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HOUSE BILL 2099

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State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Conway, Condotta, Chase, and Simpson

Read first time 02/10/09. Referred to Committee on Commerce & Labor.

1            AN ACT Relating to allowing out-of-state online wine retailers to  
2 ship to consumers in the state; amending RCW 66.20.375 and 66.20.390;  
3 and adding a new section to chapter 66.20 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 66.20 RCW  
6 to read as follows:

7            (1) Before wine may be shipped by an out-of-state online retailer  
8 to a person who is a resident of Washington, the out-of-state online  
9 retailer must obtain a retailer wine shipper's permit under procedures  
10 prescribed by the board by rule and pay a fee established by the board.

11            (2) An applicant for a retailer wine shipper's permit must:

12            (a) Certify that it holds all state and federal licenses and  
13 permits necessary to operate as a wine retailer including, but not  
14 limited to, off-premises sales licenses issued by the board;

15            (b) Comply with the requirements of RCW 66.20.375 through  
16 66.20.390; and

17            (c) Register with the department of revenue under RCW 82.32.030.

18            (3) Holders of a retailer wine shipper's permit under this section  
19 must:

1 (a) Pay the tax under RCW 66.24.210 for sales of wine to Washington  
2 state residents; and

3 (b) Collect and remit to the department of revenue all applicable  
4 state and local sales and use taxes imposed by or under the authority  
5 of chapters 81.104, 82.08, 82.12, and 82.14 RCW on all sales of wine  
6 delivered to buyers in this state, regardless of whether the permit  
7 holder has a physical presence in this state.

8 **Sec. 2.** RCW 66.20.375 and 2006 c 49 s 4 are each amended to read  
9 as follows:

10 (1) A domestic winery, a retailer wine shipper, or a wine shipper's  
11 permit holder must clearly label all wine cases or outside shipping  
12 packages of wine sent into or out of this state under chapter 49, Laws  
13 of 2006 to indicate that the package cannot be delivered to a person  
14 under twenty-one years of age or to an intoxicated person.

15 (2) A domestic winery, a retailer wine shipper, or a wine shipper's  
16 permit holder must ensure that the private carrier used to deliver wine  
17 (a) obtains the signature of the person who receives the wine upon  
18 delivery, (b) verifies the age of the recipient, and (c) verifies that  
19 the recipient does not appear intoxicated at the time of delivery.

20 (3) A retailer wine shipper's permit holder under section 1 of this  
21 act must be limited to ship not more than a total of two cases of wine  
22 or cider containing not more than nine liters per case per month to a  
23 resident of Washington who is at least twenty-one years of age.

24 **Sec. 3.** RCW 66.20.390 and 2006 c 49 s 7 are each amended to read  
25 as follows:

26 (1) Holders of a wine shipper's permit are deemed to have consented  
27 to the jurisdiction of Washington concerning enforcement of chapter 49,  
28 Laws of 2006 and all laws((~~7~~)) and rules(~~(7, and regulations)~~) related  
29 to the shipment of wine from wine manufacturers directly to consumers.

30 (2)(a) A permit issued under chapter 49, Laws of 2006 to a wine  
31 manufacturer located outside this state who fails to comply with the  
32 provisions of chapter 49, Laws of 2006 shall be suspended or revoked.

33 (b) The privilege to ship wine directly to Washington consumers  
34 under a domestic winery license shall be suspended or revoked if the  
35 domestic winery fails to comply with the provisions of chapter 49, Laws  
36 of 2006.

1       (3) Holders of a retailer wine shipper's permit under section 1 of  
2 this act are deemed to have consented to the jurisdiction of Washington  
3 concerning enforcement of chapter 49, Laws of 2006 and all laws and  
4 rules related to the shipment of wine from out-of-state online  
5 retailers directly to consumers.

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