

LODGING AND HOUSING (48 PA.C.S.) - OMNIBUS AMENDMENTS

Act of Jun. 5, 2020, P.L. 250, No. 33

CL. 48

Session of 2020

No. 2020-33

SB 863

AN ACT

Amending Title 48 (Lodging and Housing) of the Pennsylvania Consolidated Statutes, in hotels, further providing for definitions, for hotelkeepers, for notice to boarders to lock rooms, for lien, warrant, sale and right of redemption, for liability for property loss or damage, for special arrangements for safe deposit of valuables, for duty of guest, for other liability, for exemption from levy or sale, for baggage, for baggage sale requirements, for sale proceeds, providing for abandoned property and further providing for tourist camp heater safety.

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

Section 1. Section 1301 of Title 48 of the Pennsylvania Consolidated Statutes is amended by adding definitions to read: § 1301. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**"Campground owner." A person or entity which owns a recreational campground. The term shall not include the Department of Conservation and Natural Resources.**

\* \* \*

**"Recreational campground." A lodging establishment organized to accommodate five or more separate, designated campsites for shelter in either privately owned or campground-owned lodging. The property may include amenities, such as site-specific electric and sewer hookups, public bath houses, convenience stores, recreational areas and pools. The campground may permit seasonal sites. Seasonal guests shall not be required to have month-to-month agreements. Approved guests may leave their trailer on the site throughout the year but may not maintain a permanent residence. The term shall not include a recreational vehicle or tent campsite in a State park.**

Section 2. Section 1311 heading, (a), (b)(1), (c)(1)(i), (d), (e) and (f) of Title 48 are amended and the definition of "lodging establishment" in subsection (g) is amended by adding a paragraph to read:

§ 1311. Hotelkeepers **and campground owners.**

(a) Refusal of accommodations.--A hotelkeeper **and campground owner** shall have the right to refuse or deny accommodations, facilities or privileges of a lodging establishment to any of the following:

(1) A person who is unwilling or unable to pay for the accommodations and services of the lodging establishment. The hotelkeeper **or campground owner** shall have the right to require that prospective guests demonstrate their ability to pay by cash, a valid credit card or a certified or cashier's check. If a minor is not accompanied by his parent or legal guardian, the hotelkeeper **or campground owner** may

require the minor's parent or legal guardian to do one of the following:

(i) Accept, in writing, liability for the [guest room] **lodging** cost, taxes, all charges by the minor and any damages in excess of normal wear and tear to the [guest room or its furnishings] **lodging accommodations and its amenities** caused by the minor while a guest at the lodging establishment. Damages shall be calculated at the cost of labor and materials for repair by the lodging establishment.

(ii) Provide the hotelkeeper **or campground owner** with a valid credit card number and authorization to cover the [guest room] **lodging** cost, taxes, charges by the minor and any damages to the [guest room or its furnishings] **lodging accommodations and its amenities** caused by the minor.

(iii) Require all of the following, if a credit card authorization is not provided:

(A) An advanced cash payment to cover the [guest room] **lodging** cost and taxes for all [guest room] nights reserved for the minor.

(B) A cash damage deposit in an amount not to exceed the cost of one night's [guest room] accommodations, including taxes, for payment of additional charges by the minor or for damages to the [guest room or its furniture or furnishings] **lodging accommodations and its amenities**. The hotelkeeper **or campground owner** shall refund the cash deposit to the extent that it is not used to cover any reasonable charges or damages, as determined by the hotelkeeper **or campground owner** following [room] **lodging** inspection at checkout.

(2) A person who is disorderly.

(3) A person who the hotelkeeper **or campground owner** reasonably believes is seeking accommodations for an unlawful purpose, including the unlawful possession or use of a controlled substance by the person or the use of the premises for the consumption of alcoholic beverages by any person under 21 years of age.

(4) A person who the hotelkeeper **or campground owner** reasonably believes is bringing into the lodging establishment property which may be dangerous to other persons, including explosives or illegal firearms.

(5) A person who exceeds the maximum number of persons allowed to occupy a particular [guest room] **lodging accommodation** in the lodging establishment, as posted by the lodging establishment.

(b) Civil liability for refusal.--

(1) Except as provided for under paragraph (2), a hotelkeeper **or campground owner** refusing or denying accommodations, facilities or privileges of a lodging establishment for any of the reasons specified under subsection (a) shall not be liable in a civil action or for a fine or penalty based on the refusal or denial.

\* \* \*

(c) Restitution and damages permitted.--

(1) In addition to any penalties provided under any other statute, a court may order a person to do all of the following:

(i) Pay restitution for any damages suffered by the hotelkeeper **or campground owner** of the lodging

establishment, including the lodging establishment's loss of revenue resulting from the lodging establishment's inability to rent or lease the [room] **accommodations** during the period of time the lodging establishment [room] is being repaired.

