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HOUSE BILL 1434

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Conway, Condotta, Wood, and Kenney; by request of  
Liquor Control Board

Read first time 01/21/09. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to a spirits, beer, and wine nightclub license;  
2 amending RCW 66.04.010, 66.08.180, 66.08.220, 66.24.010, 66.24.440,  
3 66.40.030, and 66.40.130; reenacting and amending RCW 66.20.310,  
4 66.24.420, and 68.50.107; and adding a new section to chapter 66.24  
5 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 66.24 RCW  
8 to read as follows:

9 (1) There shall be a spirits, beer, and wine nightclub license to  
10 sell spirituous liquor by the drink, beer, and wine at retail, for  
11 consumption on the licensed premises.

12 (2) The license may be issued only to a person whose business  
13 includes the sale and service of alcohol to the person's customers, has  
14 food sales and service incidental to the sale and service of alcohol,  
15 and has primary business hours between 9:00 p.m. and 2:00 a.m.

16 (3) Minors may be allowed on the licensed premises but only in  
17 areas where alcohol is not served or consumed.

18 (4) The annual fee for this license is two thousand dollars. The  
19 fee for the license shall be reviewed from time to time and set at such

1 a level sufficient to defray the cost of licensing and enforcing this  
2 licensing program. The fee shall be fixed by rule adopted by the board  
3 in accordance with the provisions of the administrative procedure act,  
4 chapter 34.05 RCW.

5 (5) Local governments may petition the board to request that  
6 further restrictions be imposed on a spirits, beer, and wine nightclub  
7 license in the interest of public safety. Examples of further  
8 restrictions a local government may request are: No minors allowed on  
9 the entire premises, submitting a security plan, or signing a good  
10 neighbor agreement with the local government.

11 (6) The board shall refuse a spirits, beer, and wine nightclub  
12 license to any applicant if the board determines that the spirits,  
13 beer, and wine nightclub licenses already granted for the particular  
14 locality are adequate for the reasonable needs of the community.

15 (7) The board may adopt rules to implement this section.

16 **Sec. 2.** RCW 66.04.010 and 2008 c 94 s 4 are each amended to read  
17 as follows:

18 In this title, unless the context otherwise requires:

19 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated  
20 oxide of ethyl, or spirit of wine, which is commonly produced by the  
21 fermentation or distillation of grain, starch, molasses, or sugar, or  
22 other substances including all dilutions and mixtures of this  
23 substance. The term "alcohol" does not include alcohol in the  
24 possession of a manufacturer or distiller of alcohol fuel, as described  
25 in RCW 66.12.130, which is intended to be denatured and used as a fuel  
26 for use in motor vehicles, farm implements, and machines or implements  
27 of husbandry.

28 (2) "Authorized representative" means a person who:

29 (a) Is required to have a federal basic permit issued pursuant to  
30 the federal alcohol administration act, 27 U.S.C. Sec. 204;

31 (b) Has its business located in the United States outside of the  
32 state of Washington;

33 (c) Acquires ownership of beer or wine for transportation into and  
34 resale in the state of Washington; and which beer or wine is produced  
35 anywhere outside Washington by a brewery or winery which does not hold  
36 a certificate of approval issued by the board; and

1 (d) Is appointed by the brewery or winery referenced in (c) of this  
2 subsection as its exclusive authorized representative for marketing and  
3 selling its products within the United States in accordance with a  
4 written agreement between the authorized representative and such  
5 brewery or winery pursuant to this title. The board may waive the  
6 requirement for the written agreement of exclusivity in situations  
7 consistent with the normal marketing practices of certain products,  
8 such as classified growths.

9 (3) "Beer" means any malt beverage, flavored malt beverage, or malt  
10 liquor as these terms are defined in this chapter.

11 (4) "Beer distributor" means a person who buys beer from a domestic  
12 brewery, microbrewery, beer certificate of approval holder, or beer  
13 importers, or who acquires foreign produced beer from a source outside  
14 of the United States, for the purpose of selling the same pursuant to  
15 this title, or who represents such brewer or brewery as agent.

16 (5) "Beer importer" means a person or business within Washington  
17 who purchases beer from a beer certificate of approval holder or who  
18 acquires foreign produced beer from a source outside of the United  
19 States for the purpose of selling the same pursuant to this title.

20 (6) "Brewer" or "brewery" means any person engaged in the business  
21 of manufacturing beer and malt liquor. Brewer includes a brand owner  
22 of malt beverages who holds a brewer's notice with the federal bureau  
23 of alcohol, tobacco, and firearms at a location outside the state and  
24 whose malt beverage is contract-produced by a licensed in-state  
25 brewery, and who may exercise within the state, under a domestic  
26 brewery license, only the privileges of storing, selling to licensed  
27 beer distributors, and exporting beer from the state.

28 (7) "Board" means the liquor control board, constituted under this  
29 title.

30 (8) "Club" means an organization of persons, incorporated or  
31 unincorporated, operated solely for fraternal, benevolent, educational,  
32 athletic or social purposes, and not for pecuniary gain.

