
SENATE BILL 6811

State of Washington 57th Legislature

2002 Regular Session

By Senators T. Sheldon, Hochstatter and McCaslin

Read first time 02/08/2002. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to the privatization of the state's retail and
2 wholesale liquor sales; amending RCW 66.04.010, 66.08.020, 66.08.050,
3 66.08.150, 66.24.010, 66.16.010, 66.16.040, 66.16.060, 66.16.070,
4 66.16.080, 66.16.100, 66.16.110, 66.20.010, 66.20.160, 66.20.170,
5 66.20.180, 66.20.190, 66.20.200, 66.20.210, 66.44.150, 66.24.440,
6 66.24.540, 66.24.410, 66.08.030, 66.12.110, and 66.12.120; adding a new
7 chapter to Title 66 RCW; creating a new section; repealing RCW
8 66.16.030 and 66.16.090; and providing an effective date.

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

10 **PART 1 - DEFINITIONS**

11 **Sec. 101.** RCW 66.04.010 and 2000 c 142 s 1 are each amended to
12 read as follows:

13 In this title, unless the context otherwise requires:

14 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated
15 oxide of ethyl, or spirit of wine, which is commonly produced by the
16 fermentation or distillation of grain, starch, molasses, or sugar, or
17 other substances including all dilutions and mixtures of this
18 substance. The term "alcohol" does not include alcohol in the

1 possession of a manufacturer or distiller of alcohol fuel, as described
2 in RCW 66.12.130, which is intended to be denatured and used as a fuel
3 for use in motor vehicles, farm implements, and machines or implements
4 of husbandry.

5 (2) "Beer" means any malt beverage or malt liquor as these terms
6 are defined in this chapter.

7 (3) "Beer distributor" means a person who buys beer from a brewer
8 or brewery located either within or beyond the boundaries of the state,
9 beer importers, or foreign produced beer from a source outside the
10 state of Washington, for the purpose of selling the same pursuant to
11 this title, or who represents such brewer or brewery as agent.

12 (4) "Beer importer" means a person or business within Washington
13 who purchases beer from a United States brewery holding a certificate
14 of approval (B5) or foreign produced beer from a source outside the
15 state of Washington for the purpose of selling the same pursuant to
16 this title.

17 (5) "Brewer" means any person engaged in the business of
18 manufacturing beer and malt liquor. Brewer includes a brand owner of
19 malt beverages who holds a brewer's notice with the federal bureau of
20 alcohol, tobacco, and firearms at a location outside the state and
21 whose malt beverage is contract-produced by a licensed in-state
22 brewery, and who may exercise within the state, under a domestic
23 brewery license, only the privileges of storing, selling to licensed
24 beer distributors, and exporting beer from the state.

25 (6) "Board" means the liquor control board, constituted under this
26 title.

27 (7) "Club" means an organization of persons, incorporated or
28 unincorporated, operated solely for fraternal, benevolent, educational,
29 athletic or social purposes, and not for pecuniary gain.

30 (8) "Consume" includes the putting of liquor to any use, whether by
31 drinking or otherwise.

32 (9) "Dentist" means a practitioner of dentistry duly and regularly
33 licensed and engaged in the practice of his profession within the state
34 pursuant to chapter 18.32 RCW.

35 (10) "Distiller" means a person engaged in the business of
36 distilling spirits.

37 (11) "Domestic brewery" means a place where beer and malt liquor
38 are manufactured or produced by a brewer within the state.

1 (12) "Domestic winery" means a place where wines are manufactured
2 or produced within the state of Washington.

3 (13) "Druggist" means any person who holds a valid certificate and
4 is a registered pharmacist and is duly and regularly engaged in
5 carrying on the business of pharmaceutical chemistry pursuant to
6 chapter 18.64 RCW.

7 (14) "Drug store" means a place whose principal business is, the
8 sale of drugs, medicines and pharmaceutical preparations and maintains
9 a regular prescription department and employs a registered pharmacist
10 during all hours the drug store is open.

11 (15) "Employee" means any person employed by the board, including
12 a vendor, as hereinafter in this section defined.

13 (16) "Franchise" means the privilege of selling spirits and strong
14 beer in original packages for off-premises consumption and the sale of
15 alcohol to holders of a permit to purchase.

16 (17) "Franchise applicant" means any person who bids for a
17 franchise to sell spirits, strong beer, and alcohol in accordance with
18 the provisions of this title.

19 (18) "Franchise area" means a geographic area designated as such by
20 the board for the purpose of issuing franchises.

21 (19) "Franchisee" means the holder of a franchise to sell spirits
22 and strong beer in original packages for off-premises consumption and
23 the sale of alcohol to holders of a permit to purchase.

24 (20) "Fund" means 'liquor revolving fund.'

25 ((~~17~~)) (21) "Hotel" means every building or other structure kept,
26 used, maintained, advertised or held out to the public to be a place
27 where food is served and sleeping accommodations are offered for pay to
28 transient guests, in which twenty or more rooms are used for the
29 sleeping accommodation of such transient guests and having one or more
30 dining rooms where meals are served to such transient guests, such
31 sleeping accommodations and dining rooms being conducted in the same
32 building and buildings, in connection therewith, and such structure or
33 structures being provided, in the judgment of the board, with adequate
34 and sanitary kitchen and dining room equipment and capacity, for
35 preparing, cooking and serving suitable food for its guests: PROVIDED
36 FURTHER, That in cities and towns of less than five thousand
37 population, the board shall have authority to waive the provisions
38 requiring twenty or more rooms.

1 (~~(18)~~) (22) "Importer" means a person who buys distilled spirits
2 from a distillery outside the state of Washington and imports such
3 spirituous liquor into the state for sale to the board or for export.

4 (~~(19)~~) (23) "Imprisonment" means confinement in the county jail.

5 (~~(20)~~) (24) "Liquor" includes the four varieties of liquor herein
6 defined (alcohol, spirits, wine and beer), and all fermented,
7 spirituous, vinous, or malt liquor, or combinations thereof, and mixed
8 liquor, a part of which is fermented, spirituous, vinous or malt
9 liquor, or otherwise intoxicating; and every liquid or solid or
10 semisolid or other substance, patented or not, containing alcohol,
11 spirits, wine or beer, and all drinks or drinkable liquids and all
12 preparations or mixtures capable of human consumption, and any liquid,
13 semisolid, solid, or other substance, which contains more than one
14 percent of alcohol by weight shall be conclusively deemed to be
15 intoxicating. Liquor does not include confections or food products
16 that contain one percent or less of alcohol by weight.

17 (~~(21)~~) (25) "Manufacturer" means a person engaged in the
18 preparation of liquor for sale, in any form whatsoever.

19 (~~(22)~~) (26) "Malt beverage" or "malt liquor" means any beverage
20 such as beer, ale, lager beer, stout, and porter obtained by the
21 alcoholic fermentation of an infusion or decoction of pure hops, or
22 pure extract of hops and pure barley malt or other wholesome grain or
23 cereal in pure water containing not more than eight percent of alcohol
24 by weight, and not less than one-half of one percent of alcohol by
25 volume. For the purposes of this title, any such beverage containing
26 more than eight percent of alcohol by weight shall be referred to as
27 "strong beer."

