

Chapter 314-13 WAC

RETAIL LICENSEES PURCHASING BEER, WINE, AND SPIRITS

WAC

- 314-13-005 What is the purpose of chapter 314-13 WAC?
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 314-13-025 How do retail licensees purchase spirituous liquor at a discount from the board? [Statutory Authority: RCW 66.08.030 and 66.28.320. WSR 10-01-090, § 314-13-025, filed 12/16/09, effective 1/16/10. Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.040. WSR 01-06-015, § 314-13-025, filed 2/26/01, effective 3/29/01.] Repealed by WSR 12-17-006, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030 and 66.08.050.
- 314-13-030 What method of payment can a retailer use to purchase spirituous liquor from the board? [Statutory Authority: RCW 66.16.041 and 66.08.030. WSR 10-16-154, § 314-13-030, filed 8/4/10, effective 9/4/10. Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.040. WSR 01-06-015, § 314-13-030, filed 2/26/01, effective 3/29/01.] Repealed by WSR 12-17-006, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030 and 66.08.050.
- 314-13-040 Do retail licensees have to sell liquor at a certain price? [Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.040. WSR 01-06-015, § 314-13-040, filed 2/26/01, effective 3/29/01.] Repealed by WSR 12-17-006, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030 and 66.08.050.

WAC 314-13-005 What is the purpose of chapter 314-13 WAC? The purpose of chapter 314-13 WAC is to outline the procedures for retail licensees to purchase beer, wine, and/or spirituous liquor for resale.

[Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.040. WSR 01-06-015, § 314-13-005, filed 2/26/01, effective 3/29/01.]

WAC 314-13-010 Who can retail licensees purchase beer, wine, and spirits from?

	Definition	Who licensees can purchase from
Beer	RCW 66.04.010(3)	<ul style="list-style-type: none"> • A licensed Washington distributor (including a licensed Washington brewery that distributes its own product) • A licensed certificate of approval holder with a direct shipping to Washington retailer endorsement

(8/1/12)

Wine	RCW 66.04.010(46)	<ul style="list-style-type: none"> • A licensed Washington distributor (including a licensed Washington winery that distributes its own product) • A licensed certificate of approval holder with a direct shipping to Washington retailer endorsement • A Washington licensed grocery store with a wine retailer reseller endorsement (up to 24 liters per single sale per day)
Spirits	RCW 66.04.010(41)	<ul style="list-style-type: none"> • A Washington spirits distributor • A Washington licensed distiller or craft distiller • A licensed spirits certificate of approval holder with a direct shipping to retailer endorsement • A spirits retail licensee may sell to an on-premises licensee (up to 24 liters per single sale per day)

[Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-13-010, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030, 66.20.360 through [66.20].380, 66.20.390, 66.24.170, 66.24.206, 66.24.210, 66.24.240, 66.24.244, 66.24.270, 66.24.290, 66.28.170, 66.28.180, and 42.56.270. WSR 07-02-076, § 314-13-010, filed 12/29/06, effective 1/29/07. Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.-040. WSR 01-06-015, § 314-13-010, filed 2/26/01, effective 3/29/01.]

WAC 314-13-015 What method of payment can a retailer use to purchase spirits, beer, or wine from an industry member? Per RCW 66.28.270, a retail licensee must pay cash for spirits, beer, and wine prior to or at the time of delivery by an industry member. The board will recognize the following forms of payment as cash payment for the purposes of this title, under the conditions outlined in this rule and in WAC 314-13-020.

(1) **Checks**, under the provisions of WAC 314-13-020.

(2) **Credit/debit cards**, under the following provisions:

(a) The credit or debit card transaction agreement must be voluntary on the part of both the retailer and the industry member, and there must be no discrimination for nonparticipation in credit or debit card transactions.

(b) A sale must be initiated by an irrevocable invoice or sale order before or at the time of delivery.

(c) Both parties must bear their respective banking costs or other costs associated with the credit or debit card service.

(d) Both parties must maintain records of transactions and have the records readily available for board review.

(e) The credit or debit card charge must be initiated by the industry member no later than the first business day following delivery.

(3) **Electronic funds transfer (EFT)**, under the following provisions:

(a) The EFT agreement must be voluntary on the part of both the retailer and the industry member, and there must be no discrimination for nonparticipation in EFT.

(b) Prior to any EFT transaction, the retail licensee must enter into a written agreement with the industry member specifying the terms and conditions for EFT as payment for alcohol or nonalcohol beverages.

(c) A sale must be initiated by an irrevocable invoice or sale order before or at the time of delivery.

(d) Both parties must bear their respective banking costs or other costs associated with EFT service.

(e) Both parties must maintain records of transactions and have the records readily available for board review.

(f) The electronic funds transfer must be initiated by the retailer or industry member no later than the first business day following delivery and must be paid as promptly as is reasonably practical, and in no event later than five business days following delivery. Any attempt by a retailer to delay payment on EFT transactions for any period of time beyond the minimum as is reasonably practical will be considered an unlawful attempt to purchase products on credit.

(4) **Prepaid accounts.** Both parties must keep accurate accounting records of prepaid accounts to ensure a cash deposit is not overextended, which is considered an extension of credit.

[Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-13-015, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030 and 66.28.320. WSR 10-01-090, § 314-13-015, filed 12/16/09, effective 1/16/10. Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.-040. WSR 01-06-015, § 314-13-015, filed 2/26/01, effective 3/29/01.]

WAC 314-13-020 What if a check, EFT transaction, or credit/debit card transaction is reported as having nonsufficient funds (NSF)? Any transaction reported as having nonsufficient funds (NSF) will be considered an extension of credit, in violation of RCW 66.28.300. If a transaction is reported as NSF:

(1) The retailer must pay the full amount of the transaction to the industry member by 3 p.m. on the first business day following receipt of the NSF report.

(2) Until the NSF transaction is paid:

(a) The industry member or spirits retailer licensee who received the NSF transaction will not deliver any spirits, beer, or wine to the retailer; and

(b) It is the responsibility of the retailer to not receive any spirits, beer, or wine from any industry member or spirits retailer licensee.

[Statutory Authority: RCW 66.08.030 and 66.08.050. WSR 12-17-006, § 314-13-020, filed 8/1/12, effective 9/1/12. Statutory Authority: RCW 66.08.030 and 66.28.320. WSR 10-01-090, § 314-13-020, filed 12/16/09, effective 1/16/10. Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.-040. WSR 01-06-015, § 314-13-020, filed 2/26/01, effective 3/29/01.]