

## 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,  
YOUNGBLOOD, MURT, VULAKOVICH AND MATZIE, FEBRUARY 13, 2009

AS REPORTED FROM COMMITTEE ON TOURISM AND RECREATIONAL  
DEVELOPMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 27,  
2010

## 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 EXCEPT AS PROVIDED IN SUBSECTION (D),



1 AN innkeeper shall require an individual applying for employment  
2 with a lodging establishment who would have access to guest room  
3 keys if employed to undergo a check of criminal history record  
4 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) APPLICABILITY.--THE PROVISIONS OF SUBSECTIONS (A), (B) ←  
21 AND (C) SHALL NOT APPLY TO AN INNKEEPER WHO OWNS OR OPERATES A  
22 LODGING ESTABLISHMENT WITH 20 OR FEWER GUEST ROOMS.

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

1 Section 7.2. Deadbolt locks required in hotels.

2 (a) General rule.--An innkeeper of a hotel shall provide  
3 each connecting guest room door of the hotel with a deadbolt  
4 lock capable of being unlocked from inside the protected guest  
5 room side only and shall maintain the deadbolt locks in good  
6 working order at all times.

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

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

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

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