

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 331 Session of
2005

INTRODUCED BY T. STEVENSON, BAKER, BALDWIN, BARRAR, BASTIAN,
BEBKO-JONES, BELFANTI, BISHOP, BOYD, CALTAGIRONE, CAPPELLI,
CASORIO, COSTA, CRAHALLA, CREIGHTON, CRUZ, DeWEESE, J. EVANS,
FRANKEL, GEIST, GERGELY, GILLESPIE, GINGRICH, GRUCELA,
HARHAI, HENNESSEY, JAMES, M. KELLER, KILLION, KOTIK, LEACH,
MANN, McNAUGHTON, MILLARD, R. MILLER, MUSTIO, O'NEILL,
PALLONE, PHILLIPS, PISTELLA, SCHRODER, SHANER, SOLOBAY,
THOMAS, TIGUE, WALKO, WILT AND YOUNGBLOOD, FEBRUARY 8, 2005

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,
FEBRUARY 8, 2005

AN ACT

1 Amending the act of October 30, 1996 (P.L.732, No.131), entitled
2 "An act establishing grounds upon which innkeepers may deny
3 accommodations, facilities or privileges of a lodging
4 establishment to any person who is unable or unwilling to pay
5 for accommodations and services, to any person who is
6 disorderly, to any person who an innkeeper reasonably
7 believes is seeking accommodations for any unlawful purpose
8 and to any person who an innkeeper reasonably believes is
9 bringing upon the lodging establishment property which may be
10 dangerous to other persons; allowing an innkeeper to limit
11 the number of persons who shall occupy any particular guest
12 room of a lodging establishment; providing for the posting of
13 notice relative to this statute; and providing for
14 penalties," providing for prospective employee background
15 checks.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. The act of October 30, 1996 (P.L.732, No.131),
19 known as the Pennsylvania Innkeepers' Rights Act, is amended by
20 adding a section to read:

21 Section 7.1. Background checks.

1 (a) General rule.--An innkeeper shall require an individual
2 applying for employment with a lodging establishment who would
3 have access to guest room keys if employed to undergo a check of
4 criminal history record information.

5 (b) Criminal history record information.--Notwithstanding
6 the provisions of 18 Pa.C.S. § 9121(b)(2) (relating to general
7 regulations), an innkeeper who requests a check of criminal
8 history record information shall be entitled to receive
9 notations of arrests, indictments and other information relating
10 to the initiation of criminal proceedings occurring within seven
11 years from the date of the request.

12 (c) Use of information.--Whenever an innkeeper is in receipt
13 of information which is part of an individual's criminal history
14 record information file, the innkeeper may use that information
15 for the purposes of deciding whether or not to hire the
16 applicant only in accordance with 18 Pa.C.S. § 9125 (relating to
17 use of records for employment) and shall provide the applicant
18 notice regarding a decision not to hire as provided in 18
19 Pa.C.S. § 9125(c).

20 (d) Definition.--As used in this section, the term "check of
21 criminal history record information" means a criminal history
22 record check under 18 Pa.C.S. Ch. 91 (relating to criminal
23 history record information) or a substantially equivalent system
24 of checking of criminal history record information as determined
25 by the Pennsylvania State Police, a list of which the
26 Pennsylvania State Police shall publish in the Pennsylvania
27 Bulletin annually.

28 Section 2. This act shall take effect in 60 days.