\* \* \*

(d) Guest register requirement.--

(1) The hotelkeeper **or campground owner** of a lodging establishment shall maintain, for a period of three years, a guest register which shows the name, residence, date of arrival and departure of guests of the lodging establishment.

(2) (i) Every guest shall register. A registering guest may be required by the hotelkeeper **or campground owner** to produce a valid driver's license or other identification, satisfactory to the hotelkeeper **or campground owner**, containing a photograph of the guest and setting forth the name and residence address of the guest.

(ii) In addition to the provisions of subparagraph (i), if the guest is a minor, the hotelkeeper **or campground owner** may also require a parent of the guest to register, accepting in writing liability for the [guest room] **lodging** cost, taxes, all charges by the minor and any damages to the [guest room] **lodging accommodations** or its furnishings caused by the minor while a guest at the lodging establishment.

(3) The guest register shall be maintained in its original form or may be reproduced on any photographic, photostatic, microfilm, microcard, miniature photographic or other process which actually reproduces the original record.

(e) Right to eject from premises.--A hotelkeeper **or campground owner** may immediately eject a person from the lodging establishment premises for violating this chapter if a copy of the chapter is posted in a conspicuous place and manner in the lodging establishment in accordance with subsection (f).

(f) Posting notice to guests.--This chapter shall not apply to a hotelkeeper **or campground owner** unless the hotelkeeper **or campground owner** posts a copy of this chapter at or near the guest registration desk.

(g) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

\* \* \*

"Lodging establishment." Except for a time-share arrangement, any of the following:

\* \* \*

(5) **A recreational campground.**

\* \* \*

Section 3. Sections 1321, 1322(a) and (b)(1), 1323(a) introductory paragraph and (1), 1324, 1325, 1326, 1327, 1328(a), (c) and (d), 1329(a) and 1330(a) and (b) of Title 48 are amended to read:

§ 1321. Notice to boarders to [lock] **secure** rooms, **campground-owned lodging and other personal property**.

If a hotelkeeper **or campground owner** posts in a conspicuous place notice requiring the guest or boarder to [bolt the door of] **secure** the room, **campground-owned lodging** occupied by the guest or boarder **or other personal property**, or, in leaving the room, **campground-owned lodging or personal property** to [lock the door] **secure the property** and to deposit the key with the

hotelkeeper, **campground owner** or the clerk at the office, the hotelkeeper **or campground owner** shall not be liable for any baggage **or personal property** of the guest or boarder which may be stolen from the room, **or campground-owned lodging** if the guest or boarder shall neglect to do so. In order to avoid liability, the hotelkeeper **or campground owner** must clearly establish the fact of the [room's] **room or campground-owned lodging** having been left unbolted or unlocked by the guest or boarder at the time of the loss of the baggage.

§ 1322. Lien, warrant, sale and right of redemption.

(a) Lien.--A hotelkeeper **or campground owner** within this Commonwealth shall have a lien upon the goods [and], baggage **or personal property** belonging to a guest or boarder **of a hotel or campground-owned lodging** for the amount of indebtedness contracted for boarding and lodging for a period of time not exceeding two weeks. The hotelkeeper **or campground owner** may detain the goods and baggage until the amount of indebtedness is paid.

(b) Public sale.--

(1) Except as provided under paragraph (2), after the detention of goods under subsection (a) for three months, the hotelkeeper **or campground owner** may apply to a magisterial district judge to publicly sell the goods and baggage. At least 10 days' notice of the public sale must be placed in at least three public places in the ward of the city or borough or in the township where the inn, hotel [or], boardinghouse **or recreational campground** is located. The owner of the goods and baggage shall receive the balance of the proceeds of the public sale, minus all costs and the amount of indebtedness.

\* \* \*

§ 1323. Liability for property loss or damage.

(a) General rule.--Except as provided in subsection (b) and section 1324 (relating to special arrangements for safe deposit of valuables), no hotelkeeper **or campground owner**, whether individual, partnership or corporation, shall be liable for loss or damage to property suffered by a guest, unless the hotelkeeper **or campground owner** fails to constantly maintain any of the following:

(1) A metal safe or vault in good order and fit for custody of money, bank notes, jewelry, gold or silver articles, precious stones, personal ornaments, railroad mileage books or tickets, negotiable or valuable papers and bullion. **This paragraph shall not apply to campground owners.**

\* \* \*

§ 1324. Special arrangements for safe deposit of valuables.

Notwithstanding section 1323 (relating to liability for property loss or damage), a hotelkeeper **or campground owner** may, by special arrangement with a guest, receive any property for deposit in the safe or vault upon terms as to which the parties agree in writing, but the hotelkeeper **or campground owner** shall be liable for property loss or damage after the articles have been accepted for deposit, if the loss or damage is caused by theft or negligence of the hotelkeeper **or campground owner**.

§ 1325. Duty of guest.

