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SENATE BILL 5294

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State of Washington

55th Legislature

1997 Regular Session

By Senators McCaslin and Haugen

Read first time 01/22/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to refunds for liquor licenses; and amending RCW  
2 66.24.010.

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 (c) If a license holder discontinues operation at a licensed  
22 establishment, the board may refund the remaining portion of the annual  
23 license fee for this establishment minus any outstanding administrative  
24 penalties or fines or administrative costs associated with the issuance  
25 of the license. The refund shall be prorated and shall be calculated  
26 commencing on the first of the month following the month in which the  
27 liquor license was surrendered to the board and include the time  
28 remaining until the expiration date of the license.

29 (6) Every license issued under this section shall be subject to all  
30 conditions and restrictions imposed by this title or by the regulations  
31 in force from time to time. All conditions and restrictions imposed by  
32 the board in the issuance of an individual license shall be listed on  
33 the face of the individual license along with the trade name, address,  
34 and expiration date.

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

37 (8) Before the board shall issue a license to an applicant it shall  
38 give notice of such application to the chief executive officer of the  
39 incorporated city or town, if the application be for a license within

1 an incorporated city or town, or to the county legislative authority,  
2 if the application be for a license outside the boundaries of  
3 incorporated cities or towns; and such incorporated city or town,  
4 through the official or employee selected by it, or the county  
5 legislative authority or the official or employee selected by it, shall  
6 have the right to file with the board within twenty days after date of  
7 transmittal of such notice, written objections against the applicant or  
8 against the premises for which the license is asked, and shall include  
9 with such objections a statement of all facts upon which such  
10 objections are based, and in case written objections are filed, may  
11 request and the liquor control board may in its discretion hold a  
12 formal hearing subject to the applicable provisions of Title 34 RCW.  
13 Upon the granting of a license under this title the board shall send a  
14 duplicate of the license or written notification to the chief executive  
15 officer of the incorporated city or town in which the license is  
16 granted, or to the county legislative authority if the license is  
17 granted outside the boundaries of incorporated cities or towns.

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

1 therewith. No liquor license may be issued or reissued by the board to  
2 any motor sports facility or licensee operating within the motor sports  
3 facility unless the motor sports facility enforces a program reasonably  
4 calculated to prevent alcohol or alcoholic beverages not purchased  
5 within the facility from entering the facility and such program is  
6 approved by local law enforcement agencies. It is the intent under  
7 this subsection that a retail license shall not be issued by the board  
8 where doing so would, in the judgment of the board, adversely affect a  
9 private school meeting the requirements for private schools under Title  
10 28A RCW, which school is within five hundred feet of the proposed  
11 licensee. The board shall fully consider and give substantial weight  
12 to objections filed by private schools. If a license is issued despite  
13 the proximity of a private school, the board shall state in a letter  
14 addressed to the private school the board's reasons for issuing the  
15 license.

16 (10) The restrictions set forth in subsection (9) of this section  
17 shall not prohibit the board from authorizing the assumption of  
18 existing licenses now located within the restricted area by other  
19 persons or licenses or relocations of existing licensed premises within  
20 the restricted area. In no case may the licensed premises be moved  
21 closer to a church or school than it was before the assumption or  
22 relocation.

23 (11) Nothing in this section prohibits the board, in its  
24 discretion, from issuing a temporary retail or wholesaler license to an  
25 applicant assuming an existing retail or wholesaler license to continue  
26 the operation of the retail or wholesaler premises during the period  
27 the application for the license is pending and when the following  
28 conditions exist:

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

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

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

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

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

6       Refusal by the board to issue or extend a temporary license shall  
7 not entitle the applicant to request a hearing. A temporary license  
8 may be canceled or suspended summarily at any time if the board  
9 determines that good cause for cancellation or suspension exists. RCW  
10 66.08.130 and chapter 34.05 RCW shall apply to temporary licenses.

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

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