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HOUSE BILL 2742

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State of Washington

52nd Legislature

1992 Regular Session

By Representatives Heavey, Vance, Jones, Lisk, R. King, Orr, Tate, Paris, Winsley and Hochstatter

Read first time 01/27/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to alcohol servers on-premise; adding new sections  
2 to chapter 66.20 RCW; adding a new chapter to Title 66 RCW; and  
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature of the state of  
6 Washington finds that education of alcohol servers on issues such as  
7 the physiological effects of alcohol on consumers, liability and legal  
8 implications of serving alcohol, driving while intoxicated, and methods  
9 of intervention with the problem customer are important in protecting  
10 the health and safety of the public. The legislature further finds  
11 that it is in the best interest of the citizens of the state of  
12 Washington to have an alcohol server education program available.

1        NEW SECTION.    **Sec. 2.**        As used in this chapter, the following  
2 terms have the meanings indicated unless the context clearly requires  
3 otherwise.

4        (1) "Alcohol" shall have the same meaning as "liquor" provided in  
5 RCW 66.04.010(15).

6        (2) "Alcohol server" means any person serving or selling alcohol,  
7 spirits, wines, or beer for consumption at an on-premises retail  
8 licensed facility as a regular requirement of their employment, and  
9 shall include those persons eighteen years of age or older permitted by  
10 the liquor laws of this state to serve alcoholic beverages with meals.

11        (3) "Board" means the Washington state liquor control board.

12        (4) "Retail licensed premises" means any premises licensed to sell  
13 alcohol by the glass or by the drink, or in original containers  
14 primarily for consumption on the premises as authorized by RCW  
15 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.400, 66.24.425,  
16 66.24.480, 66.24.490, 66.24.495, and 66.24.500.

17        NEW SECTION.    **Sec. 3.**        (1) There shall be an alcohol server  
18 permit to be known as a class 12 permit, authorizing employment in  
19 liquor service on every retail licensed premises described in this  
20 section.

21        (2)(a) Every person employed, under contract or otherwise, by a  
22 retail liquor licensee holding a license as authorized by RCW  
23 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.400, 66.24.425,  
24 66.24.480, 66.24.490, 66.24.495, or 66.24.500, who as part of their  
25 employment participates in any manner in the sale or service of  
26 alcoholic beverages shall have issued to them a class 12 permit from  
27 the Washington state liquor control board.

28        (b) Every class 12 permit issued shall be issued in the name of the  
29 applicant and no other person shall use the permit of another permit

1 holder. The holder shall present the permit upon request to inspection  
2 by any representative of the liquor control board or peace officer.  
3 The class 12 permit shall be valid for employment at any retail  
4 licensed premises described in (a) of this subsection.

5 (c) After July 1, 1993, no licensee described in (a) of this  
6 subsection, except as provided in (d) of this subsection shall employ  
7 or accept the services of any person without such person first having  
8 a valid class 12 permit issued by the liquor control board.

9 (d) Within thirty days of initial employment, every person whose  
10 duties include the compounding, sale, service, or handling of liquor  
11 shall submit to the liquor control board, on a form provided by the  
12 board, an application for an alcohol server's class 12 permit. One  
13 copy of the application shall be retained by the employing licensee as  
14 proof of compliance with this section until the application is approved  
15 and returned by the board. Every person whose class 12 permit has not  
16 been denied, revoked, or suspended may perform duties involving liquor  
17 sales and service on the subject licensed premises of the employer.

18 (e) After July 1, 1993, an existing class 12 permit may not be  
19 renewed and a new permit may not be issued until the existing permit  
20 holder or the new permit applicant has provided to the board proof of  
21 completion of an approved alcohol server training program established  
22 under section 4 of this act.

23 (f) No person may perform duties that include the sale or service  
24 of alcoholic beverages on a retail licensed premises without possessing  
25 a valid alcohol server permit.

26 (3) Every permit issued under this section is valid for employment  
27 at any retail licensed premises described in subsection (2)(a) of this  
28 section for a period of three years unless earlier denied, suspended,  
29 or revoked. A person whose permit has been denied, suspended, or  
30 revoked shall immediately return the permit to the board.