28 (~~(23)~~) (27) "Package" means any container or receptacle used for
29 holding liquor.

30 (~~(24)~~) (28) "Permit" means a permit for the purchase of liquor
31 under this title.

32 (~~(25)~~) (29) "Person" means an individual, copartnership,
33 association, or corporation.

34 (~~(26)~~) (30) "Physician" means a medical practitioner duly and
35 regularly licensed and engaged in the practice of his profession within
36 the state pursuant to chapter 18.71 RCW.

37 (~~(27)~~) (31) "Prescription" means a memorandum signed by a
38 physician and given by him to a patient for the obtaining of liquor
39 pursuant to this title for medicinal purposes.

1 (~~(+28+)~~) (32) "Public place" includes streets and alleys of
2 incorporated cities and towns; state or county or township highways or
3 roads; buildings and grounds used for school purposes; public dance
4 halls and grounds adjacent thereto; those parts of establishments where
5 beer may be sold under this title, soft drink establishments, public
6 buildings, public meeting halls, lobbies, halls and dining rooms of
7 hotels, restaurants, theatres, stores, garages and filling stations
8 which are open to and are generally used by the public and to which the
9 public is permitted to have unrestricted access; railroad trains,
10 stages, and other public conveyances of all kinds and character, and
11 the depots and waiting rooms used in conjunction therewith which are
12 open to unrestricted use and access by the public; publicly owned
13 bathing beaches, parks, and/or playgrounds; and all other places of
14 like or similar nature to which the general public has unrestricted
15 right of access, and which are generally used by the public.

16 (~~(+29+)~~) (33) "Regulations" means regulations made by the board
17 under the powers conferred by this title.

18 (~~(+30+)~~) (34) "Restaurant" means any establishment provided with
19 special space and accommodations where, in consideration of payment,
20 food, without lodgings, is habitually furnished to the public, not
21 including drug stores and soda fountains.

22 (~~(+31+)~~) (35) "Retail liquor store" means a specific location where
23 spirits, strong beer, and alcohol may be lawfully sold by a franchisee
24 under provisions of this title.

25 (36) "Sale" and "sell" include exchange, barter, and traffic; and
26 also include the selling or supplying or distributing, by any means
27 whatsoever, of liquor, or of any liquid known or described as beer or
28 by any name whatever commonly used to describe malt or brewed liquor or
29 of wine, by any person to any person; and also include a sale or
30 selling within the state to a foreign consignee or his agent in the
31 state. "Sale" and "sell" shall not include the giving, at no charge,
32 of a reasonable amount of liquor by a person not licensed by the board
33 to a person not licensed by the board, for personal use only. "Sale"
34 and "sell" also does not include a raffle authorized under RCW
35 9.46.0315: PROVIDED, That the nonprofit organization conducting the
36 raffle has obtained the appropriate permit from the board.

37 (~~(+32+)~~) (37) "Soda fountain" means a place especially equipped
38 with apparatus for the purpose of dispensing soft drinks, whether mixed
39 or otherwise.

1 (~~(33)~~) (38) "Spirits" means any beverage which contains alcohol
2 obtained by distillation, including wines exceeding twenty-four percent
3 of alcohol by volume.

4 (~~(34)~~) (39) "Store" means a state liquor store established under
5 this title.

6 (~~(35)~~) (40) "Strong beer" means malt beverage or malt liquor as
7 defined in this section that has an alcohol content of more than eight
8 percent alcohol by weight.

9 (41) "Tavern" means any establishment with special space and
10 accommodation for sale by the glass and for consumption on the
11 premises, of beer, as herein defined.

12 (~~(36)~~) (42) "Vendor" means a person employed by the board as a
13 store manager under this title.

14 (~~(37)~~) (43) "Winery" means a business conducted by any person for
15 the manufacture of wine for sale, other than a domestic winery.

16 (~~(38)~~) (44) "Wine" means any alcoholic beverage obtained by
17 fermentation of fruits (grapes, berries, apples, et cetera) or other
18 agricultural product containing sugar, to which any saccharine
19 substances may have been added before, during or after fermentation,
20 and containing not more than twenty-four percent of alcohol by volume,
21 including sweet wines fortified with wine spirits, such as port,
22 sherry, muscatel and angelica, not exceeding twenty-four percent of
23 alcohol by volume and not less than one-half of one percent of alcohol
24 by volume. For purposes of this title, any beverage containing no more
25 than fourteen percent of alcohol by volume when bottled or packaged by
26 the manufacturer shall be referred to as "table wine," and any beverage
27 containing alcohol in an amount more than fourteen percent by volume
28 when bottled or packaged by the manufacturer shall be referred to as
29 "fortified wine." However, "fortified wine" shall not include: (a)
30 Wines that are both sealed or capped by cork closure and aged two years
31 or more; and (b) wines that contain more than fourteen percent alcohol
32 by volume solely as a result of the natural fermentation process and
33 that have not been produced with the addition of wine spirits, brandy,
34 or alcohol.

35 This subsection shall not be interpreted to require that any wine
36 be labeled with the designation "table wine" or "fortified wine."

37 (~~(39)~~) (45) "Wine distributor" means a person who buys wine from
38 a vintner or winery located either within or beyond the boundaries of

1 the state for the purpose of selling the same not in violation of this
2 title, or who represents such vintner or winery as agent.

3 ((+40+)) (46) "Wine importer" means a person or business within
4 Washington who purchases wine from a United States winery holding a
5 certificate of approval (W7) or foreign produced wine from a source
6 outside the state of Washington for the purpose of selling the same
7 pursuant to this title.

8 **PART 2 - RETAIL AND WHOLESALE LIQUOR FRANCHISES**

9 **Sec. 201.** RCW 66.08.020 and 1933 ex.s. c 62 s 5 are each amended
10 to read as follows:

11 The administration of this title, including the general control,
12 management and supervision of all liquor stores and the regulation of
13 retail liquor stores and liquor agencies, in addition to the
14 prohibitions in section 209 of this act, shall be vested in the liquor
15 control board, constituted under this title.

16 NEW SECTION. **Sec. 202.** RETAIL FRANCHISES--ESTABLISHMENT. The
17 board shall establish, or cause to be established, franchises for the
18 retail sale of liquor within the state.

19 NEW SECTION. **Sec. 203.** WHOLESALE FRANCHISES--ESTABLISHMENT. The
20 board shall establish, or cause to be established, franchises for the
21 wholesale sale of liquor within the state. No person may
22 simultaneously hold a wholesale and retail franchise within the state.

23 NEW SECTION. **Sec. 204.** BOARD'S AUTHORITY. The board may:

24 (1) By rule, establish the franchise period, expiration date, and
25 renewal procedures;

26 (2) By rule, enforce this chapter through rule making and
27 administrative penalties;

28 (3) Enter the facility of any franchisee at any time for the
29 purpose of inspecting the facility and determining the compliance of
30 the franchisee with this title and any implementing rules;

31 (4) By rule, prescribe the records to be kept by franchisees
32 relating to the purchase and sale of spirits, strong beer, and alcohol.
33 These records shall be open at all reasonable times to inspection by
34 the board.

