

THEMATIC TITLE	PROBLEM OF LEGAL MEASURE FOR ACCEPTANCE AND CONTROL ON LODGING BUSINESS VIA INFORMATION TECHNOLOGY (AIR BED AND BREAKFAST: AirBNB) IN THAILAND
KEYWORDS	RENTING/RENTING VIA INFORMATION TECHNOLOGY/AirBNB/HOTEL LAW/HOTEL BUSINESS
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ABSTRACT

This thematic paper aims to study lodging business via information technology (AIR BED AND BREAKFAST: AirBNB). The finding shows that the Hotel Act B.E. 2547 (2004), has provided the rental business for temporary stay or short-term stay with the consideration. The Act has accepted and controlled hotel businesses by characteristics and types of hotels. Nevertheless, according to the technology advancement, the hotel business feature has been changed to a new way as online characteristic that is searchable and accessible from online databases by tourists. One of the databases, AirBNB, through the website or smartphone application, provides a variety of choices for tourists to choose their desired places to stay. Therefore, this service is similar to hotel business. While hotel business has to apply by Hotel Act B.E. 2547 (2004) and Ministerial Regulation of Category and Rule of Hotel Business B.E. 2551 (2008), the entrepreneurs of AirBNB have not the intention to lodge as hotel business. Hence, AirBNB as a daily lodging that may be deemed to circumvent applicable hotel laws. This situation significantly affects hotel businesses under the law on hotel. Currently, Thailand has no specific proving the law to control AirBNB. The researcher has recommended that it's appropriate to search a legal method to control

the lodging entrepreneurs on AirBNB which shall allow the state to impose tax on this business. This recommendation shall advantage the state's economic in country.

The researcher has studied and analyzed the AirBNB related laws of the United States of America, Japan, and Commonwealth of Australia, and has discovered that those nations allow the AirBNB to be operated under the regulation and rule provide by the law. In order to assure the AirBNB standard in Thailand, as well as to promote economic growth and security of house guests, the AirBNB licensing system should be adopted to provide the regulations that can properly apply to the dynamic economic and social situation.

In summary, this thematic paper proposes the enactment of new law, namely Draft Act on Controlling of Lodging Business via Information Technology B.E. (...) which is drafted by applying Hotel Act B.E. 2547 (2004), and Ministerial Regulation of Category and Rule of Hotel Business B.E. 2551 (2008), as model laws. This law draft obviously elaborates that has to provide the license before renting out accommodation of the entrepreneurs. The law draft also provides the qualification and obligations of lessors on AirBNB. The legislation as the law draft shall benefit both public sector and private sector in economic and social aspects. Furthermore, this proposal shall assure the standard and efficiency of AirBNB business in Thailand to be wildly accepted, and reduce the negative impacts on hotel business.