

SB 6480 - H COMM AMD

By Committee on Commerce & Labor

1       Strike everything after the enacting clause and insert the  
2 following:

3       "**Sec. 1.** RCW 66.24.010 and 2002 c 119 s 3 are each amended to read  
4 as follows:

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

7       (2) For the purpose of considering any application for a license,  
8 the board may cause an inspection of the premises to be made, and may  
9 inquire into all matters in connection with the construction and  
10 operation of the premises. For the purpose of reviewing any  
11 application for a license and for considering the denial, suspension or  
12 revocation of any license, the liquor control board may consider any  
13 prior criminal conduct of the applicant including a criminal history  
14 record information check. The board may submit the criminal history  
15 record information check to the Washington state patrol and to the  
16 identification division of the federal bureau of investigation in order  
17 that these agencies may search their records for prior arrests and  
18 convictions of the individual or individuals who filled out the forms.  
19 The board shall require fingerprinting of any applicant whose criminal  
20 history record information check is submitted to the federal bureau of  
21 investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW  
22 shall not apply to such cases. The board may, in its discretion, grant  
23 or refuse the license applied for. Authority to approve an uncontested  
24 or unopposed license may be granted by the board to any staff member  
25 the board designates in writing. Conditions for granting such  
26 authority shall be adopted by rule. No retail license of any kind may  
27 be issued to:

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

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

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

6 (d) A corporation or a limited liability company, unless it was  
7 created under the laws of the state of Washington or holds a  
8 certificate of authority to transact business in the state of  
9 Washington.

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

14 (b) The board shall immediately suspend the license or certificate  
15 of a person who has been certified pursuant to RCW 74.20A.320 by the  
16 department of social and health services as a person who is not in  
17 compliance with a support order. If the person has continued to meet  
18 all other requirements for reinstatement during the suspension,  
19 reissuance of the license or certificate shall be automatic upon the  
20 board's receipt of a release issued by the department of social and  
21 health services stating that the licensee is in compliance with the  
22 order.

23 (c) The board may request the appointment of administrative law  
24 judges under chapter 34.12 RCW who shall have power to administer  
25 oaths, issue subpoenas for the attendance of witnesses and the  
26 production of papers, books, accounts, documents, and testimony,  
27 examine witnesses, and to receive testimony in any inquiry,  
28 investigation, hearing, or proceeding in any part of the state, under  
29 such rules and regulations as the board may adopt.

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

35 (e) In case of disobedience of any person to comply with the order  
36 of the board or a subpoena issued by the board, or any of its members,  
37 or administrative law judges, or on the refusal of a witness to testify

1 to any matter regarding which he or she may be lawfully interrogated,  
2 the judge of the superior court of the county in which the person  
3 resides, on application of any member of the board or administrative  
4 law judge, shall compel obedience by contempt proceedings, as in the  
5 case of disobedience of the requirements of a subpoena issued from said  
6 court or a refusal to testify therein.

7 (4) Upon receipt of notice of the suspension or cancellation of a  
8 license, the licensee shall forthwith deliver up the license to the  
9 board. Where the license has been suspended only, the board shall  
10 return the license to the licensee at the expiration or termination of  
11 the period of suspension. The board shall notify all vendors in the  
12 city or place where the licensee has its premises of the suspension or  
13 cancellation of the license; and no employee may allow or cause any  
14 liquor to be delivered to or for any person at the premises of that  
15 licensee.

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

21 (b) Unless sooner canceled, every license issued by the board shall  
22 expire at midnight of the thirtieth day of June of the fiscal year for  
23 which it was issued. However, if the board deems it feasible and  
24 desirable to do so, it may establish, by rule pursuant to chapter 34.05  
25 RCW, a system for staggering the annual renewal dates for any and all  
26 licenses authorized by this chapter. If such a system of staggered  
27 annual renewal dates is established by the board, the license fees  
28 provided by this chapter shall be appropriately prorated during the  
29 first year that the system is in effect.

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

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

1       (8)(a) Unless (b) of this subsection applies, before the board  
2 ((shall)) issues a license to an applicant it shall give notice of such  
3 application to the chief executive officer of the incorporated city or  
4 town, if the application ((be)) is for a license within an incorporated  
5 city or town, or to the county legislative authority, if the  
6 application ((be)) is for a license outside the boundaries of  
7 incorporated cities or towns((; and such)).

8       (b) If the application for a special occasion license is for an  
9 event held during a county, district, or area fair as defined by RCW  
10 15.76.120, and the county, district, or area fair is located on  
11 property owned by the county but located within an incorporated city or  
12 town, the county legislative authority shall be the entity notified by  
13 the board under (a) of this subsection. The board shall send a  
14 duplicate notice to the incorporated city or town within which the fair  
15 is located.

16       (c) The incorporated city or town((~~7~~)) through the official or  
17 employee selected by it, or the county legislative authority or the  
18 official or employee selected by it, shall have the right to file with  
19 the board within twenty days after date of transmittal of such notice,  
20 written objections against the applicant or against the premises for  
21 which the license is asked((~~7~~ and)).

