

Chapter 427

HOTELS

HOTELS, INNS, AND PUBLIC LODGING HOUSES

Act 188 of 1913

AN ACT relating to the conduct of hotels, inns and public lodging houses.

History: 1913, Act 188, Eff. Aug. 14, 1913

The People of the State of Michigan enact:

427.1 Definitions.

Sec. 1.

For purposes of this act:

(a) "Hazardous areas" means areas of structures or buildings, or parts of structures or buildings, having a degree of hazard greater than that normal to the general occupancy of the building or structure. Hazardous areas include, but are not limited to, areas for the use or storage of combustibles, flammables, or toxic, noxious, or corrosive materials or areas where heat-producing appliances are used.

(b) "Hotel" means a building or structure kept, used, maintained as, or held out to the public to be an inn, hotel, or public lodging house. Hotel does not include a bed and breakfast as defined in section 4b of the state construction code act of 1972, Act No. 230 of the Public Acts of 1972, being section 125.1504b of the Michigan Compiled Laws.

(c) "Smoke detector" means a device, either battery operated or electrical, that detects visible or invisible particles of combustion.

History: 1913, Act 188, Eff. Aug. 14, 1913 ;-- CL 1915, 6932 ;-- CL 1929, 8806 ;-- CL 1948, 427.1 ;-- Am. 1987, Act 113, Imd. Eff. July 13, 1987 ;-- Am. 1988, Act 344, Eff. Oct. 26, 1989

427.2 Hotels; fire escape equipment, ways of egress and notices in buildings over two stories in height.

Sec. 2.

Every hotel that is more than 2 stories high shall be equipped with an iron fire escape on the outside of the building connecting on each floor, above the first with at least 2 openings, which shall be well fastened and secured with landings not less than 6 feet in length and 3 feet in width, guarded by an iron railing not less than 3 feet in height. Such landings shall be connected by iron stairs not less than 2 feet wide and with steps of not less than 6 inch tread and not more than 8 inch rise, placed at an angle of not more than 45 degrees and protected by a well secured hand rail on both sides and reaching to within 12 feet of the ground, with a drop ladder 18 inches wide reaching from the lower platform to the ground. Such fire escapes shall be sufficient if a perpendicular ladder shall be used instead of the stairs provided such iron ladder is placed at the extreme outside of the platform and at least 3 feet away from the wall of the building, and provided said ladder is equipped with round iron rounds not more than 15 inches apart, except that fireproof buildings may have inside fire escapes placed in a well, shaft, or opening which shall be built of fire-proof material and shut off from the remainder of the building by fire-proof, tight doors. The way of egress to such fire escape shall at all times be kept free and clear of all obstruction of any and every nature. Storm windows and storm doors shall be considered an obstruction for the purpose of this act, and such way of egress shall at all times be kept unlocked. There shall be posted and maintained in a conspicuous place in each hall and each guest room, except the halls and rooms on the ground floor, of such hotel, a printed notice in characters not less than 2 inches high calling attention to and directing the way to such fire escape.

History: 1913, Act 188, Eff. Aug. 14, 1913 ;-- CL 1915, 6933 ;-- CL 1929, 8807 ;-- CL 1948, 427.2

427.3 Hotels; portable fire extinguishers; smoke detectors; exemptions.

Sec. 3.

Each hotel shall have all of the following:

(a) Portable fire extinguishers in hazardous areas to be installed and maintained in accordance with the national fire protection association pamphlet number 10, published in 1984, entitled "standard for portable fire extinguishers".

(b) Not less than 1 smoke detector placed in each sleeping room. A battery operated smoke detector shall be a model that emits an audio signal when the battery needs replacement.

(c) Beginning upon the expiration of 12 months after the effective date of this amendatory act, not less than 1 smoke detector within the means of egress of each inside corridor, to be installed in accordance with the national fire protection association pamphlet number 72e, published in 1984, entitled "standard for automatic fire detectors". A hotel built in accordance with 1 or more of the following as they exist on the effective date of this amendatory act, in which corridor smoke detection is exempted due to the installation of a total automatic sprinkler system, shall be exempt from the requirements of this subdivision:

(i) The uniform building code, published in 1985 by the international conference of building officials.

