
HOUSE BILL 2843

State of Washington 52nd Legislature 1992 Regular Session

By Representatives G. Cole, Heavey and Fuhrman; by request of Liquor Control Board

Read first time 01/29/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to liquor licenses; and amending RCW 66.24.010,
2 66.24.204, 66.24.260, 66.24.380, 66.24.420, and 66.28.070.

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

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

15 (d) A corporation having any officer, director, or stockholder who
16 was previously an officer or director of any defunct corporation that
17 held a liquor license and discontinued business leaving unpaid taxes
18 owing the state of Washington, until or unless such back taxes are paid
19 in full to the state.

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

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

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

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

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

28 (b) Unless sooner canceled, every license issued by the board shall
29 expire at midnight of the thirtieth day of June of the fiscal year for
30 which it was issued. However, if the board deems it feasible and

1 desirable to do so, it may establish, by rule pursuant to chapter 34.05
2 RCW, a system for staggering the annual renewal dates for any and all
3 licenses authorized by this chapter. If such a system of staggered
4 annual renewal dates is established by the board, the license fees
5 provided by this chapter shall be appropriately prorated during the
6 first year that the system is in effect.

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

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

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

1 title the board shall send a duplicate of the license or written
2 notification to the chief executive officer of the incorporated city or
3 town in which the license is granted, or to the county legislative
4 authority if the license is granted outside the boundaries of
5 incorporated cities or towns.

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

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

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

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

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

28 (b) The retail or wholesaler license for the premises has been
29 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.

20 **Sec. 2.** RCW 66.24.204 and 1981 1st ex.s. c 5 s 33 are each amended
21 to read as follows:

22 (1) It shall be unlawful for any person, firm or corporation, to
23 import wine into the state of Washington or to transport or cause the
24 same to be transported into the state of Washington for sale therein,
25 unless such person, firm or corporation, has obtained from the
26 Washington state liquor control board and have in force a wine
27 importer's license. The license fee for such wine importer's license
28 shall be sixty dollars per annum;

1 (2) The wine importer's license herein provided for shall authorize
2 the holder thereof to sell wine imported, or transported, or caused to
3 be transported thereunder to licensed wine wholesalers within the state
4 and to export the same from the state. Every person, firm or
5 corporation, licensed as a wine importer, shall establish and maintain
6 a principal office within the state, at which shall be kept proper
7 records of all wine imported into the state, under his, their, or its
8 license. No wine importer's license shall be granted to ((a
9 ~~nonresident of the state, nor to a corporation whose principal place of~~
10 ~~business is outside the state~~)) an individual, partnership, or
11 corporation, until such applicant has established such principal office
12 within the state as hereinbefore provided, and has designated a
13 statutory agent within the state upon whom service can be made;

14 (3) Every wine importer's license issued under this title shall be
15 subject to all conditions and restrictions imposed by this title, or by
16 the rules and regulations of the board.

17 **Sec. 3.** RCW 66.24.260 and 1981 1st ex.s. c 5 s 15 are each amended
18 to read as follows:

19 (1) It shall be unlawful for any person, firm or corporation, to
20 import beer into the state of Washington or to transport or cause the
21 same to be transported into the state of Washington for sale therein,
22 unless such person, firm or corporation, has obtained from the
23 Washington state liquor control board and have in force a beer
24 importer's license. The license fee for such beer importer's license
25 shall be sixty dollars per annum;

26 (2) The beer importer's license herein provided for shall authorize
27 the holder thereof to sell beer imported, or transported, or caused to
28 be transported thereunder to licensed beer wholesalers within the state
29 and to export the same from the state. Every person, firm or

1 corporation, licensed as a beer importer, shall establish and maintain
2 a principal office within the state, at which shall be kept proper
3 records of all beer imported into the state, under his, their, or its
4 license. No beer importer's license shall be granted to a
5 (~~nonresident of the state, nor to a corporation whose principal place~~
6 ~~of business is outside the state~~) person, partnership, or corporation,
7 until such applicant has established such principal office within the
8 state as hereinbefore provided, and has designated a statutory agent
9 within the state upon whom service can be made;

10 (3) Every beer importer's license issued under this title shall be
11 subject to all conditions and restrictions imposed by this title, or by
12 the rules and regulations of the board.

13 **Sec. 4.** RCW 66.24.380 and 1988 c 200 s 2 are each amended to read
14 as follows:

15 There shall be a beer retailer's license to be designated as class
16 G; a special license to a society or organization to sell beer at
17 picnics or other special occasions at a specified date and place; fee
18 thirty-five dollars per day. Sale, service, and consumption of beer is
19 to be confined to specified premises or designated areas only.

20 A holder of a class G license shall be permitted to sell at no more
21 than two licensed events each year to members and guests in attendance
22 at the special occasion, limited quantities of beer in unopened bottles
23 and original packages not exceeding more than four gallons of malt
24 liquor in kegs or other containers, not to be consumed on the premise
25 where sold, by paying an additional fee of ten dollars per day. The
26 board shall adopt appropriate rules pursuant to chapter 34.05 RCW for
27 the purpose of carrying out the provisions of this section.

1 **Sec. 5.** RCW 66.24.420 and 1981 1st ex.s. c 5 s 45 are each amended
2 to read as follows:

3 (1) The class H license shall be issued in accordance with the
4 following schedule of annual fees:

5 (a) The annual fee for said license, if issued to a club, whether
6 inside or outside of incorporated cities and towns, shall be seven
7 hundred dollars.