22       (d) The written objections shall include ((with such objections))  
23 a statement of all facts upon which such objections are based, and in  
24 case written objections are filed, may request and the liquor control  
25 board may in its discretion hold a formal hearing subject to the  
26 applicable provisions of Title 34 RCW.

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

1 (9) Before the board issues any license to any applicant, it shall  
2 give (a) due consideration to the location of the business to be  
3 conducted under such license with respect to the proximity of churches,  
4 schools, and public institutions and (b) written notice by certified  
5 mail of the application to churches, schools, and public institutions  
6 within five hundred feet of the premises to be licensed. The board  
7 shall issue no beer retailer license for either on-premises or off-  
8 premises consumption or wine retailer license for either on-premises or  
9 off-premises consumption or spirits, beer, and wine restaurant license  
10 covering any premises not now licensed, if such premises are within  
11 five hundred feet of the premises of any tax-supported public  
12 elementary or secondary school measured along the most direct route  
13 over or across established public walks, streets, or other public  
14 passageway from the outer property line of the school grounds to the  
15 nearest public entrance of the premises proposed for license, and if,  
16 after receipt by the school or public institution of the notice as  
17 provided in this subsection, the board receives written notice, within  
18 twenty days after posting such notice, from an official representative  
19 or representatives of the school within five hundred feet of said  
20 proposed licensed premises, indicating to the board that there is an  
21 objection to the issuance of such license because of proximity to a  
22 school. For the purpose of this section, church shall mean a building  
23 erected for and used exclusively for religious worship and schooling or  
24 other activity in connection therewith. No liquor license may be  
25 issued or reissued by the board to any motor sports facility or  
26 licensee operating within the motor sports facility unless the motor  
27 sports facility enforces a program reasonably calculated to prevent  
28 alcohol or alcoholic beverages not purchased within the facility from  
29 entering the facility and such program is approved by local law  
30 enforcement agencies. It is the intent under this subsection that a  
31 retail license shall not be issued by the board where doing so would,  
32 in the judgment of the board, adversely affect a private school meeting  
33 the requirements for private schools under Title 28A RCW, which school  
34 is within five hundred feet of the proposed licensee. The board shall  
35 fully consider and give substantial weight to objections filed by  
36 private schools. If a license is issued despite the proximity of a

1 private school, the board shall state in a letter addressed to the  
2 private school the board's reasons for issuing the license.

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

10 (11) Nothing in this section prohibits the board, in its  
11 discretion, from issuing a temporary retail or distributor license to  
12 an applicant assuming an existing retail or distributor license to  
13 continue the operation of the retail or distributor premises during the  
14 period the application for the license is pending and when the  
15 following conditions exist:

16 (a) The licensed premises has been operated under a retail or  
17 distributor license within ninety days of the date of filing the  
18 application for a temporary license;

19 (b) The retail or distributor license for the premises has been  
20 surrendered pursuant to issuance of a temporary operating license;

21 (c) The applicant for the temporary license has filed with the  
22 board an application to assume the retail or distributor license at  
23 such premises to himself or herself; and

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

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

31 Refusal by the board to issue or extend a temporary license shall  
32 not entitle the applicant to request a hearing. A temporary license  
33 may be canceled or suspended summarily at any time if the board  
34 determines that good cause for cancellation or suspension exists. RCW  
35 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

36 Application for a temporary license shall be on such form as the

1 board shall prescribe. If an application for a temporary license is  
2 withdrawn before issuance or is refused by the board, the fee which  
3 accompanied such application shall be refunded in full.

4 **Sec. 2.** RCW 66.24.380 and 1997 c 321 s 24 are each amended to read  
5 as follows:

6 There shall be a retailer's license to be designated as a special  
7 occasion license to be issued to a not-for-profit society or  
8 organization to sell spirits, beer, and wine by the individual serving  
9 for on-premises consumption at a specified event, such as at picnics or  
10 other special occasions, at a specified date and place; fee sixty  
11 dollars per day.

12 (1) The not-for-profit society or organization is limited to sales  
13 of no more than twelve calendar days per year. For the purposes of  
14 this subsection, special occasion licensees that are "agricultural area  
15 fairs" or "agricultural county, district, and area fairs," as defined  
16 by RCW 15.76.120, that receive a special occasion license may, once per  
17 calendar year, count as one event fairs that last multiple days, so  
18 long as alcohol sales are at set dates, times, and locations, and the  
19 board receives prior notification of the dates, times, and locations.  
20 The special occasion license applicant will pay the sixty dollars per  
21 day for this event.

22 (2) The licensee may sell beer and/or wine in original, unopened  
23 containers for off-premises consumption if permission is obtained from  
24 the board prior to the event.

25 (3) Sale, service, and consumption of spirits, beer, and wine is to  
26 be confined to specified premises or designated areas only.

27 (4) Spirituous liquor sold under this special occasion license must  
28 be purchased at a state liquor store or agency without discount at  
29 retail prices, including all taxes.

30 (5) Any violation of this section is a class 1 civil infraction  
31 having a maximum penalty of two hundred fifty dollars as provided for  
32 in chapter 7.80 RCW."

33 Correct the title.

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