
SUBSTITUTE SENATE BILL 5557

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Labor & Commerce (originally sponsored by Senators Prentice, Prince, Vognild, Amondson, Bauer and Franklin)

Read first time 03/03/93.

1 AN ACT Relating to alcohol servers on-premises with class A, B, C,
2 D, H, I, and L licenses; adding new sections to chapter 66.20 RCW;
3 adding a new chapter to Title 66 RCW; prescribing penalties; and
4 providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature of the state of Washington
7 finds that education of alcohol servers on issues such as the
8 physiological effects of alcohol on consumers, liability and legal
9 implications of serving alcohol, driving while intoxicated, and methods
10 of intervention with the problem customer are important in protecting
11 the health and safety of the public. The legislature further finds
12 that it is in the best interest of the citizens of the state of
13 Washington to have an alcohol server education program available.

14 NEW SECTION. **Sec. 2.** As used in this chapter, the following terms
15 have the meanings indicated unless the context clearly requires
16 otherwise.

17 (1) "Alcohol" shall have the same meaning as "liquor" provided in
18 RCW 66.04.010(15).

1 (2) "Alcohol server" means any person serving or selling alcohol,
2 spirits, wines, or beer for consumption at an on-premises retail
3 licensed facility as a regular requirement of their employment, and
4 shall include those persons eighteen years of age or older permitted by
5 the liquor laws of this state to serve alcoholic beverages with meals.

6 (3) "Board" means the Washington state liquor control board.

7 (4) "Retail licensed premises" means any premises licensed to sell
8 alcohol by the glass or by the drink, or in original containers
9 primarily for consumption on the premises as authorized by RCW
10 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.400, 66.24.425,
11 66.24.490, and 66.24.495. Domestic wineries holding class C licenses
12 shall not be classified as retail licensed premises for the purposes of
13 this chapter.

14 NEW SECTION. **Sec. 3.** (1) There shall be an alcohol server permit
15 to be known as a class 12 permit, authorizing employment in liquor
16 service on every retail licensed premises described in this section.

17 (2)(a) Every person employed, under contract or otherwise, by a
18 retail liquor licensee holding a license as authorized by RCW
19 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.400, 66.24.425,
20 66.24.490, or 66.24.495, who as part of their employment participates
21 in any manner in the sale or service of alcoholic beverages shall have
22 issued to them a class 12 permit from the Washington state liquor
23 control board. Persons employed by a domestic winery holding a class
24 C license shall be exempted from the requirements of this section.

25 (b) Every class 12 permit issued shall be issued in the name of the
26 applicant and no other person shall use the permit of another permit
27 holder. The holder shall present the permit upon request to inspection
28 by any representative of the liquor control board or peace officer.
29 The class 12 permit shall be valid for employment at any retail
30 licensed premises described in (a) of this subsection.

31 (c) No licensee described in (a) of this subsection, except as
32 provided in (d) of this subsection shall employ or accept the services
33 of any person without such person first having a valid class 12 permit
34 issued by the liquor control board.

35 (d) Within sixty days of initial employment, every person whose
36 duties include the compounding, sale, service, or handling of liquor
37 shall submit to the liquor control board, on a form provided by the
38 board, an application for an alcohol server's class 12 permit. One

1 copy of the application shall be retained by the employing licensee as
2 proof of compliance with this section until the application is approved
3 and returned by the board. Every person whose class 12 permit has not
4 been denied, revoked, or suspended may perform duties involving liquor
5 sales and service on the subject licensed premises of the employer.

6 (e) No person may perform duties that include the sale or service
7 of alcoholic beverages on a retail licensed premises without possessing
8 a valid alcohol server permit.

9 (3) Every permit issued under this section is valid for employment
10 at any retail licensed premises described in subsection (2)(a) of this
11 section for a period of five years unless earlier denied, suspended, or
12 revoked. A person whose permit has been denied, suspended, or revoked
13 shall immediately return the permit to the board.

14 (4) The board may deny an application or suspend or revoke an
15 existing permit if any of the following occur:

16 (a) The applicant or permittee has made any false statement or
17 material omission in the application or on any accompanying document;

18 (b) The applicant or permittee has been convicted of violating any
19 of the intoxicating liquor laws of this state, general and local, or
20 has been convicted at any time of a felony;

21 (c) The permittee has performed or permitted any act that
22 constitutes a violation of this title or of any rule of the liquor
23 control board.

