

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5128**

Chapter 21, Laws of 1993

53rd Legislature  
1993 Regular Session

KEG REGISTRATION--REVISED PROVISIONS

EFFECTIVE DATE: 7/25/93

Passed by the Senate February 16, 1993  
YEAS 39 NAYS 9

JOEL PRITCHARD

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**President of the Senate**

Passed by the House April 6, 1993  
YEAS 98 NAYS 0

BRIAN EBERSOLE

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**Speaker of the  
House of Representatives**

Approved April 14, 1993

MIKE LOWRY

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**Governor of the State of Washington**

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5128** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

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**Secretary**

FILED

April 14, 1993 - 10:08 a.m.

**Secretary of State  
State of Washington**

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SENATE BILL 5128

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Passed Legislature - 1993 Regular Session

State of Washington                      53rd Legislature                      1993 Regular Session

By Senators Moore, Newhouse, Snyder and Amondson

Read first time 01/14/93. Referred to Committee on Labor & Commerce.

1            AN ACT Relating to registration for kegs or other similar  
2 containers for malt liquor; and amending RCW 66.24.360, 66.28.200, and  
3 66.28.220.

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

5            **Sec. 1.** RCW 66.24.360 and 1991 c 42 s 4 are each amended to read  
6 as follows:

7            There shall be a beer retailer's license to be designated as  
8 ~~((a+))~~ a class E license to sell beer at retail in bottles and  
9 original packages, not to be consumed upon the premises where sold, at  
10 any store other than the state liquor stores. Licensees holding only  
11 an E license may ~~((not))~~ also sell malt liquor in kegs or other  
12 containers capable of holding ~~((four))~~ less than five and one-half  
13 gallons ~~((or more))~~ of liquid. The annual fee for the license is  
14 seventy-five dollars for each store: PROVIDED, That a holder of a  
15 class A or a class B license shall be entitled to the privileges  
16 permitted in this section by paying an annual fee of twenty-five  
17 dollars for each store. Licensees under this section whose business is  
18 primarily the sale of beer and/or wine at retail may provide, free or  
19 for a charge, single-serving samples of two ounces or less to customers

1 for the purpose of sales promotion. Sampling activities of licensees  
2 under this section shall be subject to RCW 66.28.010 and 66.28.040 and  
3 the cost of sampling under this section may not be borne, directly or  
4 indirectly, by any manufacturer, importer, or wholesaler of liquor.

5 For the purpose of this section, "beer" includes, in addition to  
6 the usual and customary meaning, bottle conditioned beer which has been  
7 fermented partially or completely in the container in which it is sold  
8 to the retail customer and which may contain residual active yeast.  
9 The bottles and original packages in which such bottle conditioned beer  
10 may be sold under this section shall not exceed one hundred seventy  
11 ounces in capacity.

12 **Sec. 2.** RCW 66.28.200 and 1989 c 271 s 229 are each amended to  
13 read as follows:

14 ((Only)) Licensees holding a class A or B license in combination  
15 with a class E license may sell malt liquor in kegs or other containers  
16 capable of holding four gallons or more of liquid. Any person who  
17 sells or offers for sale the contents of kegs or other containers  
18 containing four gallons or more of malt liquor, or leases kegs or other  
19 containers that will hold four gallons of malt liquor, to consumers who  
20 are not licensed under chapter 66.24 RCW shall do the following for any  
21 transaction involving the container:

22 (1) Require the purchaser of the malt liquor to sign a declaration  
23 and receipt for the keg or other container or beverage in substantially  
24 the form provided in RCW 66.28.220;

25 (2) Require the purchaser to provide one piece of identification  
26 pursuant to RCW 66.16.040;

27 (3) Require the purchaser to sign a sworn statement, under penalty  
28 of perjury, that:

29 (a) The purchaser is of legal age to purchase, possess, or use malt  
30 liquor;

31 (b) The purchaser will not allow any person under the age of  
32 twenty-one years to consume the beverage except as provided by RCW  
33 66.44.270;

34 (c) The purchaser will not remove, obliterate, or allow to be  
35 removed or obliterated, the identification required under RCW 66.28.220  
36 to be affixed to the container;

1 (4) Require the purchaser to state the particular address where the  
2 malt liquor will be consumed, or the particular address where the keg  
3 or other container will be physically located; and

4 (5) Require the purchaser to maintain a copy of the declaration and  
5 receipt next to or adjacent to the keg or other container, in no event  
6 a distance greater than five feet, and visible without a physical  
7 barrier from the keg, during the time that the keg or other container  
8 is in the purchaser's possession or control.

9 **Sec. 3.** RCW 66.28.220 and 1989 c 271 s 231 are each amended to  
10 read as follows:

11 The board shall adopt rules requiring retail licensees to affix  
12 appropriate identification on all containers of four gallons or more of  
13 malt liquor for the purpose of tracing the purchasers of such  
14 containers. The rules may provide for identification to be done on a  
15 state-wide basis or on the basis of smaller geographical areas.

16 The board shall develop and make available forms for the  
17 declaration and receipt required by RCW 66.28.200. The board may  
18 charge class E licensees for the costs of providing the forms and that  
19 money collected for the forms shall be deposited into the liquor  
20 revolving fund for use by the board, without further appropriation, to  
21 continue to administer the cost of the keg registration program.

22 It is unlawful for any person to sell or offer for sale kegs or  
23 other containers containing four gallons or more of malt liquor to  
24 consumers who are not licensed under chapter 66.24 RCW if the kegs or  
25 containers are not identified in compliance with rules adopted by the  
26 board.

Passed the Senate February 16, 1993.

Passed the House April 6, 1993.

Approved by the Governor April 14, 1993.

Filed in Office of Secretary of State April 14, 1993.