

SENATE BILL REPORT

SB 5302

As Reported By Senate Committee On:
Commerce & Trade, March 5, 2003

Title: An act relating to the summary suspension of a liquor license pending revocation proceedings.

Brief Description: Changing provisions relating to the summary suspension of a liquor license pending revocation proceedings.

Sponsors: Senators Honeyford and Keiser; by request of Liquor Control Board.

Brief History:

Committee Activity: Commerce & Trade: 2/7/03, 3/5/03 [DPS].

SENATE COMMITTEE ON COMMERCE & TRADE

Majority Report: That Substitute Senate Bill No. 5302 be substituted therefor, and the substitute bill do pass.

Signed by Senators Honeyford, Chair; Hewitt, Vice Chair; Franklin, Keiser and Mulliken.

Staff: Elizabeth Mitchell (786-7430)

Background: The Liquor Control Board must provide an opportunity for a hearing prior to the suspension of a permit or license, unless the board finds that public health, safety, or welfare require emergency action. In the case of an emergency, the board may summarily suspend a license or permit for up to 30 days without a prior hearing.

The Administrative Procedure Act allows agencies to immediately suspend a license for an indefinite period if the action is necessary to prevent immediate threat to public health, safety, or welfare.

Summary of Substitute Bill: The board may summarily suspend a license or permit for up to 180 days without a prior hearing if it finds that public health, safety, or welfare require emergency action. The board's enforcement division must complete a preliminary staff investigation of the violation before requesting an emergency suspension by the board.

Substitute Bill Compared to Original Bill: The board may summarily suspend a license for up to 180 days, not indefinitely, if it finds that public health, safety, or welfare requires emergency action. The board's enforcement division must complete a preliminary staff investigation of the violation before requesting an emergency suspension by the board.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The purpose of this bill is to protect communities. The board uses emergency suspension procedures infrequently; the board has only used this procedure ten times in the last 18 months. Dangerous licensees should remain closed until adjudication is finished. This process usually takes three to six months. Licensees, knowing that they can reopen within 30 days, will stretch the adjudication process out so that they can reopen while the adjudication is still pending. Licensees can go to court and request a stay if they believe the emergency suspension is not warranted.

Testimony Against: None.

Testified: Rick Garza, Liquor Control Board (pro).