

CHAPTER 240

CONSUMER AND COMMERCIAL TRANSACTIONS

HOUSE BILL 17-1245

BY REPRESENTATIVE(S) Foote, Herod, Lee, Willett, Wist;
also SENATOR(S) Kagan, Cooke, Gardner, Guzman, Holbert, Garcia.

AN ACT

CONCERNING THE NONSUBSTANTIVE RELOCATION OF THE LAWS RELATED TO PUBLIC ESTABLISHMENTS FROM TITLE 12, COLORADO REVISED STATUTES, AS PART OF THE ORGANIZATIONAL RECODIFICATION OF TITLE 12.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add with amended and relocated provisions** article 25 to title 6 as follows:

ARTICLE 25
Public Establishments

PART 1
HOTELS AND RESTAURANTS

6-25-101. [Formerly 12-44-101] Definitions - evidence of intent. As used in this part 1, unless the context otherwise requires:

(1) "Agreement with ~~such~~ THE public establishment" means any written or verbal agreement as to the price to be charged for, and the acceptance of, food, beverage, service, or accommodations where the price to be charged therefor is printed on a menu or schedule of rates shown to or made available by a public establishment to the patron and includes the acceptance of ~~such~~ THE food, beverage, service, or accommodations for which a reasonable charge is made.

(2) "Notice", as used in ~~section 12-44-103~~ SECTION 6-25-104, shall be given by posting a printed copy of ~~sections 12-44-101 to 12-44-103~~ SECTIONS 6-25-101 TO 6-25-104 at any conspicuous place within the sleeping accommodations.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(3) "Public establishment" means any establishment selling or offering for sale prepared food or beverages to the public generally, or any establishment leasing or renting overnight sleeping accommodations to the public generally, including, but not exclusively, restaurants, cafes, dining rooms, lunch counters, coffee shops, boarding houses, hotels, motor hotels, motels, and rooming houses, unless the rental thereof is on a month-to-month basis or a longer period of time.

(4) It shall be evidence of an intent to defraud that food, service, or accommodations were given to any person who gave false information concerning his OR HER name or address, or both, in obtaining ~~such~~ THE food, service, or accommodations, or that ~~such~~ THE person removed or attempted to remove his OR HER baggage from the premises of ~~such~~ THE public establishment without giving notice of his OR HER intent to do so to ~~such~~ THE public establishment. These provisions shall not constitute the sole means of establishing evidence that a person accused under this part 1 had an intent to defraud. Proof of ~~such~~ intent to defraud may be made by any facts or circumstances sufficient to establish ~~such~~ THE intent to defraud beyond a reasonable doubt as provided by law.

(5) If any person, partnership, or corporation shall by written or verbal complaint, or otherwise, institute or cause to be instituted any prosecution for any violation of this section and shall thereafter, whether or not restitution is sought or received from the alleged offender, fail to cooperate in the full prosecution of the alleged offender without reasonable cause, the court having jurisdiction, on motion of the prosecuting attorney appearing therein and, after notice to ~~such~~ THE person, partnership, or corporation and an opportunity to be heard, may give judgment against ~~such~~ THE person, partnership, or corporation and in favor of the county wherein prosecution was commenced for all costs of the prosecution, including a reasonable allowance for the time of the prosecuting attorney.

6-25-102. [Formerly 12-44-101.5] Public establishment - vendor contract. A contract between a vendor and a public establishment shall be invalid unless the vendor enters into the contract directly with the public establishment's owner, general manager, or a person with authority to enter into a contract as specifically designated in writing by ~~such~~ THE owner or general manager. The acceptance of delivered items by a public establishment from a vendor that includes an invoice stating the terms of a contract shall not constitute acceptance of ~~such~~ THE terms and the contract shall be void.

6-25-103. [Formerly 12-44-102] Defrauding an innkeeper. A person who, with intent to defraud, procures food or accommodations from a public establishment without making payment therefor in accordance with his or her agreement with the public establishment is guilty of a misdemeanor if the total amount due under the agreement is one thousand dollars or less and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for not more than ninety days, or by both ~~such~~ THE fine and imprisonment; and, if the amount due under the agreement is more than one thousand dollars, the person commits a class 6 felony and shall be punished as provided in section 18-1.3-401. ~~C.R.S.~~

6-25-104. [Formerly 12-44-103] Notice prerequisite to conviction. No conviction shall be had under ~~section 12-44-102~~ SECTION 6-25-103, unless it is made

to appear upon the trial for a violation of ~~section 12-44-102~~ SECTION 6-25-103 that the person charged with ~~such~~ THE violation was given notice of the terms and provisions of ~~sections 12-44-101 to 12-44-103~~ SECTIONS 6-25-101 TO 6-25-104.