1 (5) Adopt rules for advertising and other promotion of sales of
2 spirits, strong beer, and alcohol in accordance with RCW 66.08.060.

3 NEW SECTION. Sec. 205. TRANSITION--BOARD NOT TO COMPETE. (1) The
4 board shall provide an orderly transition from state liquor stores to
5 franchised liquor sales.

6 (2) After state liquor sales are converted to franchises under
7 sections 202 and 203 of this act, it is unlawful for the board to lease
8 space for or operate a state retail or wholesale liquor outlet.

9 **Sec. 206.** RCW 66.08.050 and 1997 c 228 s 1 are each amended to
10 read as follows:

11 The board, subject to the provisions of this title and the rules,
12 shall:

13 ~~(1) ((Determine the localities within which state liquor stores
14 shall be established throughout the state, and the number and situation
15 of the stores within each locality;~~

16 ~~(2))~~ Appoint in cities and towns and other communities, in which
17 no ~~((state))~~ liquor store is located, liquor vendors. In addition, the
18 board may appoint, in its discretion, a manufacturer that also
19 manufactures liquor products other than wine under a license under this
20 title, as a vendor for the purpose of sale of liquor products of its
21 own manufacture on the licensed premises only. Such liquor vendors
22 shall be agents of the board and be authorized to sell liquor to such
23 persons, firms or corporations as provided for the sale of liquor from
24 ~~((a state))~~ other liquor stores, and such vendors shall be subject to
25 such additional rules and regulations consistent with this title as the
26 board may require;

27 ~~((3) Establish all necessary warehouses for the storing and
28 bottling, diluting and rectifying of stocks of liquors for the purposes
29 of this title;~~

30 ~~(4))~~ (2) Provide for the leasing for periods not to exceed ten
31 years of all premises required for the conduct of the business; and for
32 remodeling the same, and the procuring of their furnishings, fixtures,
33 and supplies; and for obtaining options of renewal of such leases by
34 the lessee. The terms of such leases in all other respects shall be
35 subject to the direction of the board;

36 ~~((5))~~ (3) Determine the nature, form and capacity of all packages
37 to be used for containing liquor kept for sale under this title;

1 (~~(6)~~) (4) Execute or cause to be executed, all contracts, papers,
2 and documents in the name of the board, under such regulations as the
3 board may fix;

4 (~~(7)~~) (5) Pay all customs, duties, excises, charges and
5 obligations whatsoever relating to the business of the board;

6 (~~(8)~~) (6) Require bonds from all employees in the discretion of
7 the board, and to determine the amount of fidelity bond of each such
8 employee;

9 (~~(9)~~) (7) Perform services for the state lottery commission to
10 such extent, and for such compensation, as may be mutually agreed upon
11 between the board and the commission;

12 (~~(10)~~) (8) Accept and deposit into the general fund-local account
13 and disburse, subject to appropriation, federal grants or other funds
14 or donations from any source for the purpose of improving public
15 awareness of the health risks associated with alcohol consumption by
16 youth and the abuse of alcohol by adults in Washington state. The
17 board's alcohol awareness program shall cooperate with federal and
18 state agencies, interested organizations, and individuals to effect an
19 active public beverage alcohol awareness program;

20 (~~(11)~~) (9) Perform all other matters and things, whether similar
21 to the foregoing or not, to carry out the provisions of this title, and
22 shall have full power to do each and every act necessary to the conduct
23 of its business, including all buying, selling, preparation and
24 approval of forms, and every other function of the business whatsoever,
25 subject only to audit by the state auditor: PROVIDED, That the board
26 shall have no authority to regulate the content of spoken language on
27 licensed premises where wine and other liquors are served and where
28 there is not a clear and present danger of disorderly conduct being
29 provoked by such language;

30 (10) Establish fees for retail and wholesale franchisees.

31 NEW SECTION. Sec. 207. TRANSFER OF RETAIL AND WHOLESALE
32 FRANCHISES--SUBLEASING PROHIBITED--SURRENDER OF LICENSE. A retail or
33 wholesale franchise may be transferred to any person determined by
34 investigation of the board to be qualified to hold a liquor store
35 license. The board may adopt reasonable rules governing the transfer
36 of franchises.

37 No franchise may be subleased by any franchise holder.

1 **Sec. 208.** RCW 66.08.150 and 1989 c 175 s 122 are each amended to
2 read as follows:

3 (1) The action, order, or decision of the board as to any denial of
4 an application for the reissuance of a permit ~~((or))~~, license, or
5 franchise or as to any revocation, suspension, or modification of any
6 permit ~~((or))~~, license, or franchise shall be an adjudicative
7 proceeding and subject to the applicable provisions of chapter 34.05
8 RCW.

9 ~~((1))~~ (2) An opportunity for a hearing may be provided an
10 applicant for the reissuance of a permit ~~((or))~~, license, or franchise
11 prior to the disposition of the application, and if no such opportunity
12 for a prior hearing is provided then an opportunity for a hearing to
13 reconsider the application must be provided the applicant.

14 ~~((2))~~ (3) An opportunity for a hearing must be provided a
15 permittee ~~((or))~~, licensee, or franchisee prior to a revocation or
16 modification of any permit ~~((or))~~, license, or franchise and, except as
17 provided in subsection (4) of this section, prior to the suspension of
18 any permit ~~((or))~~, license, or franchise.

19 ~~((3))~~ (4) No hearing shall be required until demanded by the
20 applicant, permittee, ~~((or))~~ licensee, or franchisee.

21 ~~((4))~~ (5) The board may summarily suspend a license ~~((or))~~,
22 permit, or franchise for a period of up to thirty days without a prior
23 hearing if it finds that public health, safety, or welfare imperatively
24 require emergency action, and incorporates a finding to that effect in
25 its order; and proceedings for revocation or other action must be
26 promptly instituted and determined.

27 NEW SECTION. **Sec. 209.** PROHIBITED ACTS. (1) In addition to other
28 provisions of law, it is unlawful for any franchisee, or agent or
29 employee thereof, on the franchisee s premises to:

30 (a) Sell or offer for sale any liquor other than from the original
31 package or container;

32 (b) Sell, give away, or permit the sale, gift, or procurement of
33 any liquor for or to any person under twenty-one years of age;

34 (c) Sell, give away, or permit the sale, gift, or procurement of
35 any liquor for or to any person apparently intoxicated;

36 (d) Sell or offer for sale of spirits, strong beer, or alcohol on
37 any Sunday or at other prohibited dates and times;

1 (e) Permit the consumption of any spirits, strong beer, or alcohol
2 on the premises by any person;

3 (f) Alter, change, or misrepresent the quality, quantity, or brand
4 name of any liquor with the intent to defraud;

5 (g) Permit any person under twenty-one years of age to sell or give
6 liquor to any other person, except to assist a cashier who is twenty-
7 one years of age or older; or

8 (h) Purchase or otherwise obtain liquor in any manner or from any
9 source other than that specifically authorized in this chapter.