(ii) The State construction code act of 1972, Act No. 230 of the Public Acts of 1972, being sections 125.1501 to 125.1531 of the Michigan Compiled Laws.

(iii) The building officials-code administrators national building code, published in 1987 by the building officials-code administrators, inc.

(d) If the hotel has an elevator, not less than 1 clearly visible sign placed outside each elevator. The sign shall state the following in letters not less than 1 inch in height: "In case of fire do not take elevator—use stairway".

(e) Not less than 1 clearly written fire safety evacuation plan posted on the wall or door of each sleeping room at a minimum instructing the occupants as to the location of exit doors and all fire extinguishing devices and appliances.

(f) A fire safety operation plan in which each employee is instructed and drilled, upon being hired and not less than once every 12 months during the term of employment, in the duties each employee is to perform in the event of a fire, panic, or other emergency.

(g) Numbers on the stairwell side of the exit door at the landing of each stairwell indicating the level of the floor. The ground level floor shall be identified as "ground level".

(h) Beginning upon the expiration of 24 months after the effective date of this amendatory act, a fire alarm system in accordance with chapter 17 of the national fire protection association pamphlet number 101, published in 1985, entitled "the life safety code", initiated by all of the following:

(i) A manual fire alarm system in accordance with chapter 7 of the national fire protection association pamphlet number 101, published in 1985, entitled the "life safety code".

(ii) A manual fire alarm station located at a hotel desk or other central control site.

(iii) A smoke detection system required under law on the effective date of this amendatory act, except that a smoke detector in a sleeping room shall not be required to initiate an alarm system.

(i) Beginning upon the expiration of 24 months after the effective date of this amendatory act, a system of occupant notification to be provided automatically, without delay, by an internal audible alarm system in compliance with chapter 7 of the national fire protection association pamphlet number 101, published in 1985, entitled "life safety code".

History: 1913, Act 188, Eff. Aug. 14, 1913 ;-- CL 1915, 6934 ;-- CL 1929, 8808 ;-- CL 1948, 427.3 ;-- Am. 1988, Act 344, Eff. Oct. 26, 1989

427.4 Repealed. 2000, Act 137, Imd. Eff. June 1, 2000.

Compiler's Notes: The repealed section pertained to rope equipment as fire escape.

427.5 Repealed. 2000, Act 138, Imd. Eff. June 1, 2000.

Compiler's Notes: The repealed section pertained to requirements regarding hotel water closets or privies.

427.6 Repealed. 2000, Act 101, Imd. Eff. May 19, 2000.

Compiler's Notes: The repealed section pertained to towels and bedding provided in hotels.

427.8 Repealed. 2000, Act 102, Imd. Eff. May 19, 2000.

Compiler's Notes: The repealed section pertained to membership and powers of commission.

427.7 Violation of act; penalty.

Sec. 7.

Every owner, manager, agent or person in charge of a hotel, who shall fail to comply with any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be fined not less than 25 dollars nor more than 50 dollars, or shall be imprisoned in the county jail for not less than 30 days nor more than 60 days, or both, and every day that such a hotel is carried on in violation of this act shall constitute a separate offense.

History: 1913, Act 188, Eff. Aug. 14, 1913 ;-- CL 1915, 6938 ;-- CL 1929, 8812 ;-- CL 1948, 427.7

427.9 Hotel inspectors; appointment, deputies.

Sec. 9.

Such commission shall delegate and confer the title of hotel inspector or deputy inspectors upon such men now operating under the supervision of the several departments constituting this commission, and in such number as the lawful enforcement of this act shall justify.

History: 1913, Act 188, Eff. Aug. 14, 1913 ;-- CL 1915, 6940 ;-- CL 1929, 8814 ;-- CL 1948, 427.9

427.10 Hotel inspectors; duty.

Sec. 10.