1 (4) The board may deny an application or suspend or revoke an  
2 existing permit if any of the following occur:

3 (a) The applicant or permittee has made any false statement or  
4 material omission in the application or on any accompanying document;

5 (b) The applicant or permittee has been convicted of violating any  
6 of the intoxicating liquor laws of this state, general and local, or  
7 has been convicted at any time of a felony;

8 (c) The permittee has performed or permitted any act that  
9 constitutes a violation of this title or of any rule of the liquor  
10 control board.

11 (5) The suspension or revocation of a permit under this section  
12 does not relieve a licensee from responsibility for any act of the  
13 employee or agent while employed upon the licensed premises. The  
14 liquor control board may, as appropriate, revoke or suspend either the  
15 permit of the employee who committed the violation or the license of  
16 the licensee upon whose premises the violation occurred, or both the  
17 permit and the license.

18 (6)(a) It is a violation of this title for any retail licensee or  
19 agent of a retail licensee as described in subsection (2)(a) of this  
20 section to employ in the sale or service of alcoholic beverages, any  
21 person who does not have a valid alcohol server permit or whose permit  
22 has been revoked, suspended, or denied.

23 (b) It is a violation of this title for a person whose alcohol  
24 server permit has been denied, suspended, or revoked to accept  
25 employment in the sale or service of alcoholic beverages.

26 NEW SECTION. **Sec. 4.** (1) The liquor control board shall  
27 regulate a required alcohol server education program that includes:

28 (a) The development of the standards, curriculum, and materials for  
29 the education program;

1 (b) The examination and examination procedures;

2 (c) The certification procedures, enforcement policies, and  
3 penalties for education program instructors and providers;

4 (d) The development of time requirements for completion by  
5 licensees and others employed in the alcoholic beverage industry; and

6 (e) Nationally recognized programs, such as TAM (Techniques in  
7 Alcohol Management) or TIPS (Training for Intervention Programs).

8 (2) The liquor control board shall provide the program through  
9 liquor licensee associations, independent contractors, private persons,  
10 private or public schools certified by the board, or any combination of  
11 such programs.

12 (3) The standards and curriculum of liquor control board-approved  
13 alcohol server education programs shall include but not be limited to  
14 the following subjects:

15 (a) The physiological effects of alcohol to include the effects of  
16 alcohol in combination with drugs;

17 (b) Liability and legal information;

18 (c) Driving while intoxicated;

19 (d) Intervention with the problem customer, including ways to stop  
20 service, ways to deal with the belligerent customer, and alternative  
21 means of transportation to get the customer safely home.

22 (4) After July 1, 1993, the liquor control board shall require all  
23 applicants for, and managers of, retail liquor licenses and applicants  
24 for alcohol server permits and all renewing retail licensees as  
25 described in section 3(2)(a) of this act and permittees to complete an  
26 approved alcohol server education program and examination in order to  
27 qualify or requalify for a license or permit unless a probationary  
28 extension is granted for hardship reasons.

29 (5) The liquor control board may allow completion of an approved  
30 alcohol server education program, such as those described in subsection

1 (1)(e) of this section and examination on a voluntary basis prior to  
2 July 1, 1993, to satisfy the qualification or requalification  
3 requirements of this section.

4 (6) The liquor control board shall, by rule, establish fees for  
5 providing alcohol server training and for training and certifying  
6 private providers of alcohol server training. The fees shall not  
7 exceed the actual cost of the services provided by the liquor control  
8 board.

9 NEW SECTION. **Sec. 5.** The board shall adopt rules to implement  
10 the provisions of this chapter including, but not limited to,  
11 procedures and grounds for denying, suspending, or revoking permits.

12 NEW SECTION. **Sec. 6.** A violation of any of the rules of the  
13 board for the purpose of implementing the provisions of this chapter  
14 shall constitute a misdemeanor, punishable by a fine of not more than  
15 two hundred fifty dollars for a first offense. A subsequent offense is  
16 punishable by a fine of not more than five hundred dollars, or  
17 imprisonment for not more than ninety days, or both such fine and  
18 imprisonment.

19 NEW SECTION. **Sec. 7.** All fees collected under this chapter  
20 shall be deposited to the liquor revolving fund in accordance with RCW  
21 66.08.170.

22 NEW SECTION. **Sec. 8.** Sections 3 and 4 of this act are each  
23 added to chapter 66.20 RCW.

24 NEW SECTION. **Sec. 9.** Sections 1, 2, and 5 through 7 of this  
25 act shall constitute a new chapter in Title 66 RCW.