

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5463

54th Legislature
1995 Regular Session

Passed by the Senate March 7, 1995
YEAS 47 NAYS 1

President of the Senate

Passed by the House April 5, 1995
YEAS 93 NAYS 3

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5463** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5463

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

**By Senate Committee on Labor, Commerce & Trade (originally sponsored by
Senators Newhouse, Prentice and Franklin)**

Read first time 02/20/95.

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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