6-25-105. [Formerly 12-44-104] Jurisdiction. Jurisdiction of cases arising under ~~sections 12-44-101 to 12-44-103~~ SECTIONS 6-25-101 TO 6-25-104 and appeals from judgments in ~~such~~ THE cases shall be as provided by statute.

6-25-106. [Formerly 12-44-105] Safe for valuables - notice. Every landlord or keeper of a hotel or public inn in this state who provides in the office of his OR HER hotel, inn, or other convenient place a safe, vault, or other suitable receptacle, for the secure custody of money, jewelry, ornaments, or other valuable articles other than necessary baggage belonging to the guests or patrons of ~~such~~ THE hotel or public inn, and who keeps posted in a public and conspicuous place in the office, public room, and public parlors of ~~such~~ THE hotel or public inn, and upon the inside entrance door of every public sleeping room in ~~such~~ THE hotel or public inn a notice printed in English stating ~~such~~ THE fact, shall not be liable for the loss of any money, jewelry, ornaments, or other valuable articles, other than necessary baggage, sustained by ~~such~~ THE guest or patron by theft or otherwise, unless ~~such~~ THE guest or patron delivers ~~such~~ THE money, jewelry, ornaments, or other valuable articles, other than necessary baggage, to the landlord or keeper of ~~such~~ THE hotel or public inn, or person in charge of the office of ~~such~~ THE hotel or public inn, for deposit in ~~such~~ THE safe, vault, or other receptacle. ~~Such~~ THE liability shall not be greater than the amount at the time of deposit declared by the guest or patron to be the value of the article deposited.

6-25-107. [Formerly 12-44-106] Maximum amount landlord bound to receive. No landlord or keeper of any hotel or public inn is obliged to receive ~~such~~ property from any guest or patron for ~~such~~ custody under the provisions of ~~section 12-44-105~~ SECTION 6-25-106, exceeding in value the sum of five thousand dollars, nor is he OR SHE liable for any loss thereof by theft or otherwise in any sum exceeding the sum of five thousand dollars, unless the landlord or keeper of ~~such~~ THE hotel or public inn, or person in charge of the office, assumes in writing a greater liability.

6-25-108. [Formerly 12-44-107] Landlord not responsible - when. The landlord or keeper of any hotel or public inn shall not be liable to any guest or patron of ~~such~~ THE hotel or public inn for the loss within his OR HER hotel or public inn of any article of wearing apparel or other necessary baggage belonging to any guest or patron, unless the same had been left within a room assigned to ~~such~~ THE guest or patron, or had been especially entrusted to the care or custody of the landlord or keeper of ~~such~~ THE hotel or public inn, or to an employee or servant thereof entrusted with the duty of receiving or caring for ~~such~~ THE article in the hotel or public inn.

6-25-109. [Formerly 12-44-108] Responsibility when key furnished. When the landlord or keeper of any hotel or public inn provides the doors of the rooms or sleeping apartments in ~~such~~ THE hotel or public inn with locks and keys in good order and repair and ~~such~~ THE room or sleeping apartment is turned over to the possession of any guest or patron together with the key to the door thereof, the landlord or keeper of ~~such~~ THE hotel or public inn shall not be liable to any guest or

patron thereof occupying ~~such~~ THE room or apartment for loss of any article of personal property left within ~~such~~ THE room or apartment by ~~such~~ THE guest or patron while in possession thereof, unless the door in ~~such~~ THE room or apartment was left locked when unoccupied, and after being locked the key thereto was delivered to the person in charge of the office of ~~such~~ THE hotel or public inn. If any article of personal property is taken by an employee or servant of the landlord or keeper of ~~such~~ THE hotel or public inn, then the provisions of this section shall not prevent ~~such~~ THE guest or patron from recovering the value of ~~such~~ THE article, not to exceed the sum of two hundred dollars for all ~~such~~ THE articles.

