
SENATE BILL 6332

State of Washington 59th Legislature 2006 Regular Session

By Senators Zarelli, Pridemore, Benton, Doumit and Kohl-Welles

Read first time 01/11/2006. Referred to Committee on Labor,
Commerce, Research & Development.

1 AN ACT Relating to notice regarding the issuance of a spirits,
2 beer, and wine restaurant license; and amending RCW 66.24.010.

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

4 **Sec. 1.** RCW 66.24.010 and 2004 c 133 s 1 are each amended to read
5 as follows:

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

8 (2) For the purpose of considering any application for a license,
9 the board may cause an inspection of the premises to be made, and may
10 inquire into all matters in connection with the construction and
11 operation of the premises. For the purpose of reviewing any
12 application for a license and for considering the denial, suspension or
13 revocation of any license, the liquor control board may consider any
14 prior criminal conduct of the applicant including a criminal history
15 record information check. The board may submit the criminal history
16 record information check to the Washington state patrol and to the
17 identification division of the federal bureau of investigation in order
18 that these agencies may search their records for prior arrests and
19 convictions of the individual or individuals who filled out the forms.

1 The board shall require fingerprinting of any applicant whose criminal
2 history record information check is submitted to the federal bureau of
3 investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW
4 shall not apply to such cases. The board may, in its discretion, grant
5 or refuse the license applied for. Authority to approve an uncontested
6 or unopposed license may be granted by the board to any staff member
7 the board designates in writing. Conditions for granting such
8 authority shall be adopted by rule. No retail license of any kind may
9 be issued to:

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

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

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

18 (d) A corporation or a limited liability company, unless it was
19 created under the laws of the state of Washington or holds a
20 certificate of authority to transact business in the state of
21 Washington.

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

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

35 (c) The board may request the appointment of administrative law
36 judges under chapter 34.12 RCW who shall have power to administer
37 oaths, issue subpoenas for the attendance of witnesses and the
38 production of papers, books, accounts, documents, and testimony,

1 examine witnesses, and to receive testimony in any inquiry,
2 investigation, hearing, or proceeding in any part of the state, under
3 such rules (~~and regulations~~) as the board may adopt.

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

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

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

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

32 (b) Unless sooner canceled, every license issued by the board shall
33 expire at midnight of the thirtieth day of June of the fiscal year for
34 which it was issued. However, if the board deems it feasible and
35 desirable to do so, it may establish, by rule pursuant to chapter 34.05
36 RCW, a system for staggering the annual renewal dates for any and all
37 licenses authorized by this chapter. If such a system of staggered

1 annual renewal dates is established by the board, the license fees
2 provided by this chapter shall be appropriately prorated during the
3 first year that the system is in effect.

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

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

12 (8)(a) Unless (b) of this subsection applies, before the board
13 issues a license to an applicant it shall give notice of such
14 application to the chief executive officer of the incorporated city or
15 town, if the application is for a license within an incorporated city
16 or town, or to the county legislative authority, if the application is
17 for a license outside the boundaries of incorporated cities or towns.

18 (b) If the application for a special occasion license is for an
19 event held during a county, district, or area fair as defined by RCW
20 15.76.120, and the county, district, or area fair is located on
21 property owned by the county but located within an incorporated city or
22 town, the county legislative authority shall be the entity notified by
23 the board under (a) of this subsection. The board shall send a
24 duplicate notice to the incorporated city or town within which the fair
25 is located.

26 (c) The incorporated city or town through the official or employee
27 selected by it, or the county legislative authority or the official or
28 employee selected by it, shall have the right to file with the board
29 within twenty days after date of transmittal of such notice, written
30 objections against the applicant or against the premises for which the
31 license is asked.

32 (d) The written objections shall include a statement of all facts
33 upon which such objections are based, and in case written objections
34 are filed, may request and the liquor control board may in its
35 discretion hold a formal hearing subject to the applicable provisions
36 of Title 34 RCW.

37 (e) Upon the granting of a license under this title the board shall
38 send a duplicate of the license or written notification to the chief

1 executive officer of the incorporated city or town in which the license
2 is granted, or to the county legislative authority if the license is
3 granted outside the boundaries of incorporated cities or towns. When
4 the license is for a special occasion license for an event held during
5 a county, district, or area fair as defined by RCW 15.76.120, and the
6 county, district, or area fair is located on county-owned property but
7 located within an incorporated city or town, the duplicate shall be
8 sent to both the incorporated city or town and the county legislative
9 authority.

10 (9) Before the board issues any license to any applicant, it shall
11 give (a) due consideration to the location of the business to be
12 conducted under such license with respect to the proximity of churches,
13 schools, and public institutions and (b) written notice by certified
14 mail of the application to churches, schools, and public institutions
15 within five hundred feet of the premises to be licensed. The board
16 shall issue no beer retailer license for either on-premises or off-
17 premises consumption or wine retailer license for either on-premises or
18 off-premises consumption (~~(or spirits, beer, and wine restaurant~~
19 ~~license covering any premises not now licensed)), if such premises are~~
20 within five hundred feet of the premises of any tax-supported public
21 elementary or secondary school measured along the most direct route
22 over or across established public walks, streets, or other public
23 passageway from the outer property line of the school grounds to the
24 nearest public entrance of the premises proposed for license, and if,
25 after receipt by the school or public institution of the notice as
26 provided in this subsection, the board receives written notice, within
27 twenty days after posting such notice, from an official representative
28 or representatives of the school within five hundred feet of said
29 proposed licensed premises, indicating to the board that there is an
30 objection to the issuance of such license because of proximity to a
31 school. For the purpose of this section, church shall mean a building
32 erected for and used exclusively for religious worship and schooling or
33 other activity in connection therewith. No liquor license may be
34 issued or reissued by the board to any motor sports facility or
35 licensee operating within the motor sports facility unless the motor
36 sports facility enforces a program reasonably calculated to prevent
37 alcohol or alcoholic beverages not purchased within the facility from
38 entering the facility and such program is approved by local law

1 enforcement agencies. It is the intent under this subsection that a
2 retail license shall not be issued by the board where doing so would,
3 in the judgment of the board, adversely affect a private school meeting
4 the requirements for private schools under Title 28A RCW, which school
5 is within five hundred feet of the proposed licensee. The board shall
6 fully consider and give substantial weight to objections filed by
7 private schools. If a license is issued despite the proximity of a
8 private school, the board shall state in a letter addressed to the
9 private school the board's reasons for issuing the license.

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

17 (11) Nothing in this section prohibits the board, in its
18 discretion, from issuing a temporary retail or distributor license to
19 an applicant assuming an existing retail or distributor license to
20 continue the operation of the retail or distributor premises during the
21 period the application for the license is pending and when the
22 following conditions exist:

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

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

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

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

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

1 Refusal by the board to issue or extend a temporary license shall
2 not entitle the applicant to request a hearing. A temporary license
3 may be canceled or suspended summarily at any time if the board
4 determines that good cause for cancellation or suspension exists. RCW
5 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

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

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