

FINAL BILL REPORT

EHB 2113

C 473 L 07

Synopsis as Enacted

Brief Description: Regarding objections by cities, towns, and counties to the issuance of liquor licenses.

Sponsors: By Representatives Williams, Goodman, Green, Hunt and Simpson.

House Committee on Commerce & Labor

Senate Committee on Labor, Commerce, Research & Development

Background:

The Liquor Control Board (Board) issues a number of types of liquor licenses. Licenses are good for one year.

Before issuing a license, the Board may inspect the premises and consider the applicant's criminal history. The Board has discretion to grant or deny the license. The Board must also notify the city, town, or county, as appropriate. The local jurisdiction may file written objections against the applicant or premises within 20 days after the notice. The objections must include a statement of all facts upon which the objections are based. The Board may hold a hearing. If the Board grants a license, it must notify the local jurisdiction.

By rule, the Board gives local jurisdictions 90 days notice of license renewals. A local jurisdiction may object to a renewal by submitting a letter to the Board. The letter must state specific reasons and facts that show issuance of the license will detrimentally impact the safety, health, or welfare of the community.

If the Board grants a license or a renewal, the local jurisdiction may request an adjudication hearing under the Administrative Procedure Act.

Summary:

The Board's authority to issue liquor licenses when local jurisdictions object is modified. In determining whether to grant or deny a license or renewal, the Board must give substantial weight to objections from a local jurisdiction based upon chronic illegal activity associated with the applicant's operation of the premises or any other licensed premises or the conduct of the applicant's patrons inside or outside the premises.

"Chronic illegal activity" is defined as (1) a pervasive pattern of activity that threatens the public health, safety, and welfare, including but not limited to, open container violations, assaults, disturbances, disorderly conduct, or other criminal violations, or as documented in crime statistics, police reports, emergency medical response data, calls for service, field data, or similar records of a law enforcement agency; or (2) an unreasonably high number of

citations for driving under the influence associated with the applicant's operation of any licensed premises as indicated by reported statements given to law enforcement upon arrest.

The Board's discretion to issue or deny a license is limited by the requirements placed on the Board. Denial of a license may be based on, without limitation, the existence of chronic illegal activity.

If the Board makes an initial decision to deny a license or renewal based on the objections of a local jurisdiction, the applicant may request a hearing. If a hearing is held, Board representatives must present and defend the Board's initial decision to deny a license or renewal.

The Board may inspect the premises and consider criminal history of renewal applicants as well as new applicants. An administrative violation history with the Board may be considered for both new and renewal applicants. The requirement that the Board give notice to local jurisdictions on renewal as well as new applications is placed in statute.

Rules Authority: The bill does not address the rule-making powers of an agency.

Votes on Final Passage:

House	95	1	
Senate	47	0	(Senate amended)
House	89	1	(House concurred)

Effective: July 22, 2007