
HOUSE BILL 2113

State of Washington 60th Legislature 2007 Regular Session

By Representatives Williams, Goodman, Green, Hunt and Simpson

Read first time 02/08/2007. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to objections by cities, towns, and counties to the
2 issuance of liquor licenses; amending RCW 66.24.010; and reenacting and
3 amending RCW 66.24.420.

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

5 **Sec. 1.** RCW 66.24.010 and 2006 c 359 s 1 are each amended to read
6 as follows:

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

9 (2) For the purpose of considering any application for a license,
10 the board may cause an inspection of the premises to be made, and may
11 inquire into all matters in connection with the construction and
12 operation of the premises. For the purpose of reviewing any
13 application for a license and for considering the denial, suspension or
14 revocation of any license, the liquor control board may consider any
15 prior criminal conduct of the applicant including a criminal history
16 record information check. The board may submit the criminal history
17 record information check to the Washington state patrol and to the
18 identification division of the federal bureau of investigation in order
19 that these agencies may search their records for prior arrests and

1 convictions of the individual or individuals who filled out the forms.
2 The board shall require fingerprinting of any applicant whose criminal
3 history record information check is submitted to the federal bureau of
4 investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW
5 shall not apply to such cases. The board may, in its discretion, grant
6 or refuse the license applied for. Authority to approve an uncontested
7 or unopposed license may be granted by the board to any staff member
8 the board designates in writing. Conditions for granting such
9 authority shall be adopted by rule. No retail license of any kind may
10 be issued to:

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

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

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

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

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

28 (b) The board shall immediately suspend the license or certificate
29 of a person who has been certified pursuant to RCW 74.20A.320 by the
30 department of social and health services as a person who is not in
31 compliance with a support order. If the person has continued to meet
32 all other requirements for reinstatement during the suspension,
33 reissuance of the license or certificate shall be automatic upon the
34 board's receipt of a release issued by the department of social and
35 health services stating that the licensee is in compliance with the
36 order.

37 (c) The board may request the appointment of administrative law
38 judges under chapter 34.12 RCW who shall have power to administer

1 oaths, issue subpoenas for the attendance of witnesses and the
2 production of papers, books, accounts, documents, and testimony,
3 examine witnesses, and to receive testimony in any inquiry,
4 investigation, hearing, or proceeding in any part of the state, under
5 such rules and regulations as the board may adopt.

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

11 (e) In case of disobedience of any person to comply with the order
12 of the board or a subpoena issued by the board, or any of its members,
13 or administrative law judges, or on the refusal of a witness to testify
14 to any matter regarding which he or she may be lawfully interrogated,
15 the judge of the superior court of the county in which the person
16 resides, on application of any member of the board or administrative
17 law judge, shall compel obedience by contempt proceedings, as in the
18 case of disobedience of the requirements of a subpoena issued from said
19 court or a refusal to testify therein.

20 (4) Upon receipt of notice of the suspension or cancellation of a
21 license, the licensee shall forthwith deliver up the license to the
22 board. Where the license has been suspended only, the board shall
23 return the license to the licensee at the expiration or termination of
24 the period of suspension. The board shall notify all vendors in the
25 city or place where the licensee has its premises of the suspension or
26 cancellation of the license; and no employee may allow or cause any
27 liquor to be delivered to or for any person at the premises of that
28 licensee.

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

34 (b) Unless sooner canceled, every license issued by the board shall
35 expire at midnight of the thirtieth day of June of the fiscal year for
36 which it was issued. However, if the board deems it feasible and
37 desirable to do so, it may establish, by rule pursuant to chapter 34.05
38 RCW, a system for staggering the annual renewal dates for any and all

1 licenses authorized by this chapter. If such a system of staggered
2 annual renewal dates is established by the board, the license fees
3 provided by this chapter shall be appropriately prorated during the
4 first year that the system is in effect.

5 (6) Every license issued under this section shall be subject to all
6 conditions and restrictions imposed by this title or by rules adopted
7 by the board. All conditions and restrictions imposed by the board in
8 the issuance of an individual license shall be listed on the face of
9 the individual license along with the trade name, address, and
10 expiration date.

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

13 (8)(a) Unless (b) of this subsection applies, before the board
14 issues a license to an applicant it shall give notice of such
15 application to the chief executive officer of the incorporated city or
16 town, if the application is for a license within an incorporated city
17 or town, or to the county legislative authority, if the application is
18 for a license outside the boundaries of incorporated cities or towns.

