

House Bill 4627 as introduced
First Analysis (4-25-01)

Sponsor: Rep. Jason Allen
Committee: Commerce

THE APPARENT PROBLEM:

A spokesman for the Michigan Hotel, Motel and Resort Association has testified that organization officials were recently surprised to learn that a hotel or motel has no statutory authority to refuse to rent a room to a minor in Michigan. The association representative said that this situation came to light earlier this year when an angry father threatened to sue three hotels that had refused service to his son, who was in a college town visiting a girlfriend. The association discovered in its investigation that not only was there no statutory basis for refusing to rent a room to minor, but that such a refusal was a violation of the state's civil rights law, which prohibits discrimination based on age (among other things). This is understood to apply not only to senior citizens, say hotel representatives, but to any discrimination based on age.

Industry officials say that some hotels have adopted a policy of refusing to rent rooms to minors, partly due to the disturbances associated with the annual spring rituals of high school proms and graduations. They say parent groups have regularly expressed concerns to hotels about young people renting rooms for gatherings that sometimes involve underage drinking and related mayhem. And, of course, the hotels complain of the inconvenience and expense such parties can cause them, as well as the annoyance to other patrons. Legislation has been introduced that would address this issue.

THE CONTENT OF THE BILL:

The bill would create a new act regarding the renting or leasing of rooms to minors by hotels and bed and breakfasts. The term "minor" would refer to a person under 18 years of age. Specifically, the bill would allow a hotel or bed and breakfast to refuse to rent or lease a room to a minor, except in certain specified circumstances.

A hotel or bed and breakfast could not refuse to rent or lease a room to a minor if:

- The minor was an emancipated minor.
- A parent or guardian had reserved the room for the minor in advance and had agreed in writing to accept the liability for the cost of the room and the use of the facilities and other privileges and for the cost of any damages to the room, furnishings, or other facilities caused by the minor and his or her guests. The hotel or bed and breakfast could require the parent or guardian to provide written authorization to charge a credit card for this liability or could require a cash deposit.
- The minor clearly demonstrated that he or she had experienced a roadside emergency requiring temporary lodging.
- A weather-related emergency existed that required the minor to seek temporary lodging.

The bill would also allow a hotel or bed and breakfast to require that an individual provide documentary evidence confirming his or her age, or documentary evidence of the emancipation of a minor, including a motor vehicle operator's or chauffeur's license, a registration certificate issued by the federal selective service, a marriage license, or other bona fide documentary evidence.

BACKGROUND INFORMATION:

The Elliott-Larsen Civil Rights Act says, in part, that "Except where permitted by law, a person shall not . . . deny an individual the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of a place of public accommodation or public service because of religion, race, color, national origin, age, sex, or marital status." (MCL 37.2302)

The Michigan Penal Code says, "All persons within the jurisdiction of this state shall be entitled to full and equal accommodations, advantages, facilities and privileges of inns, hotels, motels, government housing, restaurants, eating houses, barber shops,

billiard parlors, stores, public conveyances on land or water, theatres, motion picture houses, public educational institutions, in elevators, on escalators, in all methods of air transportation and all other places of public accommodation, amusement, and recreation, subject only to the conditions and limitations established by law and applicable alike to all citizens and to all citizens alike, with uniform prices.” (MCL 750.146)

FISCAL IMPLICATIONS:

The House Fiscal Agency reports that the bill would have no fiscal impact on the state or on local units of government. (HFA fiscal note dated 4-23-01)

ARGUMENTS:

For:

The bill would bring some clarity to the law regarding the renting of hotel and motel rooms to minors. It would allow such establishments to refuse to serve minors except in certain specified circumstances involving roadside emergencies or weather-related emergencies. (There would also be an exception for emancipated minors.) It also would put the onus on the parents of minors by allowing them to reserve rooms in advance for a child if they were willing to assume responsibility for any associated costs, including any damage done to hotel property. Hotels would be able to require parents to provide written authorization to charge a credit card or could require a cash deposit. Proponents say this represents sound public policy because it vests the authority for room rental decisions with the parents of minors and with hoteliers, allowing them to safeguard the wellbeing of young people. Representatives of lodging property owners say they currently have no statutory support for refusing rooms to minors and in fact are in violation of state civil rights laws when they do refuse such service.

Response:

Is it wise to make this bill permissive; that is, to let the operators of hotels decide whether or not to rent a room to a minor? The bill would allow a hotel operator to refuse to rent a room to a minor but it would apparently also allow a hotel operator to agree to rent a room to a minor. On what basis would this decision be made? On the basis of appearance or attitude? Couldn't this lead to unfair (if not illegal) discrimination against some young people? Would lodging establishments have to adopt uniform policies? Another approach would be to mandate the refusal to rent rooms except in certain specified conditions or under clearly stated general rules.

Another concern is whether the exceptions listed in the bill are sufficient. Aren't there other circumstances that could warrant mandating that a room be provided to a minor besides an "emergency"? Perhaps some more general rule could be supplied for hotel operators to rely on. A third concern is whether the bill would conflict with any local ordinances. Reportedly, the city of Detroit prohibits hotels from permitting persons under 17 to be housed in licensed public lodgings without the consent or knowledge of a parent, guardian, or adult lawfully in charge of the minor.

Against:

Some people believe that there are larger issues involved that ought to be addressed at the same time; namely, the issues that surround the nature of contracts entered into between minors and adults.

POSITIONS:

The Michigan Hotel, Motel and Resort Association supports the bill. (4-24-01)

The House Commerce Committee received a number of letters of support from individual lodging establishments, including the Holiday Inn in Farmington Hills, the Super 8 Motel in West Branch, the Grand Hotel on Mackinac Island, the Quality Inn in West Branch, the Sleep Inn and Holiday Inn of Midland, the Quality Inn of Paw Paw, and the Village Inn and Baymont Inn of Mackinaw City.

The Michigan Restaurant Association supports the bill. (4-24-01)

Analyst: C. Couch

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.