

8050 DUTY OF HOTEL INNKEEPER: PROVIDING SECURITY

A hotel innkeeper, who holds an establishment open to the public, has a duty to provide reasonable security for the person and property of guests as well as the normal and usual comforts customarily afforded. In providing reasonable security, it is the duty of a hotel innkeeper to exercise ordinary care to provide adequate protection for guests and their property from assaultive and other types of criminal activity.

A hotel innkeeper is not a guarantor of safety for guests and their property but is required to provide security commensurate with the facts and circumstances that are or should be apparent to the ordinarily prudent person, depending on the particular circumstances of the location of the hotel (motel). On the other hand, there is no duty on the part of a hotel innkeeper to guard against abnormal or unusual events or things which with reasonable care, skill, and foresight could not have been anticipated, discovered, or prevented; his or her duty is to protect only against those risks which the innkeeper could have discovered in the exercise of ordinary care.

In some situations, greater than normal or usual security may be required, such as a security force, closed circuit television surveillance, deadbolt and chain locks on individual rooms or security doors on hotel entrance ways located away from the lobby. In other situations, less security may be adequate. In determining whether ordinary care was exercised in providing security, you may take into consideration industry standards, the community crime rate, the extent of assaultive or criminal activity in the area or in similar business enterprises, the presence of suspicious persons, the particular security problems posed by the

hotel's design, and any other facts and circumstances shown by the evidence bearing on the subject.

COMMENT

The instruction and comment were approved by the Committee in 1980. The instruction was formerly numbered Wis JI-Civil 1027.7 and was renumbered in 1985. Editorial changes were made in 1994 to address gender references in the instruction. No substantive changes were made to the instruction.

Peters v. Holiday Inns, Inc., 89 Wis.2d 115, 278 N.W.2d 208 (1979).

Wis JI-Civil 8050 may be applicable to a tavern or other place of business. A defendant hotelkeeper, tavern proprietor, has a duty to protect his or her patrons from crime and from negligent or intentional torts committed by other patrons.

See Wis JI-Civil 8045, Duty of Proprietor to Protect Patron for Injury Caused by Third Person. In an appropriate case, Wis JI-Civil 8045 may be an adequate instruction if hotelkeeper's patron is injured by another patron.

See Wis JI-Civil 8051, Duty of Hotelkeeper to Furnish Reasonably Safe Premises and Furniture for His or Her Guests.