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**SENATE BILL 6567**

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**State of Washington**

**54th Legislature**

**1996 Regular Session**

**By** Senators Pelz, Prentice, Oke and Kohl

Read first time 01/18/96. Referred to Committee on Labor, Commerce & Trade.

1 AN ACT Relating to liquor licenses; amending RCW 66.24.010; adding  
2 new sections to chapter 66.44 RCW; and prescribing penalties.

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

4 **Sec. 1.** RCW 66.24.010 and 1995 c 232 s 1 are each amended to read  
5 as follows:

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

8 (2) For the purpose of considering any application for a license,  
9 the board may cause an inspection of the premises to be made, and may  
10 inquire into all matters in connection with the construction and  
11 operation of the premises. For the purpose of reviewing any  
12 application for a license and for considering the denial, suspension or  
13 revocation of any license, the liquor control board may consider any  
14 prior criminal conduct of the applicant and the provisions of RCW  
15 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The  
16 board may, in its discretion, grant or refuse the license applied for.  
17 Authority to approve an uncontested or unopposed license may be granted  
18 by the board to any staff member the board designates in writing.

1 Conditions for granting such authority shall be adopted by rule. No  
2 retail license of any kind may be issued to:

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

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

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

11 (d) A corporation, unless it was created under the laws of the  
12 state of Washington or holds a certificate of authority to transact  
13 business in the state of Washington.

14 (3) The board may, in its discretion, subject to the provisions of  
15 RCW 66.08.150, suspend or cancel any license; and all rights of the  
16 licensee to keep or sell liquor thereunder shall be suspended or  
17 terminated, as the case may be. The board may request the appointment  
18 of administrative law judges under chapter 34.12 RCW who shall have  
19 power to administer oaths, issue subpoenas for the attendance of  
20 witnesses and the production of papers, books, accounts, documents, and  
21 testimony, examine witnesses, and to receive testimony in any inquiry,  
22 investigation, hearing, or proceeding in any part of the state, under  
23 such rules and regulations as the board may adopt.

24 Witnesses shall be allowed fees and mileage each way to and from  
25 any such inquiry, investigation, hearing, or proceeding at the rate  
26 authorized by RCW 34.05.446, as now or hereafter amended. Fees need  
27 not be paid in advance of appearance of witnesses to testify or to  
28 produce books, records, or other legal evidence.

29 In case of disobedience of any person to comply with the order of  
30 the board or a subpoena issued by the board, or any of its members, or  
31 administrative law judges, or on the refusal of a witness to testify to  
32 any matter regarding which he or she may be lawfully interrogated, the  
33 judge of the superior court of the county in which the person resides,  
34 on application of any member of the board or administrative law judge,  
35 shall compel obedience by contempt proceedings, as in the case of  
36 disobedience of the requirements of a subpoena issued from said court  
37 or a refusal to testify therein.

38 (4) Upon receipt of notice of the suspension or cancellation of a  
39 license, the licensee shall forthwith deliver up the license to the

1 board. Where the license has been suspended only, the board shall  
2 return the license to the licensee at the expiration or termination of  
3 the period of suspension. The board shall notify all vendors in the  
4 city or place where the licensee has its premises of the suspension or  
5 cancellation of the license; and no employee may allow or cause any  
6 liquor to be delivered to or for any person at the premises of that  
7 licensee.

8 (5)(a) At the time of the original issuance of a class H license,  
9 the board shall prorate the license fee charged to the new licensee  
10 according to the number of calendar quarters, or portion thereof,  
11 remaining until the first renewal of that license is required.

12 (b) Unless sooner canceled, every license issued by the board shall  
13 expire at midnight of the thirtieth day of June of the fiscal year for  
14 which it was issued. However, if the board deems it feasible and  
15 desirable to do so, it may establish, by rule pursuant to chapter 34.05  
16 RCW, a system for staggering the annual renewal dates for any and all  
17 licenses authorized by this chapter. If such a system of staggered  
18 annual renewal dates is established by the board, the license fees  
19 provided by this chapter shall be appropriately prorated during the  
20 first year that the system is in effect.

21 (6) Every license issued under this section shall be subject to all  
22 conditions and restrictions imposed by this title or by the regulations  
23 in force from time to time. All conditions and restrictions imposed by  
24 the board in the issuance of an individual license shall be listed on  
25 the face of the individual license along with the trade name, address,  
26 and expiration date.

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

29 (8) Before the board shall issue a license to an applicant it shall  
30 give notice of such application to the chief executive officer of the  
31 incorporated city or town, if the application be for a license within  
32 an incorporated city or town, or to the county legislative authority,  
33 if the application be for a license outside the boundaries of  
34 incorporated cities or towns; and such incorporated city or town,  
35 through the official or employee selected by it, or the county  
36 legislative authority or the official or employee selected by it, shall  
37 have the right to file with the board within twenty days after date of  
38 transmittal of such notice, or within forty days after date of  
39 transmittal of such notice if the local governing body formally

1 requests an extension of the twenty-day period, written objections  
2 against the applicant or against the premises for which the license is  
3 asked, and shall include with such objections a statement of all facts  
4 upon which such objections are based, and in case written objections  
5 are filed, may request and the liquor control board may in its  
6 discretion hold a formal hearing subject to the applicable provisions  
7 of Title 34 RCW. Upon the granting of a license under this title the  
8 board shall send a duplicate of the license or written notification to  
9 the chief executive officer of the incorporated city or town in which  
10 the license is granted, or to the county legislative authority if the  
11 license is granted outside the boundaries of incorporated cities or  
12 towns.