33 (9) "Confection" means a preparation of sugar, honey, or other  
34 natural or artificial sweeteners in combination with chocolate, fruits,  
35 nuts, dairy products, or flavorings, in the form of bars, drops, or  
36 pieces.

37 (10) "Consume" includes the putting of liquor to any use, whether  
38 by drinking or otherwise.

1 (11) "Contract liquor store" means a business that sells liquor on  
2 behalf of the board through a contract with a contract liquor store  
3 manager.

4 (12) "Craft distillery" means a distillery that pays the reduced  
5 licensing fee under RCW 66.24.140.

6 (13) "Dentist" means a practitioner of dentistry duly and regularly  
7 licensed and engaged in the practice of his profession within the state  
8 pursuant to chapter 18.32 RCW.

9 (14) "Distiller" means a person engaged in the business of  
10 distilling spirits.

11 (15) "Domestic brewery" means a place where beer and malt liquor  
12 are manufactured or produced by a brewer within the state.

13 (16) "Domestic winery" means a place where wines are manufactured  
14 or produced within the state of Washington.

15 (17) "Druggist" means any person who holds a valid certificate and  
16 is a registered pharmacist and is duly and regularly engaged in  
17 carrying on the business of pharmaceutical chemistry pursuant to  
18 chapter 18.64 RCW.

19 (18) "Drug store" means a place whose principal business is, the  
20 sale of drugs, medicines and pharmaceutical preparations and maintains  
21 a regular prescription department and employs a registered pharmacist  
22 during all hours the drug store is open.

23 (19) "Employee" means any person employed by the board.

24 (20) "Flavored malt beverage" means:

25 (a) A malt beverage containing six percent or less alcohol by  
26 volume to which flavoring or other added nonbeverage ingredients are  
27 added that contain distilled spirits of not more than forty-nine  
28 percent of the beverage's overall alcohol content; or

29 (b) A malt beverage containing more than six percent alcohol by  
30 volume to which flavoring or other added nonbeverage ingredients are  
31 added that contain distilled spirits of not more than one and one-half  
32 percent of the beverage's overall alcohol content.

33 (21) "Fund" means 'liquor revolving fund.'

34 (22) "Hotel" means buildings, structures, and grounds, having  
35 facilities for preparing, cooking, and serving food, that are kept,  
36 used, maintained, advertised, or held out to the public to be a place  
37 where food is served and sleeping accommodations are offered for pay to  
38 transient guests, in which twenty or more rooms are used for the

1 sleeping accommodation of such transient guests. The buildings,  
2 structures, and grounds must be located on adjacent property either  
3 owned or leased by the same person or persons.

4 (23) "Importer" means a person who buys distilled spirits from a  
5 distillery outside the state of Washington and imports such spirituous  
6 liquor into the state for sale to the board or for export.

7 (24) "Imprisonment" means confinement in the county jail.

8 (25) "Liquor" includes the four varieties of liquor herein defined  
9 (alcohol, spirits, wine and beer), and all fermented, spirituous,  
10 vinous, or malt liquor, or combinations thereof, and mixed liquor, a  
11 part of which is fermented, spirituous, vinous or malt liquor, or  
12 otherwise intoxicating; and every liquid or solid or semisolid or other  
13 substance, patented or not, containing alcohol, spirits, wine or beer,  
14 and all drinks or drinkable liquids and all preparations or mixtures  
15 capable of human consumption, and any liquid, semisolid, solid, or  
16 other substance, which contains more than one percent of alcohol by  
17 weight shall be conclusively deemed to be intoxicating. Liquor does  
18 not include confections or food products that contain one percent or  
19 less of alcohol by weight.

20 (26) "Manufacturer" means a person engaged in the preparation of  
21 liquor for sale, in any form whatsoever.

22 (27) "Malt beverage" or "malt liquor" means any beverage such as  
23 beer, ale, lager beer, stout, and porter obtained by the alcoholic  
24 fermentation of an infusion or decoction of pure hops, or pure extract  
25 of hops and pure barley malt or other wholesome grain or cereal in pure  
26 water containing not more than eight percent of alcohol by weight, and  
27 not less than one-half of one percent of alcohol by volume. For the  
28 purposes of this title, any such beverage containing more than eight  
29 percent of alcohol by weight shall be referred to as "strong beer."

30 (28) "Nightclub" means an establishment that provides entertainment  
31 and has as its primary source of revenue (a) the sale of alcohol for  
32 consumption on the premises, (b) cover charges, or (c) both, and has an  
33 occupancy load of one hundred or more.

34 (29) "Package" means any container or receptacle used for holding  
35 liquor.

36 ((+29)) (30) "Passenger vessel" means any boat, ship, vessel,  
37 barge, or other floating craft of any kind carrying passengers for  
38 compensation.

1        ~~((30))~~ (31) "Permit" means a permit for the purchase of liquor  
2 under this title.

3        ~~((31))~~ (32) "Person" means an individual, copartnership,  
4 association, or corporation.

5        ~~((32))~~ (33) "Physician" means a medical practitioner duly and  
6 regularly licensed and engaged in the practice of his profession within  
7 the state pursuant to chapter 18.71 RCW.

