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ACLU OF RI POSITION: AMEND

TESTIMONY ON 22-H 7910 AN ACT RELATING TO HOTELS March 23, 2022

This bill makes revisions to the state law dealing with the ability of hotels to eject guests. The ACLU of Rhode Island would like to bring to the committee's attention a few specific concerns we have about portions of the bill. They are summarized below:

1. We believe that the bill's language allowing the ejection of guests who use "verbally abusive language" [Page 2, line 2] raises serious First Amendment and discrimination concerns. The term is open to wide and varying interpretation and is almost certain to engender arbitrary and discriminatory implementation. We believe that the new language being added on Page 1, line 8 is sufficient to address any serious situations warranting a person's ejection from a public accommodation based on their speech. Since it is our understanding that the bill's proponents support the deletion of this provision, we consider it unnecessary to further amplify our concerns about it.

2. Under current law, hotel rules must be "conspicuously posted at or near the front desk and on the inside of the entrance door of every guest room." The bill proposes to instead allow the rules to be posted at or near the front desk *or* online, removing the guest room door notice entirely. We are concerned that, as a matter of due process, this change will fail in many instances to provide fair notice to guests about hotel rules that may lead to their removal, especially since a room posting, which is being eliminated by the bill, is the most noticeable.

To avoid ejections that come as a surprise to guests, we believe there should continue to be at least two meaningful locations where the rules can be viewed. A posting near the front desk alone is often unlikely to be carefully perused. Making it available only online fails to account for people who don't reserve their rooms via the Internet, and even for those that do, they may often be making the reservation for additional people who are not viewing the hotel's website. It also may not be prominently posted. We therefore suggest two revisions to the subsection being amended beginning on Page 1, line 18: that the "or" on line 19 be changed to "and", and that, like the front desk notice, the online link be posted conspicuously to ensure it is likely to be seen. For example, this subsection could be amended to read as follows: "(6) Violates a rule of the hotel that is clearly and conspicuously posted at or near the front desk and conspicuously posted online where the guest can view it before making a reservation at the hotel."

3. Finally, the bill would allow hotels to bar guests under eighteen years of age. While we have not yet formulated a position on this particular provision, we would point out that it would allow hotels to not only bar, for example, a 17-year-old travelling on her own to visit a college she is applying to, but to also bar a family that includes a 17-year-old (or any young child) from making a reservation. We encourage the committee to give consideration as to whether hotels should be allowed to do this.

Thank you for your consideration of our views.