13 (9) Before the board issues any license to any applicant, it shall  
14 give (a) due consideration to the location of the business to be  
15 conducted under such license with respect to the proximity of churches,  
16 schools, and public institutions and (b) written notice by certified  
17 mail of the application to churches, schools, and public institutions  
18 within five hundred feet of the premises to be licensed. The board  
19 shall issue no beer retailer license class A, B, D, or E or wine  
20 retailer license class C or F or class H license covering any premises  
21 not now licensed, if such premises are within five hundred feet of the  
22 premises or playground of any tax-supported public elementary or  
23 secondary school measured along the most direct route over or across  
24 established public walks, streets, or other public passageway from the  
25 outer property line of the school grounds to the nearest public  
26 entrance of the premises proposed for license, and if, after receipt by  
27 the school or public institution of the notice as provided in this  
28 subsection, the board receives written notice, within twenty days after  
29 posting such notice, from an official representative or representatives  
30 of the school within five hundred feet of said proposed licensed  
31 premises, indicating to the board that there is an objection to the  
32 issuance of such license because of proximity to a school. The board  
33 shall not issue a beer retailer license class A, B, D, or E, or a wine  
34 retailer license class C or F, or a class H license covering any  
35 premises not previously licensed during the past five years if the  
36 premises are within five hundred feet of a publicly owned park  
37 primarily used by children, measured along the most direct route over  
38 or across established public walks, streets, or other public  
39 passageways from the outer property line of the publicly owned park to

1 the nearest public entrance of the premises proposed for licensure and  
2 if the board receives written notice within the required time period as  
3 outlined in subsection (8) of this section from the local governing  
4 body of the jurisdiction in which the publicly owned park is located  
5 indicating to the board that there is an objection to the issuance of  
6 such license because of proximity to a publicly owned park. If the  
7 official response from the local governing body is to deny the license,  
8 the response must be accompanied by a formal record of the vote on the  
9 license denial. For the purpose of this section, church shall mean a  
10 building erected for and used exclusively for religious worship and  
11 schooling or other activity in connection therewith. No liquor license  
12 may be issued or reissued by the board to any motor sports facility or  
13 licensee operating within the motor sports facility unless the motor  
14 sports facility enforces a program reasonably calculated to prevent  
15 alcohol or alcoholic beverages not purchased within the facility from  
16 entering the facility and such program is approved by local law  
17 enforcement agencies. It is the intent under this subsection that a  
18 retail license shall not be issued by the board where doing so would,  
19 in the judgment of the board, adversely affect a private school meeting  
20 the requirements for private schools under Title 28A RCW, which school  
21 is within five hundred feet of the proposed licensee. The board shall  
22 fully consider and give substantial weight to objections filed by  
23 private schools. If a license is issued despite the proximity of a  
24 private school, the board shall state in a letter addressed to the  
25 private school the board's reasons for issuing the license.

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

33 (11) Nothing in this section prohibits the board, in its  
34 discretion, from issuing a temporary retail or wholesaler license to an  
35 applicant assuming an existing retail or wholesaler license to continue  
36 the operation of the retail or wholesaler premises during the period  
37 the application for the license is pending and when the following  
38 conditions exist:

1 (a) The licensed premises has been operated under a retail or  
2 wholesaler license within ninety days of the date of filing the  
3 application for a temporary license;

4 (b) The retail or wholesaler license for the premises has been  
5 surrendered pursuant to issuance of a temporary operating license;

6 (c) The applicant for the temporary license has filed with the  
7 board an application to assume the retail or wholesaler license at such  
8 premises to himself or herself; and

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

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

16 Refusal by the board to issue or extend a temporary license shall  
17 not entitle the applicant to request a hearing. A temporary license  
18 may be canceled or suspended summarily at any time if the board  
19 determines that good cause for cancellation or suspension exists. RCW  
20 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

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

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 66.44 RCW  
26 to read as follows:

27 Any licensee located adjacent to a publicly owned park primarily  
28 used by children who sells any liquor to any person apparently under  
29 the influence of liquor is guilty of a gross misdemeanor and shall be  
30 punished by imprisonment in the county jail for a maximum term fixed by  
31 the court of not more than one year or by a fine in an amount fixed by  
32 the court of not more than five thousand dollars or by both  
33 imprisonment and fine.

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 66.44 RCW  
35 to read as follows:

36 Any licensee located adjacent to a publicly owned park primarily  
37 used by children who sells, gives, or otherwise supplies liquor to any

1 person under the age of twenty-one years or permits any person under  
2 that age to consume liquor on his or her premises or on premises under  
3 his or her control is guilty of a gross misdemeanor and shall be  
4 punished by imprisonment in the county jail for a maximum term fixed by  
5 the court of not more than one year or by a fine in an amount fixed by  
6 the court of not more than five thousand dollars or by both  
7 imprisonment and fine.

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