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SENATE BILL 6706

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State of Washington

55th Legislature

1998 Regular Session

By Senator Fairley

Read first time 01/28/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to live adult entertainment; adding a new chapter  
2 to Title 19 RCW; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** PURPOSE. The purpose of this chapter is to  
5 prevent the adverse secondary effects of live adult entertainment in  
6 and around the facilities where it is conducted. This chapter provides  
7 a comprehensive compilation of uniform laws for licensing and  
8 regulating conduct in such establishments. The purpose of these  
9 uniform laws is to serve as a guide for local authorities to adopt in  
10 whole or in part, including all future amendments. The legislature  
11 does not intend to infringe upon any protected rights of expression or  
12 deny any local authority its legislative power.

13 NEW SECTION. **Sec. 2.** DEFINITIONS. For the purposes of this  
14 chapter:

15 (1) "Applicant" means the individual or entity seeking a live adult  
16 entertainment establishment license.

17 (2) "Applicant control person" means all partners, corporate  
18 officers, directors, and any other individuals in the applicant's

1 business organization who hold a significant interest in the live adult  
2 entertainment business, based on responsibility for management of the  
3 live adult entertainment establishment.

4 (3) "Clerk" means such employees or agents of the jurisdiction as  
5 are designated to administer this chapter.

6 (4) "Employee" means all persons, including managers, entertainers,  
7 and independent contractors who work in or at or render any services  
8 directly related to the operation of any live adult entertainment  
9 establishment.

10 (5) "Entertainer" means any person who provides adult entertainment  
11 within a live adult entertainment establishment, whether or not a fee  
12 is charged or accepted for entertainment.

13 (6) "Live adult entertainment establishment" means any commercial  
14 premise to which any member of the public is invited or admitted that  
15 regularly, or as a substantial part of the premise activity, features:  
16 (a) Exhibition, performance, or dance involving persons who appear  
17 seminude or nude; or (b) exhibition, performance, or dance that is  
18 characterized by sexual activities.

19 (7) "Manager" means any person who manages, directs, administers,  
20 or is in charge of the affairs or conduct of any portion of any  
21 activity involving adult entertainment occurring at any live adult  
22 entertainment establishment, and includes assistant managers working  
23 with or under the direction of a manager to carry out such purposes.

24 (8) "Seminude or nude" means the exposure of any or all of the  
25 following: Genitals, buttocks, anus, pubic area, or breasts of a  
26 female person.

27 NEW SECTION. **Sec. 3.** LICENSE REQUIRED. (1) It is unlawful to  
28 conduct or operate a live adult entertainment establishment without a  
29 valid license issued under this chapter.

30 (2) It is unlawful for a manager to work in a live adult  
31 entertainment establishment without a valid license issued under this  
32 chapter.

33 (3) It is unlawful for an entertainer to perform in a live adult  
34 entertainment establishment without a valid license issued under this  
35 chapter.

36 (4) It is unlawful for an entertainer, employee, or manager  
37 knowingly to work in or about, or knowingly to perform any service or

1 entertainment directly related to, the operation of an unlicensed live  
2 adult entertainment establishment.

3 NEW SECTION. **Sec. 4.** LICENSE PROHIBITED TO CERTAIN CLASSES. No  
4 license may be issued to:

5 (1) A natural person who has not attained the age of twenty-one  
6 years, except that licenses may be issued to persons who have attained  
7 the age of eighteen years with respect to live adult entertainment  
8 establishments where no intoxicating liquors are served or provided;

9 (2) A person whose place of business is conducted by a manager or  
10 agent, unless such manager or agent has obtained a manager's license;

11 (3) A partnership, unless all the members thereof are qualified to  
12 obtain a license as provided in this chapter. Such license shall be  
13 issued to the manager or agent thereof;

14 (4) A corporation, unless all the officers and directors thereof  
15 are qualified to obtain a license as provided in this chapter. Such  
16 license shall be issued to the manager or agent thereof.

