

29:2-1

LEGISLATIVE HISTORY CHECKLIST  
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(Hotel keeper liability)

NJSA: 29:2-1 et al

LAWS OF: 1992 CHAPTER: 14

BILL NO: S108

SPONSOR(S): Cardinale

DATE INTRODUCED: Pre-filed

COMMITTEE: ASSEMBLY: Insurance  
SENATE: Commerce

AMENDED DURING PASSAGE: Yes Amendments during passage  
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: April 13, 1992  
SENATE: March 12, 1992

DATE OF APPROVAL: May 28, 1992

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes  
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

P.L.1992, CHAPTER 14, approved May 28, 1992  
1992 Senate No. 108 (First Reprint)

1 AN ACT concerning hotel keeper's liability, amending R.S.29:2-1  
2 through R.S.29:2-4 and repealing N.J.S.2A:44-50.

3

4 BE IT ENACTED by the Senate and General Assembly of the  
5 State of New Jersey:

6 1. R.S.29:2-1 is amended to read as follows:

7 29:2-1. As used in this chapter ["hotel" includes]:

8 a. "Hotel" means any hotel, inn [or], boarding house, motel or  
9 other establishment whose proprietor offers and accepts  
10 payment for rooms, sleeping accommodations or board and  
11 lodging and retains the right of access to, and control of, the  
12 premises which are let. [and "guest" includes]

13 b. "Guest" means guests of or travelers in [an] a hotel as  
14 defined in subsection a. of this section.

15 c. "Valuables" includes money, bank notes, bonds, precious  
16 stones, jewelry, ornaments, furs, watches, securities,  
17 transportation tickets, cameras, checks, drafts, and other  
18 negotiable instruments, business papers, documents, and other  
19 papers, and any other articles of similar value.

20 (cf: R.S.29:2-1)

21 2. R.S.29:2-2 is amended to read as follows:

22 29:2-2. [Whenever] If the proprietor of any hotel shall provide  
23 a safe or other depository in the hotel's office [thereof,] or  
24 [other] in another convenient place, for the safekeeping of any  
25 [money, jewels, furs, bank notes, precious stones, railroad  
26 tickets, ornaments or negotiable or valuable papers] valuables  
27 belonging to guests [in such] of the hotel, and shall place, in a  
28 conspicuous position in the room or rooms occupied by [such  
29 guests] each guest, a notice stating the fact that [such] a safe or  
30 other depository is provided in which [money, jewels, furs, bank  
31 notes, precious stones, railroad tickets, ornaments, or negotiable  
32 or valuable papers] valuables may be deposited, and any guest  
33 shall neglect to deliver [such money, jewels, furs, bank notes,  
34 precious stones, railroad tickets, ornaments or negotiable or  
35 valuable papers] valuables to the person in charge of [such] the  
36 safe or other depository, the proprietor of [such] the hotel shall  
37 not be liable in any sum for the loss of [such property] valuables  
38 sustained by [such] that guest, by theft or otherwise. If [such] a  
39 guest shall deliver [such property] valuables to the person in  
40 charge of the office of [such] the hotel for deposit in [such] the  
41 safe or other depository, [such] the hotel proprietor shall not be  
42 liable for any loss [thereof] sustained by [such] that guest, by

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:  
1 Senate SCM committee amendments adopted February 10, 1992.

1 theft or otherwise, in any sum exceeding [five hundred dollars  
2 (\$500.00)] <sup>1</sup>[\$7,500] \$5,000<sup>1</sup>, unless by special agreement in  
3 writing [with such proprietor or his duly authorized agent]  
4 between a guest and the proprietor in which the proprietor  
5 agrees to accept liability for losses in excess of <sup>1</sup>[\$7,500]  
6 \$5,000<sup>1</sup>. In all cases of loss, the burden shall be on the guest to  
7 prove the amount of loss.

8 (cf: P.L.1952, c.145, s.1)

9 3. R.S.29:2-3 is amended to read as follows:

10 29:2-3. a. No proprietor of any hotel shall be liable in any  
11 sum to any guest [in such] of the hotel for the loss of [wearing  
12 apparel, goods, merchandise or other] personal property not  
13 mentioned in [section] R.S.29:2-2 [of this title], where it shall  
14 appear that [such] the loss occurred without the fault or  
15 negligence of [such] the proprietor [, nor shall any such].