8 (b) The annual fee for said license, if issued to any other class
9 H licensee in incorporated cities and towns, shall be graduated
10 according to the population thereof as follows:

	Incorporated	
	Cities and towns	Fees
13	Less than 20,000	\$1,200
14	20,000 or over	\$2,000

15 (c) The annual fee for said license when issued to any other class
16 H licensee outside of incorporated cities and towns shall be: Two
17 thousand dollars; this fee shall be prorated according to the calendar
18 quarters, or portion thereof, during which the licensee is open for
19 business, except in case of suspension or revocation of the license.

20 (d) Where the license shall be issued to any corporation,
21 association or person operating a bona fide restaurant in an airport
22 terminal facility providing service to transient passengers with more
23 than one place where liquor is to be dispensed and sold, such license
24 shall be issued upon the payment of the annual fee, which shall be a
25 master license and shall permit such sale within and from one such
26 place. Such license may be extended to additional places on the
27 premises at the discretion of the board and a duplicate license may be
28 issued for each such additional place: PROVIDED, That the holder of a

1 master license for a restaurant in an airport terminal facility shall
2 be required to maintain in a substantial manner at least one place on
3 the premises for preparing, cooking and serving of complete meals, and
4 such food service shall be available on request in other licensed
5 places on the premises: PROVIDED, FURTHER, That an additional license
6 fee of twenty-five percent of the annual master license fee shall be
7 required for such duplicate licenses.

8 (e) Where the license shall be issued to any corporation,
9 association, or person operating dining places at publicly owned civic
10 centers with facilities for sports, entertainment, and conventions,
11 with more than one place where liquor is to be dispensed and sold, such
12 license shall be issued upon the payment of the annual fee, which shall
13 be a master license and shall permit such sale within and from one such
14 place. Such license may be extended to additional places on the
15 premises at the discretion of the board and a duplicate license may be
16 issued for each such additional place: PROVIDED, That the holder of
17 a master license for a dining place at such a publicly owned civic
18 center shall be required to maintain in a substantial manner at least
19 one place on the premises for preparing, cooking and serving of
20 complete meals, and food service shall be available on request in other
21 licensed places on the premises if an event is being conducted, but
22 shall not be required at other times: PROVIDED FURTHER, That an
23 additional license fee of ten dollars shall be required for such
24 duplicate licenses.

25 (f) Where the license shall be issued to any corporation,
26 association or person operating more than one building containing
27 dining places at privately owned facilities which are open to the
28 public and where there is a continuity of ownership of all adjacent
29 property, such license shall be issued upon the payment of an annual
30 fee which shall be a master license and shall permit such sale within

1 and from one such place. Such license may be extended to the
2 additional dining places on the property at the discretion of the board
3 and a duplicate license may be issued for each additional place:
4 PROVIDED, That the holder of the master license for the dining place
5 shall not offer alcoholic beverages for sale, service, and consumption
6 at the additional place unless food service is available at both the
7 location of the master license and the duplicate license: PROVIDED
8 FURTHER, That an additional license fee of twenty dollars shall be
9 required for such duplicate licenses.

10 (2) The board, so far as in its judgment is reasonably possible,
11 shall confine class H licenses to the business districts of cities and
12 towns and other communities, and not grant such licenses in residential
13 districts, nor within the immediate vicinity of schools, without being
14 limited in the administration of this subsection to any specific
15 distance requirements.

16 (3) The board shall have discretion to issue class H licenses
17 outside of cities and towns in the state of Washington. The purpose of
18 this subsection is to enable the board, in its discretion, to license
19 in areas outside of cities and towns and other communities,
20 establishments which are operated and maintained primarily for the
21 benefit of tourists, vacationers and travelers, and also golf and
22 country clubs, and common carriers operating dining, club and buffet
23 cars, or boats.

24 (4) The total number of class H licenses issued in the state of
25 Washington by the board, not including those class H licenses issued to
26 clubs, shall not in the aggregate at any time exceed one license for
27 each fifteen hundred of population in the state, determined according
28 to the yearly population determination developed by the office of
29 financial management pursuant to RCW 43.62.030.

1 (5) Notwithstanding the provisions of subsection (4) of this
2 section, the board shall refuse a class H license to any applicant if
3 in the opinion of the board the class H licenses already granted for
4 the particular locality are adequate for the reasonable needs of the
5 community.

6 **Sec. 6.** RCW 66.28.070 and 1987 c 205 s 1 are each amended to read
7 as follows:

8 (1) Except as provided in subsection (2) of this section, it shall
9 be unlawful for any retail beer licensee to purchase beer, except from
10 a duly licensed beer wholesaler, and it shall be unlawful for any
11 brewer or beer wholesaler to purchase beer, except from a duly licensed
12 beer wholesaler or beer importer.

13 (2) A beer retailer licensee may purchase beer from a government
14 agency which has lawfully seized beer from a licensed beer retailer, or
15 from a board-authorized retailer, or from a licensed retailer which has
16 discontinued business if the wholesaler has refused to accept beer from
17 that retailer for return and refund. Beer purchased under this
18 subsection shall meet the quality standards set by its manufacturer.

19 (3) Special occasion licensees holding either class G or class J
20 licenses may purchase beer from a beer retailer licensed to sell beer
21 for off-premises consumption or from a licensed beer wholesaler.