

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 442 Session of 2009

INTRODUCED BY M. SMITH, BARRAR, BOYD, CASORIO, D. COSTA, DeLUCA, FRANKEL, FREEMAN, HALUSKA, KIRKLAND, KORTZ, KULA, McGEEHAN, MELIO, MILLARD, MOUL, PALLONE, PASHINSKI, READSHAW, WALKO AND YOUNGBLOOD, FEBRUARY 13, 2009

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT, FEBRUARY 13, 2009

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; and requiring deadbolt locks in hotels.

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 sections to read:

21 Section 7.1. Background checks.

22 (a) General rule.--An innkeeper shall require an individual
23 applying for employment with a lodging establishment who would

1 have access to guest room keys if employed to undergo a check of
2 criminal history record information.

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

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

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

26 Section 7.2. Deadbolt locks required in hotels.

27 (a) General rule.--An innkeeper of a hotel shall provide
28 each connecting guest room door of the hotel with a deadbolt
29 lock capable of being unlocked from inside the protected guest
30 room side only and shall maintain the deadbolt locks in good

1 working order at all times.

2 (b) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection:

5 "Deadbolt lock." A locking bolt with a minimum projection of
6 one inch that is activated by knob, handle or other similar
7 device.

8 "Hotel." A hotel, motel, bed and breakfast, homestead, inn,
9 guest house or other structure which holds itself out by any
10 means, including advertising, license, registration with an
11 innkeepers' group, convention listing association, travel
12 publication or similar association or with a government agency,
13 as being available to provide overnight lodging or use of
14 facility space for consideration to persons seeking temporary
15 accommodation. The term includes a place which advertises to the
16 public at large or any segment thereof that it will provide
17 beds, sanitary facilities or other space for a temporary period
18 to members of the public at large. The term also includes a
19 place recognized as a hostelry.

20 Section 2. This act shall take effect in 180 days.