16 b. No proprietor shall be liable in any sum for the loss of any  
17 [article or articles of wearing apparel, cane, umbrella, satchel,  
18 valise, bag, box, bundle or other chattel] personal property  
19 belonging to [such] a guest [, the same] not [being] in a room or  
20 rooms assigned to [such] the guest, unless the [same] property  
21 shall be specially intrusted to the care and custody of [such] the  
22 proprietor or his duly authorized agent, and if [such] the  
23 property shall be so specially intrusted, the proprietor shall not  
24 be liable for [the] its loss [of the same] in any sum exceeding  
25 [one hundred dollars] <sup>1</sup>[\$2,500] \$1,500<sup>1</sup>; and the burden shall be  
26 on the guest to prove the actual amount of loss.

27 (cf: R.S.29:2-3)

28 4. R.S.29:2-4 is amended to read as follows:

29 29:2-4. The proprietor of [any] a hotel shall be liable to any  
30 guest [in such] of the hotel only for ordinary and reasonable care  
31 in the custody of any [money, jewels, furs, bank notes, precious  
32 stones, railroad tickets, ornaments, negotiable or valuable  
33 papers, baggage, wearing apparel] valuables or other [chattel or]  
34 personal property belonging to [any such] the guest, whether  
35 specially intrusted to [such] the proprietor or his agent or  
36 deposited in the safe or other depository of [such] the hotel or  
37 otherwise, for any loss occasioned by fire or by any other force  
38 over which [such] the proprietor had no control.

39 (cf: P.L.1952, c.145, s.2)

40 5. N.J.S.2A:44-50 is repealed.

41 6. This act shall take effect immediately and shall be  
42 applicable to all losses occurring on or after the effective date.

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47 Updates hotel keeper's liability law.

SENATE, No. 108

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel  
PRE-FILED FOR INTRODUCTION IN THE 1992 SESSION

By Senator CARDINALE

1 AN ACT concerning hotel keeper's liability and amending  
2 R.S.29:2-1 through R.S.29:2-4 and repealing N.J.S.2A:44-50.

3  
4 BE IT ENACTED by the Senate and General Assembly of the  
5 State of New Jersey:

6 1. R.S.29:2-1 is amended to read as follows:

7 29:2-1. As used in this chapter ["hotel" includes]:

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9 other establishment whose proprietor offers and accepts  
10 payment for rooms, sleeping accommodations or board and  
11 lodging and retains the right of access to, and control of, the  
12 premises which are let. [and "guest" includes]

13 b. "Guest" means guests of or travelers in [an] a hotel as  
14 defined in subsection a. of this section.

15 c. "Valuables" includes money, bank notes, bonds, precious  
16 stones, jewelry, ornaments, furs, watches, securities,  
17 transportation tickets, cameras, checks, drafts, and other  
18 negotiable instruments, business papers, documents, and other  
19 papers, and any other articles of similar value.

20 (cf: R.S.29:2-1)

21 2. R.S.29:2-2 is amended to read as follows:

22 29:2-2. [Whenever] If the proprietor of any hotel shall provide  
23 a safe or other depository in the hotel's office [thereof,] or  
24 [other] in another convenient place, for the safekeeping of any  
25 [money, jewels, furs, bank notes, precious stones, railroad  
26 tickets, ornaments or negotiable or valuable papers] valuables  
27 belonging to guests [in such] of the hotel, and shall place, in a  
28 conspicuous position in the room or rooms occupied by [such  
29 guests] each guest, a notice stating the fact that [such] a safe or  
30 other depository is provided in which [money, jewels, furs, bank  
31 notes, precious stones, railroad tickets, ornaments, or negotiable  
32 or valuable papers] valuables may be deposited, and any guest  
33 shall neglect to deliver [such money, jewels, furs, bank notes,  
34 precious stones, railroad tickets, ornaments or negotiable or  
35 valuable papers] valuables to the person in charge of [such] the  
36 safe or other depository, the proprietor of [such] the hotel shall  
37 not be liable in any sum for the loss of [such property] valuables  
38 sustained by [such] a guest, by theft or otherwise. If [such] a  
39 guest shall deliver [such property] valuables to the person in  
40 charge of the office of [such] the hotel for deposit in [such] the  
41 safe or other depository, [such] the hotel proprietor shall not be  
42 liable for any loss [thereof] sustained by [such] that guest, by

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 theft or otherwise, in any sum exceeding [five hundred dollars  
2 (\$500.00)] \$7,500, unless by special agreement in writing [with  
3 such proprietor or his duly authorized agent] between a guest  
4 and the proprietor in which the proprietor agrees to accept  
5 liability for losses in excess of \$7,500. In all cases of loss, the  
6 burden shall be on the guest to prove the amount of loss.

7 (cf: P.L.1952, c.145, s.1)

8 3. R.S.29:2-3 is amended to read as follows:

9 29:2-3. a. No proprietor of any hotel shall be liable in any  
10 sum to any guest [in such] of the hotel for the loss of [wearing  
11 apparel, goods, merchandise or other] personal property not  
12 mentioned in [section] R.S.29:2-2 [of this title], where it shall  
13 appear that [such] the loss occurred without the fault or  
14 negligence of [such] the proprietor [, nor shall any such].

