

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 863 Session of 2019

INTRODUCED BY SCAVELLO, STEFANO, LAUGHLIN, SCHWANK, COSTA, BLAKE AND J. WARD, SEPTEMBER 30, 2019

AS AMENDED ON THIRD CONSIDERATION, APRIL 29, 2020

AN ACT

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

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

13 Section 1. Section 1301 of Title 48 of the Pennsylvania
14 Consolidated Statutes is amended by adding definitions to read:
15 § 1301. Definitions.

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

19 "Campground owner." A person or entity which owns a
20 recreational campground. THE TERM SHALL NOT INCLUDE THE
21 DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES.

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22 \* \* \*

1 "Recreational campground." A lodging establishment organized  
2 to accommodate five or more separate, designated campsites for  
3 shelter in either privately-owned or campground-owned lodging.  
4 The property may include amenities, such as site-specific  
5 electric and sewer hookups, public bath houses, convenience  
6 stores, recreational areas and pools. The campground may permit  
7 seasonal sites. Seasonal guests shall not be required to have  
8 month-to-month agreements. Approved guests may leave their  
9 trailer on the site throughout the year but may not maintain a  
10 permanent residence. THE TERM SHALL NOT INCLUDE A RECREATIONAL <--  
11 VEHICLE OR TENT CAMPSITE IN A STATE PARK.

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

16 § 1311. Hotelkeepers and campground owners.

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

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

29 (i) Accept, in writing, liability for the [guest  
30 room] lodging cost, taxes, all charges by the minor and

1 any damages in excess of normal wear and tear to the  
2 [guest room or its furnishings] lodging accommodations  
3 and its amenities caused by the minor while a guest at  
4 the lodging establishment. Damages shall be calculated at  
5 the cost of labor and materials for repair by the lodging  
6 establishment.

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

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

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

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

29 (2) A person who is disorderly.

30 (3) A person who the hotelkeeper or campground owner

1 reasonably believes is seeking accommodations for an unlawful  
2 purpose, including the unlawful possession or use of a  
3 controlled substance by the person or the use of the premises  
4 for the consumption of alcoholic beverages by any person  
5 under 21 years of age.

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

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

14 (b) Civil liability for refusal.--

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

21 \* \* \*

22 (c) Restitution and damages permitted.--

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

26 (i) Pay restitution for any damages suffered by the  
27 hotelkeeper or campground owner of the lodging  
28 establishment, including the lodging establishment's loss  
29 of revenue resulting from the lodging establishment's  
30 inability to rent or lease the [room] accommodations

1 during the period of time the lodging establishment  
2 [room] is being repaired.

3 \* \* \*

4 (d) Guest register requirement.--

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

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

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

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

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

1 lodging establishment in accordance with subsection (f).

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

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

9 \* \* \*

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

12 \* \* \*

13 (5) A recreational campground.

14 \* \* \*

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

19 § 1321. Notice to boarders to [lock] secure rooms, campground-  
20 owned lodging and other personal property.

21 If a hotelkeeper or campground owner posts in a conspicuous  
22 place notice requiring the guest or boarder to [bolt the door  
23 of] secure the room, campground-owned lodging occupied by the  
24 guest or boarder or other personal property, or, in leaving the  
25 room, campground-owned lodging or personal property to [lock the  
26 door] secure the property and to deposit the key with the  
27 hotelkeeper, campground owner or the clerk at the office, the  
28 hotelkeeper or campground owner shall not be liable for any  
29 baggage or personal property of the guest or boarder which may  
30 be stolen from the room, or campground-owned lodging if the

1 guest or boarder shall neglect to do so. In order to avoid  
2 liability, the hotelkeeper or campground owner must clearly  
3 establish the fact of the [room's] room or campground-owned  
4 lodging having been left unbolted or unlocked by the guest or  
5 boarder at the time of the loss of the baggage.

6 § 1322. Lien, warrant, sale and right of redemption.

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

15 (b) Public sale.--

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

26 \* \* \*

27 § 1323. Liability for property loss or damage.

28 (a) General rule.--Except as provided in subsection (b) and  
29 section 1324 (relating to special arrangements for safe deposit  
30 of valuables), no hotelkeeper or campground owner, whether

1 individual, partnership or corporation, shall be liable for loss  
2 or damage to property suffered by a guest, unless the  
3 hotelkeeper or campground owner fails to constantly maintain any  
4 of the following:

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

10 \* \* \*

11 § 1324. Special arrangements for safe deposit of valuables.

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

20 § 1325. Duty of guest.

21 It shall be the duty of every guest, and of anyone intending  
22 to be a guest, of any hotel [or], inn or recreational  
23 campground, upon delivering to the hotelkeeper of the hotel or  
24 inn or the campground owner, or a servant or employee, baggage  
25 or other property of the guest for safekeeping elsewhere than in  
26 the room or site assigned to the guest, to demand of the  
27 hotelkeeper or campground owner a check or receipt for the  
28 property to evidence the fact of delivery.

29 § 1326. Other liability.

30 (a) Depository liability.--Except as provided in subsection



1 (b), the liability of the hotelkeeper or campground owner,  
2 whether individual, partnership or corporation, for property  
3 loss or damage to a guest other than that described in sections  
4 1323 (relating to liability for property loss or damage) and  
5 1324 (relating to special arrangements for safe deposit of  
6 valuables) shall be that of a depository for hire.

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

11 (c) Limitation of liability.--Unless the hotelkeeper or  
12 campground owner has consented in writing to assume a greater  
13 liability, in no case shall liability under this section exceed  
14 \$150 for each trunk and its contents, \$50 for each valise and  
15 its contents, \$10 for each box, bundle or package and its  
16 contents and \$50 for all other miscellaneous effects, including  
17 wearing apparel and personal belongings.

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

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

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

28 § 1327. Exemption from levy or sale.

29 The personal property of a guest at an inn or a hotel or  
30 recreational campground, or of a boarder at a boardinghouse

1 where the property is in the exclusive use of the boarder, when  
2 located on premises occupied by the guest or boarder, shall be  
3 exempt from levy and sale on distress for rent.

4 § 1328. Baggage.

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

13 \* \* \*

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

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

21 § 1329. Baggage sale requirements.

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

27 \* \* \*

28 § 1330. Sale proceeds.

29 (a) Duty of hotelkeeper or campground owner.--After  
30 satisfying the lien and any costs that may accrue, any residue

1 remaining shall be paid to the guest or boarder:

2 (1) on demand within six months; or

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

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

13 \* \* \*

14 Section 4. Title 48 is amended by adding a section to read:  
15 § 1331. Abandoned property at recreational campgrounds.

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

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

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

30 Section 5. Section 1351 heading and (a) of Title 48 are

1 amended to read:

2 § 1351. [Tourist camp] Recreational campground heater safety.

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

10 \* \* \*

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