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**SUBSTITUTE HOUSE BILL 1446**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives Lisk, Romero, Fuhrman, Horn and Quall)

Read first time 02/21/95.

1 AN ACT Relating to alcohol servers training for on-premises liquor  
2 licensees; adding new sections to chapter 66.20 RCW; and prescribing  
3 penalties.

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

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

13 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
14 otherwise, the definitions in this section apply throughout sections 3  
15 through 7 of this act.

16 (1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

17 (2) "Alcohol server" means any person serving or selling alcohol,  
18 spirits, wines, or beer for consumption at an on-premises retail

1 licensed facility as a regular requirement of his or her employment,  
2 and includes those persons eighteen years of age or older permitted by  
3 the liquor laws of this state to serve alcoholic beverages with meals.

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

5 (4) "Training entity" means any liquor licensee associations,  
6 independent contractors, private persons, and private or public  
7 schools, that have been certified by the board.

8 (5) "Retail licensed premises" means any premises licensed to sell  
9 alcohol by the glass or by the drink, or in original containers  
10 primarily for consumption on the premises as authorized by RCW  
11 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.400, 66.24.425, and  
12 66.24.450.

13 NEW SECTION. **Sec. 3.** (1)(a) There shall be an alcohol server  
14 permit, known as a class 12 permit, for a manager or bartender selling  
15 or mixing alcohol, spirits, wines, or beer for consumption at an on-  
16 premises licensed facility.

17 (b) There shall be an alcohol server permit, known as a class 13  
18 permit, for a person who only serves alcohol, spirits, wines, or beer  
19 for consumption at an on-premises licensed facility.

20 (c) As provided by rule by the board, a class 13 permit holder may  
21 be allowed to act as a bartender without holding a class 12 permit.

22 (2)(a) Effective July 1, 1996, except as provided in (d) of this  
23 subsection, every person employed, under contract or otherwise, by an  
24 annual retail liquor licensee holding a license as authorized by RCW  
25 66.24.320, 66.24.330, 66.24.340, 66.24.350, 66.24.400, 66.24.425, or  
26 66.24.450, who as part of his or her employment participates in any  
27 manner in the sale or service of alcoholic beverages shall have issued  
28 to them a class 12 or class 13 permit.

29 (b) Every class 12 and class 13 permit issued shall be issued in  
30 the name of the applicant and no other person may use the permit of  
31 another permit holder. The holder shall present the permit upon  
32 request to inspection by a representative of the board or a peace  
33 officer. The class 12 or class 13 permit shall be valid for employment  
34 at any retail licensed premises described in (a) of this subsection.

35 (c) No licensee described in (a) of this subsection, except as  
36 provided in (d) of this subsection, may employ or accept the services  
37 of any person without the person first having a valid class 12 or class  
38 13 permit.

1 (d) Within sixty days of initial employment, every person whose  
2 duties include the compounding, sale, service, or handling of liquor  
3 shall have a class 12 or class 13 permit.

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

7 (3) A permit issued by a training entity under this section is  
8 valid for employment at any retail licensed premises described in  
9 subsection (2)(a) of this section for a period of five years unless  
10 suspended by the board.

11 (4) The board may suspend or revoke an existing permit if any of  
12 the following occur:

13 (a) The applicant or permittee has been convicted of violating any  
14 of the state or local intoxicating liquor laws of this state or has  
15 been convicted at any time of a felony; or

16 (b) The permittee has performed or permitted any act that  
17 constitutes a violation of this title or of any rule of the board.

18 (5) The suspension or revocation of a permit under this section  
19 does not relieve a licensee from responsibility for any act of the  
20 employee or agent while employed upon the retail licensed premises.  
21 The board may, as appropriate, revoke or suspend either the permit of  
22 the employee who committed the violation or the license of the licensee  
23 upon whose premises the violation occurred, or both the permit and the  
24 license.

