

---

SENATE BILL 5915

---

State of Washington                      63rd Legislature                      2013 Regular Session

By Senators Kline, Darneille, Eide, Hasegawa, Braun, and McAuliffe

Read first time 04/18/13. Referred to Committee on Law & Justice.

1            AN ACT Relating to funding and requiring the use of distributions  
2 from the additional tax on beer and strong beer for improving impaired  
3 driving safety and enforcement; amending RCW 66.24.290, 46.68.260, and  
4 46.20.117; adding a new section to chapter 46.68 RCW; adding a new  
5 section to chapter 46.61 RCW; prescribing penalties; providing  
6 effective dates; and declaring an emergency.

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

8            **Sec. 1.** RCW 66.24.290 and 2010 1st sp.s. c 23 s 1301 are each  
9 amended to read as follows:

10            (1) Any microbrewer or domestic brewery or beer distributor  
11 licensed under this title may sell and deliver beer and strong beer to  
12 holders of authorized licenses direct, but to no other person, other  
13 than the board. Any certificate of approval holder authorized to act  
14 as a distributor under RCW 66.24.270 (~~shall~~) must pay the taxes  
15 imposed by this section.

16            (a) Every such brewery or beer distributor (~~shall~~) must report  
17 all sales to the board monthly, pursuant to the regulations, and  
18 (~~shall~~) must pay to the board as an added tax for the privilege of  
19 manufacturing and selling the beer and strong beer within the state a

1 tax of one dollar and thirty cents per barrel of thirty-one gallons on  
2 sales to licensees within the state and on sales to licensees within  
3 the state of bottled and canned beer, including strong beer, (~~shall~~)  
4 must pay a tax computed in gallons at the rate of one dollar and thirty  
5 cents per barrel of thirty-one gallons.

6 (b) Any brewery or beer distributor whose applicable tax payment is  
7 not postmarked by the twentieth day following the month of sale will be  
8 assessed a penalty at the rate of two percent per month or fraction  
9 thereof. Beer and strong beer (~~shall~~) must be sold by breweries and  
10 distributors in sealed barrels or packages.

11 (c) The moneys collected under this subsection (~~shall~~) must be  
12 distributed as follows: (i) Three-tenths of a percent (~~shall~~) must  
13 be distributed to border areas under RCW 66.08.195; and (ii) of the  
14 remaining moneys: (A) Twenty percent (~~shall~~) must be distributed to  
15 counties in the same manner as under RCW 66.08.200; and (B) eighty  
16 percent (~~shall~~) must be distributed to incorporated cities and towns  
17 in the same manner as under RCW 66.08.210.

18 (d) Any licensed retailer authorized to purchase beer from a  
19 certificate of approval holder with a direct shipment endorsement or a  
20 brewery or microbrewery (~~shall~~) must make monthly reports to the  
21 liquor control board on beer purchased during the preceding calendar  
22 month in the manner and upon such forms as may be prescribed by the  
23 board.

24 (2) An additional tax is imposed on all beer and strong beer  
25 subject to tax under subsection (1) of this section. The additional  
26 tax is equal to two dollars per barrel of thirty-one gallons. All  
27 revenues collected during any month from this additional tax (~~shall~~)  
28 must be deposited in the state general fund by the twenty-fifth day of  
29 the following month.

30 (3)(a) An additional tax is imposed on all beer and strong beer  
31 subject to tax under subsection (1) of this section. The additional  
32 tax is equal to ninety-six cents per barrel of thirty-one gallons  
33 through June 30, 1995, two dollars and thirty-nine cents per barrel of  
34 thirty-one gallons for the period July 1, 1995, through June 30, 1997,  
35 and four dollars and seventy-eight cents per barrel of thirty-one  
36 gallons thereafter.

37 (b) The additional tax imposed under this subsection does not apply  
38 to the sale of the first sixty thousand barrels of beer each year by

1 breweries that are entitled to a reduced rate of tax under 26 U.S.C.  
2 Sec. 5051, as existing on July 1, 1993, or such subsequent date as may  
3 be provided by the board by rule consistent with the purposes of this  
4 exemption.

5 (c) All revenues collected from the additional tax imposed under  
6 this subsection (3) (~~shall~~) must be deposited in the state general  
7 fund.

8 (4) An additional tax is imposed on all beer and strong beer that  
9 is subject to tax under subsection (1) of this section that is in the  
10 first sixty thousand barrels of beer and strong beer by breweries that  
11 are entitled to a reduced rate of tax under 26 U.S.C. Sec. 5051, as  
12 existing on July 1, 1993, or such subsequent date as may be provided by  
13 the board by rule consistent with the purposes of the exemption under  
14 subsection (3)(b) of this section. The additional tax is equal to one  
15 dollar and forty-eight and two-tenths cents per barrel of thirty-one  
16 gallons. By the twenty-fifth day of the following month, three percent  
17 of the revenues collected from this additional tax (~~shall~~) must be  
18 distributed to border areas under RCW 66.08.195 and the remaining  
19 moneys (~~shall~~) must be transferred to the state general fund.