10 (2) Violations of any provision of this chapter or any rule adopted
11 by the board, or any false statement concerning any material fact, or
12 omission of any material fact in submitting an application for a
13 franchise or license or for a renewal of a franchise or license or in
14 any hearing concerning the suspension or revocation thereof, or the
15 commission of any of the acts declared in this chapter to be unlawful
16 is subject to disciplinary action by the board, including suspension or
17 revocation of the license and/or franchise. No fees paid for the
18 franchise or license will be refunded. The board shall develop rules
19 to implement and enforce this subsection and may assess an
20 administrative penalty for violations.

21 (3) Nothing in this chapter or any rule of the board prevents or
22 prohibits any franchisee from employing any person who is at least
23 eighteen years of age to serve in any franchise, or from having such a
24 person assist a person twenty-one years of age or older who handles,
25 sells, or delivers spirits, strong beer, or alcohol under this chapter.

26 NEW SECTION. **Sec. 210.** RETAIL LIQUOR FRANCHISE--SEPARATION FROM
27 OTHER MERCHANDISE. Spirits, strong beer, and alcohol shall be located
28 in a separate building from other retail facilities of the franchisee
29 or be separated from the sales area of other types of merchandise and
30 shall have a separate entrance and exit and its own point of sale
31 device.

32 **PART 3 - AMENDATORY PROVISIONS**

33 **Sec. 301.** RCW 66.24.010 and 1998 c 126 s 2 are each amended to
34 read as follows:

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

1 (2) For the purpose of considering any application for a license,
2 the board may cause an inspection of the premises to be made, and may
3 inquire into all matters in connection with the construction and
4 operation of the premises. For the purpose of reviewing any
5 application for a license and for considering the denial, suspension or
6 revocation of any license, the liquor control board may consider any
7 prior criminal conduct of the applicant and the provisions of RCW
8 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
9 board may, in its discretion, grant or refuse the license applied for.
10 Authority to approve an uncontested or unopposed license may be granted
11 by the board to any staff member the board designates in writing.
12 Conditions for granting such authority shall be adopted by rule. No
13 retail license of any kind may be issued to:

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

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

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

22 (d) A corporation or a limited liability company, unless it was
23 created under the laws of the state of Washington or holds a
24 certificate of authority to transact business in the state of
25 Washington.

26 (3)(a) The board may, in its discretion, subject to the provisions
27 of RCW 66.08.150, suspend or cancel any license; and all rights of the
28 licensee to keep or sell liquor thereunder shall be suspended or
29 terminated, as the case may be.

30 (b) The board shall immediately suspend the license or certificate
31 of a person who has been certified pursuant to RCW 74.20A.320 by the
32 department of social and health services as a person who is not in
33 compliance with a support order. If the person has continued to meet
34 all other requirements for reinstatement during the suspension,
35 reissuance of the license or certificate shall be automatic upon the
36 board's receipt of a release issued by the department of social and
37 health services stating that the licensee is in compliance with the
38 order.

1 (c) The board may request the appointment of administrative law
2 judges under chapter 34.12 RCW who shall have power to administer
3 oaths, issue subpoenas for the attendance of witnesses and the
4 production of papers, books, accounts, documents, and testimony,
5 examine witnesses, and to receive testimony in any inquiry,
6 investigation, hearing, or proceeding in any part of the state, under
7 such rules and regulations as the board may adopt.

8 (d) Witnesses shall be allowed fees and mileage each way to and
9 from any such inquiry, investigation, hearing, or proceeding at the
10 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees
11 need not be paid in advance of appearance of witnesses to testify or to
12 produce books, records, or other legal evidence.

13 (e) In case of disobedience of any person to comply with the order
14 of the board or a subpoena issued by the board, or any of its members,
15 or administrative law judges, or on the refusal of a witness to testify
16 to any matter regarding which he or she may be lawfully interrogated,
17 the judge of the superior court of the county in which the person
18 resides, on application of any member of the board or administrative
19 law judge, shall compel obedience by contempt proceedings, as in the
20 case of disobedience of the requirements of a subpoena issued from said
21 court or a refusal to testify therein.

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

31 (5)(a) At the time of the original issuance of a spirits, beer, and
32 wine restaurant license, the board shall prorate the license fee
33 charged to the new licensee according to the number of calendar
34 quarters, or portion thereof, remaining until the first renewal of that
35 license is required.

36 (b) Unless sooner canceled, every license issued by the board shall
37 expire at midnight of the thirtieth day of June of the fiscal year for
38 which it was issued. However, if the board deems it feasible and
39 desirable to do so, it may establish, by rule pursuant to chapter 34.05

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

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

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

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

34 (9) Before the board issues any license to any applicant, it shall
35 give (a) due consideration to the location of the business to be
36 conducted under such license with respect to the proximity of churches,
37 schools, and public institutions and (b) written notice by certified
38 mail of the application to churches, schools, and public institutions
39 within five hundred feet of the premises to be licensed. The board

1 shall issue no beer retailer license for either on-premises or off-
2 premises consumption or wine retailer license for either on-premises or
3 off-premises consumption or spirits, beer, and wine restaurant license
4 covering any premises not now licensed, if such premises are within
5 five hundred feet of the premises of any tax-supported public
6 elementary or secondary school measured along the most direct route
7 over or across established public walks, streets, or other public
8 passageway from the outer property line of the school grounds to the
9 nearest public entrance of the premises proposed for license, and if,
10 after receipt by the school or public institution of the notice as
11 provided in this subsection, the board receives written notice, within
12 twenty days after posting such notice, from an official representative
13 or representatives of the school within five hundred feet of said
14 proposed licensed premises, indicating to the board that there is an
15 objection to the issuance of such license because of proximity to a
16 school. For the purpose of this section, church shall mean a building
17 erected for and used exclusively for religious worship and schooling or
18 other activity in connection therewith. No liquor license may be
19 issued or reissued by the board to any motor sports facility or
20 licensee operating within the motor sports facility unless the motor
21 sports facility enforces a program reasonably calculated to prevent
22 alcohol or alcoholic beverages not purchased within the facility from
23 entering the facility and such program is approved by local law
24 enforcement agencies. It is the intent under this subsection that a
25 retail license shall not be issued by the board where doing so would,
26 in the judgment of the board, adversely affect a private school meeting
27 the requirements for private schools under Title 28A RCW, which school
28 is within five hundred feet of the proposed licensee. The board shall
29 fully consider and give substantial weight to objections filed by
30 private schools. If a license is issued despite the proximity of a
31 private school, the board shall state in a letter addressed to the
32 private school the board's reasons for issuing the license.

33 (10) The restrictions set forth in subsection (9) of this section
34 shall not prohibit the board from authorizing the assumption of
35 existing licenses now located within the restricted area by other
36 persons or licenses or relocations of existing licensed premises within
37 the restricted area. In no case may the licensed premises be moved
38 closer to a church or school than it was before the assumption or
39 relocation.

1 (11) The notice requirements and restrictions in subsection (9) of
2 this section apply to the issuance of retail and wholesale liquor store
3 franchises.

