

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H

D

HOUSE BILL 41
PROPOSED COMMITTEE SUBSTITUTE H41-PCS10073-BE-2

Short Title: Hotel Safety Issues.

(Public)

Sponsors:

Referred to:

February 2, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT OCCUPANTS OF ACCOMMODATIONS PROVIDED BY
3 HOTELS, MOTELS, OR SIMILAR LODGINGS DO NOT CREATE A TENANCY AND
4 ARE NOT SUBJECT TO CHAPTER 42 OF THE GENERAL STATUTES AND TO
5 CLARIFY THAT THESE OCCUPANCIES ARE GOVERNED BY THE STATUTES
6 RELATING TO INNS, HOTELS, AND OTHER TRANSIENT OCCUPANCIES.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Article 1 of Chapter 42 of the General Statutes is amended by adding
9 a new section to read:

10 **"§ 42-14.6. Transient occupancies excluded.**

11 The provisions of this Chapter shall not apply to transient occupancies, as defined in
12 G.S. 72-1(c). An agreement related to a transient occupancy shall not be deemed to create a
13 tenancy or a residential tenancy unless expressly provided in the agreement."

14 **SECTION 2.** G.S. 42-39 reads as rewritten:

15 **"§ 42-39. Exclusions.**

16 (a) ~~The provisions of this Article shall not apply to transient occupancy in a hotel, motel,~~
17 ~~or similar lodging subject to regulation by the Commission for Public Health.~~

18"

19 **SECTION 3.** G.S. 72-1 reads as rewritten:

20 **"§ 72-1. Must furnish accommodations; contracts for termination valid.**

21 (a) Every innkeeper shall at all times provide suitable lodging accommodations for
22 persons accepted as guests in ~~his inn or hotel~~an inn, hotel, motel, recreational vehicle park,
23 campground, or other similar transient occupancy.

24 (b) A written statement setting forth the time period during which a guest may occupy an
25 assigned room, signed or initialed by the guest, shall be deemed a valid contract, and at the
26 expiration of such time period the lodger may be restrained from entering and any property of
27 the guest may be removed by the innkeeper without liability, except for damages to or loss of
28 such property attributable to its removal.

29 (c) For the purposes of this section, a "transient occupancy" is the rental of an
30 accommodation by an inn, hotel, motel, recreational vehicle park, campground, or similar
31 lodging to the same guest or occupant for fewer than 90 consecutive days."

32 **SECTION 4.** This act is effective when it becomes law and applies to a person
33 renting an accommodation in an inn, hotel, motel, recreational vehicle park, campground, or
34 similar lodging facility on or after that date. A person's rental period shall be calculated from the
35 first day of consecutive occupation, or right of occupation, in the lodging facility regardless of
36 whether the period began before the effective date of this act.



* H 4 1 - P C S 1 0 0 7 3 - B E - 2 *