20 (5)(a) (~~From June 1, 2010, through June 30, 2013,~~) An additional  
21 tax is imposed on all beer and strong beer subject to tax under  
22 subsection (1) of this section. The additional tax is equal to fifteen  
23 dollars and fifty cents per barrel of thirty-one gallons.

24 (b) The additional tax imposed under this subsection does not apply  
25 to the sale of the first sixty thousand barrels of beer each year by  
26 breweries that are entitled to a reduced rate of tax under 26 U.S.C.  
27 Sec. 5051 of the federal internal revenue code, as existing on July 1,  
28 1993, or such subsequent date as may be provided by the board by rule  
29 consistent with the purposes of this exemption.

30 (c) All revenues collected from the additional tax imposed under  
31 this subsection (~~shall~~) must be deposited in the (~~state general~~  
32 ~~fund~~) impaired driving safety account created in RCW 46.68.260.

33 (6) The board may make refunds for all taxes paid on beer and  
34 strong beer exported from the state for use outside the state.

35 (7) The board may require filing with the board of a bond to be  
36 approved by it, in such amount as the board may fix, securing the  
37 payment of the tax. If any licensee fails to pay the tax when due, the

1 board may forthwith suspend or cancel his or her license until all  
2 taxes are paid.

3 **Sec. 2.** RCW 46.68.260 and 2004 c 95 s 16 are each amended to read  
4 as follows:

5 (1) The impaired driving safety account is created in the ((custody  
6 of the state treasurer)) state treasury. All receipts from fees  
7 collected under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) shall  
8 be deposited according to RCW 46.68.041. Additionally, the tax imposed  
9 under RCW 66.24.290(5) must be deposited into the account.  
10 Expenditures from this account may be used only to fund projects to  
11 reduce impaired driving and to provide funding to local governments for  
12 costs associated with enforcing laws relating to driving and boating  
13 while under the influence of intoxicating liquor or any drug. The  
14 account is subject to allotment procedures under chapter 43.88 RCW.  
15 Moneys in the account may be spent only after appropriation.

16 (2) Funds deposited into the account from the tax imposed under RCW  
17 66.24.290(5) must first be used to fund the additional state costs as  
18 a result of Senate Bill No. 5912 (Z-0445/13) or House Bill No. 2030  
19 (Z-0444/13); RCW 46.20.117; and section 7 of this act. This includes  
20 costs for incarceration, prosecution, public defense, treatment, and  
21 any other costs increased as a result of Senate Bill No. 5912  
22 (Z-0445/13) or House Bill No. 2030 (Z-0444/13); and this act. The  
23 remainder must be used for the following purposes:

24 (a) Fifty percent to be distributed to counties and cities as  
25 prescribed in section 3 of this act to cover the increased costs  
26 associated with Senate Bill No. 5912 (Z-0445/13) or House Bill No. 2030  
27 (Z-0444/13); and may not supplant existing expenditures;

28 (b) Fifty percent must be appropriated to the Washington traffic  
29 safety commission under RCW 43.59.010 for grants to eliminate impaired  
30 driving in accordance with the Washington state strategic highway  
31 safety plan: Target zero. The grants must include, but are not  
32 limited to, impaired driving emphasis patrols and funding for ancillary  
33 costs in relation to emphasis patrols, including costs for courts,  
34 prosecution and defense, incarceration, treatment, and other costs  
35 deemed necessary by the traffic safety commission. The traffic safety  
36 commission must also implement measures to ensure that the grant  
37 funding does not supplant existing expenses.

1            NEW SECTION.    **Sec. 3.** A new section is added to chapter 46.68 RCW  
2 to read as follows:

3            (1) The distributions of the funds in RCW 46.68.260(2)(a) must be  
4 made eighty percent to counties and twenty percent to cities.

5            (2) The amounts distributed to counties must be made based on a  
6 formula adopted by the traffic safety commission. The formula must, as  
7 a minimum, take into consideration population, location of traffic  
8 crashes involving persons driving under the influence of intoxicating  
9 liquor or drugs, and the number of court cases in a county involving  
10 persons driving under the influence of intoxicating liquor or drugs.  
11 The formula must be developed based on the data and research available  
12 to the traffic safety commission so that funds are distributed to  
13 locations with the most need.

14            (3) The amounts distributed to cities must be made based on a  
15 formula adopted by the traffic safety commission using the same  
16 criteria as in subsection (2) of this section. Cities that cannot  
17 prosecute violations in their municipal courts under RCW 46.61.502 or  
18 46.61.504 may not receive funds under this section.

19            (4) Beginning July 1, 2013, and each July 1st thereafter, the  
20 traffic safety commission must provide the distribution information to  
21 the state treasurer. The state treasurer must distribute the funds on  
22 a quarterly basis.