15 b. No proprietor shall be liable in any sum for the loss of any  
16 [article or articles of wearing apparel, cane, umbrella, satchel,  
17 valise, bag, box, bundle or other chattel] personal property  
18 belonging to [such] a guest [, the same] not [being] in a room or  
19 rooms assigned to [such] the guest, unless the [same] property  
20 shall be specially intrusted to the care and custody of [such] the  
21 proprietor or his duly authorized agent, and if [such] the  
22 property shall be so specially intrusted, the proprietor shall not  
23 be liable for [the] its loss [of the same] in any sum exceeding  
24 [one hundred dollars] \$2,500; and the burden shall be on the  
25 guest to prove the actual amount of loss.

26 (cf: R.S.29:2-3)

27 4. R.S.29:2-4 is amended to read as follows:

28 29:2-4. The proprietor of [any] a hotel shall be liable to any  
29 guest [in such] of the hotel only for ordinary and reasonable care  
30 in the custody of any [money, jewels, furs, bank notes, precious  
31 stones, railroad tickets, ornaments, negotiable or valuable  
32 papers, baggage, wearing apparel] valuables or other [chattel or]  
33 personal property belonging to [any such] the guest, whether  
34 specially intrusted to [such] the proprietor or his agent or  
35 deposited in the safe or other depository of [such] the hotel or  
36 otherwise, for any loss occasioned by fire or by any other force  
37 over which [such] the proprietor had no control.

38 (cf: P.L.1952, c.145, s.2)

39 5. N.J.S.2A:44-50 is repealed.

40 6. This act shall take effect immediately and shall be  
41 applicable to all losses occurring on or after the effective date.

#### 42 43 44 STATEMENT

45  
46 This bill increases the liability of hotels, apartment hotels,  
47 inns and boarding houses for certain losses of property of  
48 persons patronizing these establishments. Liability is raised  
49 from \$100 to \$2,500 in the case of personal property simply  
50 entrusted to the care of the establishment and from \$500 to  
51 \$7,500 in the case of the property deposited by the  
52 establishment in a safe or other depository and defined by the  
53 bill as "valuables." "Valuables" include money, bank notes,  
54 bonds, precious stones, jewelry, ornaments, furs, watches,

1 securities, tickets, cameras, negotiable instruments and other  
2 papers or articles of similar value. In each instance, the burden  
3 is on the guest or lodger to prove the actual amount of loss.

4 N.J.S.2A:44-50 is repealed as its purpose is adequately served  
5 by R.S.29:2-3 which is amended in the bill.

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10 Updates hotel keeper's liability law.

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 108

with committee amendments

STATE OF NEW JERSEY

DATED: January 30, 1992

The Senate Commerce Committee reports favorably with committee amendments Senate, No. 108.

This bill, as amended, increases the liability of hotels, motels, inns and boarding houses for certain losses of property of persons patronizing these establishments. Liability is raised from \$100 to \$1,500 in the case of personal property specially entrusted to the care of the establishment and from \$500 to \$5,000 in the case of property deposited by the establishment in a safe or other depository and defined by the bill as "valuables." "Valuables" include money, bank notes, bonds, precious stones, jewelry, ornaments, furs, watches, securities, tickets, cameras, negotiable instruments and other papers or articles of similar value. In each instance, the burden is on the guest or lodger to prove the actual amount of loss.

N.J.S.2A:44-50 is repealed as its purpose is adequately served by R.S.29:2-3 which is amended in the bill.

This bill was pre-filed for introduction in the 1992 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

ASSEMBLY INSURANCE COMMITTEE

STATEMENT TO

SENATE, No. 108

STATE OF NEW JERSEY

DATED: MARCH 30, 1992

The Assembly Insurance Committee favorably reports Senate Bill No. 108.

This bill increases the liability of hotels, motels, inns and boarding houses for certain losses of property of persons patronizing these establishments. Liability is raised from \$100 to \$1,500 in the case of personal property specially entrusted to the care of the establishment and from \$500 to \$5,000 in the case of property deposited by the establishment in a safe or other depository and defined by the bill as "valuables." "Valuables" include money, bank notes, bonds, precious stones, jewelry, ornaments, furs, watches, securities, tickets, cameras, negotiable instruments and other papers or articles of similar value. In each instance, the burden is on the guest or lodger to prove the actual amount of loss.

N.J.S.2A:44-50 is repealed as its purpose is adequately served by R.S.29:2-3 which is amended in the bill.