It shall be the duty of the inspector and his deputies to see that all of the provisions of this act are complied

with, and said inspector or the deputy for the district shall personally inspect at least once each year and at such other times as in the best judgment of the commission or the deputy the occasion demands as defined by this act.

History: 1913, Act 188, Eff. Aug. 14, 1913 ;-- CL 1915, 6941 ;-- CL 1929, 8815 ;-- CL 1948, 427.10

427.11 Hotel inspectors; power to enter hotels.

Sec. 11.

Said inspector and his deputies are hereby granted police power to enter any hotel at reasonable hours to determine whether the provisions of this act are being complied with.

History: 1913, Act 188, Eff. Aug. 14, 1913 ;-- CL 1915, 6942 ;-- CL 1929, 8816 ;-- CL 1948, 427.11

427.12 Certificate of compliance with law; display.

Sec. 12.

If the inspector or deputy shall find after examination of any hotel that this law has been fully complied with, he shall issue a certificate to that effect to the person operating the same, and said certificate shall be kept posted up in a conspicuous place in said inspected building. Such certificate shall be prepared in blank by said commission.

History: 1913, Act 188, Eff. Aug. 14, 1913 ;-- CL 1915, 6943 ;-- CL 1929, 8817 ;-- CL 1948, 427.12

427.13 Certificate of compliance with law; fraudulent issuance by inspector, penalty.

Sec. 13.

Any inspector who shall wilfully certify falsely regarding any building inspected by him, and who shall issue a certificate to any person operating in any hotel when such person has not complied with the provisions of this act, shall on conviction thereof be fined not less than 50 dollars nor to exceed 100 dollars, and may be imprisoned not to exceed 90 days in the county jail, or both at the discretion of the court, and upon conviction shall be forever disqualified to hold said office.

History: 1913, Act 188, Eff. Aug. 14, 1913 ;-- CL 1915, 6944 ;-- CL 1929, 8818 ;-- CL 1948, 427.13

427.14 Hindrance of inspector; penalty.

Sec. 14.

Any owner, manager, agent or person in charge of a hotel, who shall obstruct or hinder an inspector in the proper discharge of his duties under this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than 25 dollars nor more than 50 dollars, or shall be imprisoned in the county jail not less than 30 days nor more than 60 days, or both.

History: 1913, Act 188, Eff. Aug. 14, 1913 ;-- CL 1915, 6945 ;-- CL 1929, 8819 ;-- CL 1948, 427.14

427.15 Prosecutions; duties of inspector and prosecutors.

Sec. 15.

It shall be the duty of the inspector, upon ascertaining by inspection or otherwise, that after 60 days from the time this act takes effect, any hotel is being carried on contrary to its provisions, to make complaint and cause the arrest of the person so violating the same; and it shall be the duty of the prosecuting attorney in such cases to prepare all necessary papers and conduct such prosecutions.

History: 1913, Act 188, Eff. Aug. 14, 1913 ;-- CL 1915, 6946 ;-- CL 1929, 8820 ;-- CL 1948, 427.15

LIABILITY OF INNKEEPERS FOR PERSONAL PROPERTY OF GUESTS

Act 42 of 1905

AN ACT to define the duties and liabilities of hotel keepers and innkeepers with relation to the personal property of their guests, and to provide for the protection of inn and hotel keepers, and to repeal Act No. 227 of the Public Acts of 1897, and Act No. 15 of the Public Acts of 1875.

History: 1905, Act 42, Imd. Eff. Apr. 5, 1905

The People of the State of Michigan enact:

427.101 Liability of innkeeper for loss of or injury to personal property of guest; limitations; bed and breakfast included in "hotel" or "inn."

Sec. 1.

