

No. 70, S.]

[Published April 14, 1945.]

CHAPTER 35.

AN ACT to revise and consolidate chapters 131 and 160 of the statutes, relating to hotels and restaurants.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 160.01 is amended to read:

160.01 DEFINITIONS. As used in this chapter:

(1) "Hotel" means all places wherein sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all places used in connection *therewith*. "Hotelkeeper" and "innkeeper" are synonymous and "inn" and "hotel" are synonymous.

(2) "Restaurant" means and includes any building, room or place wherein meals or lunches are prepared or served or sold to transients or the general public, and all places used in connection *therewith*. * * * "Meals or lunches" * * * shall not include soft drinks, ice cream, milk, milk drinks, ices and confections. The serving in taverns of free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish or bread and butter shall not constitute such taverns to be restaurants.

(3) "Public health and safety" means the highest degree of protection against infection, contagion and disease that a hotel or restaurant or *tourist rooming house* will reasonably permit.

(4) "Tourist rooming house" means and includes all lodging places and tourist cabins and cottages, other than hotels, wherein sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses, ordinarily conducted as such, not accommodating tourists or transients.

(5) "Board" means the state board of health.

SECTION 2. 160.02 is renumbered 160.02 (1) and reenacted.

SECTION 3. 160.03 is amended to read:

160.03 FEE. The annual fee for permits shall be \$3, and for a hotel or *tourist rooming house* containing more than 30 sleeping rooms used for transients \$5. The fee shall accompany the application.

SECTION 4. 160.04 is amended to read:

160.04 APPLICATION. The board shall upon request furnish an application blank which the applicant shall file, giving the full name and address of the owner and lessee of the building, the lessee and manager of the hotel or restaurant or *tourist rooming house*, the location and a full description of the building and property, and such other information as the board requires.

SECTION 5. 160.05 is amended to read:

160.05 RULE OF HEALTH AND SAFETY. * * * *Every* hotel * * * and restaurant and *tourist rooming house* shall * * * be conducted and maintained with a strict regard to the public health and safety and in conformity with this chapter and the rules, regulations and orders of the * * * board * * *.

SECTION 6. 160.06 is amended to read:

160.06 POWERS OF BOARD. The * * * board * * * shall appoint assistants with such qualifications as * * * it deems necessary and fix their compensation, administer and enforce the laws relating to the public health and safety in hotels and restaurants and *tourist rooming houses*, ascertain and prescribe what alterations, improvements or other means or methods are necessary to protect the public health and safety * * * *therein*, ascertain and fix standards, and enforce orders for the adoption of such improvements and other means or methods to be as nearly uniform as practicable.

SECTION 7. 160.07 is repealed.

SECTION 8. 160.08 is amended to read:

160.08 PENALTY. *Excepting section 160.36*, anyone violating this chapter or *any* rule or regulation of the * * * board * * * hereunder shall be fined not less than \$25 nor more than \$200 * * *; and anyone failing to comply with an order of the * * * board * * * hereunder shall forfeit \$5 for each day of noncompliance after the order is served upon or directed to him, and in case of action under section * * * 160.22, after a lapse of a reasonable time after final determination.

SECTION 9. 160.09 is reenacted.

SECTION 10. 160.10 is reenacted.

SECTION 11. 160.15 is repealed.

SECTION 12. 160.16 is renumbered 160.02 (2) and reenacted.

SECTION 13. 160.17 is repealed.

SECTION 14. 160.18 is repealed.

SECTION 15. 160.19 is repealed.

SECTION 16. 160.20 is repealed.

SECTION 17. 160.21 is amended to read:

160.21 SUSPENSION OR REVOCATION OF PERMIT. The board may refuse or withhold issuance of a permit or may suspend or revoke a permit for violation of any provision of * * * *this chapter* or any rule, regulation or order of the board.

SECTION 18. 160.22 is reenacted.

SECTION 19. 160.23 is repealed.

SECTION 20. The title to chapter 131 is repealed.

SECTION 21. 131.01 is renumbered 160.31 and revised to read:

160.31 HOTELKEEPER'S LIABILITY. A hotelkeeper who has a hotel safe or vault suitable for the safekeeping of money, jewelry, precious metals or stones, personal ornaments and valuable papers and whose sleeping rooms have locks or bolts and who keeps conspicuously posted in each sleeping room a notice printed in large, plain English type that the hotel is not liable for loss of any such article by a guest unless he offered it to the hotelkeeper for deposit in his safe or vault; but a hotelkeeper is not obliged to receive from any guest for such deposit property exceeding \$300 in value; and shall not be liable for any greater sum. A hotelkeeper may, by written agreement with a guest, receive any property for such deposit. A hotelkeeper is liable for loss of articles so accepted for deposit.

