

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1496

59th Legislature
2005 Regular Session

Passed by the House April 20, 2005
Yeas 96 Nays 1

Speaker of the House of Representatives

Passed by the Senate April 13, 2005
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1496** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1496

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Simpson, Roach, P. Sullivan, Quall, McDermott, Santos, Appleton, McCoy, Hunt, Kenney, Kagi and Blake)

READ FIRST TIME 02/15/05.

1 AN ACT Relating to enrollment cards issued by federally recognized
2 Indian tribes; and amending RCW 66.16.040 and 70.155.090.

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

4 **Sec. 1.** RCW 66.16.040 and 2004 c 61 s 1 are each amended to read
5 as follows:

6 Except as otherwise provided by law, an employee in a state liquor
7 store or agency may sell liquor to any person of legal age to purchase
8 alcoholic beverages and may also sell to holders of permits such liquor
9 as may be purchased under such permits.

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

14 (1) Liquor control authority card of identification of any state or
15 province of Canada.

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

1 (3) United States armed forces identification card issued to active
2 duty, reserve, and retired personnel and the personnel's dependents,
3 which may include an imbedded, digital signature in lieu of a visible
4 signature.

5 (4) Passport.

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

8 (6) Enrollment card issued by the governing authority of a
9 federally recognized Indian tribe located in Washington, if the
10 enrollment card incorporates security features comparable to those
11 implemented by the department of licensing for Washington drivers'
12 licenses. At least ninety days prior to implementation of an
13 enrollment card under this subsection, the appropriate tribal authority
14 shall give notice to the board. The board shall publish and
15 communicate to licensees regarding the implementation of each new
16 enrollment card.

17 The board may adopt such regulations as it deems proper covering
18 the cards of identification listed in this section.

19 No liquor sold under this section shall be delivered until the
20 purchaser has paid for the liquor in cash, except as allowed under RCW
21 66.16.041. The use of a personal credit card does not rely upon the
22 credit of the state as prohibited by Article VIII, section 5 of the
23 state Constitution.

24 **Sec. 2.** RCW 70.155.090 and 1993 c 507 s 10 are each amended to
25 read as follows:

26 (1) Where there may be a question of a person's right to purchase
27 or obtain tobacco products by reason of age, the retailer, sampler, or
28 agent thereof, shall require the purchaser to present any one of the
29 following officially issued identification that shows the purchaser's
30 age and bears his or her signature and photograph: (a) Liquor control
31 authority card of identification of a state or province of Canada; (b)
32 driver's license, instruction permit, or identification card of a state
33 or province of Canada; (c) "identocard" issued by the Washington state
34 department of licensing under chapter 46.20 RCW; (d) United States
35 military identification; (e) passport; (f) enrollment card, issued by
36 the governing authority of a federally recognized Indian tribe located
37 in Washington, that incorporates security features comparable to those

1 implemented by the department of licensing for Washington drivers'
2 licenses. At least ninety days prior to implementation of an
3 enrollment card under this subsection, the appropriate tribal authority
4 shall give notice to the board. The board shall publish and
5 communicate to licensees regarding the implementation of each new
6 enrollment card; or (g) merchant marine identification card issued by
7 the United States coast guard.

8 (2) It is a defense to a prosecution under RCW 26.28.080(~~(+4)~~)
9 that the person making a sale reasonably relied on any of the
10 officially issued identification as defined in subsection (1) of this
11 section. The liquor control board shall waive the suspension or
12 revocation of a license if the licensee clearly establishes that he or
13 she acted in good faith to prevent violations and a violation occurred
14 despite the licensee's exercise of due diligence.

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