(1) The liability of the keeper of any inn, whether individual, partnership, or corporation, for loss of or injury to personal property of the innkeeper's guest, shall be that of a depository for hire, except that in no case shall such liability exceed the sum of \$250.00; and in case of the loss of a trunk or chest, and its contents, it shall not exceed the sum of \$150.00; in case of the loss of a traveling bag or dress suitcase, and contents, it shall not exceed the sum of \$50.00; and in case of the loss of a box, bundle, or package, and contents, it shall not exceed the sum of \$10.00. Nothing in this act shall prohibit an innkeeper from assuming a greater liability than the sum of \$250.00 for the personal effects of the innkeeper's guest if the undertaking and agreement is in writing, stating the kind of personal property received and the value thereof, the kind and extent of the liability of the innkeeper, and is signed by the guests and the innkeeper or the innkeeper's clerk. Nothing in this section shall preclude any remedy now existing for the enforcement of the hotel keeper's or innkeeper's lien.

(2) For the purposes of this act, "hotel" or "inn" includes a bed and breakfast as defined in section 12901 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.12901 of the Michigan Compiled Laws.

History: 1905, Act 42, Imd. Eff. Apr. 5, 1905 ;-- CL 1915, 6929 ;-- CL 1929, 8803 ;-- CL 1948, 427.101 ;-- Am. 1987, Act 115, Imd. Eff. July 13, 1987

Former Law: See Act 15 of 1875, being CL 1897, § 5316, and Act 227 of 1897, being CL 1897, § 5315.

427.102 Liability of innkeeper; money, jewelry, and valuable papers.

Sec. 2.

An innkeeper, whether individual, partnership, or corporation, who constantly has in the inn a metal safe or suitable vault in good order and fit for the custody of money, bank notes, jewelry, articles of gold and silver manufacture, precious stones, personal ornaments, railroad tickets, or negotiable or valuable papers and bullion, and who keeps on the doors of the sleeping rooms used by guests suitable locks and bolts, and on the transoms and windows of the rooms suitable fastenings, and who keeps a copy of this section printed in distinct type constantly and conspicuously suspended in the office and in the parlor or sitting room, barroom, washroom, and in 5 other conspicuous places in the inn, or in not less than 10 conspicuous places in the inn, shall not be liable for the loss of or injury to any property belonging to any guest, unless the guest has offered to deliver the property to the innkeeper for custody in the metal safe or vault, and the innkeeper has refused or omitted to take it and deposit it in the safe or vault for custody and to give the guest a receipt. The keeper of any inn shall not be obliged to receive from any guest for deposit in the safe or vault any property described in this section exceeding a total value of \$250.00, except under special agreement as provided in section 1, and shall not be liable for any excess of the property, whether received or not. However, every innkeeper shall be liable for any loss of the articles of a guest enumerated in this section in the inn, which loss was caused by the theft or negligence of the innkeeper or any of the innkeeper's servants.

History: 1905, Act 42, Imd. Eff. Apr. 5, 1905 ;-- CL 1915, 6930 ;-- CL 1929, 8804 ;-- CL 1948, 427.102 ;-- Am. 1983, Act 209, Imd. Eff. Nov. 10, 1983

INNKEEPER'S LIEN TO SECURE PAYMENT OF CHARGES

Act 145 of 1897

AN ACT for the protection of the keepers of hotels, inns, boardinghouses, lodging houses, bed and breakfasts, and furnished apartments.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- Am. 1931, Act 95, Eff. Sept. 18, 1931 ;-- Am. 1987, Act 114, Imd. Eff. July 13, 1987

The People of the State of Michigan enact:

427.201 Lien upon and right to detain goods, baggage, and effects; purpose; enforcement; “bed and breakfast” defined.

Sec. 1.

(1) Whenever the keeper of any hotel, inn, boardinghouse, lodging house, bed and breakfast, or furnished apartment receives into his or her hotel, inn, boardinghouse, lodging house, bed and breakfast, or furnished apartment any person, guest, boarder, lodger, or tenant, the keeper shall have a lien upon and right to detain the goods, baggage, and effects of such guest, boarder, lodger, or tenant to secure and compel the payment of customary charges for the food and lodging furnished to the guest, boarder, lodger, or tenant. The lien may be enforced in the manner prescribed in this act.

