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**SENATE BILL 5463**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** Senators Newhouse, Prentice and Franklin

Read first time 01/24/95. Referred to Committee on Labor, Commerce & Trade.

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

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

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

14 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
15 otherwise, the definitions in this section apply throughout this  
16 chapter.

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

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 his or her employment,  
4 and includes 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) "Training entity" means any liquor licensee associations,  
8 independent contractors, private persons, and private or public  
9 schools, that have been certified by the board.

10 (5) "Retail licensed premises" means any premises licensed to sell  
11 alcohol by the glass or by the drink, or in original containers  
12 primarily for consumption on the premises as authorized by RCW  
13 66.24.330, 66.24.400, and 66.24.425.

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

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

21 (2)(a) Every person employed, under contract or otherwise, by a  
22 retail liquor licensee holding a license as authorized by RCW  
23 66.24.330, 66.24.400, or 66.24.425, who as part of his or her  
24 employment participates in any manner in the sale or service of  
25 alcoholic beverages shall have issued to them a class 12 or class 13  
26 permit.

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

33 (c) No licensee described in (a) of this subsection, except as  
34 provided in (d) of this subsection, may employ or accept the services  
35 of any person without the person first having a valid class 12 or class  
36 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) It is a violation of this title for any retail licensee or  
26 agent of a retail licensee as described in subsection (2)(a) of this  
27 section to employ in the sale or service of alcoholic beverages, any  
28 person who does not have a valid alcohol server permit or whose permit  
29 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 NEW SECTION. **Sec. 4.** (1) The board shall regulate a required  
34 alcohol server education program that includes:

35 (a) Development of the standards, curriculum, and materials for the  
36 education program;

37 (b) Examination and examination procedures;

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

3 (d) Development of time requirements for completion by licensees  
4 and others employed in the alcoholic beverage industry; and

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

7 (2) The board shall provide the program through liquor licensee  
8 associations, independent contractors, private persons, private or  
9 public schools certified by the board, or any combination of such  
10 programs.

11 (3) Each training entity shall provide a class 12 permit to the  
12 manager or bartender who has completed a course the board has  
13 certified. A list of the individuals receiving the class 12 permit  
14 shall be forwarded to the board on the completion of each course given  
15 by the training entity.

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

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

21 (b) Liability and legal information;

22 (c) Driving while intoxicated; and

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 (5) The board shall certify training entities based on the  
27 standards outlined in this section.

28 (6) After July 1, 1996, the board shall require all class 13  
29 alcohol servers and applicants for class 13 alcohol server permits to  
30 view a video training session.

31 (7) The board shall provide copies of videotaped training programs  
32 that have been produced by private vendors and make them available for  
33 a nominal fee to cover the cost of purchasing and shipment, with the  
34 fees being deposited in the liquor revolving fund for distribution to  
35 the board as needed.

36 (8) Each training entity shall provide the board with a video  
37 program of not less than one hour that covers the subjects in  
38 subsection (4) of this section that will be made available to a  
39 licensee for the training of a class 13 alcohol server.

1 (9) Each class B and H license shall conduct video training  
2 programs provided by the board for individuals that qualify under  
3 section 3(1)(b) of this act to receive a class 13 permit.

4 (10) Applicants shall be given a class 13 permit upon the  
5 completion of the program in subsection (9) of this section.

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

9 NEW SECTION. **Sec. 5.** The board shall adopt rules to implement  
10 this chapter including, but not limited to, procedures and grounds for  
11 denying, suspending, or revoking permits.

12 NEW SECTION. **Sec. 6.** A violation of any of the rules of the board  
13 adopted to implement this chapter is a misdemeanor, punishable by a  
14 fine of not more than two hundred fifty dollars for a first offense.  
15 A subsequent offense is punishable by a fine of not more than five  
16 hundred dollars, or imprisonment for not more than ninety days, or both  
17 the fine and imprisonment.

18 NEW SECTION. **Sec. 7.** Fees collected under this chapter shall be  
19 deposited in the liquor revolving fund in accordance with RCW  
20 66.08.170.

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

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

25 NEW SECTION. **Sec. 10.** Section 3 of this act is necessary for the  
26 immediate preservation of the public peace, health, or safety, or  
27 support of the state government and its existing public institutions,  
28 and shall take effect July 1, 1995.

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