CHAPTER 1

General Provisions

**SECTION 45‑1‑10.** Hotels required to post rates.

 Every transient hotel shall keep posted in a conspicuous place in the office a list of its charges for rooms, with or without meals, in accordance with the plan on which the hotel is operated, giving the exact transient rate, and shall also keep posted in each room the rate for that room, with or without meals, in accordance with its plan as stated above, giving the transient rate per day and week and the rate for each person in the room, as well as such rates for the fractional part of a day. No hotel shall charge a higher rate for a fractional part of a day than for a whole day. As used in this section the term “hotel” shall have the meaning stated in Section 45‑5‑10.

HISTORY: 1962 Code Section 35‑1; 1952 Code Section 35‑1; 1942 Code Section 5098; 1932 Code Section 5098; Civ. C. ‘22 Section 2367; 1920 (31) 860.

CROSS REFERENCES

Hotel and motel rooms and other accommodations to be furnished with certain security devices, see Section 45‑1‑90.

Power of executive committee of State Department of Health and Environmental Control to promulgate rules for public health, see Section 44‑1‑140.

Library References

Innkeepers 12.

Westlaw Topic No. 213.

C.J.S. Inns, Hotels, and Eating Places Sections 26 to 27.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Hotels, Motels and Other Lodgings Section 11, Posting of Lodging Charges.

United States Supreme Court Annotations

Regulation of hotel, motel, or similar lodging establishment as violating due process clause or equal protection clause of Federal Constitution ‑ Supreme Court cases. 107 L Ed 2d 1151.

**SECTION 45‑1‑20.** Rights and remedies of innkeepers extended to keepers of boardinghouses.

 Keepers of boardinghouses shall have the same rights and remedies for enforcing and collecting claims for board as are allowed by law to innkeepers or hotelkeepers.

HISTORY: 1962 Code Section 35‑2; 1952 Code Section 35‑2; 1942 Code Section 7223; 1932 Code Section 7223; Civ. C. ‘22 Section 3936; Civ. C. ‘12 Section 2617; 1902 (23) 1021; 1908 (25) 1085.

Library References

Innkeepers 12.

Westlaw Topic No. 213.

C.J.S. Inns, Hotels, and Eating Places Sections 26 to 27.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Hotels, Motels and Other Lodgings Section 45, Statutory.

**SECTION 45‑1‑30.** Sale of baggage or property left at hotel, inn, or boardinghouse at auction to satisfy debt or obligation.

 At any time after the expiration of ten days after the person incurring a debt or obligation has left a hotel, inn or boardinghouse, the debt or obligation being still due and unpaid, the owner or proprietor of the hotel, inn or boardinghouse may sell at public auction for cash at the hotel, inn or boardinghouse office any baggage or property left at the hotel, inn or boardinghouse to satisfy the debt or obligation, without any process at law or equity; provided, however, such sale be advertised by written or printed posters at three public places in the vicinity for at least ten days before the sale.

HISTORY: 1962 Code Section 35‑3; 1952 Code Section 35‑3; 1942 Code Section 7223; 1932 Code Section 7223; Civ. C. ‘22 Section 3936; Civ. C. ‘12 Section 2617; 1902 (23) 1021; 1908 (25) 1085.

Library References

Innkeepers 12.

Westlaw Topic No. 213.

C.J.S. Inns, Hotels, and Eating Places Sections 26 to 27.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Auctions and Auctioneers Section 23, Statutes Governing Auctions of Particular Properties.

S.C. Jur. Hotels, Motels and Other Lodgings Section 45, Statutory.

Forms

Am. Jur. Pl. & Pr. Forms Hotels, Motels and Restaurants Section 3 , Introductory Comments.