It shall be the duty of every guest, and of anyone intending to be a guest, of any hotel [or], inn **or recreational campground**, upon delivering to the hotelkeeper of the hotel or inn **or the campground owner**, or a servant or employee, baggage or other property of the guest for safekeeping elsewhere than

in the room **or site** assigned to the guest, to demand of the hotelkeeper **or campground owner** a check or receipt for the property to evidence the fact of delivery.

§ 1326. Other liability.

(a) Depository liability.--Except as provided in subsection (b), the liability of the hotelkeeper **or campground owner**, whether individual, partnership or corporation, for property loss or damage to a guest other than that described in sections 1323 (relating to liability for property loss or damage) and 1324 (relating to special arrangements for safe deposit of valuables) shall be that of a depository for hire.

(b) Exception.--Notwithstanding subsection (a), the hotelkeeper **or campground owner** shall not be liable in the case of loss or damage caused by a fire not intentionally produced by the hotelkeeper **or campground owner**.

(c) Limitation of liability.--Unless the hotelkeeper **or campground owner** has consented in writing to assume a greater liability, in no case shall liability under this section exceed \$150 for each trunk and its contents, \$50 for each valise and its contents, \$10 for each box, bundle or package and its contents and \$50 for all other miscellaneous effects, including wearing apparel and personal belongings.

(d) Persons other than guests.--A hotelkeeper **or campground owner** may hold baggage or property at the risk of the owner if:

(1) The owner has forwarded the baggage or property to the inn or hotel **or recreational campground** before becoming a guest and the baggage or property has been received into the inn or hotel **or recreational campground**.

(2) The owner has allowed baggage or property to remain in the inn or hotel **or recreational campground** after leaving as a guest and after the relationship between the hotelkeeper **or campground owner** and the guest has ceased.

§ 1327. Exemption from levy or sale.

The personal property of a guest at an inn or a hotel **or recreational campground**, or of a boarder at a boardinghouse where the property is in the exclusive use of the boarder, when located on premises occupied by the guest or boarder, shall be exempt from levy and sale on distress for rent.

§ 1328. Baggage.

(a) Hotelkeeper **and campground owner** lien.--A hotelkeeper **or campground owner**, whether individual, partnership or corporation, shall have a lien on baggage and other property located in and about the inn [or], hotel **or campground-owned lodging** and belonging to or under the control of a guest or boarder for the proper charges due for accommodation, board and lodging and for all money paid for or advanced to the guest or boarder.

\* \* \*

(c) Right of hotelkeeper **and campground owner**.--The hotelkeeper **or campground owner** may detain the baggage and other property until the amount of any charges due has been paid.

(d) Exemption from attachment and execution.--Baggage and other property shall be exempt from attachment or execution until the hotelkeeper's **or campground owner's** lien and the cost of satisfying it are satisfied.

§ 1329. Baggage sale requirements.

(a) Public auction.--The hotelkeeper **or campground owner** shall retain the baggage or other property upon which a lien exists for a period of 30 days, after which, if the lien is not satisfied, the baggage or other property may be sold at public auction.

\* \* \*

§ 1330. Sale proceeds.

(a) Duty of hotelkeeper **or campground owner**.--After satisfying the lien and any costs that may accrue, any residue remaining shall be paid to the guest or boarder:

(1) on demand within six months; or

(2) if there is no demand, within six months from the date of the sale.

(b) Deposit of residual funds.--The residue shall be deposited by the hotelkeeper **or campground owner** with the treasurer of the county in which the inn or hotel **or recreational campground** is situated, together with a statement of the claim of the hotelkeeper **or campground owner**, the costs of enforcing the claim, a copy of the published public auction notice and a report of amounts received for the goods sold at the auction.

\* \* \*

Section 4. Title 48 is amended by adding a section to read:  
§ 1331. **Abandoned property at recreational campgrounds.**

(a) **Duties of recreational campground guests**.--A guest shall have 10 days from the end date of the guest's stay or seasonal agreement to claim abandoned property.

(b) **Duties of campground owners**.--A campground owner shall disclose the abandoned property policy of the recreational campground in signed waivers for all guests, including guests with seasonal agreements. If a guest claims abandoned property within 10 days of the end date of the guest's stay or seasonal agreement, the campground owner has a duty to hold the property for an additional 10 days.

(c) **Rights of campground owners**.--If the guest does not collect their property within 10 days of claiming the property, a campground owner may keep or dispose of the abandoned property.

Section 5. Section 1351 heading and (a) of Title 48 are amended to read:

§ 1351. [Tourist camp] **Recreational campground heater safety.**

(a) **General requirements**.--The owner or operator of a [tourist camp] **recreational campground** where cabins or trailers are heated by stoves, gas burners or any other heating devices, except electrical appliances, radiators and electric water heaters, shall install adequate chimneys or other vents or outlets for escape of carbon monoxide gas and other harmful or injurious gases generated by the heating devices.

\* \* \*

Section 6. This act shall take effect in 60 days.

APPROVED--The 5th day of June, A.D. 2020.

TOM WOLF