Chapter 699

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Innkeepers and Hotelkeepers

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CROSS REFERENCES

Discrimination prohibited in places of public accommodation, 30.670

Dog guides for blind, admission to public places, 346.620

Innkeeper lien, 87.156

Landlord lien, 87.162

699.050

Unclaimed property, generally, 98.005 to 98.436

699.005 Definitions. As used in ORS 699.005 to 699.060:

(1) "Hotel" or "inn" means a property, however owned and including a condominium under ORS chapter 100, in which rooms or suites of rooms generally are rented as transient lodgings and not as principal residences.

(2) "Hotelkeeper" or "innkeeper" means the sole proprietorship, partnership, corporation or other business entity which manages, rents or operates a hotel or inn, including the officers and employees of the business entity.

(3) "Transient lodging" means a room or suite of rooms which is occupied not as a principal residence:

(a) By persons for periods of less than 30 consecutive days; or

(b) With which the services normally offered by hotels, including but not limited to daily or bidaily maid and linen service, a front desk and a telephone switchboard, are provided, regardless of the length of occupancy of a person. [1979 c.125 §2; 1979 c.856 §6]

699.010 Limitation on innkeeper or hotelkeeper liability for valuables. No innkeeper or hotelkeeper, whether individual, partnership or corporation, who constantly has in the inn or hotel a metal safe or suitable vault in good order, and fit for the custody of money, bank notes, railroad mileage books or tickets, negotiable or valuable papers and bullion, jewelry, articles of gold and silver manufacture, precious stones or ornaments which are owned, used, held or carried by any guest not as sample merchandise or for sale, and who keeps on the doors of the sleeping rooms used by guests, locks or bolts, and who keeps a copy of ORS 164.125 and 699.005 to 699.060 conspicuously posted in the hotel or inn, as provided in ORS 699.060, is liable for the loss of or injury to such property suffered by any guest, unless the guest has offered to deliver the property to the innkeeper or hotelkeeper for custody in such metal safe or vault, and the innkeeper or hotelkeeper has omitted or refused to take it and deposit it in such safe or vault for custody and to give such guest therefor a receipt, claim check or key to a separate compartment or box in such metal safe or vault. However, the keeper of any inn or hotel is not obliged to receive from any one guest for deposit in such safe or vault any property described and enumerated in this section exceeding a total value of $300, and shall not be liable to such guest for loss or damage to such property described and enumerated in this section in excess of the sum of $300, whether received or not; except that the innkeeper or hotelkeeper may by special arrangement with a guest receive for deposit in such safe or vault any property, other than that described and enumerated in this section upon such terms as they may agree to in writing. Every innkeeper or hotelkeeper is liable for the loss of any property of a guest in the inn or hotel, whether or not the property has been accepted for safekeeping as provided in this section, if the loss is due to the theft or negligence of the innkeeper, hotelkeeper or any of the servants of the innkeeper or hotelkeeper. [Amended by 1971 c.743 §411]

699.020 Safekeeping of baggage; scope of liability. It is the duty of every guest and of every one intending to be a guest of any hotel in this state, upon delivering to the proprietor of such hotel or to servants of the proprietor, any baggage or other articles of property of such guest for safekeeping (elsewhere than to the room assigned to such guest), to demand and of such hotel proprietor to give, a claim check or receipt therefor in such case, to evidence the fact of such delivery. No hotel proprietor shall be liable for the loss of or injury to such baggage or other article of property of such guests, unless the property was actually delivered by the guest to the hotel proprietor or to servants of the proprietor for safekeeping, or unless the loss or injury occurred through the negligence of the hotel proprietor or by servants or employees in the hotel. However, the innkeeper or hotelkeeper may by special arrangement with a guest receive any baggage or other articles of property of such guest for safekeeping upon such terms as they may agree to in writing.

699.030 Liability for other property. (1) The liability of the keeper of any inn or hotel, whether individual, partnership, or corporation, for loss or injury to personal property placed by guests under the care of the keeper, other than that described in ORS 699.010 and 699.020, shall be that of a depository for hire. However, in no case shall such liability exceed $150 for each trunk and its contents, $50 for each valise and its contents and $10 for each box, bundle or package and contents so placed under the care of the keeper, and $50 for all other miscellaneous effects, including wearing apparel and personal belongings, unless the keeper has consented in writing with the guest to assume a greater liability.