**SECTION 45‑1‑40.** Innkeeper’s liability for loss of baggage, money, jewels, and other personal property.

 “Innkeeper” as used in this section shall mean the proprietor of any hotel, inn, boardinghouse, motor court, or motel where beds or lodging are for hire. Whenever an innkeeper shall post and keep posted in a conspicuous manner in the room occupied by any guest a notice requiring such guest to bolt the door of his room, or on leaving his room to lock the door and leave the keys at the office, and also to deposit such money and jewels as are not ordinarily carried upon the person in the office safe, and the guest shall neglect to comply with the requirements of such notice, the innkeeper shall not be liable for the loss of any baggage of such guest which may be lost or stolen from his room or for the loss of any money or jewels not deposited in the safe. Provided, however, that notwithstanding the provisions of this section any innkeeper who by his own negligence contributes to the loss or damage to baggage or personal property, other than money or jewelry, from guest rooms, or to the loss or damage to money or jewelry from his safe, may be liable to the guest for the actual value of such baggage or personal property or five hundred dollars, whichever is less, or the actual value of such money or jewelry or two thousand dollars, whichever is less. Provided, however, that, notwithstanding the provisions of this section, any innkeeper who by his own wilfulness contributes to the loss or damage to the personal property of a guest shall not have his liability limited in any manner by the provisions of this section.

HISTORY: 1962 Code Section 35‑4; 1952 Code Section 35‑4; 1942 Code Section 7222; 1932 Code Section 7222; Civ. C. ‘22 Section 3935; Civ. C. ‘12 Section 2616; Civ. C. ‘02 Section 1741; 1888 (20) 9; 1963 (53) 278.

Library References

Innkeepers 11(1), 11(3).

Westlaw Topic No. 213.

C.J.S. Inns, Hotels, and Eating Places Sections 58, 60, 66 to 67, 73 to 74.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Hotels, Motels and Other Lodgings Section 3, Innkeeper.

S.C. Jur. Hotels, Motels and Other Lodgings Section 38, Statutory Provisions.

S.C. Jur. Hotels, Motels and Other Lodgings Section 39, Limitations of Liability.

S.C. Jur. Hotels, Motels and Other Lodgings Section 40, Actions.

Forms

Am. Jur. Pl. & Pr. Forms Hotels, Motels and Restaurants Section 90 , Introductory Comments.

NOTES OF DECISIONS

In general 1

Evidence 2

1. In general

Issue whether hotel guests saw any conspicuously posted notice in their room indicating that safety deposit boxes were available in which they could store their valuables, as required by innkeeper statute, was question for jury, in action brought against innkeeper for negligence for jewelry missing from guests’ room. Ippolito v. Hospitality Management Associates (S.C.App. 2003) 352 S.C. 563, 575 S.E.2d 562. Innkeepers 11(12)

2. Evidence

Evidence regarding prior, unrelated peephole incidents was relevant to rebut security expert’s testimony that level of security at hotel was “extremely good,” in action brought by hotel guests against hotel for loss of jewelry and money taken from room. Ippolito v. Hospitality Management Associates (S.C.App. 2003) 352 S.C. 563, 575 S.E.2d 562. Evidence 129(1)

**SECTION 45‑1‑50.** Defrauding keeper of hotel, motel, inn, boarding house, rooming house, campground, cafe, or restaurant.

 (A) A person who:

 (1) obtains food, lodging or other service, or accommodation at any hotel, motel, inn, boarding or rooming house, campground, cafe, or restaurant and intentionally absconds without paying for it; or

 (2) while a guest at any hotel, motel, inn, boarding or rooming house, campground, cafe, or restaurant, intentionally defrauds the keeper in a transaction arising out of the relationship as guest, is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than six months, or both. Notwithstanding the provisions of Sections 22‑3‑540, 22‑3‑545, 22‑3‑550, and 14‑25‑65, an offense punishable under this subsection may be tried in magistrates or municipal court.

 (B) For purposes of this section prima facie evidence of intent to defraud is shown by:

 (1) the second refusal of payment upon presentation when due and the return unpaid of any bank check or order for the payment of money given by a guest to any hotel, motel, inn, boarding or rooming house, campground, cafe, or restaurant in payment of an obligation arising out of the relationship as guest. These facts also are prima facie evidence of an intent to abscond without payment;

 (2) the failure or refusal of any guest at a hotel, motel, inn, boarding or rooming house, campground, cafe, or restaurant to pay, upon written demand, the established charge for food, lodging or other service, or accommodation;

 (3) the giving of false information on a lodging registration form or the presenting of false or fictitious credentials for the purpose of obtaining lodging or credit;

 (4) the drawing, endorsing, issuing, or delivering to any hotel, motel, inn, boarding or lodging house, campground, cafe, or restaurant of any check, draft, or order for payment of money upon any bank or other depository in payment for established charges for food, lodging, or other service or accommodation, knowing at the time that there is not sufficient credit with the drawee bank or other depository for payment in full of the instrument drawn.

