

March 11, 1982

LB 547

File for specific amendment. The amendment being to strike Sections 12 and 13 of the bill.

SENATOR CLARK: Senator Fowler.

SENATOR FOWLER: Mr. President, I apologize to Senator Schmit for not having noticed these sections sooner but I guess I was somewhat surprised to find that I guess although the agenda says we are dealing with the Nebraska Food Act, the sections of most of the bill deal with things with regards to negligence in hotels and motels. In fact I don't think we have the Nebraska Food Act in front of us at all any more. If you would turn to the bill, pages 8 and 9, discover that we are not talking about food at all. Rather we are talking about negligence in hotels and motels and it seems to me, and I guess I introduced the motion to try and get some light and information on this, that we are talking about cases of negligence in hotels and motels introducing a concept where you have to file the value of your property as you go into the hotel. You have to fill out a form and say what your property is if you want to recover the full amount unless it is under a certain amount of money. Now let's look at Section 13 on page 9, it says, "For any loss of or damage to the property brought into any hotel, restaurant, apartment house, motel, or rooming house, arising out of the negligence of the proprietor or his or her agents or servants, the proprietor thereof shall not be liable for an amount in excess of one thousand dollars unless such guest shall have declared a greater value upon the property in writing and delivered such declaration, while a guest thereof, to the hotel, restaurant...", and then it provides posting of fine print on the hotel door, I am sure you have all seen the fine print on the hotel doors, and forms at the desk. Now let's talk about the Hilton Hotel in Houston and let's say you were a guest there like the wedding party that was there, and let's say there was a fire there, and let's say that the clerk shut off the fire alarm, an act of negligence, and let's say that all your property was destroyed, and let's say your property, say you had some cameras there, a variety of things, clothes, certainly more than a thousand dollars worth of property, and let's say that you were guests from out of state and this law was in effect and you never knew that you had to fill out a little form down at the hotel desk to declare the value of the property. In spite of the fact that all your possessions there were destroyed in the fire, as I read this bill, it says all you can get back is a thousand dollars. Now this isn't the Nebraska Food Act as far as I can tell. We are not talking about bad food in hotels, we are talking about negligence and we are putting a burden on a person that comes into a hotel, or a motel, or a rooming house to read the print on the door,

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