intentionally or negligently, causes the loss of or damage to valuables or property delivered to him for custody as provided in subdivisions 1 and 2, to property contained in the assigned room of a guest as provided in subdivision 4, or to abandoned valuables or property not delivered to a storage warehouse

provided in subdivision 5, shall be liable to the guest for either the actual value of the valuables or the property, or the amount of the actual injury to the valuables or the property.

Sec. 3. [327.72] OVERSTAYING GUESTS.

A guest who intentionally continues to occupy an assigned room in a hotel beyond the scheduled departure date without the prior written approval of the innkeeper shall be deemed to be a trespasser.

Sec. 4. [327.73] UNDESIRABLE GUESTS; EJECTION OF, AND REFUSAL TO ADMIT.

Subdivision 1. INNKEEPER'S RIGHT TO EJECT. An innkeeper may remove or cause to be removed from a hotel a guest or other person who, while on the premises of the hotel, acts in a disorderly manner, destroys or threatens to destroy hotel property, or causes or threatens to cause a public disturbance. If the guest has paid in advance, the innkeeper shall tender to the guest any unused portion of the advance payment at the time of removal.

Subd. 2. REFUSAL OF ADMISSION. An innkeeper may refuse to admit or refuse service or accommodations to a person who, while on or near the premises, acts in a disorderly manner, destroys or threatens to destroy hotel property, or causes or threatens to cause a public disturbance.

Subd. 3. PENALTY. A guest or person who remains or attempts to remain in a hotel after having been requested to leave for the reason or reasons specified in this section is guilty of a misdemeanor.

Subd. 4. DISCRIMINATION PROHIBITED. Notwithstanding the above, the removal of or the refusal to admit a guest or person under this section shall not be based on a discriminatory reason otherwise deemed unlawful by section 363.03, subdivision 3, or section 8.

Sec. 5. [327.74] SETTING FIRE TO HOTEL BELONGINGS.

Subdivision 1. PENALTY. A person in a hotel who, by smoking or attempting to light or smoke cigarettes, cigars, pipes, or other smoking material, in any manner in which lighters or matches are used, negligently sets fire to a part of the building, or any furniture or furnishings within the building, so as to endanger life or property in any way or to any extent, is guilty of a misdemeanor.

Subd. 2. NOTICE REQUIRED. In every sleeping room of every hotel, a notice shall be posted in a conspicuous place, advising the occupant of the provisions of this section.

Sec. 6. [327.75] FRAUD; PROOF OF FRAUD.

Subdivision 1. FRAUD. A person who obtains food, lodging or other accommodations at any hotel or restaurant without paying therefor, with intent

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to defraud the owner or manager, or who obtains credit for food, lodging, or other accommodations at any hotel or restaurant, with intent to defraud the owner or manager, is guilty of a misdemeanor.

Subd. 2. PROOF OF FRAUD. Prima facie evidence of the fraudulent intent referred to in subdivision 1 includes:

(a) proof that the person obtained the services or credit for the services by false pretense, or by false or fictitious show or pretense of baggage or other property;

(b) proof that the person refused or neglected to pay for the services upon demand;

(c) proof that the person gave in payment of the services negotiable paper on which payment was refused;

(d) proof that the person absconded without offering to pay for the services; or

(e) proof that the person surreptitiously removed or attempted to remove his baggage.

Sec. 7. [327.76] INNKEEPER'S LIEN.

Subdivision 1. LIEN CREATED. An innkeeper shall have a lien upon the valuables, baggage or other property of a guest brought into his hotel, for the proper charges due to him on account of the guest's accommodation, board, room and lodging, for all money paid out for or advanced to the guest, for extras furnished to the guest at the guest's written request, and for the costs of enforcing the lien. The innkeeper's lien right is in addition to the innkeeper's right to recover payment from the guest under other legal or equitable theories or causes of action. However, possession of the valuables, baggage or other property subject to the lien may be taken, and the lien enforced, only in the manner provided in subdivisions 2 and 3.

Subd. 2. POSSESSION PRIOR TO FINAL JUDGMENT. The lien created in subdivision 1 may be enforced only after final judgment in an action brought to recover the charges and moneys. During the pendency of the proceeding, the plaintiff may take possession of the valuables, baggage or other property upon an order issued by the court, if it appears to the court from an affidavit filed by or on behalf of the plaintiff that the valuables, baggage or other property is about to be destroyed, substantially devalued or removed from the premises. Ten days written notice of the hearing on the motion for the order shall be served on the defendant and shall inform the defendant that he or she may file affidavits and present testimony on his or her behalf, and that if he or she fails to appear the plaintiff will apply to the court for the order. The plaintiff shall file a bond approved by the court conditioned for the return of the property to the defendant, if a return be adjudged, and for the payment to defendant of

any sum adjudged against the plaintiff. The bond shall be in the amount fixed by the court. Upon an order issued by the court, the plaintiff shall have the right to take possession of the valuables, baggage or other property pending final judgment in the plaintiff's action to recover charges or moneys owed.

Subd. 3. FINAL JUDGMENT; SALE. If final judgment is entered by the court for the defendant on the merits of the action, the plaintiff shall return possession of the valuables, baggage or other property to the defendant and pay to the defendant costs incurred by the defendant in defending against the plaintiff's claim. If final judgment is entered by the court in favor of the plaintiff, and if the judgment is not satisfied within 30 days, the valuables, baggage or other property subject to the innkeeper's lien may be sold at public auction to satisfy the lien, the costs of the action to enforce the 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 sections 550.18 to 550.20.

Sec. 8. Minnesota Statutes 1980, Section 363.03, is amended by adding a subdivision to read:

Subd. 10. DISCRIMINATION AGAINST BLIND OR DEAF PERSONS PROHIBITED. (a) It is an unfair, discriminatory practice for an owner, operator or manager of a hotel, restaurant, public conveyance or other public place, to prohibit a blind or deaf person from taking a guide dog into the public place or conveyance if the guide dog can be properly identified as being from a recognized school for seeing eye, hearing ear or guide dogs, and if the dog is properly harnessed or leashed so that the blind or deaf person may maintain control of the dog.

(b) No person shall require a blind or deaf person to make an extra payment or pay an additional charge when taking a guide dog into any of the public places referred to in paragraph (a).

Sec. 9. REPEALER.

Minnesota Statutes 1980, Sections 327.01; 327.02; 327.03; 327.04; 327.05; 327.06; 327.07; 327.08; 327.09; 327.091; and 327.095 are repealed.

Approved March 22, 1982

CHAPTER 518 — S.F.No. 303

An act proposing an amendment to the Minnesota Constitution, Article X, by adding a section to permit the legislature to authorize on-track parimutuel betting on horse racing.

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