24 (5) The suspension or revocation of a permit under this section
25 does not relieve a licensee from responsibility for any act of the
26 employee or agent while employed upon the licensed premises. The
27 liquor control board may, as appropriate, revoke or suspend either the
28 permit of the employee who committed the violation or the license of
29 the licensee upon whose premises the violation occurred, or both the
30 permit and the license.

31 (6)(a) It is a violation of this title for any retail licensee or
32 agent of a retail licensee as described in subsection (2)(a) of this
33 section to employ in the sale or service of alcoholic beverages, any
34 person who does not have a valid alcohol server permit or whose permit
35 has been revoked, suspended, or denied.

36 (b) It is a violation of this title for a person whose alcohol
37 server permit has been denied, suspended, or revoked to accept
38 employment in the sale or service of alcoholic beverages.

1 NEW SECTION. **Sec. 4.** (1) The liquor control board shall regulate
2 a required alcohol server education program that includes:

3 (a) The development of the standards, curriculum, and materials for
4 the education program;

5 (b) The examination and examination procedures;

6 (c) The certification procedures, enforcement policies, and
7 penalties for education program instructors and providers;

8 (d) The development of time requirements for completion by
9 licensees and others employed in the alcoholic beverage industry; and

10 (e) Nationally recognized programs, such as TAM (Techniques in
11 Alcohol Management) or TIPS (Training for Intervention Programs).

12 (2) The liquor control board shall provide the program through
13 liquor licensee associations, independent contractors, private persons,
14 private or public schools certified by the board, or any combination of
15 such programs.

16 (3) The standards and curriculum of liquor control board-approved
17 alcohol server education programs shall include but not be limited to
18 the following subjects:

19 (a) The physiological effects of alcohol to include the effects of
20 alcohol in combination with drugs;

21 (b) Liability and legal information;

22 (c) Driving while intoxicated;

23 (d) Intervention with the problem customer, including ways to stop
24 service, ways to deal with the belligerent customer, and alternative
25 means of transportation to get the customer safely home.

26 (4) After July 1, 1994, the liquor control board shall require all
27 applicants for, and managers of, retail liquor licenses and applicants
28 for alcohol server permits and all renewing retail licensees as
29 described in section 3(2)(a) of this act to complete an approved
30 alcohol server education program and examination in order to qualify or
31 requalify for a license unless a probationary extension is granted for
32 hardship reasons.

33 (5) The liquor control board may allow completion of an approved
34 alcohol server education program, such as those described in subsection
35 (1)(e) of this section and examination on a voluntary basis prior to
36 July 1, 1994, to satisfy the qualification requirements of this
37 section.

38 (6) The liquor control board shall, by rule, establish fees for
39 providing alcohol server training and for training and certifying

1 private providers of alcohol server training. The fees shall not
2 exceed the actual cost of the services provided by the liquor control
3 board.

4 NEW SECTION. **Sec. 5.** The board shall adopt rules to implement the
5 provisions of this chapter including, but not limited to, procedures
6 and grounds for denying, suspending, or revoking permits.

7 NEW SECTION. **Sec. 6.** A violation of any of the rules of the board
8 for the purpose of implementing the provisions of this chapter shall
9 constitute a misdemeanor, punishable by a fine of not more than two
10 hundred fifty dollars for a first offense. A subsequent offense is
11 punishable by a fine of not more than five hundred dollars, or
12 imprisonment for not more than ninety days, or both such fine and
13 imprisonment.

14 NEW SECTION. **Sec. 7.** All fees collected under this chapter shall
15 be deposited to the liquor revolving fund in accordance with RCW
16 66.08.170.

17 NEW SECTION. **Sec. 8.** Sections 3 and 4 of this act are each added
18 to chapter 66.20 RCW.

19 NEW SECTION. **Sec. 9.** Sections 1, 2, and 5 through 7 of this act
20 shall constitute a new chapter in Title 66 RCW.

21 NEW SECTION. **Sec. 10.** Section 3 of this act shall take effect
22 July 1, 1994.

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