

**HOTELS:** Each room in an apartment hotel is a guest room and should be counted separately for licensing purposes.

October 22, 1951

10/23/51

Honorable Buford G. Hamilton, M.D.  
Director, Division of Health  
Jefferson City, Missouri

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Dear Sir:

This department is in receipt of your recent request for an official opinion.

You thus state your request:

"We would like to have your official opinion concerning whether the rooms in apartment hotels would be considered as one unit or would the various rooms, such as, kitchen, dining room, living room, and bedroom be counted separately.

"You will note under Section 9931 under the Hotel Inspection Law of the State of Missouri 'That every building or other structure ..... in which ten or more rooms are furnished for the accomodation of such guest, -whether with or without meals, shall for the purpose of this article be deemed a hotel.' Also, under Section 9934 that the parlor, dining room, kitchen, and office shall be construed to mean guest rooms.

"The licensing fee for the various hotels is determined by the number of guest rooms. Therefore, we would like to know whether the rooms in the apartment should be counted separately or whether the apartment should be counted as one unit."

We would direct your attention to Section 315.010, RSMo 1949, which section states:

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"1. 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 accommodations of such guests, whether with or without meals, shall for the purpose of sections 315.010 to 315.230 be deemed a hotel, and upon proper application the director of the division of health 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 director of the division of health.

"2. In all hotels within the meaning of sections 315.010 to 315.230 the parlor, dining room, kitchen, and office shall be construed to mean guest rooms."

Section 315.050, RSMo 1949, bases the amount of the license to be paid by each hotel upon the number of guest rooms which it contains.

It would seem to be clear from the above that each room in each apartment is a "guest room" and should be so counted for licensing purposes.

#### CONCLUSION

Each room in an apartment hotel is a guest room and should be counted separately for licensing purposes.

Respectfully submitted,

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APPROVED:

  
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