8        ~~((33))~~ (34) "Prescription" means a memorandum signed by a  
9 physician and given by him to a patient for the obtaining of liquor  
10 pursuant to this title for medicinal purposes.

11        ~~((34))~~ (35) "Public place" includes streets and alleys of  
12 incorporated cities and towns; state or county or township highways or  
13 roads; buildings and grounds used for school purposes; public dance  
14 halls and grounds adjacent thereto; those parts of establishments where  
15 beer may be sold under this title, soft drink establishments, public  
16 buildings, public meeting halls, lobbies, halls and dining rooms of  
17 hotels, restaurants, theatres, stores, garages and filling stations  
18 which are open to and are generally used by the public and to which the  
19 public is permitted to have unrestricted access; railroad trains,  
20 stages, and other public conveyances of all kinds and character, and  
21 the depots and waiting rooms used in conjunction therewith which are  
22 open to unrestricted use and access by the public; publicly owned  
23 bathing beaches, parks, and/or playgrounds; and all other places of  
24 like or similar nature to which the general public has unrestricted  
25 right of access, and which are generally used by the public.

26        ~~((35))~~ (36) "Regulations" means regulations made by the board  
27 under the powers conferred by this title.

28        ~~((36))~~ (37) "Restaurant" means any establishment provided with  
29 special space and accommodations where, in consideration of payment,  
30 food, without lodgings, is habitually furnished to the public, not  
31 including drug stores and soda fountains.

32        ~~((37))~~ (38) "Sale" and "sell" include exchange, barter, and  
33 traffic; and also include the selling or supplying or distributing, by  
34 any means whatsoever, of liquor, or of any liquid known or described as  
35 beer or by any name whatever commonly used to describe malt or brewed  
36 liquor or of wine, by any person to any person; and also include a sale  
37 or selling within the state to a foreign consignee or his agent in the  
38 state. "Sale" and "sell" shall not include the giving, at no charge,

1 of a reasonable amount of liquor by a person not licensed by the board  
2 to a person not licensed by the board, for personal use only. "Sale"  
3 and "sell" also does not include a raffle authorized under RCW  
4 9.46.0315: PROVIDED, That the nonprofit organization conducting the  
5 raffle has obtained the appropriate permit from the board.

6 ~~((+38+))~~ (39) "Soda fountain" means a place especially equipped  
7 with apparatus for the purpose of dispensing soft drinks, whether mixed  
8 or otherwise.

9 ~~((+39+))~~ (40) "Spirits" means any beverage which contains alcohol  
10 obtained by distillation, except flavored malt beverages, but including  
11 wines exceeding twenty-four percent of alcohol by volume.

12 ~~((+40+))~~ (41) "Store" means a state liquor store established under  
13 this title.

14 ~~((+41+))~~ (42) "Tavern" means any establishment with special space  
15 and accommodation for sale by the glass and for consumption on the  
16 premises, of beer, as herein defined.

17 ~~((+42+))~~ (43) "Winery" means a business conducted by any person for  
18 the manufacture of wine for sale, other than a domestic winery.

19 ~~((+43+))~~ (44)(a) "Wine" means any alcoholic beverage obtained by  
20 fermentation of fruits (grapes, berries, apples, et cetera) or other  
21 agricultural product containing sugar, to which any saccharine  
22 substances may have been added before, during or after fermentation,  
23 and containing not more than twenty-four percent of alcohol by volume,  
24 including sweet wines fortified with wine spirits, such as port,  
25 sherry, muscatel and angelica, not exceeding twenty-four percent of  
26 alcohol by volume and not less than one-half of one percent of alcohol  
27 by volume. For purposes of this title, any beverage containing no more  
28 than fourteen percent of alcohol by volume when bottled or packaged by  
29 the manufacturer shall be referred to as "table wine," and any beverage  
30 containing alcohol in an amount more than fourteen percent by volume  
31 when bottled or packaged by the manufacturer shall be referred to as  
32 "fortified wine." However, "fortified wine" shall not include: (i)  
33 Wines that are both sealed or capped by cork closure and aged two years  
34 or more; and (ii) wines that contain more than fourteen percent alcohol  
35 by volume solely as a result of the natural fermentation process and  
36 that have not been produced with the addition of wine spirits, brandy,  
37 or alcohol.

1 (b) This subsection shall not be interpreted to require that any  
2 wine be labeled with the designation "table wine" or "fortified wine."

3 ~~((44))~~ (45) "Wine distributor" means a person who buys wine from  
4 a domestic winery, wine certificate of approval holder, or wine  
5 importer, or who acquires foreign produced wine from a source outside  
6 of the United States, for the purpose of selling the same not in  
7 violation of this title, or who represents such vintner or winery as  
8 agent.

9 ~~((45))~~ (46) "Wine importer" means a person or business within  
10 Washington who purchases wine from a wine certificate of approval  
11 holder or who acquires foreign produced wine from a source outside of  
12 the United States for the purpose of selling the same pursuant to this  
13 title.