4 (12) Nothing in this section prohibits the board, in its
5 discretion, from issuing a temporary retail or distributor license to
6 an applicant assuming an existing retail or distributor license to
7 continue the operation of the retail or distributor premises during the
8 period the application for the license is pending and when the
9 following conditions exist:

10 (a) The licensed premises has been operated under a retail or
11 distributor license within ninety days of the date of filing the
12 application for a temporary license;

13 (b) The retail or distributor license for the premises has been
14 surrendered pursuant to issuance of a temporary operating license;

15 (c) The applicant for the temporary license has filed with the
16 board an application to assume the retail or distributor license at
17 such premises to himself or herself; and

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

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

25 Refusal by the board to issue or extend a temporary license shall
26 not entitle the applicant to request a hearing. A temporary license
27 may be canceled or suspended summarily at any time if the board
28 determines that good cause for cancellation or suspension exists. RCW
29 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

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

34 **Sec. 302.** RCW 66.16.010 and 1939 c 172 s 10 are each amended to
35 read as follows:

36 (1) ~~((There shall be established at such places throughout the~~
37 ~~state as the liquor control board, constituted under this title, shall~~
38 ~~deem advisable, stores to be known as "state liquor stores," for the~~

1 ~~sale of liquor in accordance with the provisions of this title and the~~
2 ~~regulations: PROVIDED, That the prices of all liquor shall be fixed by~~
3 ~~the board from time to time so that the net annual revenue received by~~
4 ~~the board therefrom shall not exceed thirty five percent.~~

5 (2)) The liquor control board may, from time to time, fix the
6 special price at which pure ethyl alcohol may be sold to physicians and
7 dentists and institutions regularly conducted as hospitals, for use or
8 consumption only in such hospitals; and may also fix the special price
9 at which pure ethyl alcohol may be sold to schools, colleges and
10 universities within the state for use for scientific purposes.
11 Regularly conducted hospitals may have right to purchase pure ethyl
12 alcohol on a federal permit.

13 ((3)) (2) The liquor control board may also fix the special price
14 at which pure ethyl alcohol may be sold to any department, branch or
15 institution of the state of Washington, federal government, or to any
16 person engaged in a manufacturing or industrial business or in
17 scientific pursuits requiring alcohol for use therein.

18 ((4)) (3) The liquor control board may also fix a special price
19 at which pure ethyl alcohol may be sold to any private individual, and
20 shall make regulations governing such sale of alcohol to private
21 individuals as shall promote, as nearly as may be, the minimum purchase
22 of such alcohol by such persons.

23 (4) Pure ethyl alcohol may be sold by retail liquor franchisees
24 only to permit holders at prices the retail liquor franchisees fix for
25 their own sales.

26 **Sec. 303.** RCW 66.16.040 and 1996 c 291 s 1 are each amended to
27 read as follows:

28 Except as otherwise provided by law, an employee in a ((state
29 liquor store)) retail liquor franchise or liquor agency may sell liquor
30 to any person of legal age to purchase alcoholic beverages and may also
31 sell to holders of permits such liquor as may be purchased under such
32 permits.

33 Where there may be a question of a person's right to purchase
34 liquor by reason of age, such person shall be required to present any
35 one of the following officially issued cards of identification which
36 shows his/her correct age and bears his/her signature and photograph:

37 (1) Liquor control authority card of identification of any state or
38 province of Canada.

1 (2) Driver's license, instruction permit or identification card of
2 any state or province of Canada, or "identocard" issued by the
3 Washington state department of licensing pursuant to RCW 46.20.117.

4 (3) United States armed forces identification card issued to active
5 duty, reserve, and retired personnel and the personnel's dependents.

6 (4) Passport.

7 (5) Merchant Marine identification card issued by the United States
8 Coast Guard.

9 The board may adopt such regulations as it deems proper covering
10 the acceptance of such cards of identification.

11 No liquor sold under this section shall be delivered until the
12 purchaser has paid for the liquor in cash, except as allowed under RCW
13 66.16.041. The use of a personal credit card does not rely upon the
14 credit of the state as prohibited by Article VIII, section 5 of the
15 state Constitution.

16 **Sec. 304.** RCW 66.16.060 and 1943 c 216 s 1 are each amended to
17 read as follows:

18 The board may in its discretion by regulation prescribe that any or
19 all liquors other than malt liquor shall be delivered to any purchaser
20 at a state liquor ((store)) retail franchise only in a package sealed
21 with the official seal.

22 **Sec. 305.** RCW 66.16.070 and 1933 ex.s. c 62 s 10 are each amended
23 to read as follows:

24 No employee in a state liquor ((store)) retail franchise shall open
25 or consume, or allow to be opened or consumed any liquor on the
26 ((store)) retail franchise premises.

27 **Sec. 306.** RCW 66.16.080 and 1988 c 101 s 1 are each amended to
28 read as follows:

29 No sale or delivery of liquor shall be made on or from the premises
30 of any state liquor ((store)) retail franchise, nor shall any store be
31 open for the sale of liquor, on Sunday, unless the board determines
32 that unique circumstances exist which necessitate Sunday liquor sales
33 by vendors appointed under RCW 66.08.050(2) of products of their own
34 manufacture, not to exceed one case of liquor per customer.

1 **Sec. 307.** RCW 66.16.100 and 1997 c 321 s 42 are each amended to
2 read as follows:

3 No state liquor (~~(store)~~) retail franchise in a county with a
4 population over three hundred thousand may sell fortified wine if the
5 board finds that the sale would be against the public interest based on
6 the factors in RCW 66.24.360. The burden of establishing that the sale
7 would be against the public interest is on those persons objecting.

8 **Sec. 308.** RCW 66.16.110 and 1993 c 422 s 2 are each amended to
9 read as follows:

10 The board shall cause to be posted in conspicuous places, in a
11 number determined by the board, within each (~~(state liquor store)~~)
12 retail liquor franchise, notices in print not less than one inch high
13 warning persons that consumption of alcohol shortly before conception
14 or during pregnancy may cause birth defects, including fetal alcohol
15 syndrome and fetal alcohol effects.

16 **Sec. 309.** RCW 66.20.010 and 1998 c 126 s 1 are each amended to
17 read as follows:

18 Upon application in the prescribed form being made to any employee
19 authorized by the board to issue permits, accompanied by payment of the
20 prescribed fee, and upon the employee being satisfied that the
21 applicant should be granted a permit under this title, the employee
22 shall issue to the applicant under such regulations and at such fee as
23 may be prescribed by the board a permit of the class applied for, as
24 follows:

25 (1) Where the application is for a special permit by a physician or
26 dentist, or by any person in charge of an institution regularly
27 conducted as a hospital or sanatorium for the care of persons in ill
28 health, or as a home devoted exclusively to the care of aged people, a
29 special liquor purchase permit;

30 (2) Where the application is for a special permit by a person
31 engaged within the state in mechanical or manufacturing business or in
32 scientific pursuits requiring alcohol for use therein, or by any
33 private individual, a special permit to purchase alcohol for the
34 purpose named in the permit;

35 (3) Where the application is for a special permit to consume liquor
36 at a banquet, at a specified date and place, a special permit to

1 purchase liquor for consumption at such banquet, to such applicants as
2 may be fixed by the board;

3 (4) Where the application is for a special permit to consume liquor
4 on the premises of a business not licensed under this title, a special
5 permit to purchase liquor for consumption thereon for such periods of
6 time and to such applicants as may be fixed by the board;

