

CHAPTER 216.

[S. B. 255.]

HOTELS, INNS, BOARDING AND LODGING HOUSES.

AN ACT to protect hotel keepers, inn keepers, boarding house keepers and lodging house keepers, to prescribe and regulate their duties and liabilities toward their guests, boarders and lodgers, to punish fraud, to define and regulate the lien of keepers of hotels, inns, boarding houses and lodging houses, and amending Sections 1, 3, 5, 6 and 7 of Chapter 190 of the Laws of 1915 and Section 4 of Chapter 190 of the Laws of 1915 as the same is amended by Chapter 57 of the Laws of 1917 (Sections 6860, 6862, 6863, 6864, 6865 and 6866 of Remington's Compiled Statutes) and repealing Section 1, page 95 of the Laws of 1890 and Section 8 of Chapter 190 of the Laws of 1915 (Sections 1203 and 6867 of Remington's Compiled Statutes).

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 1 of chapter 190 of the Laws of 1915 (section 6860 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 6860 Rem.
Comp. Stat.

Section 1. Any building held out to the public to be an inn, hotel or public lodging house or place where sleeping accommodations, whether with or without meals, or the facilities for preparing the same, are furnished for hire to transient guests, in which fifteen or more rooms are used for the accommodation of such guests, shall for the purposes of this act, or any amendment thereof, only, be defined to be a hotel, and whenever the word hotel shall occur in this act, or any amendment thereof, it shall be construed to mean a hotel as herein described.

Hotel,
defined.

SEC. 2. That section 3 of chapter 190 of the Laws of 1915 (section 6862 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 6862 Rem.
Comp. Stat.

Section 3. Whenever the proprietor, keeper, owner, operator, lessee, or manager of any hotel, lodging house or inn shall provide a safe or vault

Safe or
vault.

Safe-keeping of valuables. for the safekeeping of any money, bank notes, jewelry, precious stones, ornaments, railroad mileage books or tickets, negotiable securities or other valuable papers, bullion, or other valuable property of small compass belonging to the guests, boarders or lodgers of such hotel, lodging house or inn, and shall notify the guests, boarders or lodgers thereof by posting a notice in three or more public and conspicuous places in the office, elevators, or public rooms, or in the public parlors of such hotel, lodging house or inn, stating the fact that such safe or vault is provided in which such property may be deposited; and if such guests, boarders or lodgers shall neglect to deliver such property to the person in charge of such office, for deposit in the safe or vault, the proprietor, keeper, owner, operator, lessee or manager, whether individual, partnership or corporation, of such hotel, lodging house or inn shall not be liable for any loss or destruction of any such property, or any damage thereto, sustained by such guests, boarders or lodgers, by negligence of such proprietor, keeper, owner, operator, lessee or manager, or his, her, their or its employees, or by fire, theft, burglary, or any other cause whatsoever; but no proprietor, keeper, owner, operator, lessee or manager of any hotel, lodging house or inn, shall be obliged to receive property on deposit for safekeeping exceeding one thousand dollars in value; and if such guests, boarders or lodgers shall deliver such property to the person in charge of said office for deposit in such safe or vault, said proprietor, keeper, owner, operator, lessee, or manager, shall not be liable for the loss or destruction thereof, or damage thereto, sustained by such guests, boarders or lodgers in any such hotel, lodging house, or inn, exceeding the sum of one thousand dollars, notwithstanding said property may be of greater value, unless by special arrangement in writing with such

Posting notice in 3 public places.

Loss or destruction, no liability.

Property in excess of \$1,000 in value.

Special arrangements in writing.

proprietor, keeper, owner, operator, lessee or manager; *Provided, however,* That in case of such deposit of such property, the proprietor, keeper, owner, operator, lessee or manager of such hotel, lodging house, or inn, shall in no event be liable for loss or destruction thereof, or damage thereto, unless caused by the theft or gross negligence of such proprietor, keeper, owner, operator, lessee, or manager, or his, her, their, or its agents, servants or employees.