14 **Sec. 3.** RCW 66.08.180 and 2007 c 370 s 14 are each amended to read  
15 as follows:

16 Except as provided in RCW 66.24.290(1), moneys in the liquor  
17 revolving fund shall be distributed by the board at least once every  
18 three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210:  
19 PROVIDED, That the board shall reserve from distribution such amount  
20 not exceeding five hundred thousand dollars as may be necessary for the  
21 proper administration of this title.

22 (1) All license fees, penalties, and forfeitures derived under  
23 chapter 13, Laws of 1935 from spirits, beer, and wine restaurant;  
24 spirits, beer, and wine private club; hotel; spirits, beer, and wine  
25 nightclub; and sports entertainment facility licenses (~~(or spirits,~~  
26 ~~beer, and wine restaurant; spirits, beer, and wine private club; and~~  
27 ~~sports entertainment facility licensees)) shall every three months be  
28 disbursed by the board as follows:~~

29 (a) Three hundred thousand dollars per biennium, to the death  
30 investigations account for the state toxicology program pursuant to RCW  
31 68.50.107; and

32 (b) Of the remaining funds:

33 (i) 6.06 percent to the University of Washington and 4.04 percent  
34 to Washington State University for alcoholism and drug abuse research  
35 and for the dissemination of such research; and

36 (ii) 89.9 percent to the general fund to be used by the department



1 of social and health services solely to carry out the purposes of RCW  
2 70.96A.050;

3 (2) The first fifty-five dollars per license fee provided in RCW  
4 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand  
5 dollars annually shall be disbursed every three months by the board to  
6 the general fund to be used for juvenile alcohol and drug prevention  
7 programs for kindergarten through third grade to be administered by the  
8 superintendent of public instruction;

9 (3) Twenty percent of the remaining total amount derived from  
10 license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.350, and  
11 66.24.360, shall be transferred to the general fund to be used by the  
12 department of social and health services solely to carry out the  
13 purposes of RCW 70.96A.050; and

14 (4) One-fourth cent per liter of the tax imposed by RCW 66.24.210  
15 shall every three months be disbursed by the board to Washington State  
16 University solely for wine and wine grape research, extension programs  
17 related to wine and wine grape research, and resident instruction in  
18 both wine grape production and the processing aspects of the wine  
19 industry in accordance with RCW 28B.30.068. The director of financial  
20 management shall prescribe suitable accounting procedures to ensure  
21 that the funds transferred to the general fund to be used by the  
22 department of social and health services and appropriated are  
23 separately accounted for.

24 **Sec. 4.** RCW 66.08.220 and 2007 c 370 s 15 are each amended to read  
25 as follows:

26 The board shall set aside in a separate account in the liquor  
27 revolving fund an amount equal to ten percent of its gross sales of  
28 liquor to spirits, beer, and wine restaurant; spirits, beer, and wine  
29 private club; spirits, beer, and wine nightclub; hotel; and sports  
30 entertainment facility licensees collected from these licensees  
31 pursuant to the provisions of RCW 82.08.150, less the fifteen percent  
32 discount provided for in RCW 66.24.440; and the moneys in said separate  
33 account shall be distributed in accordance with the provisions of RCW  
34 66.08.190, 66.08.200 and 66.08.210. No election unit in which the sale  
35 of liquor under spirits, beer, and wine restaurant; spirits, beer, and  
36 wine private club; spirits, beer, and wine nightclub; and sports

1 entertainment facility licenses is unlawful shall be entitled to share  
2 in the distribution of moneys from such separate account.

3 **Sec. 5.** RCW 66.20.310 and 2008 c 94 s 11 and 2008 c 41 s 3 are  
4 each reenacted and amended to read as follows:

5 (1)(a) There shall be an alcohol server permit, known as a class 12  
6 permit, for a manager or bartender selling or mixing alcohol, spirits,  
7 wines, or beer for consumption at an on-premises licensed facility.

8 (b) There shall be an alcohol server permit, known as a class 13  
9 permit, for a person who only serves alcohol, spirits, wines, or beer  
10 for consumption at an on-premises licensed facility.

11 (c) As provided by rule by the board, a class 13 permit holder may  
12 be allowed to act as a bartender without holding a class 12 permit.

13 (2)(a) Effective January 1, 1997, except as provided in (d) of this  
14 subsection, every alcohol server employed, under contract or otherwise,  
15 at a retail licensed premise shall ~~((have))~~ be issued ~~((to them))~~ a  
16 class 12 or class 13 permit.

17 (b) Every class 12 and class 13 permit issued shall be issued in  
18 the name of the applicant and no other person may use the permit of  
19 another permit holder. The holder shall present the permit upon  
20 request to inspection by a representative of the board or a peace  
21 officer. The class 12 or class 13 permit shall be valid for employment  
22 at any retail licensed premises described in (a) of this subsection.

23 (c) Except as provided in (d) of this subsection, no licensee  
24 holding a license as authorized by RCW 66.24.320, 66.24.330, 66.24.350,  
25 66.24.400, 66.24.425, 66.24.450, ~~((and))~~ 66.24.570, and section 1 of  
26 this act may employ or accept the services of any person without the  
27 person first having a valid class 12 or class 13 permit.

