
SUBSTITUTE SENATE BILL 5681

State of Washington**54th Legislature****1995 Regular Session**

By Senate Committee on Health & Long-Term Care (originally sponsored by Senators Quigley, Smith, Pelz, Prentice, Kohl, Fairley, Heavey, Moyer and Oke)

Read first time 02/17/95.

1 AN ACT Relating to illegal activities involving tobacco; amending
2 RCW 70.155.100 and 70.155.110; and prescribing penalties.

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

4 **Sec. 1.** RCW 70.155.100 and 1993 c 507 s 11 are each amended to
5 read as follows:

6 (1) The liquor control board may suspend or revoke a retailer's
7 license held by a business at any location, or may impose a monetary
8 penalty as set forth in subsection (2) of this section, if the liquor
9 control board finds that the licensee has violated RCW
10 26.28.080((+4)), or 70.155.020, 70.155.030, 70.155.040, 70.155.050,
11 70.155.060, 70.155.070, or 70.155.090.

12 (2) The sanctions that the liquor control board may impose against
13 a person licensed under RCW 82.24.530 and 70.155.050 and 70.155.060
14 based upon one or more findings under subsection (1) of this section
15 may not exceed the following:

16 (a) For violation of RCW 26.28.080((+4)) or 70.155.020:

17 (i) A monetary penalty of not less than one hundred and not more
18 than three hundred dollars for the first violation within any ((two-
19 year)) four-year period;

1 (ii) A monetary penalty of not less than three hundred and not more
2 than five hundred dollars for the second violation within any ((~~two-~~
3 ~~year~~) four-year period;

4 (iii) A monetary penalty of not less than one thousand and not more
5 than one thousand five hundred dollars and suspension of the license
6 for a period of six months for the third violation within any ((~~two-~~
7 ~~year~~) four-year period;

8 (iv) A monetary penalty of not less than one thousand five hundred
9 and not more than two thousand five hundred dollars and suspension of
10 the license for a period of twelve months for the fourth violation
11 within any ((~~two-year~~) four-year period;

12 (v) A monetary penalty of not more than five thousand dollars and
13 revocation of the license with no possibility of reinstatement for a
14 period of five years for the fifth or more violation within any ((~~two-~~
15 year) four-year period;

16 (b) For violations of RCW 70.155.030, a monetary penalty in the
17 amount of one hundred dollars for each day upon which such violation
18 occurred;

19 (c) For violations of RCW 70.155.040 occurring on the licensed
20 premises:

21 (i) A monetary penalty of one hundred dollars for the first
22 violation within any two-year period;

23 (ii) A monetary penalty of three hundred dollars for the second
24 violation within any two-year period;

25 (iii) A monetary penalty of one thousand dollars and suspension of
26 the license for a period of six months for the third violation within
27 any two-year period;

28 (iv) A monetary penalty of one thousand five hundred dollars and
29 suspension of the license for a period of twelve months for the fourth
30 violation within any two-year period;

31 (v) Revocation of the license with no possibility of reinstatement
32 for a period of five years for the fifth or more violation within any
33 two-year period;

34 (d) For violations of RCW 70.155.050 and 70.155.060, a monetary
35 penalty in the amount of three hundred dollars for each violation;

36 (e) For violations of RCW 70.155.070, a monetary penalty in the
37 amount of one thousand dollars for each violation.

38 (3) The liquor control board may impose a monetary penalty upon any
39 person other than a licensed cigarette retailer or licensed sampler if

1 the liquor control board finds that the person has violated RCW
2 26.28.080((+4)), or 70.155.020, 70.155.030, 70.155.040, 70.155.050,
3 70.155.060, 70.155.070, or 70.155.090.

4 (4) The monetary penalty that the liquor control board may impose
5 based upon one or more findings under subsection (3) of this section
6 may not exceed the following:

7 (a) For violation of RCW 26.28.080((+4)) or 70.155.020, fifty
8 dollars for the first violation and one hundred dollars for each
9 subsequent violation;

10 (b) For violations of RCW 70.155.030, one hundred dollars for each
11 day upon which such violation occurred;

12 (c) For violations of RCW 70.155.040, one hundred dollars for each
13 violation;

14 (d) For violations of RCW 70.155.050 and 70.155.060, three hundred
15 dollars for each violation;

16 (e) For violations of RCW 70.155.070, one thousand dollars for each
17 violation.

18 (5) The liquor control board may develop and offer a class for
19 retail clerks and use this class in lieu of a monetary penalty for the
20 clerk's first violation.

21 (6) The liquor control board may issue a cease and desist order to
22 any person who is found by the liquor control board to have violated or
23 intending to violate the provisions of this chapter, RCW
24 26.28.080((+4)) or 82.24.500, requiring such person to cease specified
25 conduct that is in violation. The issuance of a cease and desist order
26 shall not preclude the imposition of other sanctions authorized by this
27 statute or any other provision of law.

28 (7) The liquor control board may seek injunctive relief to enforce
29 the provisions of RCW 26.28.080((+4)) or 82.24.500 or this chapter.
30 The liquor control board may initiate legal action to collect civil
31 penalties imposed under this chapter if the same have not been paid
32 within thirty days after imposition of such penalties. In any action
33 filed by the liquor control board under this chapter, the court may, in
34 addition to any other relief, award the liquor control board reasonable
35 attorneys' fees and costs.

36 (8) All proceedings under subsections (1) through (6) of this
37 section shall be conducted in accordance with chapter 34.05 RCW.

1 **Sec. 2.** RCW 70.155.110 and 1993 c 507 s 12 are each amended to
2 read as follows:

3 (1) The liquor control board shall, in addition to the board's
4 other powers and authorities, have the authority to enforce the
5 provisions of this chapter and RCW 26.28.080((+4)) and 82.24.500. The
6 liquor control board shall have full power to revoke or suspend the
7 license of any retailer or wholesaler in accordance with the provisions
8 of RCW 70.155.100.

9 (2) The liquor control board and the board's authorized agents or
10 employees shall have full power and authority to enter any place of
11 business where tobacco products are sold for the purpose of enforcing
12 the provisions of this chapter.

13 (3) For the purpose of enforcing the provisions of this chapter and
14 RCW 26.28.080((+4)) and 82.24.500, a peace officer or enforcement
15 officer of the liquor control board who has reasonable grounds to
16 believe a person observed by the officer purchasing, attempting to
17 purchase, or in possession of tobacco products is under the age of
18 eighteen years of age, may detain such person for a reasonable period
19 of time and in such a reasonable manner as is necessary to determine
20 the person's true identity and date of birth. Further, tobacco
21 products possessed by persons under the age of eighteen years of age
22 are considered contraband and may be seized by a peace officer or
23 enforcement officer of the liquor control board.

24 (4) The liquor control board ((may work with)) shall provide staff
25 and assistance when requested by local county health departments or
26 districts and local law enforcement agencies to conduct random,
27 unannounced(,-)) inspections to assure compliance.

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