

# HOSP-2480: HOSPITALITY LAW

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## Cuyahoga Community College

**Viewing: HOSP-2480 : Hospitality Law**

**Board of Trustees:**

MARCH 2024

**Academic Term:**

Fall 2024

**Subject Code**

HOSP - Hospitality Management

**Course Number:**

2480

**Title:**

Hospitality Law

**Catalog Description:**

Provides awareness of rights and responsibilities that the law grants to or imposes upon hospitality operations and illustrates possible consequences of failure to satisfy legal obligations. Discussion includes contracts, property-guest relationship, frauds, employment laws, anti-trust regulations, food and beverage sales, wage and hour standards, social security, and income tax withholding requirements, tax/tip reporting, and immigration laws. Field trips may be required.

**Credit Hour(s):**

3

**Lecture Hour(s):**

3

**Lab Hour(s):**

0

**Other Hour(s):**

0

## Requisites

**Prerequisite and Corequisite**

HOSP-1010 Introduction to the Hospitality Industry.

## Outcomes

**Course Outcome(s):**

Demonstrate understanding of common legal terminology and issues as they apply to the hospitality industry.

**Objective(s):**

1. Demonstrate basic understanding of legal terminology.
  2. Explain the purpose of the Americans with Disabilities Act (ADA) and briefly describe how Title III of the Act affects lodging and food service establishments.
  3. Identify the general state restrictions typically placed on operations licensed to sell and serve alcohol.
  4. Name and describe federal, state, and local taxes affecting hospitality establishments.
  5. Relate the laws concerned with warranties and product liability to hospitality operations.
  6. State the purpose of the federal antitrust laws.
  7. List the key provisions included in a franchise contract.
  8. Compare the various types of contracts.
  9. Identify the two major associations that govern music copyrights.
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**Course Outcome(s):**

Practice legal compliance in the workplace regarding employees; including hiring, pay, discrimination, and workplace safety.

**Objective(s):**

1. Identify which employers are subject to the Family and Medical Leave Act (FMLA), and which employees are eligible for leave and related benefits under the Act.
2. Describe the provisions of the Immigration Reform and Control Act of 1986.
3. Identify the differences between wages and tips and explain tip-reporting requirements.
4. Identify state and federal laws and requirements affecting employment with emphasis on the Civil Rights Act.
5. Explain the implications of the major laws affecting hospitality operations, particularly those related to public health and safety, including Occupational Safety and Health Administration.

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**Course Outcome(s):**

Comply with current standards regarding the legal relationship of the innkeeper and the guest.

**Objective(s):**

1. Describe the development of rules regarding the rights and liabilities of innkeepers under the common law system.
2. Describe a hotel's duty under the common law to receive a guest.
3. Identify the circumstances that allow a lodging establishment manager to evict a registered guest.
4. Explain a lodging establishment's affirmative duty not to allow unregistered and unauthorized third parties access to guestrooms.
5. Describe the lodging establishment's obligation to protect its guest.
6. List the major elements that should be included in a written contract between a lodging establishment and convention or travel groups.
7. Identify the steps a lodging establishment must take to limit its liability for loss of guest valuables.
8. Describe the procedures a lodging establishment must follow if a guest dies.

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**Methods of Evaluation:**

1. Quizzes and exams
2. Final exam
3. Legal case studies
4. Formal written papers

**Course Content Outline:**

1. Introduction
  - a. Basic legal terminology
  - b. Common law basis
  - c. State and federal court decisions
  - d. Defining hotels, motels, and inns
  - e. Law of contracts
    - i. express/implied
    - ii. bilateral/unilateral
    - iii. void/voidable
    - iv. unenforceable
  - f. Law of torts and negligence
2. Legal aspects concerning lodging operations
  - a. Guests
    - i. rights
    - ii. reservations
    - iii. eviction
    - iv. causes for detention
    - v. loss of property
    - vi. insurance coverage
    - vii. protection of guests
    - viii. deceased guests
  - b. Claims

- i. injury
  - ii. third party
- c. Licensing and regulations
- 3. Legal aspects concerning food service establishments
  - a. Alcoholic beverages
    - i. application for the issuance of licenses
    - ii. general restrictions on licenses
    - iii. liability under state Dram Shop Act
    - iv. liability for serving alcoholic beverages to intoxicated persons and underage persons
    - v. hours and premises of sale
    - vi. books and records
  - b. Food service
    - i. federal laws
    - ii. state and local laws
    - iii. UCC
    - iv. "truth-in-menu"
- 4. Legal aspects concerning employment
  - a. Laws of discrimination
  - b. Wage and hour applicability
  - c. Rights of employees
  - d. Unfair labor practices
  - e. Sexual harassment
  - f. Overtime pay
  - g. Withholding taxes
  - h. Meals and lodging
    - i. Uniform maintenance
    - j. Right to work laws
  - k. Tip reporting
    - l. Occupational Safety and Health Act (OSHA)
      - i. reporting and record-keeping requirements
      - ii. posting requirements
      - iii. inspections: employer and employee rights and remedies
  - m. American with Disabilities Act (ADA)
  - n. Immigration Reform and Control Act (IRCA)
- 5. Miscellaneous legal issues
  - a. Consumer protection
  - b. Hotel operations
  - c. Public health
  - d. Music and television laws
  - e. Fire safety laws
  - f. Taxation
  - g. Warranties and product liability
  - h. Antitrust laws

## Resources

Steingold, Fred Esq. *The Employer's Legal Handbook*. 15th Edition. California: Nolo Press, 2021.

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Jefferies, Jack. *Understanding Hospitality Law*. 5th Edition (classic text). Amer Hotel & Motel Assn, 2010.

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DuBoff, Leonard D and Christy King. *The Law (in Plain English) for Restaurants: A Guide for the Food and Beverage Industry*. Allworth, 2021.

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Rogers, R. Vashon. *The Law of Hotel Life; or, the Wrongs and Rights of Host and Guest*. Good Press, 2022.

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Knowles, Helen J. *Making Minimum Wage: Elsie Parrish versus the West Coast Hotel Company*. University of Oklahoma Press, 2021.

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Barth, Stephen C and Diana Barber. *Hospitality Law: Managing Legal Issues in the Hospitality Industry*. 5th Edition. Wiley, 2017.

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**Resources Other**

1. <https://hospitalitylawyer.com>

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