28 (d) Within sixty days of initial employment, every person whose  
29 duties include the compounding, sale, service, or handling of liquor  
30 shall have a class 12 or class 13 permit.

31 (e) No person may perform duties that include the sale or service  
32 of alcoholic beverages on a retail licensed premises without possessing  
33 a valid alcohol server permit.

34 (3) A permit issued by a training entity under this section is  
35 valid for employment at any retail licensed premises described in  
36 subsection (2)(a) of this section for a period of five years unless  
37 suspended by the board.

1 (4) The board may suspend or revoke an existing permit if any of  
2 the following occur:

3 (a) The applicant or permittee has been convicted of violating any  
4 of the state or local intoxicating liquor laws of this state or has  
5 been convicted at any time of a felony; or

6 (b) The permittee has performed or permitted any act that  
7 constitutes a violation of this title or of any rule of the board.

8 (5) The suspension or revocation of a permit under this section  
9 does not relieve a licensee from responsibility for any act of the  
10 employee or agent while employed upon the retail licensed premises.  
11 The board may, as appropriate, revoke or suspend either the permit of  
12 the employee who committed the violation or the license of the licensee  
13 upon whose premises the violation occurred, or both the permit and the  
14 license.

15 (6)(a) After January 1, 1997, it is a violation of this title for  
16 any retail licensee or agent of a retail licensee as described in  
17 subsection (2)(a) of this section to employ in the sale or service of  
18 alcoholic beverages, any person who does not have a valid alcohol  
19 server permit or whose permit has been revoked, suspended, or denied.

20 (b) It is a violation of this title for a person whose alcohol  
21 server permit has been denied, suspended, or revoked to accept  
22 employment in the sale or service of alcoholic beverages.

23 (7) Grocery stores licensed under RCW 66.24.360, the primary  
24 commercial activity of which is the sale of grocery products and for  
25 which the sale and service of beer and wine for on-premises consumption  
26 with food is incidental to the primary business, and employees of such  
27 establishments, are exempt from RCW 66.20.300 through 66.20.350.

28 **Sec. 6.** RCW 66.24.010 and 2007 c 473 s 1 are each amended to read  
29 as follows:

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

32 (2) For the purpose of considering any application for a license,  
33 or the renewal of a license, the board may cause an inspection of the  
34 premises to be made, and may inquire into all matters in connection  
35 with the construction and operation of the premises. For the purpose  
36 of reviewing any application for a license and for considering the  
37 denial, suspension, revocation, or renewal or denial thereof, of any

1 license, the liquor control board may consider any prior criminal  
2 conduct of the applicant including an administrative violation history  
3 record with the board and a criminal history record information check.  
4 The board may submit the criminal history record information check to  
5 the Washington state patrol and to the identification division of the  
6 federal bureau of investigation in order that these agencies may search  
7 their records for prior arrests and convictions of the individual or  
8 individuals who filled out the forms. The board shall require  
9 fingerprinting of any applicant whose criminal history record  
10 information check is submitted to the federal bureau of investigation.  
11 The provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply  
12 to such cases. Subject to the provisions of this section, the board  
13 may, in its discretion, grant or deny the renewal or license applied  
14 for. Denial may be based on, without limitation, the existence of  
15 chronic illegal activity documented in objections submitted pursuant to  
16 subsections (8)(d) and (12) of this section. Authority to approve an  
17 uncontested or unopposed license may be granted by the board to any  
18 staff member the board designates in writing. Conditions for granting  
19 such authority shall be adopted by rule. No retail license of any kind  
20 may be issued to:

21 (a) A person doing business as a sole proprietor who has not  
22 resided in the state for at least one month prior to receiving a  
23 license, except in cases of licenses issued to dining places on  
24 railroads, boats, or aircraft;

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

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

30 (d) A corporation or a limited liability company, unless it was  
31 created under the laws of the state of Washington or holds a  
32 certificate of authority to transact business in the state of  
33 Washington.

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

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

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

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

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

31 (4) Upon receipt of notice of the suspension or cancellation of a  
32 license, the licensee shall forthwith deliver up the license to the  
33 board. Where the license has been suspended only, the board shall  
34 return the license to the licensee at the expiration or termination of  
35 the period of suspension. The board shall notify all vendors in the  
36 city or place where the licensee has its premises of the suspension or  
37 cancellation of the license; and no employee may allow or cause any

1 liquor to be delivered to or for any person at the premises of that  
2 licensee.

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

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

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

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

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

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

1 duplicate notice to the incorporated city or town within which the fair  
2 is located.

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

10 (d) The written objections shall include a statement of all facts  
11 upon which such objections are based, and in case written objections  
12 are filed, the city or town or county legislative authority may request  
13 and the liquor control board may in its discretion hold a hearing  
14 subject to the applicable provisions of Title 34 RCW. If the board  
15 makes an initial decision to deny a license or renewal based on the  
16 written objections of an incorporated city or town or county  
17 legislative authority, the applicant may request a hearing subject to  
18 the applicable provisions of Title 34 RCW. If such a hearing is held  
19 at the request of the applicant, liquor control board representatives  
20 shall present and defend the board's initial decision to deny a license  
21 or renewal.