Liable only for theft or gross negligence.

SEC. 3. That section 4 of chapter 190 of the Laws of 1915 as the same is amended by chapter 57 of the Laws of 1917 (section 6863 of Remington's Compiled Statutes) be amended to read as follows:

Amends § 6863 Rem. Comp. Stat.

Section 4. Except as provided for in the foregoing section, the proprietor, keeper, owner, operator, lessee or manager, whether individual, partnership or corporation, of a hotel, lodging house, or inn, shall not be liable for the loss or destruction of, or damage to any personal property brought or sent into such hotel, lodging house, or inn, by or for any of the guests, boarders or lodgers thereof, unless such loss, destruction or damage is occasioned by the gross negligence of such proprietor, keeper, owner, operator, lessee or manager, or his, her, their, or its agents, servants or employees; but in no event shall such liability exceed the sum of two hundred dollars, unless such proprietor, keeper, owner, operator, lessee, or manager, shall have contracted in writing with such guest, boarder, or lodger to assume a greater liability; *Provided, however,* That in no event shall liability of the proprietor, keeper, owner, operator, lessee or manager, or his, her, their, or its agents, servants or employees, of a hotel, lodging house, or inn exceed the following: For a guest, boarder or lodger, paying twenty-five cents per day, for lodging, or for any person who is not a guest, boarder or lodger, the liability

Except as otherwise provided, no liability except for gross negligence.

Limit of liability \$200.

Liability limited.

Schedule.

\$50.00 for trunk; \$10 for suitcase; \$5.00 for box; \$10.00 for wearing apparel.

\$75.00 for trunk; \$20.00 for suitcase; \$10.00 for box; \$20.00 for wearing apparel.

\$150.00 for trunk; \$50.00 for suitcase; \$10.00 for box; \$50.00 for wearing apparel.

By writing assumed greater liability.

Non-guest.

for loss, destruction or damage, shall not exceed the sum of fifty dollars for a trunk and contents, ten dollars for a suitcase or valise and contents, five dollars for a box, bundle or package, and ten dollars for wearing apparel or miscellaneous effects. For a guest, boarder or lodger, paying fifty cents a day for lodging, the liability for loss, destruction or damage shall not exceed seventy-five dollars for a trunk and contents, twenty dollars for a suitcase or valise and contents, ten dollars for a box, bundle or package and contents, and twenty dollars for wearing apparel and miscellaneous effects. For a guest, boarder or lodger paying more than fifty cents per day for lodging, the liability for loss, destruction or damage shall not exceed one hundred fifty dollars for a trunk and contents, fifty dollars for a suitcase or valise and contents, ten dollars for a box, bundle or package and contents, and fifty dollars for wearing apparel and miscellaneous effects, unless in such case such proprietor, keeper, owner, operator, lessee, or manager of such hotel, lodging house, or inn, shall have consented in writing to assume a greater liability: *And provided further*, Whenever any person shall suffer his baggage or property to remain in any hotel, lodging house, or inn, after leaving the same as a guest, boarder or lodger, and after the relation of guest, boarder or lodger between such person and the proprietor, keeper, owner, operator, lessee, or manager of such hotel, lodging house, or inn, has ceased, or shall forward or deliver the same to such hotel, lodging house, or inn, before, or without, becoming a guest, boarder, or lodger thereof, and the same shall be received into such hotel, lodging house, or inn, the liability of such proprietor, keeper, owner, operator, lessee, or manager thereof shall in no event exceed the sum of one hundred dollars, and such proprietor, keeper, owner, operator, lessee, or manager, may

