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### Title 28-29: Homesteads to Hotels - 1989 Replacement Volume

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**TITLE 28**  
**HOMESTEADS**  
**CHAPTER 1**  
**GENERAL PROVISIONS**

(Repealed by Laws 1981, ch. 111, § 16.)

**28-1-1 to 28-1-19. Repealed.**

**Repeals.** — Sections 28-1-1 to 28-1-19 (R.S. § 1; 1963, ch. 40, § 1; 1975, ch. 96, § 25; 1977, ch. 121, § 1), relating to homesteads, were repealed by Laws 1981, ch. 111, § 16. For present provisions, see § 78-23-3 et seq.

# TITLE 29

## HOTELS AND HOTEL KEEPERS

Chapter

1. Hotel Keepers' Liability.

### CHAPTER 1

### HOTEL KEEPERS' LIABILITY

Section		Section	
29-1-1.	Fireproof safe for use of guests — Limitation of liability.		arrangements — Theft by, or negligence of, innkeeper or servant.
29-1-2.	Property worth more than \$250 — Limitation of liability — Special	29-1-3.	Other personal property — Limitation of liability.

#### **29-1-1. Fireproof safe for use of guests — Limitation of liability.**

If an innkeeper, hotel keeper, boardinghouse or lodginghouse keeper keeps on his premises a fireproof safe or vault, and gives notice to his guests, boarders or lodgers, by posting a copy of this section in a prominent or conspicuous place in the office of the inn, hotel, boardinghouse or lodginghouse and in the rooms occupied by the guests, boarders or lodgers, that he keeps for their use a fireproof safe or vault and will not be liable for money, jewelry, documents or other articles of unusual value and small compass, unless placed therein, he is not liable, except so far as his acts or the acts of his employees shall contribute thereto, for any loss of or injury to such articles, if not deposited with him to be placed in such safe or vault, or in any case for more than the sum of \$250 for any such property, unless he shall have given a receipt in writing therefor to the guest, boarder or lodger, and the value of the article so placed with him for safekeeping shall have been declared by such guest, boarder or lodger.

**History:** L. 1917, ch. 4, § 1; C.L. 1917, § 2940; R.S. 1933 & C. 1943, 39-0-1.

**Cross-References.** — County transient room tax, § 17-31-2 et seq.

Lien of hotel keepers, § 38-2-2.

Sales tax on hotel accommodations and meals, § 59-12-103.

Sanitary standards for hotels, §§ 26-1-30, 26-15-2.

#### NOTES TO DECISIONS

**Operation and effect of section.**

With respect to certain types of personal property, this section limits the preexisting liability of an innkeeper as an insurer of the property committed; that is, he was formerly liable unless the loss was occasioned by an act of God, by the public enemy, or the owner's own negligence. Merchants Fire Assurance Corp. v.

Zion's Secs. Corp., 109 Utah 13, 163 P.2d 319 (1945).

This section in no way affected hotel's liability for automobile of guest which was taken and wrecked by bellboy. Merchants Fire Assurance Corp. v. Zion's Secs. Corp., 109 Utah 13, 163 P.2d 319 (1945).

## COLLATERAL REFERENCES

**Utah Law Review.** — Recent Developments in Utah Law, 1986 Utah L. Rev. 95, 130.

**Am. Jur. 2d.** — 40 Am. Jur. 2d Hotels, Motels, and Restaurants § 153 et seq.

**C.J.S.** — 43A C.J.S. Inns, Hotels, and Eating Places § 36 et seq.

**A.L.R.** — Limitation of liability: statutory limitations upon innkeeper's liability as applicable where guest's property is lost or damaged through innkeeper's negligence, 37 A.L.R.3d 1276.

Liability for negligence of doorman or similar attendant in parking patron's automobile, 41 A.L.R.3d 1055.

Liability of hotel, motel, or similar establishment for damage to or loss of guest's automobile left on premises, 52 A.L.R.3d 433.

Jewelry, construction and application of terms "jewelry" and "personal ornaments" as used in statute limiting innkeeper's liability for loss or damage to guest's property, 88 A.L.R.3d 979.

Larceny, liability of hotel or motel for guest's loss of money from room by theft or robbery committed by person other than defendant's servant, 28 A.L.R.4th 120.

**Key Numbers.** — Innkeepers ⇌ 11(11).

### **29-1-2. Property worth more than \$250 — Limitation of liability — Special arrangements — Theft by, or negligence of, innkeeper or servant.**

An innkeeper, hotel keeper, boardinghouse or lodginghouse keeper shall not be obliged to receive from a guest for deposit in such safe or vault, property described in the next preceding section exceeding a total value of \$250, and shall not be liable for such property exceeding such value whether received or not. Such innkeeper, hotel keeper, boardinghouse or lodginghouse keeper, by special arrangement with a guest, may receive for deposit in such safe or vault property upon such written terms as may be agreed upon. An innkeeper, hotel keeper, boardinghouse or lodginghouse keeper shall be liable for a loss of any of such property of a guest in his inn caused by the theft or negligence of the innkeeper or his servant.

**History:** C. 1953, 29-1-2, enacted by L. 1953, ch. 47, § 1.

### **29-1-3. Other personal property — Limitation of liability.**

The liability of an innkeeper, hotel keeper, boarding or lodginghouse keeper, for loss of or injury to personal property placed in his care by his guests other than that described in Section 29-1-1, shall be that of a depositary for hire. Such liability shall not exceed \$150 for each trunk and its contents, \$50 for each valise, suitcase or other piece of hand luggage and its contents, and \$10 for each box, bundle or package, and its contents, so placed in his care, unless he has consented in writing with such guest to assume a greater liability.

**History:** C. 1953, 29-1-3, enacted by L. 1953, ch. 47, § 1.