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

33 (9)(a) Before the board issues any license to any applicant, it  
34 shall give (i) due consideration to the location of the business to be  
35 conducted under such license with respect to the proximity of churches,  
36 schools, and public institutions and (ii) written notice, with receipt  
37 verification, of the application to public institutions identified by  
38 the board as appropriate to receive such notice, churches, and schools

1 within five hundred feet of the premises to be licensed. The board  
2 shall not issue (~~(no beer retailer)~~) a liquor license for either on-  
3 premises or off-premises consumption (~~(or wine retailer license for~~  
4 ~~either on premises or off premises consumption or spirits, beer, and~~  
5 ~~wine restaurant license)~~) covering any premises not now licensed, if  
6 such premises are within five hundred feet of the premises of any tax-  
7 supported public elementary or secondary school measured along the most  
8 direct route over or across established public walks, streets, or other  
9 public passageway from the main entrance of the school to the nearest  
10 public entrance of the premises proposed for license, and if, after  
11 receipt by the school of the notice as provided in this subsection, the  
12 board receives written objection, within twenty days after receiving  
13 such notice, from an official representative or representatives of the  
14 school within five hundred feet of said proposed licensed premises,  
15 indicating to the board that there is an objection to the issuance of  
16 such license because of proximity to a school. The board may extend  
17 the time period for submitting objections. For the purpose of this  
18 section, "church" (~~(shall)~~) means a building erected for and used  
19 exclusively for religious worship and schooling or other activity in  
20 connection therewith. (~~(For the purpose of this section, public~~  
21 ~~institution shall mean institutions of higher education, parks,~~  
22 ~~community centers, libraries, and transit centers.)~~)

23 (b) No liquor license may be issued or reissued by the board to any  
24 motor sports facility or licensee operating within the motor sports  
25 facility unless the motor sports facility enforces a program reasonably  
26 calculated to prevent alcohol or alcoholic beverages not purchased  
27 within the facility from entering the facility and such program is  
28 approved by local law enforcement agencies.

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



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

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

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

18 (c) Refusal by the board to issue or extend a temporary license  
19 shall not entitle the applicant to request a hearing. A temporary  
20 license may be canceled or suspended summarily at any time if the board  
21 determines that good cause for cancellation or suspension exists. RCW  
22 66.08.130 applies to temporary licenses.

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

27 (12) In determining whether to grant or deny a license or renewal  
28 of any license, the board shall give substantial weight to objections  
29 from an incorporated city or town or county legislative authority based  
30 upon chronic illegal activity associated with the applicant's  
31 operations of the premises proposed to be licensed or the applicant's  
32 operation of any other licensed premises, or the conduct of the  
33 applicant's patrons inside or outside the licensed premises. "Chronic  
34 illegal activity" means (a) a pervasive pattern of activity that  
35 threatens the public health, safety, and welfare of the city, town, or  
36 county including, but not limited to, open container violations,  
37 assaults, disturbances, disorderly conduct, or other criminal law  
38 violations, or as documented in crime statistics, police reports,

1 emergency medical response data, calls for service, field data, or  
2 similar records of a law enforcement agency for the city, town, county,  
3 or any other municipal corporation or any state agency; or (b) an  
4 unreasonably high number of citations for violations of RCW 46.61.502  
5 associated with the applicant's or licensee's operation of any licensed  
6 premises as indicated by the reported statements given to law  
7 enforcement upon arrest.

8 **Sec. 7.** RCW 66.24.420 and 2007 c 370 s 19 and 2007 c 370 s 8 are  
9 each reenacted and amended to read as follows:

10 (1) The spirits, beer, and wine restaurant license shall be issued  
11 in accordance with the following schedule of annual fees:

12 (a) The annual fee for a spirits, beer, and wine restaurant license  
13 shall be graduated according to the dedicated dining area and type of  
14 service provided as follows:

15	Less than 50% dedicated dining area	\$2,000
16	50% or more dedicated dining area	\$1,600
17	Service bar only	\$1,000

18 (b) The annual fee for the license when issued to any other  
19 spirits, beer, and wine restaurant licensee outside of incorporated  
20 cities and towns shall be prorated according to the calendar quarters,  
21 or portion thereof, during which the licensee is open for business,  
22 except in case of suspension or revocation of the license.

23 (c) Where the license shall be issued to any corporation,  
24 association or person operating a bona fide restaurant in an airport  
25 terminal facility providing service to transient passengers with more  
26 than one place where liquor is to be dispensed and sold, such license  
27 shall be issued upon the payment of the annual fee, which shall be a  
28 master license and shall permit such sale within and from one such  
29 place. Such license may be extended to additional places on the  
30 premises at the discretion of the board and a duplicate license may be  
31 issued for each such additional place. The holder of a master license  
32 for a restaurant in an airport terminal facility must maintain in a  
33 substantial manner at least one place on the premises for preparing,  
34 cooking, and serving of complete meals, and such food service shall be

1 available on request in other licensed places on the premises. An  
2 additional license fee of twenty-five percent of the annual master  
3 license fee shall be required for such duplicate licenses.

