

SECOND REGULAR SESSION

HOUSE BILL NO. 2079

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE McKENNA.

Read 1st time February 28, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4929L.011

AN ACT

To repeal sections 419.010, 419.020, 419.030, and 419.040, RSMo, and to enact in lieu thereof five new sections relating to lodging establishments.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 419.010, 419.020, 419.030, and 419.040, RSMo, are repealed and
2 five new sections enacted in lieu thereof, to be known as sections 419.005, 419.010, 419.020,
3 419.030, and 419.040, to read as follows:

**419.005. For the purposes of this chapter, the term "lodging establishment" shall
2 have the same meaning pursuant to section 315.005, RSMo.**

419.010. No [hotel or innkeeper] **lodging establishment** in this state is liable for the loss
2 of any money, jewelry, wearing apparel, baggage or other property of a guest in a total sum
3 greater than two hundred dollars, unless the [hotel keeper or innkeeper] **lodging establishment**
4 by an agreement in writing individually, or by the authorized agent or clerk in charge of the
5 office of the [hotel or inn] **lodging establishment**, voluntarily assumes a greater liability with
6 reference to such property. As regards money, jewelry or baggage, [an hotel keeper or innkeeper]
7 **a lodging establishment** is not liable in any event for the loss thereof or damage thereto, unless
8 the same was actually delivered by the guest to [him or his] **the lodging establishment's**
9 authorized agent, or clerk, in the office of the [hotel or inn] **lodging establishment**, and the
10 receipt thereof acknowledged by the delivery to the guest of a claim check of the [hotel keeper
11 or innkeeper] **lodging establishment**, unless the loss or damage occurs through the willful
12 negligence or wrongdoing of the [hotel keeper or innkeeper, his] **lodging establishment, its**
13 servants or employees. This section shall be posted in [the office of every hotel and inn] **a**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 **conspicuous manner at the guest registration desk** and in every guest room thereof, and unless
15 so posted the same does not apply in the case of [hotel keepers or innkeepers] **a lodging**
16 **establishment** failing to post same.

419.020. No [innkeeper] **lodging establishment** in this state, [who] **that** shall constantly
2 have [in his inn an iron] **a safe**, in good order, and suitable for the safe custody of money, jewelry
3 and articles of gold and silver manufacture, and of the like, and [who] **that** shall keep a copy of
4 sections 419.020 and 419.030 printed [by itself,] in large plain English type, [and framed],
5 constantly and conspicuously suspended [in the office, barroom, saloon, reading, sitting and
6 parlor room of his inn, and also a copy printed by itself, in ordinary sized plain English type,
7 posted upon the inside of the entrance door of every public sleeping room of his inn] **at the guest**
8 **registration desk and in every guest room of the lodging establishment**, shall be liable for
9 the loss of any such articles aforesaid, suffered by any guest, unless such guest shall have first
10 offered to deliver such property lost by him **or her** to such [innkeeper] **lodging establishment**,
11 for custody in such [iron] safe, and such [innkeeper] **lodging establishment** shall have refused
12 or omitted to take it and deposit it in such safe for its custody and to give such guest a receipt
13 therefor.

419.030. No [innkeeper] **lodging establishment** in this state shall be liable for the loss
2 of any baggage or other property of a guest, caused by fire not intentionally produced by the
3 [innkeeper] **lodging establishment** or [his] **its** servants, nor shall [he] **it** be liable for the loss of
4 any merchandise for sale or sample belonging to a guest, unless the guest shall have given
5 written notice of having such merchandise for sale or sample in his possession after entering the
6 [inn] **lodging establishment**, nor shall the [innkeeper] **lodging establishment** be compelled to
7 receive such guest with merchandise for sale or sample; but [innkeepers] **lodging**
8 **establishments** shall be liable for the losses of their guests, caused by the theft of such
9 [innkeeper] **lodging establishment's owner or manager** or his **or her** servants, anything herein
10 to the contrary notwithstanding.

419.040. It shall be the duty of every [hotel keeper] **lodging establishment** in this state
2 to post a written or printed copy of the rates charged for [board and lodging by such hotel,] **each**
3 **guest room** in each **guest room** [and office or lobby of such hotel or boarding house]; provided,
4 that where a different rate is charged for different rooms in such [hotel] **lodging establishment**
5 the rate posted in each room shall be the rate which shall apply to such room; and provided
6 further, that this law shall not apply to [hotels] **lodging establishments** which do not have more
7 than ten [boarders or roomers or] guests on an average each day.