
HOUSE BILL 1030

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Valle and Heavey.

Read first time January 1/16/91. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to posting of liquor license applications; and
2 amending RCW 66.24.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 66.24.010 and 1988 c 200 s 1 are each amended to read
5 as follows:

6 (1) Every license shall be issued in the name of the applicant, and
7 the holder thereof shall not allow any other person to use the license.

8 (2) For the purpose of considering any application for a license,
9 the board may cause an inspection of the premises to be made, and may
10 inquire into all matters in connection with the construction and
11 operation of the premises. For the purpose of reviewing any
12 application for a license and for considering the denial, suspension or
13 revocation of any license, the liquor control board may consider any
14 prior criminal conduct of the applicant and the provisions of RCW

1 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
2 board may, in its discretion, grant or refuse the license applied for.
3 No retail license of any kind may be issued to:

4 (a) A person who has not resided in the state for at least one
5 month prior to making application, except in cases of licenses issued
6 to dining places on railroads, boats, or aircraft;

7 (b) A copartnership, unless all of the members thereof are
8 qualified to obtain a license, as provided in this section;

9 (c) A person whose place of business is conducted by a manager or
10 agent, unless such manager or agent possesses the same qualifications
11 required of the licensee;

12 (d) A corporation, unless it was created under the laws of the
13 state of Washington or holds a certificate of authority to transact
14 business in the state of Washington.

15 (3) The board may, in its discretion, subject to the provisions of
16 RCW 66.08.150, suspend or cancel any license; and all rights of the
17 licensee to keep or sell liquor thereunder shall be suspended or
18 terminated, as the case may be. The board may request the appointment
19 of administrative law judges under chapter 34.12 RCW who shall have
20 power to administer oaths, issue subpoenas for the attendance of
21 witnesses and the production of papers, books, accounts, documents, and
22 testimony, examine witnesses, and to receive testimony in any inquiry,
23 investigation, hearing, or proceeding in any part of the state, under
24 such rules and regulations as the board may adopt.

25 Witnesses shall be allowed fees and mileage each way to and from
26 any such inquiry, investigation, hearing, or proceeding at the rate
27 authorized by RCW 34.05.446, as now or hereafter amended. Fees need
28 not be paid in advance of appearance of witnesses to testify or to
29 produce books, records, or other legal evidence.

1 In case of disobedience of any person to comply with the order of
2 the board or a subpoena issued by the board, or any of its members, or
3 administrative law judges, or on the refusal of a witness to testify to
4 any matter regarding which he may be lawfully interrogated, the judge
5 of the superior court of the county in which the person resides, on
6 application of any member of the board or administrative law judge,
7 shall compel obedience by contempt proceedings, as in the case of
8 disobedience of the requirements of a subpoena issued from said court
9 or a refusal to testify therein.

10 (4) Upon receipt of notice of the suspension or cancellation of a
11 license, the licensee shall forthwith deliver up the license to the
12 board. Where the license has been suspended only, the board shall
13 return the license to the licensee at the expiration or termination of
14 the period of suspension. The board shall notify all vendors in the
15 city or place where the licensee has its premises of the suspension or
16 cancellation of the license; and no employee may allow or cause any
17 liquor to be delivered to or for any person at the premises of that
18 licensee.

19 (5) (a) At the time of the original issuance of a class H license,
20 the board shall prorate the license fee charged to the new licensee
21 according to the number of calendar quarters, or portion thereof,
22 remaining until the first renewal of that license is required.

23 (b) Unless sooner canceled, every license issued by the board
24 shall expire at midnight of the thirtieth day of June of the fiscal
25 year for which it was issued. However, if the board deems it feasible
26 and desirable to do so, it may establish, by rule pursuant to chapter
27 34.05 RCW, a system for staggering the annual renewal dates for any and
28 all licenses authorized by this chapter. If such a system of staggered
29 annual renewal dates is established by the board, the license fees

1 provided by this chapter shall be appropriately prorated during the
2 first year that the system is in effect.

3 (6) Every license issued under this section shall be subject to all
4 conditions and restrictions imposed by this title or by the regulations
5 in force from time to time. All conditions and restrictions imposed by
6 the board in the issuance of an individual license shall be listed on
7 the face of the individual license along with the trade name, address,
8 and expiration date.

9 (7) Every licensee shall post and keep posted its license, or
10 licenses, in a conspicuous place on the premises.