19 (b) If the application for a special occasion license is for an
20 event held during a county, district, or area fair as defined by RCW
21 15.76.120, and the county, district, or area fair is located on
22 property owned by the county but located within an incorporated city or
23 town, the county legislative authority shall be the entity notified by
24 the board under (a) of this subsection. The board shall send a
25 duplicate notice to the incorporated city or town within which the fair
26 is located.

27 (c) The incorporated city or town through the official or employee
28 selected by it, or the county legislative authority or the official or
29 employee selected by it, shall have the right to file with the board
30 within twenty days after date of transmittal of such notice, written
31 objections against the applicant or against the premises for which the
32 license is asked. The board may extend the time period for submitting
33 written objections.

34 (d) The written objections shall include a statement of all facts
35 upon which such objections are based, and in case written objections
36 are filed, may request and the liquor control board may in its
37 discretion hold a hearing subject to the applicable provisions of Title
38 34 RCW. The board shall give substantial weight to objections based

1 upon: (i) Threats to public health or safety by operation of the
2 licensed premises or the conduct of the licensee's patrons either
3 within or without the licensed premises; (ii) an unreasonably high
4 number of citations for violation of RCW 46.61.502 associated with the
5 proposed licensed premises, as indicated by, inter alia, the reported
6 statements of patrons to the Washington state patrol; or (iii) an
7 unreasonably high use of local police resources by the proposed
8 licensee or its patrons, as documented by calls for police service,
9 number of police field contacts, or such other reasonable measure
10 employed by the police department of the incorporated city, town, or
11 county. The burden to demonstrate the contrary of such objections
12 shall be upon the proposed licensee. For purposes of this subsection,
13 "substantial weight" means that board may issue a license
14 notwithstanding such objections by an incorporated city, town, or
15 county legislative authority only if, after applying a clearly
16 erroneous standard of review, the board is left with the definite and
17 firm conviction that the objections are incorrect.

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

29 (9)(a) Before the board issues any license to any applicant, it
30 shall give (i) due consideration to the location of the business to be
31 conducted under such license with respect to the proximity of churches,
32 schools, and public institutions and (ii) written notice, with receipt
33 verification, of the application to public institutions identified by
34 the board as appropriate to receive such notice, churches, and schools
35 within five hundred feet of the premises to be licensed. The board
36 shall issue no beer retailer license for either on-premises or off-
37 premises consumption or wine retailer license for either on-premises or
38 off-premises consumption or spirits, beer, and wine restaurant license

1 covering any premises not now licensed, if such premises are within
2 five hundred feet of the premises of any tax-supported public
3 elementary or secondary school measured along the most direct route
4 over or across established public walks, streets, or other public
5 passageway from the main entrance of the school to the nearest public
6 entrance of the premises proposed for license, and if, after receipt by
7 the school of the notice as provided in this subsection, the board
8 receives written objection, within twenty days after receiving such
9 notice, from an official representative or representatives of the
10 school within five hundred feet of said proposed licensed premises,
11 indicating to the board that there is an objection to the issuance of
12 such license because of proximity to a school. The board may extend
13 the time period for submitting objections. For the purpose of this
14 section, church shall mean a building erected for and used exclusively
15 for religious worship and schooling or other activity in connection
16 therewith. For the purpose of this section, public institution shall
17 mean institutions of higher education, parks, community centers,
18 libraries, and transit centers.

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

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

34 (10) The restrictions set forth in subsection (9) of this section
35 shall not prohibit the board from authorizing the assumption of
36 existing licenses now located within the restricted area by other
37 persons or licenses or relocations of existing licensed premises within

1 the restricted area. In no case may the licensed premises be moved
2 closer to a church or school than it was before the assumption or
3 relocation.

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

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

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

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

23 **Sec. 2.** RCW 66.24.420 and 2006 c 101 s 3 and 2006 c 85 s 1 are
24 each reenacted and amended to read as follows:

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

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

30	Less than 50% dedicated dining area	\$2,000
31	50% or more dedicated dining area	\$1,600
32	Service bar only	\$1,000

33 (b) The annual fee for the license when issued to any other
34 spirits, beer, and wine restaurant licensee outside of incorporated
35 cities and towns shall be prorated according to the calendar quarters,

1 or portion thereof, during which the licensee is open for business,
2 except in case of suspension or revocation of the license.

