



**House
Legislative
Analysis
Section**

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RENTING ROOMS TO MINORS

**House Bill 4627 as enrolled
Public Act 125 of 2001
Second Analysis (1-16-02)**

**Sponsor: Rep. Jason Allen
House Committee: Commerce
Senate Committee: Transportation and
Tourism**

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 other than an emancipated minor.

A hotel or bed and breakfast could require documentary evidence of the age of an individual renting or leasing a room, including a motor vehicle operator's or chauffeur's license, a registration certificate issued by the federal Selective Service System, a marriage license, or other bona fide documentary evidence of the age and identity of the individual or of the emancipation of the minor.

The bill also would require a hotel or bed and breakfast to comply with Section 146 of the Michigan Penal Code. That section states at MCL 750.146: "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."

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)

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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 6-7-01)

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, including bed and breakfasts, to refuse to rent or lease rooms to minors. (There would be an exception for emancipated minors.) 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.

Against:

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 to this problem would be to mandate the refusal to rent rooms except in certain specified conditions, such as emergencies, or under clearly stated general rules.

Response:

The bill addresses this by requiring hotel operators to comply with a provision in the Michigan Penal Code that, generally speaking, requires equal accommodations and equal treatment for all citizens.

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.