
SENATE BILL 5294

State of Washington

55th Legislature

1997 Regular Session

By Senators McCaslin and Haugen

Read first time 01/22/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to refunds for liquor licenses; 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 1995 c 232 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 and the provisions of RCW
15 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
16 board may, in its discretion, grant or refuse the license applied for.
17 Authority to approve an uncontested or unopposed license may be granted
18 by the board to any staff member the board designates in writing.

1 Conditions for granting such authority shall be adopted by rule. No
2 retail license of any kind may be issued to:

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

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

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

11 (d) A corporation, unless it was created under the laws of the
12 state of Washington or holds a certificate of authority to transact
13 business in the state of Washington.

14 (3) The board may, in its discretion, subject to the provisions of
15 RCW 66.08.150, suspend or cancel any license; and all rights of the
16 licensee to keep or sell liquor thereunder shall be suspended or
17 terminated, as the case may be. The board may request the appointment
18 of administrative law judges under chapter 34.12 RCW who shall have
19 power to administer oaths, issue subpoenas for the attendance of
20 witnesses and the production of papers, books, accounts, documents, and
21 testimony, examine witnesses, and to receive testimony in any inquiry,
22 investigation, hearing, or proceeding in any part of the state, under
23 such rules and regulations as the board may adopt.

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

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

38 (4) Upon receipt of notice of the suspension or cancellation of a
39 license, the licensee shall forthwith deliver up the license to the

1 board. Where the license has been suspended only, the board shall
2 return the license to the licensee at the expiration or termination of
3 the period of suspension. The board shall notify all vendors in the
4 city or place where the licensee has its premises of the suspension or
5 cancellation of the license; and no employee may allow or cause any
6 liquor to be delivered to or for any person at the premises of that
7 licensee.

8 (5)(a) At the time of the original issuance of a class H license,
9 the board shall prorate the license fee charged to the new licensee
10 according to the number of calendar quarters, or portion thereof,
11 remaining until the first renewal of that license is required.

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

21 (c) If a license holder discontinues operation at a licensed
22 establishment, the board may refund the remaining portion of the annual
23 license fee for this establishment minus any outstanding administrative
24 penalties or fines or administrative costs associated with the issuance
25 of the license. The refund shall be prorated and shall be calculated
26 commencing on the first of the month following the month in which the
27 liquor license was surrendered to the board and include the time
28 remaining until the expiration date of the license.

29 (6) Every license issued under this section shall be subject to all
30 conditions and restrictions imposed by this title or by the regulations
31 in force from time to time. All conditions and restrictions imposed by
32 the board in the issuance of an individual license shall be listed on
33 the face of the individual license along with the trade name, address,
34 and expiration date.

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

37 (8) Before the board shall issue a license to an applicant it shall
38 give notice of such application to the chief executive officer of the
39 incorporated city or town, if the application be for a license within

1 an incorporated city or town, or to the county legislative authority,
2 if the application be for a license outside the boundaries of
3 incorporated cities or towns; and such incorporated city or town,
4 through the official or employee selected by it, or the county
5 legislative authority or the official or employee selected by it, shall
6 have the right to file with the board within twenty days after date of
7 transmittal of such notice, written objections against the applicant or
8 against the premises for which the license is asked, and shall include
9 with such objections a statement of all facts upon which such
10 objections are based, and in case written objections are filed, may
11 request and the liquor control board may in its discretion hold a
12 formal hearing subject to the applicable provisions of Title 34 RCW.
13 Upon the granting of a license under this title the board shall send a
14 duplicate of the license or written notification to the chief executive
15 officer of the incorporated city or town in which the license is
16 granted, or to the county legislative authority if the license is
17 granted outside the boundaries of incorporated cities or towns.

18 (9) Before the board issues any license to any applicant, it shall
19 give (a) due consideration to the location of the business to be
20 conducted under such license with respect to the proximity of churches,
21 schools, and public institutions and (b) written notice by certified
22 mail of the application to churches, schools, and public institutions
23 within five hundred feet of the premises to be licensed. The board
24 shall issue no beer retailer license class A, B, D, or E or wine
25 retailer license class C or F or class H license covering any premises
26 not now licensed, if such premises are within five hundred feet of the
27 premises of any tax-supported public elementary or secondary school
28 measured along the most direct route over or across established public
29 walks, streets, or other public passageway from the outer property line
30 of the school grounds to the nearest public entrance of the premises
31 proposed for license, and if, after receipt by the school or public
32 institution of the notice as provided in this subsection, the board
33 receives written notice, within twenty days after posting such notice,
34 from an official representative or representatives of the school within
35 five hundred feet of said proposed licensed premises, indicating to the
36 board that there is an objection to the issuance of such license
37 because of proximity to a school. For the purpose of this section,
38 church shall mean a building erected for and used exclusively for
39 religious worship and schooling or other activity in connection

1 therewith. No liquor license may be issued or reissued by the board to
2 any motor sports facility or licensee operating within the motor sports
3 facility unless the motor sports facility enforces a program reasonably
4 calculated to prevent alcohol or alcoholic beverages not purchased
5 within the facility from entering the facility and such program is
6 approved by local law enforcement agencies. It is the intent under
7 this subsection that a retail license shall not be issued by the board
8 where doing so would, in the judgment of the board, adversely affect a
9 private school meeting the requirements for private schools under Title
10 28A RCW, which school is within five hundred feet of the proposed
11 licensee. The board shall fully consider and give substantial weight
12 to objections filed by private schools. If a license is issued despite
13 the proximity of a private school, the board shall state in a letter
14 addressed to the private school the board's reasons for issuing the
15 license.

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

23 (11) Nothing in this section prohibits the board, in its
24 discretion, from issuing a temporary retail or wholesaler license to an
25 applicant assuming an existing retail or wholesaler license to continue
26 the operation of the retail or wholesaler premises during the period
27 the application for the license is pending and when the following
28 conditions exist:

29 (a) The licensed premises has been operated under a retail or
30 wholesaler license within ninety days of the date of filing the
31 application for a temporary license;

32 (b) The retail or wholesaler license for the premises has been
33 surrendered pursuant to issuance of a temporary operating license;

34 (c) The applicant for the temporary license has filed with the
35 board an application to assume the retail or wholesaler license at such
36 premises to himself or herself; and

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

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

6 Refusal by the board to issue or extend a temporary license shall
7 not entitle the applicant to request a hearing. A temporary license
8 may be canceled or suspended summarily at any time if the board
9 determines that good cause for cancellation or suspension exists. RCW
10 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

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

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