17 NEW SECTION. **Sec. 5.** APPLICATIONS. (1) All applications for a  
18 live adult entertainment establishment license shall be submitted to  
19 the clerk in the name of the person or entity proposing to operate a  
20 live adult entertainment establishment on the business premises and  
21 shall be signed by the applicant and certified as true under penalty of  
22 perjury. All applications shall be submitted on a form supplied by the  
23 jurisdiction, which shall require the following:

24 (a) For the applicant and for each applicant control person:  
25 Names; any aliases or previous names; driver's license number, if any;  
26 social security number, if any; business, mailing, and residential  
27 address; and business telephone number;

28 (b) For a general or limited partnership, evidence that it is in  
29 good standing under the laws of Washington, and name and address of any  
30 registered agent for service of process;

31 (c) For a corporation, date and place of incorporation, evidence  
32 that it is in good standing under the laws of Washington, and name and  
33 address of any registered agent for service of process;

34 (d) Whether the applicant or any partner, corporate officer, or  
35 director of the applicant holds any other licenses under this chapter  
36 or any license for similar live adult entertainment or sexually  
37 oriented business, including motion picture theaters and panorams, from

1 the jurisdiction or another city, county, or state, and if so, the  
2 names and addresses of each other licensed business;

3 (e) A business history summary of the applicant and applicant  
4 control persons in owning or operating the live adult entertainment or  
5 other sexually oriented businesses, providing names, addresses, and  
6 operation dates for such businesses, and whether any business license  
7 or live adult entertainment establishment license has been revoked or  
8 suspended, and the reason therefor;

9 (f) For the applicant and all applicant control persons, all  
10 criminal convictions or forfeitures within five years immediately  
11 preceding the application date, other than parking offenses or minor  
12 traffic infractions including conviction dates, nature of the crime,  
13 disposition, court name, and location;

14 (g) For the applicant and all applicant control persons, a  
15 description of business, occupation, or employment history for the  
16 three years immediately preceding the date of the application;

17 (h) Authorization for the jurisdiction, its agents, and employees  
18 to seek information to confirm any statements set forth in the  
19 application;

20 (i) The location and doing-business-as name of the proposed live  
21 adult entertainment establishment, including a legal description of the  
22 property, street address, telephone number, and the name and address of  
23 each owner and lessee of the property;

24 (j) Two two-inch by two-inch color photographs of the applicant and  
25 applicant control persons, taken within six months of the date of  
26 application showing only the full face;

27 (k) A complete set of fingerprints for the applicant or each  
28 applicant control person, taken by the law enforcement agency for the  
29 jurisdiction, or such other entity as authorized by the law enforcement  
30 agency;

31 (l) A scale drawing or diagram showing the configuration of the  
32 premises for the proposed live adult entertainment establishment,  
33 including a statement of the total floor space occupied by the  
34 business, and marked dimensions of the interior of the premises.  
35 Performance areas, seating areas, manager's office and stations,  
36 restrooms, and service areas shall be clearly marked on the drawing.  
37 An application for a license for a live adult entertainment  
38 establishment shall include building plans that demonstrate conformance  
39 with the jurisdiction's building code requirements.

1 (2) An application shall be deemed complete upon the applicant's  
2 provision of all information requested in subsection (1) of this  
3 section, including identification of "none" where that is the correct  
4 response, and the applicant's verification that the application is  
5 complete. The clerk may request other information or clarification in  
6 addition to that provided in a complete application where necessary to  
7 determine compliance with this chapter.

8 (3) A nonrefundable application fee must be paid at the time of  
9 filing an application in order to defray the costs of processing the  
10 application.

11 (4) Each applicant shall verify, under penalty of perjury, that the  
12 information contained in the application is true.

13 (5) If, following the issuance of a live adult entertainment  
14 establishment license for a business, any person or entity acquires a  
15 significant interest based on responsibility for management or  
16 operation of the business, notice of such acquisition shall be provided  
17 in writing to the clerk, no later than twenty-one days following such  
18 acquisition. The notice required shall include the information  
19 required for the original live adult entertainment establishment  
20 license application.

21 (6) The live adult entertainment establishment license, if granted,  
22 shall state on its face the name of the person or persons to whom it is  
23 issued, the expiration date, the doing-business-as name and the address  
24 of the licensed live adult entertainment establishment. The permit  
25 shall be posted in a conspicuous place at or near the entrance to the  
26 live adult entertainment establishment so that it can be easily read  
27 any time the business is open.

28 (7) No person granted a live adult entertainment establishment  
29 license pursuant to this chapter shall operate the live adult  
30 entertainment establishment under a name not specified on the license,  
31 nor shall any person operate a live adult entertainment establishment  
32 under any designation or at any location not specified on the license.