7 (5) Where the application is for a special permit by a manufacturer
8 to import or purchase within the state alcohol, malt, and other
9 materials containing alcohol to be used in the manufacture of liquor,
10 or other products, a special permit;

11 (6) Where the application is for a special permit by a person
12 operating a drug store to purchase liquor at retail prices only, to be
13 thereafter sold by such person on the prescription of a physician, a
14 special liquor purchase permit;

15 (7) Where the application is for a special permit by an authorized
16 representative of a military installation operated by or for any of the
17 armed forces within the geographical boundaries of the state of
18 Washington, a special permit to purchase liquor for use on such
19 military installation at prices to be fixed by the board;

20 (8) Where the application is for a special permit by a
21 manufacturer, importer, or distributor, or representative thereof, to
22 serve liquor without charge to delegates and guests at a convention of
23 a trade association composed of licensees of the board, when the said
24 liquor is served in a hospitality room or from a booth in a board-
25 approved suppliers' display room at the convention, and when the liquor
26 so served is for consumption in the said hospitality room or display
27 room during the convention, anything in Title 66 RCW to the contrary
28 notwithstanding. Any such spirituous liquor shall be purchased from
29 (~~the board~~) a state liquor franchise, a liquor agency, or a spirits,
30 beer, and wine restaurant licensee and any such beer and wine shall be
31 subject to the taxes imposed by RCW 66.24.290 and 66.24.210;

32 (9) Where the application is for a special permit by a
33 manufacturer, importer, or distributor, or representative thereof, to
34 donate liquor for a reception, breakfast, luncheon, or dinner for
35 delegates and guests at a convention of a trade association composed of
36 licensees of the board, when the liquor so donated is for consumption
37 at the said reception, breakfast, luncheon, or dinner during the
38 convention, anything in Title 66 RCW to the contrary notwithstanding.
39 Any such spirituous liquor shall be purchased from (~~the board~~) a

1 state liquor franchise, a liquor agency, or a spirits, beer, and wine
2 restaurant licensee and any such beer and wine shall be subject to the
3 taxes imposed by RCW 66.24.290 and 66.24.210;

4 (10) Where the application is for a special permit by a
5 manufacturer, importer, or distributor, or representative thereof, to
6 donate and/or serve liquor without charge to delegates and guests at an
7 international trade fair, show, or exposition held under the auspices
8 of a federal, state, or local governmental entity or organized and
9 promoted by a nonprofit organization, anything in Title 66 RCW to the
10 contrary notwithstanding. Any such spirituous liquor shall be
11 purchased from (~~the board~~) a state liquor franchise, a liquor agency,
12 and any such beer or wine shall be subject to the taxes imposed by RCW
13 66.24.290 and 66.24.210;

14 (11) Where the application is for an annual special permit by a
15 person operating a bed and breakfast lodging facility to donate or
16 serve wine or beer without charge to overnight guests of the facility
17 if the wine or beer is for consumption on the premises of the facility.
18 "Bed and breakfast lodging facility," as used in this subsection, means
19 a hotel or similar facility offering from one to eight lodging units
20 and breakfast to travelers and guests.

21 **Sec. 310.** RCW 66.20.160 and 1973 1st ex.s. c 209 s 4 are each
22 amended to read as follows:

23 Words and phrases as used in RCW 66.20.160 to 66.20.210, inclusive,
24 shall have the following meaning:

25 "Card of identification" means any one of those cards described in
26 RCW 66.16.040.

27 "Licensee" means the holder of a retail liquor license issued by
28 the board, and includes any employee or agent of the licensee.

29 "~~(Store)~~ Employee" means a person employed (~~(in)~~) by a (~~(state)~~)
30 retail liquor store, or liquor agency or licensee authorized to sell
31 liquor.

32 **Sec. 311.** RCW 66.20.170 and 1973 1st ex.s. c 209 s 5 are each
33 amended to read as follows:

34 A card of identification may for the purpose of this title and for
35 the purpose of procuring liquor, be accepted as an identification card
36 by any licensee or (~~store~~) employee and as evidence of legal age of
37 the person presenting such card, provided the licensee or (~~store~~)

1 employee complies with the conditions and procedures prescribed herein
2 and such regulations as may be made by the board.

3 **Sec. 312.** RCW 66.20.180 and 1973 1st ex.s. c 209 s 6 are each
4 amended to read as follows:

5 A card of identification shall be presented by the holder thereof
6 upon request of any licensee, ((store)) employee, peace officer, or
7 enforcement officer of the board for the purpose of aiding the
8 licensee, ((store)) employee, peace officer, or enforcement officer of
9 the board to determine whether or not such person is of legal age to
10 purchase liquor when such person desires to procure liquor from a
11 licensed establishment ((or state)), retail liquor store, or liquor
12 agency.

13 **Sec. 313.** RCW 66.20.190 and 1981 1st ex.s. c 5 s 9 are each
14 amended to read as follows:

15 In addition to the presentation by the holder and verification by
16 the licensee or ((store)) employee of such card of identification, the
17 licensee or ((store)) employee who is still in doubt about the true age
18 of the holder shall require the person whose age may be in question to
19 sign a certification card and record an accurate description and serial
20 number of his card of identification thereon. Such statement shall be
21 upon a five-inch by eight-inch file card, which card shall be filed
22 alphabetically by the licensee or ((store)) employee at or before the
23 close of business on the day on which the statement is executed, in the
24 file box containing a suitable alphabetical index and the card shall be
25 subject to examination by any peace officer or agent or employee of the
26 board at all times. The certification card shall also contain in bold-
27 face type a statement stating that the signer understands that
28 conviction for unlawful purchase of alcoholic beverages or misuse of
29 the certification card may result in criminal penalties including
30 imprisonment or fine or both.

31 **Sec. 314.** RCW 66.20.200 and 1994 c 201 s 1 are each amended to
32 read as follows:

33 It shall be unlawful for the owner of a card of identification to
34 transfer the card to any other person for the purpose of aiding such
35 person to procure alcoholic beverages from any licensee or ((store))
36 employee. Any person who shall permit his or her card of

1 identification to be used by another or transfer such card to another
2 for the purpose of aiding such transferee to obtain alcoholic beverages
3 from a licensee or (~~store~~) employee or gain admission to a premises
4 or portion of a premises classified by the board as off-limits to
5 persons under twenty-one years of age, shall be guilty of a misdemeanor
6 punishable as provided by RCW 9A.20.021, except that a minimum fine of
7 two hundred fifty dollars shall be imposed and any sentence requiring
8 community service shall require not fewer than twenty-five hours of
9 such service. Any person not entitled thereto who unlawfully procures
10 or has issued or transferred to him or her a card of identification,
11 and any person who possesses a card of identification not issued to him
12 or her, and any person who makes any false statement on any
13 certification card required by RCW 66.20.190, as now or hereafter
14 amended, to be signed by him or her, shall be guilty of a misdemeanor
15 punishable as provided by RCW 9A.20.021, except that a minimum fine of
16 two hundred fifty dollars shall be imposed and any sentence requiring
17 community service shall require not fewer than twenty-five hours of
18 such service.