4 (d) Where the license shall be issued to any corporation,  
5 association, or person operating dining places at a publicly or  
6 privately owned civic or convention center with facilities for sports,  
7 entertainment, or conventions, or a combination thereof, with more than  
8 one place where liquor is to be dispensed and sold, such license shall  
9 be issued upon the payment of the annual fee, which shall be a master  
10 license and shall permit such sale within and from one such place.  
11 Such license may be extended to additional places on the premises at  
12 the discretion of the board and a duplicate license may be issued for  
13 each such additional place. The holder of a master license for a  
14 dining place at such a publicly or privately owned civic or convention  
15 center must maintain in a substantial manner at least one place on the  
16 premises for preparing, cooking, and serving of complete meals, and  
17 food service shall be available on request in other licensed places on  
18 the premises. An additional license fee of ten dollars shall be  
19 required for such duplicate licenses.

20 (2) The board, so far as in its judgment is reasonably possible,  
21 shall confine spirits, beer, and wine restaurant licenses to the  
22 business districts of cities and towns and other communities, and not  
23 grant such licenses in residential districts, nor within the immediate  
24 vicinity of schools, without being limited in the administration of  
25 this subsection to any specific distance requirements.

26 (3) The board shall have discretion to issue spirits, beer, and  
27 wine restaurant licenses outside of cities and towns in the state of  
28 Washington. The purpose of this subsection is to enable the board, in  
29 its discretion, to license in areas outside of cities and towns and  
30 other communities, establishments which are operated and maintained  
31 primarily for the benefit of tourists, vacationers and travelers, and  
32 also golf and country clubs, and common carriers operating dining, club  
33 and buffet cars, or boats.

34 ~~(4) ((The total number of spirits, beer, and wine restaurant~~  
35 ~~licenses issued in the state of Washington by the board, not including~~  
36 ~~spirits, beer, and wine private club licenses, shall not in the~~  
37 ~~aggregate at any time exceed one license for each one thousand three~~

1 hundred of population in the state, determined according to the yearly  
2 population determination developed by the office of financial  
3 management pursuant to RCW 43.62.030.

4 ~~(5) Notwithstanding the provisions of subsection (4) of this~~  
5 ~~section,~~) The board shall refuse a spirits, beer, and wine restaurant  
6 license to any applicant if in the opinion of the board the spirits,  
7 beer, and wine restaurant licenses already granted for the particular  
8 locality are adequate for the reasonable needs of the community.

9 ((+6)) (5)(a) The board may issue a caterer's endorsement to this  
10 license to allow the licensee to remove the liquor stocks at the  
11 licensed premises, for use as liquor for sale and service at event  
12 locations at a specified date and, except as provided in subsection  
13 ((+7)) (6) of this section, place not currently licensed by the board.  
14 If the event is open to the public, it must be sponsored by a society  
15 or organization as defined by RCW 66.24.375. If attendance at the  
16 event is limited to members or invited guests of the sponsoring  
17 individual, society, or organization, the requirement that the sponsor  
18 must be a society or organization as defined by RCW 66.24.375 is  
19 waived. Cost of the endorsement is three hundred fifty dollars.

20 (b) The holder of this license with a catering endorsement shall,  
21 if requested by the board, notify the board or its designee of the  
22 date, time, place, and location of any catered event. Upon request,  
23 the licensee shall provide to the board all necessary or requested  
24 information concerning the society or organization that will be holding  
25 the function at which the endorsed license will be utilized.

26 (c) The holder of this license with a caterer's endorsement may,  
27 under conditions established by the board, store liquor on the premises  
28 of another not licensed by the board so long as there is a written  
29 agreement between the licensee and the other party to provide for  
30 ongoing catering services, the agreement contains no exclusivity  
31 clauses regarding the alcoholic beverages to be served, and the  
32 agreement is filed with the board.

33 (d) The holder of this license with a caterer's endorsement may,  
34 under conditions established by the board, store liquor on other  
35 premises operated by the licensee so long as the other premises are  
36 owned or controlled by a leasehold interest by that licensee. A  
37 duplicate license may be issued for each additional premises. A

1 license fee of twenty dollars shall be required for such duplicate  
2 licenses.

3 ((+7)) (6) Licensees under this section that hold a caterer's  
4 endorsement are allowed to use this endorsement on a domestic winery  
5 premises or on the premises of a passenger vessel and may store liquor  
6 at such premises under conditions established by the board under the  
7 following conditions:

8 (a) Agreements between the domestic winery or passenger vessel, as  
9 the case may be, and the retail licensee shall be in writing, contain  
10 no exclusivity clauses regarding the alcoholic beverages to be served,  
11 and be filed with the board; and

12 (b) The domestic winery or passenger vessel, as the case may be,  
13 and the retail licensee shall be separately contracted and compensated  
14 by the persons sponsoring the event for their respective services.