at his, her, their or its option, hold such baggage or property at the risk of such owner thereof; and when any baggage or property has been kept or stored by such hotel, lodging house, or inn, for six months after such relation of guest, boarder or lodger has ceased, or when such relation does not exist, after six months from the receipt of such baggage or property in such hotel, lodging house, or inn, such proprietor, keeper, owner, operator, lessee, or manager, may, if he, she, they or it so desires, sell the same at public auction in the manner now or hereinafter provided by law for the sale of property to satisfy a hotel keeper's lien, and from the proceeds of such sale pay or reimburse himself the expenses incurred for advertisement and sale, as well as any storage that may have accrued, and any other amounts owing by such person to said hotel, lodging house, or inn; *Provided*, That when any such baggage or property is received, kept or stored therein after such relation does not exist, such proprietor, keeper, owner, operator, lessee, or manager, may, if he, she, or it, so desires, deliver the same at any time to a storage or warehouse company for storage, and in such event all responsibility or liability of such hotel, lodging house, or inn, for such baggage or property, or for storage charges thereon, shall thereupon cease and terminate.

Stored for
six months.

Sale at pub-
lic auction.

Delivery to
warehouse.

SEC. 4. That section 5 of chapter 190 of the Laws of 1915 (section 6864 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 6864 Rem.
Comp. Stat.

Section 5. The keeper of any hotel, boarding house or lodging house, whether individual, partnership or corporation, has a lien upon, and may retain, all baggage, sample cases, and other property, lawfully in the possession of a guest, boarder, or lodger, brought upon the premises by such guest, boarder, or lodger, for the proper charges due from him or her, on account of his or her food, board, room rent,

Lien for
charges on
baggage,
sample cases,
or property.

Right to hold possession.

Sale.

Property does not belong to guest.

Guest defined.

lodging and accommodation, and for such extras as are furnished at his or her request, and for all money and credit paid for or advanced to him or her; and for the costs of enforcing such lien; and said hotel keeper, inn keeper, lodging house keeper or boarding house keeper, shall have the right to retain and hold possession of such baggage, sample cases and other property until the amount of such charges and moneys be fully paid, and to sell such baggage, sample cases, or other property for the payment of such lien, charges and moneys in the manner provided in the next succeeding section of this chapter; and such baggage, sample cases and property shall not be subject to attachment or execution until such lien and storage charges and the cost of satisfying such lien are fully satisfied; *Provided, however,* That if any baggage, sample cases, or property becoming subject to the lien herein provided for does not belong to the guest, boarder or lodger who incurred the charges or indebtedness secured thereby at the time when such charges or indebtedness shall be incurred, and if the hotel, inn, boarding house or lodging house keeper entitled to such lien receives actual notice of such fact at any time before the sale of such baggage, sample cases or property hereunder, then and in that event such baggage, sample cases and property which are subject to said lien and do not belong to said guest, boarder or lodger at the time when such charges or indebtedness shall be incurred, shall not be subject to sale in the manner herein provided, but the same may be sold in the manner provided by law for the sale of property under a writ of execution to satisfy a judgment obtained in any action brought to recover the said charges or indebtedness. A guest, within the meaning of this chapter, includes each and every person who is a member of the family of, or dependent upon, a guest, boarder or lodger, in

such hotel, inn, boarding house or lodging house, and for whose support such tenant, guest, boarder or lodger is legally liable.

SEC. 5. That section 6 of chapter 190 of the Laws of 1915 (section 6865 of Remington's Compiled Statutes) be amended to read as follows:

Amends
§ 6865 Rem.
Comp. Stat.

Section 6. If such lien and all such charges and moneys are not fully paid and satisfied within sixty days from the time when such charges and moneys, respectively, become due, the keeper of such hotel, inn, boarding house or lodging house, may then proceed to sell such baggage, sample cases and other property, or any part thereof, at public auction, after giving ten days notice of the time and place of sale by posting said notice in three public places in the city or town wherein such hotel, inn, boarding house or lodging house is located, and by mailing a notice of the time and place of sale to such guest boarder or lodger at the place of residence, if any, registered by him or her on the register, if any, of said hotel, inn, boarding house or lodging house; and after satisfying the lien and paying all legal charges due from such guest, boarder or lodger, including proper charges for storage of the said baggage, sample cases or property, and any expense of selling the same that may accrue, any residue remaining shall, on demand, within one year after such sale, be paid to such guest, boarder or lodger, or his or her legal representatives; *Provided, however,* That should such guest, boarder or lodger fail or refuse to register from any particular town or city, or not register at all, the notice herein required to be mailed shall be addressed to the name of such guest, boarder or lodger at the city or town wherein such hotel, inn, boarding house or lodging house is located; and such sale shall be a perpetual bar to any action against said hotel, inn, boarding house or lodging house keeper for the recovery of such bag-

Lien and
charges not
paid within
60 days.