19 **Sec. 315.** RCW 66.20.210 and 1973 1st ex.s. c 209 s 9 are each
20 amended to read as follows:

21 No licensee or the agent or employee of the licensee, (~~or store~~
22 ~~employee,~~) retail liquor store, or liquor agency shall be prosecuted
23 criminally or be sued in any civil action for serving liquor to a
24 person under legal age to purchase liquor if such person has presented
25 a card of identification in accordance with RCW 66.20.180, and has
26 signed a certification card as provided in RCW 66.20.190.

27 Such card in the possession of a licensee may be offered as a
28 defense in any hearing held by the board for serving liquor to the
29 person who signed the card and may be considered by the board as
30 evidence that the licensee or employee acted in good faith.

31 **Sec. 316.** RCW 66.44.150 and 1955 c 289 s 5 are each amended to
32 read as follows:

33 If any person in this state buys alcoholic beverages from any
34 person other than (~~the board, a state liquor store,~~) a retail liquor
35 store, liquor agency, or some person authorized by the board to sell
36 them, (~~he~~) that person shall be guilty of a misdemeanor.

1 **Sec. 317.** RCW 66.24.440 and 1998 c 126 s 8 are each amended to
2 read as follows:

3 Each spirits, beer, and wine restaurant, spirits, beer, and wine
4 private club, and sports entertainment facility licensee shall be
5 entitled to purchase any (~~(spirituous liquor items))~~ spirits salable
6 under such license from (~~(the board at a discount of not less than~~
7 ~~fifteen percent from the retail price fixed by the board, together with~~
8 ~~all taxes))~~ wholesale and retail liquor franchises and liquor agencies.

9 **Sec. 318.** RCW 66.24.540 and 1999 c 129 s 1 are each amended to
10 read as follows:

11 There shall be a retailer's license to be designated as a motel
12 license. The motel license may be issued to a motel regardless of
13 whether it holds any other class of license under this title. No
14 license may be issued to a motel offering rooms to its guests on an
15 hourly basis. The license authorizes the licensee to:

16 (1) Sell, at retail, in locked honor bars, spirits in individual
17 bottles not to exceed fifty milliliters, beer in individual cans or
18 bottles not to exceed twelve ounces, and wine in individual bottles not
19 to exceed one hundred eighty-seven milliliters, to registered guests of
20 the motel for consumption in guest rooms.

21 (a) Each honor bar must also contain snack foods. No more than
22 one-half of the guest rooms may have honor bars.

23 (b) All spirits to be sold under the license must be purchased from
24 (~~(the board))~~ a retail liquor franchise or liquor agency.

25 (c) The licensee shall require proof of age from the guest renting
26 a guest room and requesting the use of an honor bar. The guest shall
27 also execute an affidavit verifying that no one under twenty-one years
28 of age shall have access to the spirits, beer, and wine in the honor
29 bar.

30 (2) Provide without additional charge, to overnight guests of the
31 motel, beer and wine by the individual serving for on-premises
32 consumption at a specified regular date, time, and place as may be
33 fixed by the board. Self-service by attendees is prohibited. All beer
34 and wine service must be done by an alcohol server as defined in RCW
35 66.20.300 and comply with RCW 66.20.310.

36 The annual fee for a motel license is five hundred dollars.

37 "Motel" as used in this section means a transient accommodation
38 licensed under chapter 70.62 RCW.

1 As used in this section, "spirits," "beer," and "wine" have the
2 meanings defined in RCW 66.04.010.

3 **Sec. 319.** RCW 66.24.410 and 1983 c 3 s 164 are each amended to
4 read as follows:

5 (1) "Spirituous liquor(~~(-)~~)" or "spirits" as used in RCW 66.24.400
6 to 66.24.450, inclusive, means "liquor" as defined in RCW 66.04.010,
7 except "wine" and "beer" sold as such.

8 (2) "Restaurant" as used in RCW 66.24.400 to 66.24.450, inclusive,
9 means an establishment provided with special space and accommodations
10 where, in consideration of payment, food, without lodgings, is
11 habitually furnished to the public, not including drug stores and soda
12 fountains: PROVIDED, That such establishments shall be approved by the
13 board and that the board shall be satisfied that such establishment is
14 maintained in a substantial manner as a place for preparing, cooking
15 and serving of complete meals. The service of only fry orders or such
16 food and victuals as sandwiches, hamburgers, or salads shall not be
17 deemed in compliance with this definition.

18 (3) "Hotel," "clubs," "wine" and "beer" are used in RCW 66.24.400
19 to 66.24.450, inclusive, with the meaning given in chapter 66.04 RCW:
20 PROVIDED, That any such hotel shall be provided with special space and
21 accommodations where, in consideration of payment, food is habitually
22 furnished to the public: PROVIDED FURTHER, That the board shall be
23 satisfied that such hotel is maintained in a substantial manner as a
24 place for preparing, cooking and serving of complete meals. The
25 service of only fry orders, sandwiches, hamburgers, or salads shall not
26 be deemed in compliance with this definition.

27 **Sec. 320.** RCW 66.08.030 and 1977 ex.s. c 115 s 1 are each amended
28 to read as follows:

29 (1) For the purpose of carrying into effect the provisions of this
30 title according to their true intent or of supplying any deficiency
31 therein, the board may make such regulations not inconsistent with the
32 spirit of this title as are deemed necessary or advisable. All
33 regulations so made shall be a public record and shall be filed in the
34 office of the code reviser, and thereupon shall have the same force and
35 effect as if incorporated in this title. Such regulations, together
36 with a copy of this title, shall be published in pamphlets and shall be
37 distributed as directed by the board.

1 (2) Without thereby limiting the generality of the provisions
2 contained in subsection (1), it is declared that the power of the board
3 to make regulations in the manner set out in that subsection shall
4 extend to:

5 ~~((Regulating the equipment and management of stores and
6 warehouses in which state liquor is sold or kept, and prescribing the
7 books and records to be kept therein and the reports to be made thereon
8 to the board;~~

9 (b)) Prescribing the duties of the employees of the board, and
10 regulating their conduct in the discharge of their duties;

11 ~~((c) governing the purchase of liquor by the state and the
12 furnishing of liquor to stores established under this title;~~

13 (d) ~~determining the classes, varieties, and brands of liquor to be
14 kept for sale at any store;~~

15 (e)) (b) Prescribing, subject to RCW 66.16.080, the hours during
16 which ~~((the state liquor stores))~~ retail liquor franchises and liquor
17 agencies shall be kept open for the sale of liquor;

18 ~~((f) providing for the issuing and distributing of price lists
19 showing the price to be paid by purchasers for each variety of liquor
20 kept for sale under this title;~~

21 (g)) (c) Prescribing an official seal and official labels and
22 stamps and determining the manner in which they shall be attached to
23 every package of liquor sold or sealed under this title, including the
24 prescribing of different official seals or different official labels
25 for different classes of liquor;

26 ~~((h) providing for the payment by the board in whole or in part of
27 the carrying charges on liquor shipped by freight or express;~~