11 (8) Before the board shall issue a license to an applicant it shall
12 give notice of such application to the chief executive officer of the
13 incorporated city or town, if the application be for a license within
14 an incorporated city or town, or to the county legislative authority,
15 if the application be for a license outside the boundaries of
16 incorporated cities or towns; and such incorporated city or town,
17 through the official or employee selected by it, or the county
18 legislative authority or the official or employee selected by it, shall
19 have the right to file with the board within twenty days after date of
20 transmittal of such notice, written objections against the applicant or
21 against the premises for which the license is asked, and shall include
22 with such objections a statement of all facts upon which such
23 objections are based, and in case written objections are filed, may
24 request and the liquor control board may in its discretion hold a
25 formal hearing subject to the applicable provisions of Title 34 RCW, as
26 now or hereafter amended. Upon the granting of a license under this
27 title the board shall send a duplicate of the license or written
28 notification to the chief executive officer of the incorporated city or
29 town in which the license is granted, or to the county legislative

1 authority if the license is granted outside the boundaries of
2 incorporated cities or towns.

3 (9) Written notice of applications for licenses and
4 reconsiderations where public opposition was reason for the board's
5 original denial shall be posted conspicuously at the location(s) where
6 business will be conducted.

7 (10) Before the board issues any license to any applicant, it shall
8 give (a) due consideration to the location of the business to be
9 conducted under such license with respect to the proximity of churches,
10 schools, and public institutions and (b) written notice by certified
11 mail of the application to churches, schools, and public institutions
12 within five hundred feet of the premises to be licensed. The board
13 shall issue no beer retailer license class A, B, D, or E or wine
14 retailer license class C or F or class H license covering any premises
15 not now licensed, if such premises are within five hundred feet of the
16 premises of any tax-supported public elementary or secondary school
17 measured along the most direct route over or across established public
18 walks, streets, or other public passageway from the outer property line
19 of the school grounds to the nearest public entrance of the premises
20 proposed for license, and if, after receipt by the school or public
21 institution of the notice as provided in this subsection, the board
22 receives written notice, within twenty days after posting such notice,
23 from an official representative or representatives of the school within
24 five hundred feet of said proposed licensed premises, indicating to the
25 board that there is an objection to the issuance of such license
26 because of proximity to a school. For the purpose of this section,
27 church shall mean a building erected for and used exclusively for
28 religious worship and schooling or other activity in connection
29 therewith. No liquor license may be issued or reissued by the board to
30 any motor sports facility or licensee operating within the motor sports

1 facility unless the motor sports facility enforces a program reasonably
2 calculated to prevent alcohol or alcoholic beverages not purchased
3 within the facility from entering the facility and such program is
4 approved by local law enforcement agencies. It is the intent under
5 this subsection that a retail license shall not be issued by the board
6 where doing so would, in the judgment of the board, adversely affect a
7 private school meeting the requirements for private schools under Title
8 28A RCW, which school is within five hundred feet of the proposed
9 licensee. The board shall fully consider and give substantial weight
10 to objections filed by private schools. If a license is issued despite
11 the proximity of a private school, the board shall state in a letter
12 addressed to the private school the board's reasons for issuing the
13 license.

14 ~~((10))~~ (11) The restrictions set forth in the preceding
15 subsection shall not prohibit the board from authorizing the transfer
16 of existing licenses now located within the restricted area to other
17 persons or locations within the restricted area: PROVIDED, Such
18 transfer shall in no case result in establishing the licensed premises
19 closer to a church or school than it was before the transfer.

20 ~~((11))~~ (12) Nothing in this section prohibits the board, in its
21 discretion, from issuing a temporary retail or wholesaler license to a
22 transferee of a retail or wholesaler license to continue the operation
23 of the retail or wholesaler premises during the period a transfer
24 application for the license from person to person at the same premises
25 is pending and when the following conditions exist:

26 (a) The licensed premises has been operated under a retail or
27 wholesaler license within ninety days of the date of filing the
28 application for a temporary license;

29 (b) The retail or wholesaler license for the premises has been
30 surrendered pursuant to issuance of a temporary operating license;

1 (c) The applicant for the temporary license has filed with the
2 board an application for transfer of the retail or wholesaler license
3 at such premises to himself or herself; and

4 (d) The application for a temporary license is accompanied by a
5 temporary license fee established by the board by rule.

6 A temporary license issued by the board under this section shall be
7 for a period not to exceed sixty days. A temporary license may be
8 extended at the discretion of the board for an additional sixty-day
9 period upon payment of an additional fee and upon compliance with all
10 conditions required in this section.

11 Refusal by the board to issue or extend a temporary license shall
12 not entitle the applicant to request a hearing. A temporary license
13 may be canceled or suspended summarily at any time if the board
14 determines that good cause for cancellation or suspension exists. RCW
15 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

16 Application for a temporary license shall be on such form as the
17 board shall prescribe. If an application for a temporary license is
18 withdrawn before issuance or is refused by the board, the fee which
19 accompanied such application shall be refunded in full.