

Regulation for Tourist Lodging Companies

Executive Decree No. 11217-MEIC of February 25 of 1980, published in La Gaceta No.
48 of March 7 of 1980,
Partly amended by Executive Decree No. 26842-MEIC-TUR
Of March 2 of 1998, published in La Gaceta No. 82 of April 29 of 1998
And by Executive Decree no. 13513-MEIC of April 13 of 1982 published in La Gaceta
No. 86 of May 6 of 1982.

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CHAPTER I General Dispositions

Article 1.-The following norms will rule the functioning of tourist lodging companies in the country, as well as their classification by types and classes.

Article 2.-Tourist lodging companies are those permanently dedicated to offer complementary services or without them, and that are classified within the categories established here.⁵³

Article 3.-The main types of lodging companies are:

1º- Group of Hotel Companies:

- a) Hotels
- b) Residential Hotels
- c) Hotels with apartment facilities
- d) Condo hotels⁵⁴
- e) Tourist motels
- f) Time-share hotels
- g) Botels

2º- Group of hotel-related companies

- a) Pensions
- b) Guest houses

3º- Hostels group

- a) Youth hostels
- b) Fishing grounds
- c) Mountain lodges
- d) Country lodges

4º- Camping Group

5º- Tourist Housing Group

⁶³ As amended by Executive Decree No. 26842-MEIC-Tur of March 2 of 1998 published in La Gaceta No. 82 of April 29 of 1982.

54. Clauses d), f,) and h) added by Executive Decree No. 13513-MEIC of April 13 of 1982

- a) Cabins
- b) Apartments
- c) Huts

6- Group of not-classified establishments

Article 4.-For tourist protection effects lodging establishments must use correctly a denomination describing their company, as follows:⁵⁵

a)Hotel: Type of establishment with at least twenty rooms or more, according to the category that corresponds, offers lodging service for a daily fee, as well as board, at the client's choice. There must be a functional integrity between the lodging and complementary services.

b)Residential Hotel: Hotel that does not offer board.

c)Tourist motel: Type ⁶⁴of hotel establishment that offers lodging service for a daily fee and has the following characteristics:

- a) Offers travelers parking lot for their automobiles within the establishment itself.
- b) Located preferably outside of urban area and near to public roads.
- c) Have at least five rooms, all with private bathroom, and independent entrance from outside.
- d) Building does not exceed two levels, and indicates if there are vacancies, outside of the same, with luminous signs allowing its easy reading from the road, day or night,.

d)Hotel with apartment facilities: (Apartments – hotel): Type of establishment offering lodging service for a daily fee and has the following characteristics:

- a) Constituted by apartment type units, each one with one or more bedrooms, private bathroom, living room, dining room and kitchen.
- b) Occupies a building or part of the building, totally independent of it, and its dependencies constitute a homogenous whole, with entrances for the exclusive use of the establishment.
- c) Includes floor service in the fee
- d) Has a parking lot for the guests' vehicles.

e)Pension: Small type of establishment, normally managed by a family, with a minimum capacity of three rooms, and offers board in the complete pension version, or half pension, in one sole fee.

f)Guesthouse: Type of establishment similar to the pension not offering board.

g)Tourist housing: (cabin, cottage, summerhouse, etc.) This kind of establishment gives lodging service for a daily or monthly fee, with units forming independent

55. Article 4, first paragraph, clauses a) and J9 were thus amended by Executive Decree No. 26842-MEIC-TUR of March 2 of 1998, including clause l).

housings, with one or more bedrooms, private bathroom, kitchen, independent entrance from outside, and parking lot for guests' vehicles.

h)Hostels: Type of rustic, comfortable establishment offering lodging service to sports people or groups united by a common interest or activity. There are different modalities among them, mountain refuges, lodges, fishing camps, beach, country or youth lodges, whose characteristics and additional services vary according to their specialization, and depending on it, they receive their name.

i)Camp sites: Type of establishment offering rental services for a daily or monthly fee, of an area of land duly conditioned and marked to facilitate outdoor living, where sleeping is done in tents, or in trailers.

j)Condo hotel: A modality of lodging operation in which the building's ownership is protected by the Law of Horizontal Property, No. 3670 of March 22 of 1966 or applies principles of it, and in which the hotel's business development is guaranteed by a contract of management with a hotel operator company that assumes the functions that correspond to the managers, according to the law; and those functions derived from the typical hotel-related characteristics of the operation. Seventy per cent of the time of the year, the establishment must be dedicated to the lodging service, and the remaining thirty per cent it may be used by the joint owners.⁵⁶

k)Botel: Hotel establishment located in a floating facility or a passengers ship, permanently or temporarily immobilized to carry out these functions.⁵⁷

l)Time share: system or regimen by which a person purchases the right to use, enjoy or any other right relating to the use of a holiday accommodation unit, for a specified or specifiable period of each year, during the validity of the respective contract, on payment of certain global price.

