
SENATE BILL 5644

State of Washington

57th Legislature

2001 Regular Session

By Senators Prentice, Eide and Rasmussen

Read first time 01/29/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to the issuance and renewal of liquor licenses;
2 amending RCW 66.24.010; adding a new section to chapter 66.44 RCW;
3 creating a new section; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that the public's
6 interest is well-served by a strong commitment to public safety in our
7 communities, on our streets, and in our neighborhoods.

8 The legislature further recognizes that, given its commitment to
9 strengthening laws against alcohol abuse and drinking and driving, the
10 importance of public safety within a community must also be factored
11 into the decision-making process regarding the issuance and renewal of
12 liquor licenses for eating and drinking establishments in the state of
13 Washington.

14 It is the intent of the legislature to balance the legitimate
15 rights of operators of eating and drinking establishments to obtain
16 lawful liquor licenses and license renewals with the public's
17 expectation of a significant commitment to public safety.

18 Therefore, the legislature intends to add criteria to the laws on
19 liquor license issuances and renewals that adequately recognize the

1 public safety role of cities and counties and that will serve the
2 public.

3 **Sec. 2.** RCW 66.24.010 and 1998 c 126 s 2 are each amended to read
4 as follows:

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

7 (2) For the purpose of considering any application for a license,
8 the board may cause an inspection of the premises to be made, and may
9 inquire into all matters in connection with the construction and
10 operation of the premises. For the purpose of reviewing any
11 application for a license and for considering the denial, suspension or
12 revocation of any license, the liquor control board may consider any
13 prior criminal conduct of the applicant and the provisions of RCW
14 9.95.240 and of chapter 9.96A RCW shall not apply to such cases. The
15 board may, in its discretion, grant or refuse the license applied for.
16 Authority to approve an uncontested or unopposed license may be granted
17 by the board to any staff member the board designates in writing.
18 Conditions for granting such authority shall be adopted by rule. No
19 retail license of any kind may be issued to:

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

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

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

28 (d) A corporation or a limited liability company, unless it was
29 created under the laws of the state of Washington or holds a
30 certificate of authority to transact business in the state of
31 Washington.

32 (3)(a) The board may, in its discretion, subject to the provisions
33 of RCW 66.08.150, suspend or cancel any license; and all rights of the
34 licensee to keep or sell liquor thereunder shall be suspended or
35 terminated, as the case may be.

36 (b) The board shall immediately suspend the license or certificate
37 of a person who has been certified pursuant to RCW 74.20A.320 by the
38 department of social and health services as a person who is not in

1 compliance with a support order. If the person has continued to meet
2 all other requirements for reinstatement during the suspension,
3 reissuance of the license or certificate shall be automatic upon the
4 board's receipt of a release issued by the department of social and
5 health services stating that the licensee is in compliance with the
6 order.

7 (c) The board may request the appointment of administrative law
8 judges under chapter 34.12 RCW who shall have power to administer
9 oaths, issue subpoenas for the attendance of witnesses and the
10 production of papers, books, accounts, documents, and testimony,
11 examine witnesses, and to receive testimony in any inquiry,
12 investigation, hearing, or proceeding in any part of the state, under
13 such rules and regulations as the board may adopt.

14 (d) Witnesses shall be allowed fees and mileage each way to and
15 from any such inquiry, investigation, hearing, or proceeding at the
16 rate authorized by RCW 34.05.446, as now or hereafter amended. Fees
17 need not be paid in advance of appearance of witnesses to testify or to
18 produce books, records, or other legal evidence.

19 (e) In case of disobedience of any person to comply with the order
20 of the board or a subpoena issued by the board, or any of its members,
21 or administrative law judges, or on the refusal of a witness to testify
22 to any matter regarding which he or she may be lawfully interrogated,
23 the judge of the superior court of the county in which the person
24 resides, on application of any member of the board or administrative
25 law judge, shall compel obedience by contempt proceedings, as in the
26 case of disobedience of the requirements of a subpoena issued from said
27 court or a refusal to testify therein.

28 (4) Upon receipt of notice of the suspension or cancellation of a
29 license, the licensee shall forthwith deliver up the license to the
30 board. Where the license has been suspended only, the board shall
31 return the license to the licensee at the expiration or termination of
32 the period of suspension. The board shall notify all vendors in the
33 city or place where the licensee has its premises of the suspension or
34 cancellation of the license; and no employee may allow or cause any
35 liquor to be delivered to or for any person at the premises of that
36 licensee.

37 (5)(a) At the time of the original issuance of a spirits, beer, and
38 wine restaurant license, the board shall prorate the license fee
39 charged to the new licensee according to the number of calendar

1 quarters, or portion thereof, remaining until the first renewal of that
2 license is required.

3 (b) Unless sooner canceled, every license issued by the board shall
4 expire at midnight of the thirtieth day of June of the fiscal year for
5 which it was issued. However, if the board deems it feasible and
6 desirable to do so, it may establish, by rule pursuant to chapter 34.05
7 RCW, a system for staggering the annual renewal dates for any and all
8 licenses authorized by this chapter. If such a system of staggered
9 annual renewal dates is established by the board, the license fees
10 provided by this chapter shall be appropriately prorated during the
11 first year that the system is in effect.

