

NINTH GUAM LEGISLATURE  
1968 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This certifies that Bill No. 620, "An Act to re-number Article IV of, and to add a new Article IV to Chapter 2, Title III, Part 4 of Division Third of the Civil Code of Guam to regulate the keeping of inns, hotels, apartment houses, and other transient dwelling places", was on the 9th day of July, 1968, duly and regularly passed.

W. D. L. Flores  
W. D. L. FLORES  
Vice-Speaker

ATTESTED:

F. T. Ramirez  
F. T. RAMIREZ  
Legislative Secretary

-----  
This Act was received by the Governor this 26<sup>th</sup> day  
of July, 1968 at 4:05 o'clock        M.

/s/ David D. L. Flores

Acting Secretary of Guam

APPROVED:

/s/ MANUEL F. L. GUERRERO

\_\_\_\_\_  
Governor of Guam

DATED: Aug. 13, 1968  
6:50 P.M.

RECEIVED

MAR 18 1986

GUAM TERRITORIAL  
LAW LIBRARY

NINTH GUAM LEGISLATURE  
1968 (SECOND) Regular Session

Bill No. 620

Introduced by \_\_\_\_\_  
R. F. Taitano

AN ACT TO RENUMBER ARTICLE IV OF, AND TO  
ADD A NEW ARTICLE IV TO CHAPTER 2, TITLE  
III, PART 4 OF DIVISION THIRD OF THE CIVIL  
CODE OF GUAM TO REGULATE THE KEEPING OF INNS,  
HOTELS, APARTMENT HOUSES, AND OTHER TRANSIENT  
DWELLING PLACES.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

2 Section 1. Article IV of Chapter 2, Title III, Part 4, Division Third  
3 of the Civil Code of Guam is hereby renumbered Article V and a new Article IV is  
4 hereby added to Chapter 2, Title III, Part 4, Division Third to the Civil Code of  
5 Guam to read as follows:

6 "ARTICLE IV

7 Innkeepers

8 Sec. 1859. Liability of innkeepers, etc.:

9 Limitations as to amount: Assumption  
10 of greater liability.

11 Sec. 1860. Notice of nonliability for articles

12 of unusual value and small compass:  
13 Effect: Limitation of liability.

14 Sec. 1861. Lien of innkeepers, etc: extent of lien:

15 Enforcement of lien: Notice of sale:  
16 Disposition of proceeds: Deposit of  
17 surplus: Effect of sale: Sale of  
18 property of third persons: Appli-  
19 cation of section.

20 Sec. 1861a. Lien of keepers of apartment houses,

21 etc.: Enforcement of liens: Publi-  
22 cation of notice: Conduct of sale:  
23 Application of proceeds: Exemptions.



1                   Sec. 1862. Sale of unclaimed baggage.

2                   Sec. 1863. Keeper to post rates of charges.

3                   Sec. 1864. Keeper to maintain register.

4                   Section 1859. Liability of innkeepers, etc.: Limitations as to  
5 amount: Assumption of greater liability. The liability of an innkeeper, hotel  
6 keeper, operator of a licensed hospital, rest home or sanitarium, furnished apart-  
7 ment house keeper, furnished bungalow court keeper, furnished mobile home keeper,  
8 boardinghouse or lodging house keeper, for losses of or injuries to personal property,  
9 is that of a depository for hire; provided, however, that in no case shall such  
10 liability exceed the sum of one hundred dollars (\$100) for each trunk and its contents,  
11 fifty dollars (\$50) for each valise or traveling bag and contents, ten dollars (\$10)  
12 for each box, bundle or package and contents, and two hundred fifty dollars (\$250) for  
13 all other personal property of any kind, unless he shall have consented in writing  
14 with the owner thereof to assume a greater liability.

15                   Section 1860. Notice of nonliability for articles of unusual value and  
16 small compass: Effect: Limitation of liability. If an innkeeper, hotel keeper,  
17 operator of a licensed hospital, rest home or sanitarium, boardinghouse or lodging  
18 house keeper, keeps a fireproof safe and gives notice to a guest, patient, boarder or  
19 lodger, either personally or by putting up a printed notice in a prominent place in  
20 the office or the room occupied by the guest, patient, boarder, or lodger, that he  
21 keeps such a safe and will not be liable for money, jewelry, documents, furs, fur coats  
22 and fur garments, or other articles of unusual value and small compass, unless placed  
23 therein, he is not liable, except so far as his own acts shall contribute thereto, for  
24 any loss of or injury to such articles, if not deposited with him to be placed therein,  
25 nor in any case for more than the sum of two hundred fifty dollars (\$250) for any or  
26 all such property of any individual guest, patient, boarder, or lodger, unless he shall  
27 have given a receipt in writing therefor to such guest, patient, boarder, or lodger.