Article 5.-Tourist lodging companies will be classified as follows:

- a)Luxury
- b)First class A⁶⁵
- c)First class B
- d)Second Class
- e)Third Class

For its better identification and abbreviation, ICT and companies may use the terminology and symbolization of stars, in descending numerical order, from five for luxury to one for third class.

56. Tacitly amended by articles 5 and 6 of the Law for Promotion of the Effective Defense and Competition of Consumer No. 7472 according to which the **Government** may regulate prices of goods and services, only in exceptional situations and temporarily.

57. Thus reformed by Executive Decree No. 13513-MEIC of April 13 of 1982.

Article 6.-For each type of lodging company will apply the following categories:

- a)Hotels: From luxury to third class or from 5 to 1 stars.
- b)Hotel with apartment facilities: From first to third or from 3 to 1 stars.
- c)Residential Hotels: From first to third or from 3 to 1 stars.
- d)Pensions: From second to third or from 2 to 1 stars.
- e)Guesthouses: From second to third or from 2 to 1 stars.
- f) Hostels: From first to third or from 3 to 1 stars.
- g)Camp sites: From first to third or from 3 to 1 stars.
- h)Tourist housing: From first to third or from 3 to 1 stars.

Article 7.-The Costa Rican Tourist Board, by firm agreement of its Board of Directors, will approve a manual of specific requirements for each type and category, which will be considered an integral part of this Regulation.⁵⁸

Article 8.-Companies not having the minimum conditions⁶⁶to qualify as tourist, may not classify, and its functioning will be the exclusive responsibility of the police and health authorities. Establishments renting rooms without a register of guests won't be classified either.

Article 9.-When an establishment occupies a building with particular traditional conditions or of architectural value, they may be submitted to the judgment of the Board of Directors of the Costa Rica Tourist Board, in order to be classified in one category, even if not complying with some of the functioning requirements of modern establishments.

Article 10.-Existing tourist lodging companies will have a term of ninety calendar days, counting from the validity of this Regulation, to request a classification within the type and category that corresponds.

New projects or establishments will necessarily obtain a classification as prior requirement to opening.

Article 11.-The Costa Rican Tourist Board may officially classify a company not having presented classification request within the established term in the above article, and if new, for not having presented it at any moment.

It may also reclassify a company in an inferior category than the one it had, if it has stopped complying with the minimum requirements necessary to belong in a specific class, or if repeatedly not complying with standing regulations, particularly Executive Decree number 9387 of November 7 of 1978⁵⁹ (Regulation for Tourism Companies and Activities) and the present article.

58. The last paragraph of this article was **annulled** by Executive Decree No. 26842-MEICTUR of March 2 of 1998.

59. This regulation was modified by Executive Decree No. 25226-MEIC-TUR of June 21 of 1996.

60. Clauses d), e); f) and g) of the present article have been added by Executive Decree No. 26842-MEIC-TUR of March 2 of 1998.

Article 12.-All tourist lodging establishments will be subject to complying the laws and regulations ruling their activity, and will also have the following general obligations: ⁶⁰

- a) Strictly comply with hygiene and maintenance norms established by the Ministry of Health.
- b) Keep a register of guests, according to the instructions given by the Costa Rican Tourist Board –ICT- and the Migration Department of the Ministry of Government.
- c) Offer to the Costa Rican Tourist Board –ICT- statistical data to its request.
- d) Offer goods and services, in the nature and quality of the class held by the establishment.
- e) Guarantee safety, tranquility and personal intimacy of the guest.
- f) Offer truthful, prior and complete information of the services offered.
- g) Respect the rights of tourists as consumers according to the existing general normative.

CHAPTER II

Of the contract of Tourist Lodging

Article 13.-The tourist lodging contract, as a modality of the indenture of lease, is regulated as applicable by what's disposed in the Civil and Procedural Law, and is improved the moment the company accepts a person to register as guest.

