## SUBSTITUTE HOUSE BILL 2634
_____

**State of Washington      54th Legislature      1996 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Scott, Mason, Linville, Schoesler, Sheldon, Jacobsen and Veloria)

Read first time 02/02/96.

1     AN ACT Relating to the sale of malt liquor in kegs; and amending
2 RCW 66.24.400, 66.28.200, and 66.28.220.

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

4     **Sec. 1.**  RCW 66.24.400 and 1987 c 196 s 1 are each amended to read
5 as follows:
6     (1) There shall be a retailer's license, to be known and designated
7 as class H license, to sell spirituous liquor by the individual glass,
8 beer, and wine, at retail, for consumption on the premises, including
9 mixed drinks and cocktails compounded or mixed on the premises only((÷
10 PROVIDED, That)), and, under conditions provided in subsection (5) of
11 this section, to sell malt liquor in untapped kegs or other containers
12 capable of holding four gallons or more of liquid for off-premises
13 consumption.
14     (2) A hotel, or club licensed under chapter 70.62 RCW with
15 overnight sleeping accommodations, that is licensed under this section
16 may sell liquor by the bottle to registered guests of the hotel or club
17 for consumption in guest rooms, hospitality rooms, or at banquets in
18 the hotel or club((÷  PROVIDED FURTHER, That)).

1    (3) A patron of a bona fide hotel, restaurant, or club licensed
2    under this section may remove from the premises recorked or recapped in
3    its original container any portion of wine which was purchased for
4    consumption with a meal, and registered guests who have purchased
5    liquor from the hotel or club by the bottle may remove from the
6    premises any unused portion of such liquor in its original container.
7    (4) Such class H license may be issued only to bona fide
8    restaurants, hotels and clubs, and to dining, club and buffet cars on
9    passenger trains, and to dining places on passenger boats and
10   airplanes, and to dining places at publicly owned civic centers with
11   facilities for sports, entertainment, and conventions, and to such
12   other establishments operated and maintained primarily for the benefit
13   of tourists, vacationers and travelers as the board shall determine are
14   qualified to have, and in the discretion of the board should have, a
15   class H license under the provisions and limitations of this title.
16   (5) If authorized by the board, a liquor licensee who obtains a
17   class H license in lieu of a class A or B license in any combination
18   with a class E license after January 1, 1993, may sell malt liquor in
19   untapped kegs or containers capable of holding four gallons or more of
20   liquid.

21   **Sec. 2.**  RCW 66.28.200 and 1993 c 21 s 2 are each amended to read
22   as follows:
23   Licensees holding a class A or B license in combination with a
24   class E license, and licensees holding a specially endorsed class H
25   license may sell malt liquor in kegs or other containers capable of
26   holding four gallons or more of liquid.  Any person who sells or offers
27   for sale the contents of kegs or other containers containing four
28   gallons or more of malt liquor, or leases kegs or other containers that
29   will hold four gallons of malt liquor, to consumers who are not
30   licensed under chapter 66.24 RCW shall do the following for any
31   transaction involving the container:
32   (1) Require the purchaser of the malt liquor to sign a declaration
33   and receipt for the keg or other container or beverage in substantially
34   the form provided in RCW 66.28.220;
35   (2) Require the purchaser to provide one piece of identification
36   pursuant to RCW 66.16.040;
37   (3) Require the purchaser to sign a sworn statement, under penalty
38   of perjury, that:

1     (a) The purchaser is of legal age to purchase, possess, or use malt
 2 liquor;
 3     (b) The purchaser will not allow any person under the age of
 4 twenty-one years to consume the beverage except as provided by RCW
 5 66.44.270;
 6     (c) The purchaser will not remove, obliterate, or allow to be
 7 removed or obliterated, the identification required under RCW 66.28.220
 8 to be affixed to the container;
 9     (4) Require the purchaser to state the particular address where the
10 malt liquor will be consumed, or the particular address where the keg
11 or other container will be physically located; and
12     (5) Require the purchaser to maintain a copy of the declaration and
13 receipt next to or adjacent to the keg or other container, in no event
14 a distance greater than five feet, and visible without a physical
15 barrier from the keg, during the time that the keg or other container
16 is in the purchaser's possession or control.

17     **Sec. 3.**  RCW 66.28.220 and 1993 c 21 s 3 are each amended to read
18 as follows:
19     The board shall adopt rules requiring retail licensees to affix
20 appropriate identification on all containers of four gallons or more of
21 malt liquor for the purpose of tracing the purchasers of such
22 containers.  The rules may provide for identification to be done on a
23 state-wide basis or on the basis of smaller geographical areas.
24     The board shall develop and make available forms for the
25 declaration and receipt required by RCW 66.28.200.  The board may
26 charge class E and specially endorsed class H licensees for the costs
27 of providing the forms and that money collected for the forms shall be
28 deposited into the liquor revolving fund for use by the board, without
29 further appropriation, to continue to administer the cost of the keg
30 registration program.
31     It is unlawful for any person to sell or offer for sale kegs or
32 other containers containing four gallons or more of malt liquor to
33 consumers who are not licensed under chapter 66.24 RCW if the kegs or
34 containers are not identified in compliance with rules adopted by the
35 board.

--- END ---