
SENATE BILL 5993

State of Washington

60th Legislature

2007 Regular Session

By Senator Honeyford

Read first time 02/12/2007. Referred to Committee on Labor, Commerce, Research & Development.

1 AN ACT Relating to liquor license applicants; and amending RCW
2 66.24.010.

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

4 **Sec. 1.** RCW 66.24.010 and 2006 c 359 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 doing business as a sole proprietor who has not
11 resided in the state for at least one month prior to receiving a
12 license, except in cases of licenses issued to dining places on
13 railroads, boats, or aircraft;

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

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

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

23 (e) An applicant whose place of business is located within the
24 boundaries of a city or town with a population under twenty thousand,
25 if the total number of retail licenses already issued within the
26 boundaries of the city or town meets or exceeds one license for every
27 five hundred of population, unless the legislative body of the city or
28 town specifically approves the application. The population shall be
29 determined according to the yearly population determination developed
30 by the office of financial management pursuant to RCW 43.62.030;

31 (f) An applicant whose place of business is located within a
32 one-half mile radius of a public school, if the total number of retail
33 licenses already issued within the one-half mile radius meets or
34 exceeds one license for every five hundred of population, unless the
35 school board specifically approves the application. The population
36 shall be determined by the county government.

37 (3)(a) The board may, in its discretion, subject to the provisions

1 of RCW 66.08.150, suspend or cancel any license; and all rights of the
2 licensee to keep or sell liquor thereunder shall be suspended or
3 terminated, as the case may be.

4 (b) The board shall immediately suspend the license or certificate
5 of a person who has been certified pursuant to RCW 74.20A.320 by the
6 department of social and health services as a person who is not in
7 compliance with a support order. If the person has continued to meet
8 all other requirements for reinstatement during the suspension,
9 reissuance of the license or certificate shall be automatic upon the
10 board's receipt of a release issued by the department of social and
11 health services stating that the licensee is in compliance with the
12 order.

13 (c) The board may request the appointment of administrative law
14 judges under chapter 34.12 RCW who shall have power to administer
15 oaths, issue subpoenas for the attendance of witnesses and the
16 production of papers, books, accounts, documents, and testimony,
17 examine witnesses, and to receive testimony in any inquiry,
18 investigation, hearing, or proceeding in any part of the state, under
19 such rules and regulations as the board may adopt.

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

25 (e) In case of disobedience of any person to comply with the order
26 of the board or a subpoena issued by the board, or any of its members,
27 or administrative law judges, or on the refusal of a witness to testify
28 to any matter regarding which he or she may be lawfully interrogated,
29 the judge of the superior court of the county in which the person
30 resides, on application of any member of the board or administrative
31 law judge, shall compel obedience by contempt proceedings, as in the
32 case of disobedience of the requirements of a subpoena issued from said
33 court or a refusal to testify therein.

34 (4) Upon receipt of notice of the suspension or cancellation of a
35 license, the licensee shall forthwith deliver up the license to the
36 board. Where the license has been suspended only, the board shall
37 return the license to the licensee at the expiration or termination of
38 the period of suspension. The board shall notify all vendors in the

1 city or place where the licensee has its premises of the suspension or
2 cancellation of the license; and no employee may allow or cause any
3 liquor to be delivered to or for any person at the premises of that
4 licensee.

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

10 (b) Unless sooner canceled, every license issued by the board shall
11 expire at midnight of the thirtieth day of June of the fiscal year for
12 which it was issued. However, if the board deems it feasible and
13 desirable to do so, it may establish, by rule pursuant to chapter 34.05
14 RCW, a system for staggering the annual renewal dates for any and all
15 licenses authorized by this chapter. If such a system of staggered
16 annual renewal dates is established by the board, the license fees
17 provided by this chapter shall be appropriately prorated during the
18 first year that the system is in effect.

19 (6) Every license issued under this section shall be subject to all
20 conditions and restrictions imposed by this title or by rules adopted
21 by the board. All conditions and restrictions imposed by the board in
22 the issuance of an individual license shall be listed on the face of
23 the individual license along with the trade name, address, and
24 expiration date.

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

27 (8)(a) Unless (b) of this subsection applies, before the board
28 issues a license to an applicant it shall give notice of such
29 application to the chief executive officer of the incorporated city or
30 town, if the application is for a license within an incorporated city
31 or town, or to the county legislative authority, if the application is
32 for a license outside the boundaries of incorporated cities or towns.