Article 14.-For a reservation to be valid, it must be confirmed in writing and it is considered a promise of tourist lodging contract, subject to compliance of the contract's requirements. Along with the request for reservation, companies may demand anticipated payment of part of the amount to be paid.

Article 15.-Except for a different agreement between the parties, or a company policy against it, the down payment referred to in the precedent article will be equivalent to a one-day's fee, if the reservation is for less than ten days occupation, and the equivalent of a one day's fee for the first ten days, and one more for each additional five days, if the reservation were for more than ten days.

Article 16.-In case of individual reservations, the cancellation of reservations may be done without the company having the right for an indemnification or retaining of anticipated payment, if done in writing and at least forty-eight hours anticipation of the fixed date for arrival. If the reservation is not canceled in such term, the company may only have the right to retain as indemnification, the equivalent of one day's fee of lodging. ⁶¹

Article 17.-Assuming collective reservations, cancellation of the reservations will be ruled by express agreement established between the parties of the lodging contract. ⁶²

Article 18.-When the company, due to over booking or others of force majeure, could not comply with a reservation for the accepted date, it must provide the lodging of the guest in another establishment of similar quality and price, and must assume the

transfer expenses of the guest to the other establishment, and the payment of any existent difference in the prices.

Article 19.-The guest acquires, by being admitted as such, the following rights:

- a) Use and enjoyment of rooms or areas assigned, during the validity of the contract.
- b) Access and right to use of complementary services of the establishment and public areas of the same, subject to the particular regulations of them.

Article 20.- At the moment of formalization of the tourist-lodging contract, the guest acquires the following obligations:

- a) To pay the agreed price at the moment required for it by the company.
- b) Return the room in the same condition it was received, except for any losses or damages that were not product of his fault, negligence or lack of prudence.
- c) Use the room, facilities and furniture for the use it was destined for. Abusive use of them gives the company the right to unilaterally rescind the contract and indemnification of damages.

Article 21.-By abusive use will be understood the non-compliance of the following prohibitions:

- a) Cook, wash or iron within the room, bring animals to them, or receive non-registered persons without authorization of the company.
- b) Keep inflammable matters, explosives, corrosives, drugs or any other kind of substances within the premises or room, that in any way expose the goods of the company to damage, or the safety or life of others.

Article 22.-Unless otherwise expressly agreed between the parties, the lodging agreement is considered celebrated for one day. In case the guest does not leave the room, it is tacitly considered extended for one more day, and so successively.

The company must warn the guest in writing and with at least one-day anticipation or at the moment of registering as guest, the maximum time he can occupy the room, in case of having it reserved for an immediate date for another guest.

Article 23.-If the guest refuses to leave the room when he should do, by canceling the contract, for the term of the same or for any other reason, the company may recur to the corresponding authorities so that without any other formalities, proceeds to dislodge according to what is established in article 255 of the Procedural Civil Code. In this case it will be proceeded to place the luggage in a storeroom or other safe place, previously drawing up a summary to be signed by the authority along with the manager of the hotel or his assistant.⁶³

Article 24.- For lodging prices' effects, the time of entrance and departure of the establishment will be previously fixed by the manager, between twelve and fourteen hours, not existing between one and the other a difference greater than two hours.⁶⁴

Article 25.-Lodging of children less than two years old, in the same room with his parents or attendants, is free of charge, in the understanding that no additional bed or cradle is used for the minor. For children under twelve years and older than two years, also in the same room than their parents or attendants, a 50% of the established authorized fee is to be charged.

Article 26.-While not canceling the account, the company has the right to object to the guest taking out his luggage from the establishment, in accordance to what is disposed in article 1143 of the Civil Code.

Article 27.-The company is not responsible for losses or damages affecting the values or goods of the guests, except in the following cases:

a) If they are jewels or values, when deposited in the safety boxes of the establishment, and the guest has declared before the manager the amount or contents of what was deposited.

b) If wardrobe or other luggage, if proven negligence of the company, as refers to necessary and reasonable safety.

Article 28.-For internal regulation or particular norms of each company, to be valid as they concern the guests, they must be approved by ICT, and published be it individually or generally, with letters or signs placed in a visible place of the establishment.

Article 29.- In force from its publication.

Given at the Presidential House.-San José, at day twenty-five of the month of February of nineteen eighty.

RODRIGO CARAZO

The Minister of Economy, Industry and Commerce,
FERNANDO ALTMANN ORTIZ