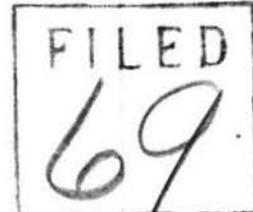


STATE BOARD OF HEALTH: Definition of hotel - certain hotels required to have fire escapes.

July 5, 1939

Honorable Harry F. Parker
State Health Commissioner
Jefferson City, Missouri



Dear Sir:

We are in receipt of your letter of June 27, 1939, in which you request our opinion as to the proper interpretation of Sections 13091, 13096, 13097 and 13099 of the Missouri hotel inspection laws.

Section 13091, R. S. Missouri, 1929, is as follows:

"That every building or other structure, kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are furnished for pay to transient or permanent guests, in which ten or more rooms are furnished for the accommodation of such guests, whether with or without meals, shall for the purpose of this article be deemed a hotel, and upon proper application the food and drug commissioner shall issue to such above described business a license to conduct a hotel: Provided, that it shall be unlawful for the owner of any such building or other structure to lease or let the same to be used as a hotel until the same has been inspected and approved by the food and drug commissioner."

Under this section, it is our opinion that every building or other structure, and we believe that the word "structure"

July 5, 1939

should include tourist camps or cabins, where at least ten rooms are furnished for the sleeping accomodation of transient or permanent guests, whether with or without meals, shall be considered a hotel. We believe, also, that rooming houses in college towns, referred to in your letter, come within this law regardless of the city ordinances in the various municipalities.

You will note that Section 13094 states that the parlor, dining room, kitchen and office shall be construed to mean "guest rooms", but we believe that this section was meant to modify Section 13093 in regard to license fees of hotels, and that these rooms shall not be included in computing the original "ten rooms".

Section 13096 provides that hotels having more than three stories shall be provided with fire escapes.

Section 13097 provides that hotels having three stories, or less, must have a rope ladder in each room. In this connection, we wish to refer you to Section 13757, which provides that the owner, proprietor, lessee or keeper of every hotel which has a height of three or more stories must provide iron or steel fire escapes. Therefore, your inspectors should see that every hotel having over two stories is provided with the fire escapes described in that section. This last section has been upheld in the case of Yawll vs. Gillham 187 Mo. 393.

In regard to Section 13099, we believe that you have reached a proper conclusion. That is, that every hotel, as defined in the hotel inspection act, must be equipped with fire extinguishers, the number to be determined as provided in said section.

Respectfully submitted,

APPROVED:

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RLH:RT