33 (b) If the application for a special occasion license is for an
34 event held during a county, district, or area fair as defined by RCW
35 15.76.120, and the county, district, or area fair is located on
36 property owned by the county but located within an incorporated city or
37 town, the county legislative authority shall be the entity notified by

1 the board under (a) of this subsection. The board shall send a
2 duplicate notice to the incorporated city or town within which the fair
3 is located.

4 (c) The incorporated city or town through the official or employee
5 selected by it, or the county legislative authority or the official or
6 employee selected by it, shall have the right to file with the board
7 within twenty days after date of transmittal of such notice, written
8 objections against the applicant or against the premises for which the
9 license is asked. The board may extend the time period for submitting
10 written objections.

11 (d) The written objections shall include a statement of all facts
12 upon which such objections are based, and in case written objections
13 are filed, may request and the liquor control board may in its
14 discretion hold a hearing subject to the applicable provisions of Title
15 34 RCW.

16 (e) Upon the granting of a license under this title the board shall
17 send written notification to the chief executive officer of the
18 incorporated city or town in which the license is granted, or to the
19 county legislative authority if the license is granted outside the
20 boundaries of incorporated cities or towns. When the license is for a
21 special occasion license for an event held during a county, district,
22 or area fair as defined by RCW 15.76.120, and the county, district, or
23 area fair is located on county-owned property but located within an
24 incorporated city or town, the written notification shall be sent to
25 both the incorporated city or town and the county legislative
26 authority.

27 (9)(a) Before the board issues any license to any applicant, it
28 shall give (i) due consideration to the location of the business to be
29 conducted under such license with respect to the proximity of churches,
30 schools, and public institutions and (ii) written notice, with receipt
31 verification, of the application to public institutions identified by
32 the board as appropriate to receive such notice, churches, and schools
33 within five hundred feet of the premises to be licensed. The board
34 shall issue no beer retailer license for either on-premises or off-
35 premises consumption or wine retailer license for either on-premises or
36 off-premises consumption or spirits, beer, and wine restaurant license
37 covering any premises not now licensed, if such premises are within
38 five hundred feet of the premises of any tax-supported public

1 elementary or secondary school measured along the most direct route
2 over or across established public walks, streets, or other public
3 passageway from the main entrance of the school to the nearest public
4 entrance of the premises proposed for license, and if, after receipt by
5 the school of the notice as provided in this subsection, the board
6 receives written objection, within twenty days after receiving such
7 notice, from an official representative or representatives of the
8 school within five hundred feet of said proposed licensed premises,
9 indicating to the board that there is an objection to the issuance of
10 such license because of proximity to a school. The board may extend
11 the time period for submitting objections. For the purpose of this
12 section, church shall mean a building erected for and used exclusively
13 for religious worship and schooling or other activity in connection
14 therewith. For the purpose of this section, public institution shall
15 mean institutions of higher education, parks, community centers,
16 libraries, and transit centers.

17 (b) No liquor license may be issued or reissued by the board to any
18 motor sports facility or licensee operating within the motor sports
19 facility unless the motor sports facility enforces a program reasonably
20 calculated to prevent alcohol or alcoholic beverages not purchased
21 within the facility from entering the facility and such program is
22 approved by local law enforcement agencies.

23 (c) It is the intent under this subsection (9) that a retail
24 license shall not be issued by the board where doing so would, in the
25 judgment of the board, adversely affect a private school meeting the
26 requirements for private schools under Title 28A RCW, which school is
27 within five hundred feet of the proposed licensee. The board shall
28 fully consider and give substantial weight to objections filed by
29 private schools. If a license is issued despite the proximity of a
30 private school, the board shall state in a letter addressed to the
31 private school the board's reasons for issuing the license.

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

1 (11)(a) Nothing in this section prohibits the board, in its
2 discretion, from issuing a temporary retail or distributor license to
3 an applicant to operate the retail or distributor premises during the
4 period the application for the license is pending. The board may
5 establish a fee for a temporary license by rule.

6 (b) A temporary license issued by the board under this section
7 shall be for a period not to exceed sixty days. A temporary license
8 may be extended at the discretion of the board for additional periods
9 of sixty days upon payment of an additional fee and upon compliance
10 with all conditions required in this section.

11 (c) Refusal by the board to issue or extend a temporary license
12 shall not entitle the applicant to request a hearing. A temporary
13 license may be canceled or suspended summarily at any time if the board
14 determines that good cause for cancellation or suspension exists. RCW
15 66.08.130 applies to temporary licenses.

16 (d) Application for a temporary license shall be on such form as
17 the board shall prescribe. If an application for a temporary license
18 is withdrawn before issuance or is refused by the board, the fee which
19 accompanied such application shall be refunded in full.

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