
SUBSTITUTE SENATE BILL 6338

State of Washington

52nd Legislature

1992 Regular Session

By Senate Committee on Commerce & Labor (originally sponsored by Senators Matson, McMullen and Snyder)

Read first time 02/07/92.

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 66.24.490, and 66.24.495. Domestic wineries holding class C licenses
17 shall not be classified as retail licensed premises for the purposes of
18 this chapter.

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

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

1 control board. Persons employed by a domestic winery holding a class
2 C license shall be exempted from the requirements of this section.

3 (b) Every class 12 permit issued shall be issued in the name of the
4 applicant and no other person shall use the permit of another permit
5 holder. The holder shall present the permit upon request to inspection
6 by any representative of the liquor control board or peace officer.
7 The class 12 permit shall be valid for employment at any retail
8 licensed premises described in (a) of this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 4.**

(1) The liquor control board shall regulate a required alcohol server education program that includes:

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

5 (b) The examination and examination procedures;

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

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

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

12 (2) The liquor control board shall provide the program through
13 liquor licensee associations, independent contractors, private persons,
14 private or public schools certified by the board, or any combination of
15 such programs.

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

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

21 (b) Liability and legal information;

22 (c) Driving while intoxicated;

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

26 (4) After July 1, 1993, the liquor control board shall require all
27 applicants for, and managers of, retail liquor licenses and applicants
28 for alcohol server permits and all renewing retail licensees as
29 described in section 3(2)(a) of this act and permittees to complete an
30 approved alcohol server education program and examination in order to

1 qualify or requalify for a license or permit unless a probationary
2 extension is granted for hardship reasons.

3 (5) The liquor control board may allow completion of an approved
4 alcohol server education program, such as those described in subsection
5 (1)(e) of this section and examination on a voluntary basis prior to
6 July 1, 1993, to satisfy the qualification or requalification
7 requirements of this section.

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

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

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

23 NEW SECTION. **Sec. 7.** All fees collected under this chapter
24 shall be deposited to the liquor revolving fund in accordance with RCW
25 66.08.170.

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

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