

HOUSE BILL No. 2282

By Committee on Agriculture and Natural Resources Budget

2-11

1 AN ACT concerning lodging inspections; relating to lodging inspection  
2 fees; amending K.S.A. 2010 Supp. 36-502, 36-518 and 74-591 and  
3 repealing the existing sections; also repealing K.S.A. 2010 Supp. 36-  
4 512.

5  
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2010 Supp. 36-502 is hereby amended to read as  
8 follows: 36-502. (a) It shall be unlawful for any person to engage in the  
9 business of conducting a lodging establishment unless such person shall  
10 have in effect a valid license therefor issued by the secretary of  
11 agriculture. Applications for such licenses shall be made on forms  
12 prescribed by the secretary, and each such application shall be  
13 accompanied by the appropriate license fee required by subsection (c) of  
14 this section. Prior to the issuance of any such license, the secretary shall  
15 inspect or cause to be inspected the lodging establishment designated in  
16 the application, to determine that it complies with the standards for  
17 lodging establishments promulgated pursuant to this act. If such lodging  
18 establishment is found to be in compliance, the secretary shall issue the  
19 license. If the application for license is denied, the secretary shall give  
20 written notice thereof to the applicant, stating also that the applicant is  
21 entitled to a hearing thereon if a written request therefor is filed with the  
22 secretary within 20 days of the date such notice is sent. Such hearing shall  
23 be held in accordance with the provisions of the Kansas administrative  
24 procedure act.

25 (b) Each license shall designate whether the licensed lodging unit is  
26 a hotel, rooming house or boarding house. Any person obtaining a license  
27 to engage in the business of conducting a rooming house or boarding  
28 house shall not have the right to use the name "hotel" in connection with  
29 such business. Every license issued hereunder shall be displayed  
30 conspicuously in the lodging establishment for which it is issued, and no  
31 such license shall be transferable to any other person or location.  
32 Whenever any such license is lost, destroyed or mutilated, a duplicate  
33 license shall be issued to any otherwise qualified licensee upon  
34 application therefor and the payment of a fee in the amount of ~~\$3~~ \$5.

35 (c) The fee for a license to conduct a lodging establishment in this  
36 state for all or any part of any calendar year shall be \$30, except that the  
37 fee for any lodging establishment containing 10 sleeping rooms shall be  
38 ~~\$35~~ \$40 and for every additional 10 rooms therein, an additional fee of \$5

**Comment [ew1]:** *New Section. There is hereby created the lodging inspection fee fund. The secretary shall remit all license fees received by the secretary under the provisions of K.S.A. 2009 Supp. 36-502, and amendments thereto, and all license renewal fees for lodging establishments under K.S.A. 36-505, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the lodging fee fund. All expenditures from the lodging fee fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of agriculture or by a person designated by the secretary. This section shall be a part of, and supplemental to the food service and lodging act.*

1 \$10 shall be charged. *The license fee shall not exceed \$300.* All lodging  
2 establishments which are ~~new~~, newly constructed, *newly converted to use*  
3 *as a lodging facility* or have a change of ownership shall pay an  
4 application fee which may be adjusted in accordance with the type of  
5 establishment or based on other criteria as determined by the secretary,  
6 but in no event shall any application fee exceed ~~\$100~~ \$200 in addition to  
7 the license fee.

Comment [ew2]: establishment

8 (d) Any person who, on the effective date of this act, has a valid  
9 license to operate a hotel or rooming house shall be a licensee under the  
10 provisions of this act, and any such license is hereby deemed to be a  
11 license to operate a lodging establishment issued under the provisions of  
12 this act.

13 Sec. 2. K.S.A. 2010 Supp. 36-518 is hereby amended to read as  
14 follows: 36-518. (a) The secretary shall inspect or cause to be inspected  
15 every lodging establishment in this state. *Any lodging establishment in*  
16 *this state shall be inspected upon receipt of a complaint indicating that a*  
17 *lodging establishment does not comply with the applicable standards*  
18 *promulgated in the rules and regulations of the secretary.* ~~For such~~  
19 ~~inspections~~ The secretary or the secretary's lawful agent shall have the  
20 right of entry and access thereto, at any reasonable time.

21 (b) Whenever, upon inspection, it is determined that any lodging  
22 establishment does not comply with the applicable standards promulgated  
23 in the rules and regulations of the secretary, the secretary shall give  
24 written notice to the owner, proprietor or agent in charge of such  
25 establishment of the changes or alterations necessary to comply with such  
26 standards.

27 (1) The notice shall order the establishment to comply with the  
28 applicable standards within a period of time specified in the notice, which  
29 shall be not less than 10 days, except that a shorter period of time may be  
30 provided in the notice whenever the secretary believes it essential to  
31 protect the public health and safety.

32 (2) The notice also shall state that the license for such establishment  
33 shall be subject to suspension or revocation for failure to comply with the  
34 applicable standards within the time specified.

35 (3) The licensee of any establishment given a notice pursuant to this  
36 section may apply to the secretary for an extension of the time specified  
37 in the notice. The secretary shall review such application and may grant  
38 or deny such application or modify the provisions of the notice with  
39 respect to the time for compliance with any of the particulars stated in the  
40 notice.

41 (c) Upon reinspection of any lodging establishment given a notice  
42 pursuant to this section, if it is determined that such establishment does  
43 not comply with the applicable standards promulgated in the rules and  
44 regulations of the secretary, the secretary may suspend or revoke the  
45 license issued for such establishment. If the secretary suspends or revokes  
46 the license, the secretary shall send written notice to the licensee that the