15 **Sec. 8.** RCW 66.24.440 and 2007 c 370 s 20 are each amended to read  
16 as follows:

17 Each spirits, beer, and wine restaurant, spirits, beer, and wine  
18 private club, hotel, spirits, beer, and wine nightclub, and sports  
19 entertainment facility licensee shall be entitled to purchase any  
20 spirituous liquor items salable under such license from the board at a  
21 discount of not less than fifteen percent from the retail price fixed  
22 by the board, together with all taxes.

23 **Sec. 9.** RCW 66.40.030 and 1999 c 281 s 8 are each amended to read  
24 as follows:

25 Within any unit referred to in RCW 66.40.010, there may be held a  
26 separate election upon the question of whether the sale of liquor under  
27 spirits, beer, and wine restaurant; spirits, beer, and wine private  
28 club; spirits, beer, and wine nightclub; and sports entertainment  
29 facility licenses, shall be permitted within such unit. The conditions  
30 and procedure for holding such election shall be those prescribed by  
31 RCW 66.40.020, 66.40.040, 66.40.100, 66.40.110 and 66.40.120. Whenever  
32 a majority of qualified voters voting upon said question in any such  
33 unit shall have voted "against the sale of liquor under spirits, beer,  
34 and wine restaurant; spirits, beer, and wine private club; spirits,  
35 beer, and wine nightclub; and sports entertainment facility licenses",  
36 the county auditor shall file with the liquor control board a

1 certificate showing the result of the canvass at such election; and  
2 after ninety days from and after the date of the canvass, it shall not  
3 be lawful for licensees to maintain and operate premises within the  
4 election unit licensed under spirits, beer, and wine restaurant;  
5 spirits, beer, and wine private club; spirits, beer, and wine  
6 nightclub; and sports entertainment facility licenses. The addition  
7 after an election under this section of new territory to a city, town,  
8 or county, by annexation, disincorporation, or otherwise, shall not  
9 extend the prohibition against the sale of liquor under spirits, beer,  
10 and wine restaurant; spirits, beer, and wine private club; spirits,  
11 beer, and wine nightclub; and sports entertainment facility licenses to  
12 the new territory. Elections held under RCW 66.40.010, 66.40.020,  
13 66.40.040, 66.40.100, 66.40.110, 66.40.120 and 66.40.140, shall be  
14 limited to the question of whether the sale of liquor by means other  
15 than under spirits, beer, and wine restaurant; spirits, beer, and wine  
16 private club; spirits, beer, and wine nightclub; and sports  
17 entertainment facility licenses shall be permitted within such election  
18 unit.

19 **Sec. 10.** RCW 66.40.130 and 1999 c 281 s 9 are each amended to read  
20 as follows:

21 Ninety days after December 2, 1948, spirits, beer, and wine  
22 restaurant; spirits, beer, and wine private club; spirits, beer, and  
23 wine nightclub; and sports entertainment facility licenses may be  
24 issued in any election unit in which the sale of liquor is then lawful.  
25 No spirits, beer, and wine restaurant; spirits, beer, and wine private  
26 club; spirits, beer, and wine nightclub; and sports entertainment  
27 facility license shall be issued in any election unit in which the sale  
28 of liquor is forbidden as the result of an election held under RCW  
29 66.40.010, 66.40.020, 66.40.040, 66.40.100, 66.40.110, 66.40.120 and  
30 66.40.140, unless a majority of the qualified electors in such election  
31 unit voting upon this initiative at the general election in November,  
32 1948, vote in favor of this initiative, or unless at a subsequent  
33 general election in which the question of whether the sale of liquor  
34 under spirits, beer, and wine restaurant; spirits, beer, and wine  
35 private club; spirits, beer, and wine nightclub; and sports  
36 entertainment facility licenses shall be permitted within such unit is  
37 submitted to the electorate, as provided in RCW 66.40.030, a majority

1 of the qualified electors voting upon such question vote "for the sale  
2 of liquor under spirits, beer, and wine restaurant; spirits, beer, and  
3 wine private club; spirits, beer, and wine nightclub; and sports  
4 entertainment facility licenses."

5 **Sec. 11.** RCW 68.50.107 and 1999 c 281 s 13 and 1999 c 40 s 8 are  
6 each reenacted and amended to read as follows:

7 There shall be established in conjunction with the chief of the  
8 Washington state patrol and under the authority of the state forensic  
9 investigations council a state toxicological laboratory under the  
10 direction of the state toxicologist whose duty it will be to perform  
11 all necessary toxicologic procedures requested by all coroners, medical  
12 examiners, and prosecuting attorneys. The state forensic  
13 investigations council, after consulting with the chief of the  
14 Washington state patrol and director of the bureau of forensic  
15 laboratory services, shall appoint a toxicologist as state  
16 toxicologist, who shall report to the director of the bureau of  
17 forensic laboratory services and the office of the chief of the  
18 Washington state patrol. Toxicological services shall be funded by  
19 disbursement from the spirits, beer, and wine restaurant; spirits,  
20 beer, and wine private club; spirits, beer, and wine nightclub; and  
21 sports entertainment facility license fees as provided in RCW 66.08.180  
22 and by appropriation from the death investigations account as provided  
23 in RCW 43.79.445.

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