28                   Section 1861. Lien of innkeepers, etc.: Extent of lien: Enforcement  
29 of lien: Notice of sale: Disposition of proceeds: Deposit of surplus: Effect of sale:  
30 Sale of property of third persons: Application of section. Hotel, motel, inn,  
31 boardinghouse and lodging house keepers shall have a lien upon the baggage and other



1 property belonging to or legally under the control of their guests, or boarders, or  
2 lodgers which may be in such hotel, motel, inn, or boarding or lodging house for the  
3 proper charges due from such guests, or boarders, or lodgers, for their accommodation,  
4 board and lodging and room rent, and such extras as are furnished at their request,  
5 and for all money paid for or advanced to such guests, or boarders or lodgers, and  
6 for the costs of enforcing such lien, with the right to the possession of such baggage  
7 and other property until such charges and moneys are paid; and unless such charges and  
8 moneys shall be paid within 60 days from the time when the same become due, said hotel,  
9 motel, inn, boardinghouse or lodging house keeper may sell said baggage and property  
10 at public auction to the highest bidder, within ten days after giving notice of such  
11 sale by publication of a notice containing the name of the debtor, the amount due, a  
12 brief description of the property to be sold, and the time and place of such sale, in  
13 a newspaper published in Guam, and also by mailing, at least fifteen (15) days before  
14 such sale, a copy of such notice addressed to such guest, boarder or lodger at his  
15 post-office address, if known, and if not known, such notice shall be addressed to  
16 such guest, boarder or lodger at the place where such hotel, motel, inn, boardinghouse  
17 or lodging house is situated; and after satisfying such lien out of the proceeds of  
18 such sale together with any reasonable costs that may have been incurred in enforcing  
19 said lien, the residue of said proceeds of sale, if any, shall upon demand made within  
20 six months after such sale, be paid by said hotel, motel, inn, boardinghouse, or lodging  
21 house keeper to such guest, boarder or lodger; and if not demanded within six months  
22 from the date of such sale, such residue shall be paid into the treasury of Guam; and  
23 if the same be not claimed by the owner thereof, or his legal representatives, within  
24 one year thereafter, the same shall be paid into the general fund of said treasury;  
25 and such sale shall be a perpetual bar to any action against said hotel, motel, inn,  
26 boardinghouse or lodging house keeper for the recovery of such baggage or property or  
27 of the value thereof, or for any damages growing out of the failure of such guest,  
28 boarder or lodger to receive such baggage or property; provided, however, that if any  
29 baggage or property becoming subject to the lien herein provided for does not belong  
30 to the guest or lodger or boarder who incurred the charges or indebtedness secured  
31 thereby, at the time when such charges or indebtedness was incurred, and if the hotel,



1 motel, inn, boarding or lodging house keeper entitled to such lien receives notice  
2 of such fact at any time before the sale of such baggage or property hereunder, then,  
3 and in that event, such baggage and property which is subject to said lien and did  
4 not belong to said guest, boarder or lodger at the time when such charges or in-  
5 debtedness was incurred shall not be subject to sale in the manner hereinbefore  
6 provided, but such baggage and property may be sold in the manner provided by the  
7 Code of Civil Procedure for the sale of property under a writ of execution, to satisfy  
8 a judgment obtained in any action brought to recover the said charges or indebtedness.

9 This section does not apply to:

10 1. Any musical instrument of any kind or description which is used by the  
11 owner thereof to earn all or a part of his living.

12 2. Any prosthetic or orthopedic appliance personally used by a guest,  
13 boarder, or lodger.

14 Section 1861a. Lien of keepers of apartment houses, etc.: Enforcement of  
15 liens: Publication of notice: Conduct of sale: Application of proceeds: Exemptions.  
16 Keepers of apartment houses, apartments, cottages, mobile homes, or bungalow courts  
17 shall have a lien upon the baggage and other property of value belonging to their  
18 tenants or guests, and upon all the right, title and interest of their tenants or  
19 guests in and to all property in the possession of such tenants or guests which may be  
20 in such apartment house, apartment, cottage, mobile home, or bungalow court, for the  
21 proper charges due from such tenants or guests, for their accommodation, rent, services,  
22 meals, and such extras as are furnished at their request, and for all moneys expended  
23 for them, at their request, and for the costs of enforcing such lien, with the right  
24 to the possession of such baggage and other property of value until such charges are  
25 paid, and such moneys are repaid. Unless such charges shall be paid and unless such  
26 moneys shall be repaid within 60 days from the time when such charges and moneys, res-  
27 pectively, become due, said keeper of an apartment, cottage, mobile home, or bungalow  
28 court, may sell said baggage and property, to the highest bidder, at a public auction,  
29 held within ten days after giving notice of such sale by publication of a notice con-  
30 taining the name of the debtor, the amount due, a brief description of the property  
31 to be sold and the time and place in a newspaper published in Guam and also by mailing,  
32 at least 15 days prior to the date of sale, a copy of such notice addressed to such



