

HOUSE BILL REPORT

ESHB 1203

As Passed House:

March 8, 1995

Title: An act relating to prohibiting impaired persons from purchasing liquor.

Brief Description: Prohibiting impaired persons from purchasing liquor.

Sponsors: By House Committee on Law & Justice (originally sponsored by Representatives Chappell and Robertson).

Brief History:

Committee Activity:

Law & Justice: 2/14/95, 2/15/95 [DPS].

Floor Activity:

Passed House: 3/8/95, 96-0.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Staff: Bill Perry (786-7123).

Background: It is unlawful for any person to sell liquor to a person "apparently under the influence of liquor."

A violation of this provision carries criminal penalties. A first offense is punishable by a fine of up to \$500 and by imprisonment for up to two months. A second offense is punishable by imprisonment for up to six months, and a third offense by imprisonment for up to one year.

If a corporation violates this provision, it is subject to a fine of up to \$5,000 for a first offense, and a fine of up to \$10,000 and loss of its corporate license for a second or subsequent offense.

In addition, persons or businesses that are licensed by the Liquor Control Board to sell liquor may have their licenses suspended or revoked for violating this law.

Although it is a crime for a person to sell liquor to a person who is apparently under the influence, it is not a crime for a person who is under the influence to buy liquor.

Summary of Substitute Bill: It is a civil infraction for a person "apparently under the influence of liquor" to purchase liquor. A violation is punishable by a fine of up to \$250.

A definition is provided for "apparently under the influence." The phrase means that a person has "liquor on his or her breath" and also has impairment of motor skills such as walking, standing, and balance. The definition applies both to the infraction of purchasing liquor by a person apparently under the influence and to the crime of selling liquor to such a person.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill will put customers and servers on an equal footing, and will help proprietors control problem drinkers.

Testimony Against: None.

Testified: Representative Chappell, prime sponsor (pro); Bob Gault, Washington State Licensed Beverage Association (pro); Art Lawrenson, Washington State Licensed Beverage Association (pro); and Gary Gilbert, Liquor Control Board (with concerns).