(2) If any person suffers baggage or property to remain in any inn or hotel after leaving it as a guest, and after the relation of innkeeper and guest between the guest and proprietor of the inn or hotel has ceased, or forwards baggage or property to the inn or hotel before becoming a guest thereof and the baggage or property received into the inn

or hotel, the innkeeper or hotelkeeper, if the keeper holds such baggage or property, shall hold it solely at the risk of such person.

699.040 Liability in cases not covered by chapter. In all cases other than provided in this chapter, where liability is imposed by law upon a hotelkeeper or innkeeper for loss of or damage to the personal property of a guest of such hotelkeeper or innkeeper, the liability of such hotelkeeper or innkeeper for the loss or damage to the personal property of such guest shall be limited to $50, except when the loss or damage is due to the theft or gross negligence of the innkeeper or hotelkeeper or any of the servants of either.

699.050 Property left in hotel over 60 days; notice and sale. (1) If any person leaves any baggage or property in any inn or hotel for a period of 60 days after the relation of hotelkeeper or innkeeper and guest or boarder between such guest or boarder and the proprietor of such inn or hotel has ceased, the hotelkeeper or innkeeper may proceed to sell the baggage or other property of such guest or boarder at private sale, 10 days after posting notice of the time and place of the sale in three public places in the city where the hotel or inn is located, provided a copy of such notice is mailed in an envelope, addressed to the guest or boarder at the place of residence registered by the guest or boarder in the register of the inn or hotel. The proceeds of the sale shall be applied first to the payment of the hotelkeeper's or innkeeper's claims for storage on such baggage or property and of the cost of selling the same. Any residue remaining shall, on demand within six months, be paid to the guest or boarder and if not so demanded within six months from the date of the sale, the residue shall be deposited by the innkeeper or hotelkeeper with the treasurer of the county in which the inn or hotel is situated, together with a statement of the innkeeper's claims for storage and the cost of enforcing the same, a copy of the notice and of the amounts received for the goods sold at the sale. The county treasurer shall credit the residue to the general revenue fund of the county, subject to the right of the guest or boarder, or a representative of the guest or boarder, to reclaim it.

(2) The notice provided for in subsection (1) of this section shall be substantially in the following form:

I, (name of the owner, manager or other proper person) hereby state that more than _____ days have elapsed since (name of the owner or other person who left the property in the hotel or inn) left certain baggage, clothing and other property in (name of hotel or inn) and that the relation of hotelkeeper or innkeeper and guest or boarder between such person and the undersigned has ceased as of said aforementioned time; that there is now due or owing the undersigned on account of its storing said baggage, clothing and property the sum of $_____. Notice hereby is given that the undersigned will proceed to sell the clothing, baggage and other property (no other description is necessary) of the above-named person at private sale at (name of the hotel or inn or other place where the sale shall take place) on the _____ day of_____, 19_____.

Dated this _____ day of _____, 19_____.

Signed _____

(Owner, manager or other proper person.)

[Amended by 1957 c.670 §32]

699.055 Guest as trespasser. When a guest has become a trespasser under ORS 164.243 and if that guest refuses to depart from a transient lodging in sufficient time for the hotelkeeper to honor a confirmed reservation, the hotelkeeper may have the guest and chattels of the guest removed by a police officer without incurring any liability to the guest for removal and, if appropriate, may retain possession of the chattels pursuant to ORS 87.156. [1979 c.856 §4]

699.060 Posting of law. Every hotelkeeper and innkeeper within this state shall keep a copy of ORS 87.156, 164.125, 164.245, and this chapter printed in not less than eight-point type, posted in not less than 10 conspicuous places in hotels or inns having 250 or more guest rooms and posted in not less than five conspicuous places in hotels or inns having less than 250 guest rooms. [Amended by 1971 c.743 §412; 1979 c.856 §5]

699.070 [Repealed by 1977 c.389 §1]

699.990 [Repealed by 1977 c.389 §1]