12 (6) Every license issued under this section shall be subject to all
13 conditions and restrictions imposed by this title or by the regulations
14 in force from time to time. All conditions and restrictions imposed by
15 the board in the issuance of an individual license shall be listed on
16 the face of the individual license along with the trade name, address,
17 and expiration date.

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

20 (8) Before the board shall issue a license to an applicant, or
21 renew an existing license, it shall give notice of such application to
22 the chief executive officer of the incorporated city or town, if the
23 application be for a license within an incorporated city or town, or to
24 the county legislative authority, if the application be for a license
25 outside the boundaries of incorporated cities or towns; and such
26 incorporated city or town, through the official or employee selected by
27 it, or the county legislative authority or the official or employee
28 selected by it, shall have the right to file with the board within
29 twenty days after date of transmittal of such notice, written
30 objections against the applicant or against the premises for which the
31 license is asked(~~(, and shall include with such objections a statement~~
32 ~~of all facts upon which such objections are based, and in case written~~
33 ~~objections are filed, may request and the liquor control board may in~~
34 ~~its discretion)). If a public hearing is requested by a city or town,
35 or by a county legislative authority if the proposed establishment is
36 outside the incorporated boundaries of a city or town, the board shall
37 hold a formal hearing subject to the applicable provisions of Title 34
38 RCW. Upon the granting of a license under this title the board shall
39 send a duplicate of the license or written notification to the chief~~

1 executive officer of the incorporated city or town in which the license
2 is granted, or to the county legislative authority if the license is
3 granted outside the boundaries of incorporated cities or towns.

4 (9) Before the board issues any license to any applicant, or renews
5 an existing license, it shall ((give)) (a) give due consideration to
6 the location of the business to be conducted under such license with
7 respect to the proximity of churches, schools, and public institutions
8 ((and)); (b) provide written notice by certified mail of the
9 application to churches, schools, and public institutions within five
10 hundred feet of the premises to be licensed; (c) review the public
11 safety record with respect to the establishment, including numbers of
12 service calls involving police departments; the nature of the service
13 calls involving police departments; charges and convictions of patrons,
14 employees, and licensees of conduct on the premises that is prohibited
15 by any portion of Title 9, 9A, or 69 RCW; the adverse impact caused by
16 patrons to the neighboring community; public safety problems involving
17 patrons of the establishment; driving while under the influence (DUI)
18 arrests traceable to the establishment; substantial evidence of a
19 pattern of overserving of alcohol; and other documentation of public
20 safety-related matters brought forth by a city, town, or county. The
21 board shall take these criteria into account in determining whether to
22 grant a license. The board shall issue no beer retailer license for
23 either on-premises or off-premises consumption or wine retailer license
24 for either on-premises or off-premises consumption or spirits, beer,
25 and wine restaurant license covering any premises not now licensed, if
26 such premises are within five hundred feet of the premises of any tax-
27 supported public elementary or secondary school measured along the most
28 direct route over or across established public walks, streets, or other
29 public passageway from the outer property line of the school grounds to
30 the nearest public entrance of the premises proposed for license, and
31 if, after receipt by the school or public institution of the notice as
32 provided in this subsection, the board receives written notice, within
33 twenty days after posting such notice, from an official representative
34 or representatives of the school within five hundred feet of said
35 proposed licensed premises, indicating to the board that there is an
36 objection to the issuance of such license because of proximity to a
37 school. For the purpose of this section, church shall mean a building
38 erected for and used exclusively for religious worship and schooling or
39 other activity in connection therewith. No liquor license may be

1 issued or reissued by the board to any motor sports facility or
2 licensee operating within the motor sports facility unless the motor
3 sports facility enforces a program reasonably calculated to prevent
4 alcohol or alcoholic beverages not purchased within the facility from
5 entering the facility and such program is approved by local law
6 enforcement agencies. It is the intent under this subsection that a
7 retail license shall not be issued by the board where doing so would,
8 in the judgment of the board, adversely affect a private school meeting
9 the requirements for private schools under Title 28A RCW, which school
10 is within five hundred feet of the proposed licensee. The board shall
11 fully consider and give substantial weight to objections filed by
12 private schools. If a license is issued despite the proximity of a
13 private school, the board shall state in a letter addressed to the
14 private school the board's reasons for issuing the license.

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

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

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

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

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

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

38 A temporary license issued by the board under this section shall be
39 for a period not to exceed sixty days. A temporary license may be

1 extended at the discretion of the board for an additional sixty-day
2 period upon payment of an additional fee and upon compliance with all
3 conditions required in this section.

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

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

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

15 In any proceeding under this title, substantial evidence of a
16 pattern of overserving of alcohol is sufficient as a violation with
17 respect to this title.

18 NEW SECTION. **Sec. 4.** This act takes effect September 1, 2001.

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