

House Bill 183

By: Representatives Seabaugh of the 34th, Kelley of the 16th, Reeves of the 99th, Efstration of the 104th, Crowe of the 118th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 21 of Title 43 of the Official Code of Georgia Annotated,
2 relating to rights, duties, and liabilities of innkeepers, so as to expand an innkeeper's liens to
3 cover property removed from a room by an innkeeper upon the termination of a guest's
4 contract; to provide procedures for innkeepers to eject persons under certain circumstances
5 from inns; to provide for sheriffs, constables, marshals, and other certified peace officers to
6 eject persons from such facilities under certain circumstances; to provide for the presumption
7 of an innkeeper-guest relationship; to provide for related matters; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 1 of Chapter 21 of Title 43 of the Official Code of Georgia Annotated, relating to
12 rights, duties, and liabilities of innkeepers, is amended by revising Code Section 43-21-3.2,
13 relating to written statement of period of occupancy signed by guest, rights of innkeeper and
14 guest under contract, as follows:

15 "43-21-3.2.

16 (a) A written statement prominently setting forth in bold type the time period during which
17 a guest may occupy an assigned room, when separately signed or initialed by the guest, is
18 a valid nonassignable contract. At the expiration of such time period, the guest may be
19 restrained from entering such room and any property of the guest shall be subject to the
20 innkeeper's lien as provided for in Code Section 43-21-5 and may be removed by the
21 innkeeper to a secure place where the guest may recover his or her property upon payment
22 by such guest of all sums due for food, lodging, or other accommodation without liability
23 to the innkeeper, except for damages to or loss of such property attributable to its removal.
24 If a guest vacates his or her room prior to the date contained in the written statement, that
25 such guest shall not be liable for charges for the time after the room is vacated unless the
26 guest has agreed otherwise before occupying the room.

27 (b)(1) Any person on the premises at or after the expiration of the time period provided
28 for in subsection (a) of this Code section, whose occupancy has been terminated under
29 Code Section 43-21-3.1, or who does not have a valid contract with the innkeeper shall
30 be subject to ejection from such premises.

31 (2) When the innkeeper, its agent, or its attorney in fact, shall subscribe an affidavit, in
32 writing, before any officer authorized to administer an oath setting forth that such
33 innkeeper, its agent, or its attorney in fact claims, in good faith, that the occupancy of a
34 guest has expired or otherwise terminated or the person does not have a valid contract and
35 refuses to vacate the premises, it shall be the duty of the sheriff, sheriff deputy, constable,
36 marshal, or other individual certified by the Georgia Peace Officer Standards and
37 Training Council of the county where the inn is located, upon receiving such affidavit,
38 to eject such person within five days of receiving such affidavit.

39 (3) In the event that a sheriff, sheriff deputy, constable, marshal, or other individual
40 certified by the Georgia Peace Officer Standards and Training Council of the county
41 where the inn is located is unable to effect such ejection within the time provided in

paragraph (2) of this subsection, the innkeeper shall be entitled to utilize the services of an off-duty sheriff, sheriff deputy, constable, marshal, or other individual certified by the Georgia Peace Officer Standards and Training Council to eject such person.

(c) When an innkeeper furnishes accommodations to a guest on a day-to-day or week-to-week basis, an innkeeper-guest relationship shall be presumed to exist regardless of such guest's length of stay at such inn."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.