25 (6)(a) After July 1, 1996, it is a violation of this title for any  
26 retail licensee or agent of a retail licensee as described in  
27 subsection (2)(a) of this section to employ in the sale or service of  
28 alcoholic beverages, any person who does not have a valid alcohol  
29 server permit or whose permit has been revoked, suspended, or denied.

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

33 (7) Establishments licensed under RCW 66.24.320 and 66.24.340, the  
34 primary commercial activity of which is the sale of grocery products  
35 and for which the sale and service of beer and wine is incidental to  
36 the primary business, and employees of such establishments, are exempt  
37 from sections 2 through 7 of this act.

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

3        (a) Development of the curriculum and materials for the education  
4 program;

5        (b) Examination and examination procedures;

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

8        (d) The curriculum for an approved class 12 alcohol permit training  
9 program that includes but is not limited to the following subjects:

10       (i) The physiological effects of alcohol including the effects of  
11 alcohol in combination with drugs;

12       (ii) Liability and legal information;

13       (iii) Driving while intoxicated;

14       (iv) Intervention with the problem customer, including ways to stop  
15 service, ways to deal with the belligerent customer, and alternative  
16 means of transportation to get the customer safely home;

17       (v) Methods for checking proper identification of customers;

18       (vi) Nationally recognized programs, such as TAM (Techniques in  
19 Alcohol Management) and TIPS (Training for Intervention Programs)  
20 modified to include Washington laws and regulations.

21       (2) The board shall provide the program through liquor licensee  
22 associations, independent contractors, private persons, private or  
23 public schools certified by the board, or any combination of such  
24 providers.

25       (3) Each training entity shall provide a class 12 permit to the  
26 manager or bartender who has successfully completed a course the board  
27 has certified. A list of the individuals receiving the class 12 permit  
28 shall be forwarded to the board on the completion of each course given  
29 by the training entity.

30       (4) After July 1, 1996, the board shall require all alcohol servers  
31 applying for a class 13 alcohol server permit to view a video training  
32 session. Retail liquor licensees shall fully compensate employees for  
33 the time spent participating in this training session.

34       (5) When requested by a retail liquor licensee, the board shall  
35 provide copies of videotaped training programs that have been produced  
36 by private vendors and make them available for a nominal fee to cover  
37 the cost of purchasing and shipment, with the fees being deposited in  
38 the liquor revolving fund for distribution to the board as needed.

1 (6) Each training entity may provide the board with a video program  
2 of not less than one hour that covers the subjects in subsection (1)(d)  
3 (i) through (v) of this section that will be made available to a  
4 licensee for the training of a class 13 alcohol server.

5 (7) Applicants shall be given a class 13 permit upon the successful  
6 completion of the program.

7 (8) A list of the individuals receiving the class 13 permit shall  
8 be forwarded to the board on the completion of each video training  
9 program.

10 (9) The board shall develop a model permit for the class 12 and 13  
11 permits. The board may provide such permits to training entities or  
12 licensees for a nominal cost to cover production.

13 (10) Persons who have completed a nationally recognized alcohol  
14 management or intervention program since July 1, 1993, may be issued a  
15 class 12 or 13 permit upon providing proof of completion of such  
16 training to the board.

17 NEW SECTION. **Sec. 5.** The board shall adopt rules to implement  
18 sections 2 through 7 of this act including, but not limited to,  
19 procedures and grounds for denying, suspending, or revoking permits.

20 NEW SECTION. **Sec. 6.** A violation of any of the rules of the board  
21 adopted to implement sections 2 through 7 of this act is a misdemeanor,  
22 punishable by a fine of not more than two hundred fifty dollars for a  
23 first offense. A subsequent offense is punishable by a fine of not  
24 more than five hundred dollars, or imprisonment for not more than  
25 ninety days, or both the fine and imprisonment.

26 NEW SECTION. **Sec. 7.** Fees collected by the board under sections  
27 2 through 7 of this act shall be deposited in the liquor revolving fund  
28 in accordance with RCW 66.08.170.

29 NEW SECTION. **Sec. 8.** Sections 2 through 7 of this act are each  
30 added to chapter 66.20 RCW.

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