(2) As used in this section, "bed and breakfast" means a bed and breakfast as defined in section 12901 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.12901 of the Michigan Compiled Laws.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- CL 1897, 5317 ;-- CL 1915, 6947 ;-- CL 1929, 8791 ;-- Am. 1931, Act 95, Eff. Sept. 18, 1931 ;-- CL 1948, 427.201 ;-- Am. 1987, Act 114, Imd. Eff. July 13, 1987

427.202 Unclaimed property; sale, notice.

Sec. 2.

Any keeper of a hotel, inn, boarding house, lodging house or furnished apartment who shall have a lien for fare, accommodations or board upon any goods, baggage or other chattel property, and which being in his possession for 3 months at least after the departure of said guest, boarder, lodger or tenant leaving the same; or who for a period of 6 months shall have in his custody any unclaimed trunk, box, valise, package, parcel or other chattel property whatsoever, may proceed to sell the same at public auction after first having given notice to the county treasurer of such intended sale, and out of the proceeds of such sale may, in case of lien, retain the amount thereof, and the expense of advertisement and sale, and in case of unclaimed property the expense of storage, advertisement and sale thereof: Provided, In all instances, the notice specified in the next section be first given as therein directed.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- CL 1897, 5318 ;-- CL 1915, 6948 ;-- CL 1929, 8792 ;-- Am. 1931, Act 95, Eff. Sept. 18, 1931 ;-- CL 1948, 427.202

427.203 Sale of unclaimed property; publication and service of notice, time.

Sec. 3.

A notice shall be published, at least, 15 days prior to the time of the sale. Said notice shall designate the time and place of holding such sale and contain a brief description of the baggage, articles and chattels to be sold, and said notice shall be published in a newspaper of general circulation, published in the city or town in which such hotel, inn, boarding house, lodging house or furnished apartment is situated; but if there be none, then in such newspaper published nearest said city or town; and shall also be served upon said guest, boarder, lodger, tenant or owner of such chattel articles or property, if he resides or can be found within the county where said hotel, inn, boarding house, lodging house or furnished apartment is situated, by delivering the same to him personally or leaving it at his place of residence with a person of suitable age in charge thereof. But if such guest, boarder, lodger, tenant, or owner does not reside or cannot be found in said county, then said notice shall be deposited in the postoffice of said city or town with the postage prepaid thereon, 15 days prior to said sale, and addressed to said guest, boarder, lodger, tenant, or owner at his place of residence, if his address be known to the keeper of said hotel, inn, boarding house, lodging house or furnished apartment. The sale shall take place between the hours of 10 o'clock in the forenoon and 4 o'clock in the afternoon, and all articles sold shall be to the highest bidder for cash.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- CL 1897, 5319 ;-- CL 1915, 6949 ;-- CL 1929, 8793 ;-- Am. 1931, Act 95, Eff. Sept. 18, 1931 ;-- CL 1948, 427.203

427.204 Sale of unclaimed property; surplus proceeds refunded.

Sec. 4.

Such keeper of a hotel, inn, boarding house, lodging house, or furnished apartment shall make an entry of the articles sold and the balance of the proceeds of the sale, if any, and within 10 days from such sale, shall, upon demand, refund such balance and surplus to such guest, boarder or person leaving the articles sold.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- CL 1897, 5320 ;-- CL 1915, 6950 ;-- CL 1929, 8794 ;-- Am. 1931, Act 95, Eff. Sept. 18, 1931 ;-- CL 1948, 427.204

427.205 Sale of unclaimed property; balance, when paid to county treasurer; affidavit.

Sec. 5.