 (C) For purposes of this section, campground” means land and facilities of camp character organized to provide a temporary outdoor living experience for individuals or groups which has membership affiliation in recognized national and state campground organizations or which is listed in a guidebook published with support in part by the Department of Parks, Recreation and Tourism.

HISTORY: 1962 Code Section 35‑5; 1952 Code Section 35‑5; 1942 Code Sections 1219, 7223; 1932 Code Sections 1219, 7223; Civ. C. ‘22 Section 3936; Cr. C. ‘22 Section 107; Civ. C. ‘12 Section 2617; Cr. C. ‘12 Section 300; 1902 (23) 1021; 1908 (25) 1085; 1911 (27) 150; 1917 (30) 165; 1939 (41) 115; 1940 (41) 1885; 1977 Act No. 84 Section 1; 1999 Act No. 81, Section 1, eff June 11, 1999; 2010 Act No. 273, Section 16.A.A, eff June 2, 2010.

CROSS REFERENCES

Forgery, larceny, embezzlement, false pretenses and cheats, see Section 16‑13‑10 et seq.

Library References

Fraud 68, 69(1).

Westlaw Topic No. 184.

C.J.S. Fraud Sections 123 to 124, 133, 135.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Hotels, Motels and Other Lodgings Section 48, Theft of Services.

NOTES OF DECISIONS

In general 1

Instructions 2

1. In general

Absent evidence that defendant left restaurant in secretive or clandestine manner, defendant could not be convicted of intentionally absconding without paying for food obtained at restaurant. State v. Snelgrove (S.C. 1989) 299 S.C. 290, 384 S.E.2d 705. Fraud 68

2. Instructions

Instruction on definition of term “abscond” should have been given in prosecution of defendant under statute prohibiting persons from obtaining food at restaurant and intentionally absconding without paying for it. State v. Snelgrove (S.C. 1989) 299 S.C. 290, 384 S.E.2d 705. Fraud 69(7)

**SECTION 45‑1‑80.** Use of open bin ice dispensers.

 Notwithstanding any other provision of law or regulations promulgated thereunder any motel, hotel or other similar establishment which provides living accommodations to the public may install, use and make available to the public open bin ice dispensers or a similar facility by whatever name designated.

HISTORY: 1979 Act No. 160 Section 1.

CROSS REFERENCES

General power of Department of Health and Environmental Control to regulate hotels and other places of public accommodation, see Section 44‑1‑140.

Regulations regarding ice, generally, see S.C. Code of Regulations R. 61‑54.

Library References

Innkeepers 6.

Westlaw Topic No. 213.

C.J.S. Inns, Hotels, and Eating Places Sections 19 to 22.

**SECTION 45‑1‑90.** Hotel and motel rooms and other accommodations to be equipped with certain security devices; exceptions; penalties; application.

 (A) Wherever fees are charged in this State for any rooms, lodgings, or accommodations furnished to transients by any hotel or motel, the rooms, lodgings, or accommodations so furnished must be equipped with:

 (1) a lock system such as, but not limited to, a deadbolt, security chain, bar lock, or other state of the art security system which may be activated from the inside by the transient and which cannot be unlocked or removed from the outside except by an emergency key (E‑key) or other management‑controlled access plan; and

 (2) a device such as view ports, side windows, or any other device which allows sight outside the door without opening the door or by opening the door not more than three inches.

 The provisions of this subsection do not apply to tourist camps or campgrounds or to residences of any nature.

 (B) Whoever fails to comply with the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than three hundred dollars or by imprisonment for not more than sixty days or by both fine and imprisonment in the discretion of the court. Every instance in which the required security devices are not provided as required under items (1) and (2) of subsection (A) constitutes a separate offense under this section for the purposes of prosecution and conviction.

 (C) The requirements of this section apply to any hotel or motel having twenty or more rooms, lodgings, or accommodations furnished to transients for a fee.

HISTORY: 1992 Act No. 386, Section 1, eff 180 days after May 15, 1992.

Library References

Innkeepers 5.

Westlaw Topic No. 213.

C.J.S. Inns, Hotels, and Eating Places Section 13.