

8051 DUTY OF HOTELKEEPER TO FURNISH REASONABLY SAFE PREMISES AND FURNITURE FOR GUESTS

You are instructed that a hotelkeeper, though not an insurer, is required to exercise reasonable care to provide his or her guests with safe premises and with furniture which may be used in an ordinary and reasonable way without danger.

It is the further duty of a hotelkeeper to make all reasonable inspections so as to guard against dangerous conditions, and such inspection must be frequent and thorough enough to determine existing dangerous conditions.

You are further instructed that a hotelkeeper is not responsible for injuries caused by a latent or hidden defect which would not have been revealed in the course of a reasonable inspection. The duty of a hotelkeeper to furnish reasonably safe premises and furniture for his or her guests does not require him or her to do the impossible or to discover defects entirely latent in the premises or the furniture.

A “latent defect” is one which cannot be discovered by a reasonably careful inspection.

COMMENT

This instruction and comment were approved in 1966 as Wis JI-Civil 8017. The instruction 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. The instruction was revised in 2020 to correct a typographical error in the third paragraph.

Dwyer v. Jackson Co., 20 Wis.2d 318, 121 N.W.2d 881 (1963).

A motelkeeper may be obligated to inform guests of potentially dangerous conditions. Phoenix Ins. Co. v. Wisconsin Southern Gas Co., 45 Wis.2d 471, 173 N.W. 610 (1970).