1 tenant or guest at his post-office address, if known, and if not known, such notice  
2 shall be addressed to such tenant or guest at the place where such apartment house,  
3 apartment, cottage, mobile home, or bungalow court is situated; and, after satisfying  
4 such lien out of the proceeds of such sale, together with any reasonable costs, that  
5 may have been incurred in enforcing said lien, the residue of said proceeds of sale,  
6 if any, shall, upon demand made within six months after such sale, be paid by said  
7 keeper of an apartment house, apartment, cottage, mobile home, or bungalow court to  
8 such tenant or guest; and if not demanded within six months from the date of such sale,  
9 said residue, if any, shall be paid into the treasury of Guam; and if the same be not  
10 claimed by the owner thereof, or his legal representative within one year thereafter,  
11 it shall be paid into the general fund of the said treasury; and such sale shall be  
12 a perpetual bar to any action against said keeper of an apartment house, apartment,  
13 cottage, mobile home, or bungalow court for the recovery of such baggage or property,  
14 or of the value thereof, or for any damages, growing out of the failure of such tenant  
15 or guest to receive such baggage or property.

16 This section does not apply to:

17 (a) Any musical instrument of any kind or description which is used by the  
18 owner thereof to earn all or part of his living.

19 (b) Any prosthetic or orthopedic appliance personally used by a tenant or  
20 guest.

21 (c) Table and kitchen furniture, including one refrigerator, washing  
22 machine, sewing machine, stove; bedroom furniture, one overstuffed chair, one daven-  
23 port, one dining table and chairs, and also all tools, instruments, clothing and books  
24 used by the tenant or guest in gaining a livelihood; beds, bedding and bedsteads, oil  
25 paintings and drawings drawn or painted by any member of the family of the tenant or  
26 guest, and any family portraits and their necessary frames.

27 (d) All other household, table or kitchen furniture not expressly mentioned  
28 in paragraph (c), including but not limited to radios, television sets, phonographs,  
29 records, motor vehicles that may be stored on the premises except so much of any  
30 such articles as may be reasonably sufficient to satisfy the lien provided for by this  
31 section; and provided further, that such lien shall be secondary to the claim of any



1 prior bona fide holder of a chattel mortgage on and the rights of a conditional seller  
2 of such articles, other than the tenant or guest.

3 Section 1862. Sale of unclaimed baggage. Whenever any trunk, carpetbag,  
4 valise, box, bundle, baggage or other personal property has heretofore come, or shall  
5 hereafter come into the possession of the keeper of any hotel, inn, or any boarding or  
6 lodging house, apartment house, mobile home park, or bungalow court and has remained  
7 or shall remain unclaimed for the period of six months, such keeper may proceed to  
8 sell the same at public auction, and out of the proceeds of such sale may retain the  
9 charges for storage, if any, and the expenses of advertising and sale thereof;.

10 But no such sale shall be made until the expiration of four weeks from  
11 the first publication of notice of such sale in a newspaper published in Guam. Said  
12 notice shall be published once a week, for four successive weeks in such newspaper,  
13 daily or weekly, of general circulation, and shall contain a description of each trunk,  
14 carpetbag, valise, box, bundle, baggage, or other personal property as near as may be;  
15 the name of the owner, if known; the name of such keeper, and the time and place of  
16 sale;

17 And the expenses incurred for advertising shall be a lien upon such property  
18 in a ratable proportion, according to the value of such piece of property, or thing,  
19 or article sold;

20 And in case any balance arising from such sale shall not be claimed by the  
21 rightful owner within one week from the day of sale, the same shall be paid into the  
22 treasury of Guam; and if the same be not claimed by the owner thereof, or his legal  
23 representatives, within one year thereafter, the same shall be paid into the general  
24 fund of said treasury.

25 Section 1863. Keeper to post rates of charges. Every keeper of a hotel, inn,  
26 boarding or lodging house, shall post in a conspicuous place in the office or public  
27 room, and in every bedroom of said hotel, boardinghouse, inn, or lodging house, a  
28 printed copy of this section, and a statement of charges or rate of charges by the day,  
29 and for meals or items furnished, and for lodging. No charge or sum shall be collected  
30 or received by any such person for any service not actually rendered, or for any item

1 not actually delivered, or for any greater or other sum than he is entitled to by the  
2 general rules and regulations of said hotel, inn, boarding or lodging house. For any  
3 violation of this section, or any provision herein contained, the offender shall forfeit  
4 to the injured party three times the amount of the sum charged in excess of what he is  
5 entitled to.

6 Section 1864. Keeper to maintain register. Every keeper of a hotel, inn,  
7 boarding or lodging house, shall keep for a period of three years a register which shall  
8 show the name, residence, date of arrival and departure of his guests. Violation of  
9 this section shall constitute a misdemeanor punishable by a fine not to exceed one  
10 hundred dollars or by imprisonment not to exceed ten days, or by both such fine and  
11 imprisonment."

12 Section 2. This Act is an urgency measure.