3 (c) Where the license shall be issued to any corporation,
4 association or person operating a bona fide restaurant in an airport
5 terminal facility providing service to transient passengers with more
6 than one place where liquor is to be dispensed and sold, such license
7 shall be issued upon the payment of the annual fee, which shall be a
8 master license and shall permit such sale within and from one such
9 place. Such license may be extended to additional places on the
10 premises at the discretion of the board and a duplicate license may be
11 issued for each such additional place. The holder of a master license
12 for a restaurant in an airport terminal facility must maintain in a
13 substantial manner at least one place on the premises for preparing,
14 cooking, and serving of complete meals, and such food service shall be
15 available on request in other licensed places on the premises. An
16 additional license fee of twenty-five percent of the annual master
17 license fee shall be required for such duplicate licenses.

18 (d) Where the license shall be issued to any corporation,
19 association, or person operating dining places at a publicly or
20 privately owned civic or convention center with facilities for sports,
21 entertainment, or conventions, or a combination thereof, with more than
22 one place where liquor is to be dispensed and sold, such license shall
23 be issued upon the payment of the annual fee, which shall be a master
24 license and shall permit such sale within and from one such place.
25 Such license may be extended to additional places on the premises at
26 the discretion of the board and a duplicate license may be issued for
27 each such additional place. The holder of a master license for a
28 dining place at such a publicly or privately owned civic or convention
29 center must maintain in a substantial manner at least one place on the
30 premises for preparing, cooking, and serving of complete meals, and
31 food service shall be available on request in other licensed places on
32 the premises. An additional license fee of ten dollars shall be
33 required for such duplicate licenses.

34 (e) Where the license shall be issued to any corporation,
35 association or person operating more than one building containing
36 dining places at privately owned facilities which are open to the
37 public and where there is a continuity of ownership of all adjacent
38 property, such license shall be issued upon the payment of an annual

1 fee which shall be a master license and shall permit such sale within
2 and from one such place. Such license may be extended to the
3 additional dining places on the property or, in the case of a spirits,
4 beer, and wine restaurant licensed hotel, property owned or controlled
5 by leasehold interest by that hotel for use as a conference or
6 convention center or banquet facility open to the general public for
7 special events in the same metropolitan area, at the discretion of the
8 board and a duplicate license may be issued for each additional place.
9 The holder of the master license for the dining place shall not offer
10 alcoholic beverages for sale, service, and consumption at the
11 additional place unless food service is available at both the location
12 of the master license and the duplicate license. An additional license
13 fee of twenty dollars shall be required for such duplicate licenses.

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

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

28 (4) The total number of spirits, beer, and wine restaurant licenses
29 issued in the state of Washington by the board, not including spirits,
30 beer, and wine private club licenses, shall not in the aggregate at any
31 time exceed one license for each one thousand four hundred fifty of
32 population in the state, determined according to the yearly population
33 determination developed by the office of financial management pursuant
34 to RCW 43.62.030.

35 (5) Notwithstanding the provisions of subsection (4) of this
36 section, the board shall refuse a spirits, beer, and wine restaurant
37 license to any applicant if, in the opinion of the board, the spirits,
38 beer, and wine restaurant licenses already granted for the particular

1 locality are adequate for the reasonable needs of the community, or
2 issuance of a requested license will: (a) Pose a threat to public
3 health or safety by operation of the licensed premises or the conduct
4 of the licensee's patrons either within or without the licensed
5 premises; (b) result in an unreasonably high number of citations for
6 violation of RCW 46.61.502 associated with the proposed licensed
7 premises, as indicated by, inter alia, the reported statements of
8 patrons to the Washington state patrol; or (c) result in an
9 unreasonably high use of local police resources by the proposed
10 licensee or its patrons, as documented by calls for police service,
11 number of police field contacts, or such other reasonable measure
12 employed by the police department of the incorporated city, town, or
13 county.

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

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

31 (7) Licensees under this section that hold a caterer's endorsement
32 are allowed to use this endorsement on a domestic winery premises or on
33 the premises of a passenger vessel under the following conditions:

34 (a) Agreements between the domestic winery or passenger vessel, as
35 the case may be, and the retail licensee shall be in writing, contain
36 no exclusivity clauses regarding the alcohol beverages to be served,
37 and be filed with the board; and

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

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