In case such balance shall not be demanded and paid as specified in the last section within said 10 days, then

within 5 days thereafter said keeper of a hotel, inn, boarding house, lodging house, or furnished apartment shall pay said balance to the treasurer of the county in which such hotel, inn, boarding house, lodging house, or furnished apartment shall be situated, and shall at the same time file with said treasurer an affidavit made by him, in which shall be stated the name and place of residence, so far as they are known to him, of the guest, boarder or person, whose goods, baggage or chattel articles were sold, the articles sold and the price at which they were sold, the name and residence of the auctioneer making the sale, and a copy of the notice published and how served, whether by personal service or by mailing, and if not so served and the reason thereof.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- CL 1897, 5321 ;-- CL 1915, 6951 ;-- CL 1929, 8795 ;-- Am. 1931, Act 95, Eff. Sept. 18, 1931 ;-- CL 1948, 427.205

427.206 Sale of unclaimed property; balance, when paid to county treasurer; ultimate disposition of surplus.

Sec. 6.

Said treasurer shall keep said surplus and moneys for, and credit the same to the person named in said affidavit as said guest, boarder, or person leaving the articles sold, and shall pay the same to said person, his or her agent or attorney, executors or administrators, upon demand and evidence satisfactory to said treasurer furnished of their identity: Provided, That if said amount be not claimed within 2 years from the date of sale, it shall be placed in and become a part of the contingent fund of the county.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- CL 1897, 5322 ;-- CL 1915, 6952 ;-- CL 1929, 8796 ;-- CL 1948, 427.206

427.207 Sale of unclaimed property; certain rights not barred.

Sec. 7.

Nothing herein contained shall preclude any other remedy now existing for the enforcement of lien by keepers of hotels, inns, boarding houses, lodging houses, or furnished apartments, nor bar their right to recover for so much of the debt as shall not be paid through said sale.

Nothing contained in this act shall apply to leases for 2 months or more.

History: 1897, Act 145, Eff. Aug. 30, 1897 ;-- CL 1897, 5323 ;-- CL 1915, 6953 ;-- CL 1929, 8797 ;-- Am. 1931, Act 95, Eff. Sept. 18, 1931 ;-- CL 1948, 427.207

RENTING ROOMS TO MINORS

Act 125 of 2001

AN ACT to define the rights and responsibilities of hotels and bed and breakfasts with respect to renting or leasing hotel or bed and breakfast rooms to minors.

History: 2001, Act 125, Imd. Eff. Oct. 15, 2001

The People of the State of Michigan enact:

427.301 Definitions.

Sec. 1.

As used in this act:

- (a) "Bed and breakfast" means that term as defined in section 4b of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1504b.
- (b) "Emancipated minor" means a minor who is emancipated under section 4 of 1968 PA 293, MCL 722.4.
- (c) "Hotel" means that term as defined in section 1 of 1913 PA 188, MCL 427.1.
- (d) "Minor" means an individual under 18 years of age.

History: 2001, Act 125, Imd. Eff. Oct. 15, 2001

427.302 Rental of room to minor.

Sec. 2.

A hotel or bed and breakfast may refuse to rent or lease a hotel room or a bed and breakfast room to a minor other than an emancipated minor.

History: 2001, Act 125, Imd. Eff. Oct. 15, 2001

427.303 Compliance with MCL 750.146.

Sec. 3.

A hotel or bed and breakfast shall comply with section 146 of the Michigan penal code, 1931 PA 328, MCL 750.146.

History: 2001, Act 125, Imd. Eff. Oct. 15, 2001

427.304 Documentation of age.

Sec. 4.

A hotel or bed and breakfast may require that an individual provide documentary evidence confirming the age of an individual renting or leasing a hotel room or bed and breakfast room or documentary evidence of the emancipation of a minor, including a motor vehicle operator's or chauffeur's license, a registration certificate issued by the federal selective service, or other bona fide documentary evidence of the age and identity of the individual or emancipation of the minor.

History: 2001, Act 125, Imd. Eff. Oct. 15, 2001 ;-- Am. 2023, Act 75, Imd. Eff. July 12, 2023