6-25-110. [Formerly 12-44-109] Maximum liability for articles lost from rooms. The landlord or keeper of any hotel or public inn shall not be liable for the loss of any article left by any guest or patron in any room assigned to or occupied by ~~such~~ THE guest or patron, greater, in any event, than the sum of two hundred dollars for all articles ~~which~~ THAT may be lost by ~~said~~ THE guest or patron, except by an agreement in writing made by the landlord or keeper of ~~such~~ THE hotel or public inn, or person in charge of the office, assuming a greater liability.

6-25-111. [Formerly 12-44-110] Liability for baggage left by guest. In case any person who has been the guest or patron of any hotel or public inn ceases to be ~~such~~ A guest or patron and leaves with the landlord or keeper of ~~such~~ THE hotel or public inn any baggage or other personal property for safekeeping, and the landlord or keeper accepts and receives the same for safekeeping, and makes no charge for services or storage in keeping ~~such~~ THE property, then ~~such~~ THE landlord or keeper of a hotel or public inn shall be liable only as a gratuitous bailee and as such shall be liable for no sum greater than fifty dollars.

6-25-112. [Formerly 12-44-111] Liability in case of fire or accident. The landlord or keeper of any hotel or public inn shall not be liable for loss of or damage to the property of any guest or patron of ~~such~~ THE hotel or public inn by fire or by any unforeseen causes or by inevitable accident, unless ~~such~~ THE loss or damage occurs on account of his OR HER negligence or the negligence of his OR HER servants or employees.

6-25-113. [Formerly 12-44-112] Liability limited to damages. None of the provisions of ~~sections 12-44-105 to 12-44-112~~ SECTIONS 6-25-106 TO 6-25-113 shall be construed to render the landlord or keeper of a hotel or public inn in this state liable in a greater sum than the actual loss or damage sustained.

PART 2 INNKEEPERS' RIGHTS

6-25-201. [Formerly 12-44-301] Definitions. As used in this ~~part 3~~ PART 2, unless the context otherwise requires:

(1) "Innkeeper" means the owner, operator, or manager of a lodging establishment.

(2) "Lodging establishment" means a bed and breakfast, as defined in section 12-47-103 (3), or a hotel, motel, resort, or public inn, as defined in ~~section 12-44-101 (3)~~ SECTION 6-25-101 (3).

(3) "Minor" means a person under eighteen years of age.

(4) "Resort" means a hotel with related sports and recreational facilities for the convenience of its guests or the general public located contiguous or adjacent to the hotel.

6-25-202. [Formerly 12-44-302] Innkeepers' right to refuse accommodations - exceptions. (1) An innkeeper has the right to refuse or deny accommodations, facilities, and the privileges of a lodging establishment to any person who is not willing or able to pay for ~~such~~ THE accommodations, facilities, and services. The innkeeper shall have the right to require a prospective guest to demonstrate his or her ability to pay by cash, valid credit card, or a validated check, and if the prospective guest is a minor, the innkeeper may require a parent or legal guardian of ~~such~~ THE minor or other responsible adult:

(a) To provide a valid credit card number or agree, in writing, to pay for the cost of:

(I) The guest room, including applicable taxes;

(II) All charges made by the minor; and

(III) Any damages caused by the minor or the minor's guests to the guest room or its furnishings; or

(b) To provide an advance cash payment to cover the cost of the guest room for all nights reserved, including applicable taxes, plus a cash deposit to be held toward the payment of any charges made by the minor and any damages to the guest room or its furnishings. The cash deposit shall be refunded, unless applied to charges or damages, following a joint inspection of the room. It is the obligation of the guest to join the innkeeper during the inspection. Should the guest fail to join the innkeeper, the guest thereby waives his or her right to the joint inspection. ~~Such~~ THE refund, if any, shall immediately be made to the extent it is not used to cover the described charges or damages.

SECTION 2. In Colorado Revised Statutes, 18-1-202, **amend** (7)(b)(II) introductory portion and (7)(b)(II)(L) as follows:

18-1-202. Place of trial. (7) (b) (II) The provisions of ~~subparagraph (I) of this paragraph (b)~~ SUBSECTION (7)(b)(I) OF THIS SECTION shall apply to the following offenses:

(L) Procuring food or accommodation with intent to defraud, as defined in ~~section 12-44-102, C.R.S.~~ SECTION 6-25-103;

SECTION 3. Repeal of relocated provisions in this act. In Colorado Revised Statutes, **repeal** parts 1 and 3 of article 44 of title 12.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 9, 2017, if adjournment sine die is on

May 10, 2017); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2018 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 25, 2017