SECTION 22. 131.02 is renumbered 160.32 and amended to read:

160.32 HOTELKEEPER'S LIABILITY FOR BAGGAGE; LIMITATION.
* * * Every guest and * * * *intended* guest of any hotel * * * , upon delivering to the * * * hotelkeeper or to his servants any baggage or other * * * property * * * for safekeeping (elsewhere than * * * in the room assigned to * * * the guest) * * * shall demand and * * * the hotelkeeper shall give a check or receipt. * * * , to evidence the * * * delivery. * * * No * * * hotelkeeper shall be liable for the loss of or injury to * * * the baggage or other * * * property of his guest, unless * * * it was delivered * * * to * * * the hotelkeeper or his servants for safekeeping or unless * * * the loss or injury * * *

occurred through the negligence of * * * *the hotelkeeper* or
* * * his servants * * * .

SECTION 23. 131.03 is renumbered 160.33 and amended to read:

160.33 LIABILITY OF HOTELKEEPER FOR LOSS OF PROPERTY BY FIRE OR THEFT; OWNER'S RISK. * * * *A hotelkeeper* * * * *is not* liable for the loss of * * * baggage or other property of his guest * * * by fire (not intentional) produced by the * * * hotelkeeper or * * * his servants. * * * Every * * * hotelkeeper * * * *is* liable for * * * loss of * * * baggage or other property of * * * *his* guest * * * caused by theft or gross negligence of * * * *the* hotelkeeper or * * * his servants * * * . Such liability *shall not* exceed * * * \$200 for each trunk and its contents, \$75 for each valise and its contents and \$10 for each box, bundle or package and contents, so placed under his care; and \$50 for all other * * * effects including wearing apparel and personal belongings, * * * unless he * * * *has agreed* in writing with * * * *the* guest to assume a greater liability. * * * When * * * any person * * * suffers his baggage or property to remain in any * * * hotel, after * * * *his status as a* guest * * * has ceased, or * * * forwards the same to * * * a hotel before becoming a guest * * * and the same * * * *is* received into * * * *the* hotel, * * * *the* hotelkeeper * * * holds such baggage or property at the risk of * * * *the* owner.

SECTION 24. 131.04 is renumbered 160.34 and amended to read:

160.34 PERSON WITH CONTAGIOUS DISEASE NOT TO BE GUEST; PENALTY. * * * No person * * * *is* entitled to entertainment at * * * a hotel * * * who * * * *has* a contagious disease (as enumerated in section 143.02) * * * . No person who has had any such * * * disease *shall* be entitled to such entertainment until all danger of spreading contagion therefrom is past * * * . This section * * * *does not* authorize compulsory removal of or refusal of shelter to any such person * * * who is receiving entertainment at any * * * hotel, if * * * removal would specially endanger *his* life or health. Any person who * * * knowingly and wilfully solicits or receives entertainment in violation of * * * this

section shall be * * * punished by a fine not exceeding \$100 or by imprisonment * * * not exceeding 6 months.

SECTION 25. 131.05 is repealed.

SECTION 26. 131.06 is renumbered 160.36 and revised to read:

160.36 HOTEL RATES POSTED; RATE CHARGES; SPECIAL RATES. Every hotelkeeper shall keep posted in a conspicuous place in each sleeping room in his hotel, in type not smaller than 12-point, the rates per day for each occupant. Such rates shall not be changed until notice to that effect has been posted, in a similar manner, for 10 days previous to each change. Any hotelkeeper who fails to have the rates so posted or who charges, collects or receives for the use of any room a sum different from the authorized charge shall be punished by a fine of not less than \$50 nor more than \$100. A hotelkeeper may permit a room to be occupied at the rate of a lower priced room when all of the lower priced rooms are taken and until one of them becomes unoccupied. Special rates may be made for the use of sleeping rooms, either by the week, month or for longer periods or for use by families or other collective groups. The state board of health or its representatives may enforce the posting of rates as provided in this section.

Approved April 12, 1945.

No. 24, A.]

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CHAPTER 36.

AN ACT to amend 59.57 (3) and (4), 69.50, and 327.28 and to create 59.57 (6a) of the statutes, relating to fees of the register of deeds, filing of proofs of age, and the correction of marriage records.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 59.57 (3) and (4) of the statutes are amended to read:

59.57 (3) For filing and entering any writ of attachment or copy thereof, with the certificates of the officer, or any certificate of sale, or any notice of the pendency of any action containing not more than 20 defendants, * * * 50 cents, and 25 cents for every additional 20 defendants in any such notice.