28 (i)) (d) Prescribing forms to be used for purposes of this title
29 or the regulations, and the terms and conditions to be contained in
30 permits and licenses issued under this title;

31 ((j)) (e) Prescribing the fees payable in respect of permits and
32 licenses issued under this title for which no fees are prescribed in
33 this title, and prescribing the fees for anything done or permitted to
34 be done under the regulations;

35 ((k)) (f) Prescribing the kinds and quantities of liquor which
36 may be kept on hand by the holder of a special permit for the purposes
37 named in the permit, regulating the manner in which the same shall be
38 kept and disposed of, and providing for the inspection of the same at
39 any time at the instance of the board;

1 ~~((l))~~ (g) Regulating the sale of liquor kept by the holders of
2 licenses which entitle the holder to purchase and keep liquor for sale;
3 ~~((m))~~ (h) Prescribing the records of purchases or sales of liquor
4 kept by the holders of licenses, and the reports to be made thereon to
5 the board, and providing for inspection of the records so kept;
6 ~~((n))~~ (i) Prescribing the kinds and quantities of liquor for
7 which a prescription may be given, and the number of prescriptions
8 which may be given to the same patient within a stated period;
9 ~~((o))~~ (j) Prescribing the manner of giving and serving notices
10 required by this title or the regulations, where not otherwise provided
11 for in this title;
12 ~~((p))~~ (k) Regulating premises in which liquor is kept for export
13 from the state, or from which liquor is exported, prescribing the books
14 and records to be kept therein and the reports to be made thereon to
15 the board, and providing for the inspection of the premises and the
16 books, records and the liquor so kept;
17 ~~((q))~~ (l) Prescribing the conditions and qualifications requisite
18 for the obtaining of club licenses and the books and records to be kept
19 and the returns to be made by clubs, prescribing the manner of
20 licensing clubs in any municipality or other locality, and providing
21 for the inspection of clubs;
22 ~~((r))~~ (m) Prescribing the conditions, accommodations and
23 qualifications requisite for the obtaining of licenses to sell beer and
24 wines, and regulating the sale of beer and wines thereunder;
25 ~~((s))~~ (n) Specifying and regulating the time and periods when,
26 and the manner, methods and means by which manufacturers shall deliver
27 liquor within the state; and the time and periods when, and the manner,
28 methods and means by which liquor may lawfully be conveyed or carried
29 within the state;
30 ~~((t))~~ (o) Providing for the making of returns by brewers of their
31 sales of beer shipped within the state, or from the state, showing the
32 gross amount of such sales and providing for the inspection of brewers'
33 books and records, and for the checking of the accuracy of any such
34 returns;
35 ~~((u))~~ (p) Providing for the making of returns by the wholesalers
36 of beer whose breweries are located beyond the boundaries of the state;
37 ~~((v))~~ (q) Providing for the making of returns by any other liquor
38 manufacturers, showing the gross amount of liquor produced or
39 purchased, the amount sold within and exported from the state, and to

1 whom so sold or exported, and providing for the inspection of the
2 premises of any such liquor manufacturers, their books and records, and
3 for the checking of any such return;

4 ~~((w))~~ (r) Providing for the giving of fidelity bonds by any or
5 all of the employees of the board: PROVIDED, That the premiums
6 therefor shall be paid by the board;

7 ~~((x))~~ (s) Providing for the shipment by mail or common carrier of
8 liquor to any person holding a permit and residing in any unit which
9 has, by election pursuant to this title, prohibited the sale of liquor
10 therein;

11 ~~((y))~~ (t) Prescribing methods of manufacture, conditions of
12 sanitation, standards of ingredients, quality and identity of alcoholic
13 beverages manufactured, sold, bottled, or handled by licensees and the
14 board; and conducting from time to time, in the interest of the public
15 health and general welfare, scientific studies and research relating to
16 alcoholic beverages and the use and effect thereof;

17 ~~((z))~~ (u) Seizing, confiscating and destroying all alcoholic
18 beverages manufactured, sold or offered for sale within this state
19 which do not conform in all respects to the standards prescribed by
20 this title or the regulations of the board: PROVIDED, Nothing herein
21 contained shall be construed as authorizing the liquor board to
22 prescribe, alter, limit or in any way change the present law as to the
23 quantity or percentage of alcohol used in the manufacturing of wine or
24 other alcoholic beverages.

25 **Sec. 321.** RCW 66.12.110 and 1999 c 281 s 3 are each amended to
26 read as follows:

27 A person twenty-one years of age or over may bring into the state
28 from without the United States, free of tax and markup, for his
29 personal or household use such alcoholic beverages as have been
30 declared and permitted to enter the United States duty free under
31 federal law.

32 Such entry of alcoholic beverages in excess of that herein provided
33 may be authorized by the board upon payment of ~~((an equivalent markup
34 and tax as would be applicable to the purchase of the same or similar
35 liquor at retail from a Washington state liquor store))~~ applicable
36 taxes. The board shall adopt appropriate regulations pursuant to
37 chapter 34.05 RCW for the purpose of carrying out the provisions of
38 this section. The board may issue a spirits, beer, and wine private

1 club license to a charitable or nonprofit corporation of the state of
2 Washington, the majority of the officers and directors of which are
3 United States citizens and the minority of the officers and directors
4 of which are citizens of the Dominion of Canada, and where the location
5 of the premises for such spirits, beer, and wine private club license
6 is not more than ten miles south of the border between the United
7 States and the province of British Columbia.

8 **Sec. 322.** RCW 66.12.120 and 1995 c 100 s 1 are each amended to
9 read as follows:

10 Notwithstanding any other provision of Title 66 RCW, a person
11 twenty-one years of age or over may, free of tax and markup, for
12 personal or household use, bring into the state of Washington from
13 another state no more than once per calendar month up to two liters of
14 spirits or wine or two hundred eighty-eight ounces of beer.
15 Additionally, such person may be authorized by the board to bring into
16 the state of Washington from another state a reasonable amount of
17 alcoholic beverages in excess of that provided in this section for
18 personal or household use only upon payment of ((an equivalent markup
19 and tax as would be applicable to the purchase of the same or similar
20 liquor at retail from a state liquor store)) applicable taxes. The
21 board shall adopt appropriate regulations pursuant to chapter 34.05 RCW
22 for the purpose of carrying into effect the provisions of this section.

23 **PART 4 - MISCELLANEOUS**

24 NEW SECTION. **Sec. 401.** Captions and part headings as used in this
25 act do not constitute any part of the law.

26 NEW SECTION. **Sec. 402.** Sections 202 through 205, 207, 209, and
27 210 of this act constitute a new chapter in Title 66 RCW.

28 NEW SECTION. **Sec. 403.** The following acts or parts of acts are
29 each repealed:

30 (1) RCW 66.16.030 (Vendor to be in charge) and 1933 ex.s. c 62 s 6;
31 and

32 (2) RCW 66.16.090 (Record of individual purchases confidential--
33 Penalty for disclosure) and 1933 ex.s. c 62 s 89.

1 NEW SECTION. **Sec. 404.** This act takes effect January 1, 2003.
2 The liquor control board is authorized to take steps necessary to
3 implement this act on its effective date.

4 NEW SECTION. **Sec. 405.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

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