Sale.

Notice.

Guest's
failure to
register.

Sale bar to
action.

gage, sample cases, or property, or of the value thereof, or for any damage arising from the failure of such guest, boarder or lodger to receive such baggage, sample cases, or property.

Amends
§ 6866 Rem.
Comp. Stat.

SEC. 6. That section 7 of chapter 190 of the Laws of 1915 (section 6866 of Remington's Compiled Statutes) be amended to read as follows:

Obtaining
food, money,
credit with
intent to
defraud.

Section 7. Any person who shall wilfully obtain food, money, credit, lodging or accommodation at any hotel, inn, boarding house or lodging house, without paying therefor, with intent to defraud the proprietor, owner, operator or keeper thereof; or who obtains food, money, credit, lodging or accommodation at such hotel, inn, boarding house or lodging house, by the use of any false pretense; or who, after obtaining food, money, credit, lodging, or accommodation at such hotel, inn, boarding house, or lodging house, removes or causes to be removed from such hotel, inn, boarding house or lodging house, his or her baggage, without the permission or consent of the proprietor, manager or authorized employee thereof, before paying for such food, money, credit, lodging or accommodation, shall be guilty of a gross misdemeanor. Proof that food, money, credit, lodging or accommodation were obtained by false pretense or by false or fictitious show or pretense of any baggage or other property, or that the person refused or neglected to pay for such food, money, credit, lodging or accommodation on demand, or that he or she gave in payment for such food, money, credit, lodging or accommodation, negotiable paper on which payment was refused, or that he or she absconded, or departed from, or left, the premises without paying for such food, money, credit, lodging or accommodation, or that he or she removed, or attempted to remove, or caused to be removed, or caused to be attempted to be removed his or her property or baggage, shall be *prima facie*

Prima facie
evidence of
fraudulent
intent.

evidence of the fraudulent intent hereinbefore mentioned.

SEC. 7. In the event that any section or any part of any section of this act, or this act as it applies to any persons or under any circumstances, should be adjudged invalid, such adjudication shall not affect or impair the validity of the remainder of this act, or the act as it applies to other persons and under other circumstances.

Invalidity
of part not
to affect
balance.

SEC. 8. Section 1, page 95 of the Laws of 1890 and section 8 of chapter 190 of the Laws of 1915 (sections 1203 and 6867 of Remington's Compiled Statutes) are hereby repealed.

Statutes
repealed.

Passed the Senate February 26, 1929.

Passed the House March 12, 1929.

Approved by the Governor March 22, 1929.

CHAPTER 217.

[S. B. 270.]

APPROPRIATION FOR PORTRAITS, PHOTOGRAPHS AND FLAG PRESERVATION.

AN ACT relating to and providing for securing the portraits of the former governors and the members of the Legislature of the State of Washington, providing for the care of service flags, making an appropriation, and declaring that this act shall take effect immediately.

*Be it enacted by the Legislature of the State of
Washington:*

SECTION 1. The state capitol committee is hereby authorized and directed to procure and hang in the governor's office in the legislative building of the state capitol, appropriately framed portraits of the Honorable M. E. Hay, the Honorable Louis F. Hart, and the Honorable Roland H. Hartley, painted in oil by skilled artists.

Oil paintings
of M. E. Hay,
Louis F.
Hart, Roland
H. Hartley.

SEC. 2. The state capitol committee is hereby authorized and directed to cause to be reframed in