23            **Sec. 4.** RCW 46.20.117 and 2012 c 80 s 6 are each amended to read  
24 as follows:

25            (1) **Issuance.** The department (~~(shall)~~) must issue an identicard,  
26 containing a picture, if the applicant:

27            (a) Does not hold a valid Washington driver's license;

28            (b) Proves his or her identity as required by RCW 46.20.035; and

29            (c) Pays the required fee. Except as provided in subsection (5) of  
30 this section, the fee is forty-five dollars from October 1, 2012, to  
31 June 30, 2013, and fifty-four dollars after June 30, 2013, unless an  
32 applicant is a recipient of continuing public assistance grants under  
33 Title 74 RCW, who is referred in writing by the secretary of social and  
34 health services. For those persons the fee must be the actual cost of  
35 production of the identicard.

36            (2)(a) **Design and term.** The identicard must:

1        ~~((a))~~ (i) Be distinctly designed so that it will not be confused  
2 with the official driver's license; and

3        ~~((b))~~ (ii) Except as provided in subsection (5) of this section,  
4 expire on the sixth anniversary of the applicant's birthdate after  
5 issuance.

6        (b) An identicard issued to a person who has been convicted under  
7 RCW 46.61.502 or 46.61.504 and whose driving privileges are restricted  
8 under RCW 46.20.720 must include a visible and identifying marker. A  
9 person with an identicard that includes a visible and identifying  
10 marker under this subsection may apply for a new identicard after  
11 restrictions under RCW 46.20.720 have been removed.

12        (3) **Renewal.** An application for identicard renewal may be  
13 submitted by means of:

14        (a) Personal appearance before the department; or

15        (b) Mail or electronic commerce, if permitted by rule of the  
16 department and if the applicant did not renew his or her identicard by  
17 mail or by electronic commerce when it last expired.

18        An identicard may not be renewed by mail or by electronic commerce  
19 unless the renewal issued by the department includes a photograph of  
20 the identicard holder.

21        (4) **Cancellation.** The department may cancel an identicard if the  
22 holder of the identicard used the card or allowed others to use the  
23 card in violation of RCW 46.20.0921.

24        (5) **Alternative issuance/renewal/extension.** The department may  
25 issue or renew an identicard for a period other than five years from  
26 October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or  
27 may extend by mail or electronic commerce an identicard that has  
28 already been issued, in order to evenly distribute, as nearly as  
29 possible, the yearly renewal rate of identicard holders. The fee for  
30 an identicard issued or renewed for a period other than five years from  
31 October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or  
32 that has been extended by mail or electronic commerce, is nine dollars  
33 for each year that the identicard is issued, renewed, or extended. The  
34 department may adopt any rules as are necessary to carry out this  
35 subsection.

36        NEW SECTION. **Sec. 5.** A new section is added to chapter 46.61 RCW  
37 to read as follows:

1 (1) It is unlawful for any person to sell liquor to any person who  
2 has an identifying marker on their identicard under RCW 46.20.117(2)(b)  
3 or driver's license under RCW 46.20.308(6)(c), or to permit any person  
4 who has an identifying marker on their identicard under RCW  
5 46.20.117(2)(b) or driver's license under RCW 46.20.308(6)(c) to  
6 consume liquor on his or her premises or on any premises under his or  
7 her control. For the purposes of this subsection, "premises" includes  
8 real property, houses, buildings, and other structures, and motor  
9 vehicles and watercraft. A violation of this subsection is a  
10 misdemeanor punishable as provided for in chapter 9A.20 RCW.

11 (2)(a) It is unlawful for any person who has an identifying marker  
12 on their identicard under RCW 46.20.117(2)(b) or driver's license under  
13 RCW 46.20.308(6)(c) to possess, consume, or otherwise acquire any  
14 liquor. A violation of this subsection is a gross misdemeanor  
15 punishable as provided for in chapter 9A.20 RCW.

16 (b) It is unlawful for a person who has an identifying marker on  
17 their identicard under RCW 46.20.117(2)(b) or driver's license under  
18 RCW 46.20.308(6)(c) to be in a public place, or to be in a motor  
19 vehicle in a public place, while exhibiting the effects of having  
20 consumed liquor. For purposes of this subsection, exhibiting the  
21 effects of having consumed liquor means that a person has the odor of  
22 liquor on his or her breath and either: (i) Is in possession of or  
23 close proximity to a container that has or recently had liquor in it;  
24 or (ii) by speech, manner, appearance, behavior, lack of coordination,  
25 or otherwise, exhibits that he or she is under the influence of liquor.

26 (3) This section does not apply to liquor given to or consumed by  
27 a person when the liquor is being used in connection with religious  
28 services and the amount consumed is the minimal amount necessary for  
29 the religious service.

30 NEW SECTION. **Sec. 6.** Sections 1 through 3 of this act are  
31 necessary for the immediate preservation of the public peace, health,  
32 or safety, or support of the state government and its existing public  
33 institutions, and take effect July 1, 2013.

34 NEW SECTION. **Sec. 7.** Sections 4 and 5 of this act take effect

1 July 1, 2015.

--- END ---