33 (8) Upon receipt of the complete application and fee, the clerk  
34 shall provide copies to the police, fire, and building departments for  
35 their investigation and review to determine compliance of the proposed  
36 live adult entertainment establishments with the laws and regulations  
37 that each department administers. Each department shall, within thirty  
38 days of such application date, inspect the application and premises and  
39 shall make a written report to the clerk whether such application and

1 premises comply with the laws administered by each department. No  
2 license may be issued unless each department reports that the  
3 application and premises comply with the relevant laws. In the event  
4 the premises are not yet constructed, the departments shall base their  
5 recommendation as to premises compliance on their review of the  
6 drawings submitted in the application. Any live adult entertainment  
7 establishment license approved prior to premises construction shall  
8 contain a condition that the premises may not open for business until  
9 the premises has been inspected and determined to be in substantial  
10 conformance with the drawings submitted with the application. A  
11 department shall recommend denial of a license under this subsection if  
12 it finds that the proposed live adult entertainment establishment is  
13 not in conformance with the requirements of this chapter or other law  
14 in effect in the jurisdiction. A recommendation for denial shall cite  
15 the specific reason therefor, including applicable laws.

16 (9) The clerk shall issue a live adult entertainment establishment  
17 license within thirty days of the date of filing a complete license  
18 application and fee, unless the clerk determines that the applicant has  
19 failed to meet any of the requirements of this chapter or provide any  
20 information required under this subsection or that the applicant has  
21 made a false, misleading, or fraudulent statement of material fact on  
22 the application for a license. The clerk shall grant an extension of  
23 time in which to provide all information required for a complete  
24 license application upon the request of the applicant. If the clerk  
25 finds that the applicant has failed to meet any of the requirements for  
26 issuance of a live adult entertainment establishment, the clerk shall  
27 deny the application in writing and shall cite the specific reasons  
28 therefor, including applicable law. If the clerk fails to issue or  
29 deny the license within thirty days of the filing date of a complete  
30 application and fee, the applicant shall be permitted, subject to all  
31 other applicable law, to operate the business for which the license was  
32 sought until notification by the clerk that the license has been  
33 denied, but in no event may the clerk extend the application review  
34 time for more than an additional twenty days.

35 (10) No person may work as a manager, assistant manager, or  
36 entertainer at a live adult entertainment establishment without a  
37 manager's or entertainer's license from the jurisdiction. Each  
38 applicant for a manager's or entertainer's license shall complete an  
39 application on forms provided by the jurisdiction containing the

1 information identified in this subsection. A nonrefundable application  
2 fee shall accompany the application. A copy of the application shall  
3 be provided to the law enforcement agency of the jurisdiction for its  
4 review, investigation, and recommendation. All applications for a  
5 manager's or entertainer's license shall be signed by the applicant and  
6 certified to be true under penalty of perjury. The manager's or  
7 entertainer's license application shall require the following  
8 information:

9 (a) The applicant's name, home address, home telephone number, date  
10 and place of birth, fingerprints taken by the law enforcement agency of  
11 the jurisdiction or such other entity as authorized by the local law  
12 enforcement agency, social security number, and any stage names or  
13 nicknames used in entertaining;

14 (b) The name and address of each business at which the applicant  
15 intends to work;

16 (c) Documentation that the applicant has attained the age of  
17 eighteen years. Any two of the following shall be accepted as  
18 documentation of age:

19 (i) A motor vehicle operator's license issued by any state bearing  
20 the applicant's photograph and birth date;

21 (ii) A state-issued identification card bearing the applicant's  
22 photograph and birth date;

23 (iii) An official passport issued by the United States of America;

24 (iv) An immigration card issued by the United States of America; or

25 (v) Any other identification that the jurisdiction determines to be  
26 acceptable;

27 (d) A complete statement of all convictions of the applicant for  
28 any misdemeanor or felony violations in the jurisdiction or any other  
29 city, county, or state within five years immediately preceding the  
30 application date, except parking violations or minor traffic  
31 infractions;

32 (e) A description of the applicant's principal activities or  
33 services to be rendered;

34 (f) Two two-inch by two-inch color photographs of the applicant  
35 taken within six months of the application date showing only the full  
36 face;

37 (g) Authorization for the jurisdiction, its agents, and employees  
38 to investigate and confirm any statements set forth in the application.

1 (11) Every entertainer shall provide his or her license to the live  
2 adult entertainment establishment manager on duty prior to his or her  
3 performance. The manager shall retain the licenses of the adult  
4 entertainers so as to be readily available for inspection by the  
5 jurisdiction any time during business hours of the live adult  
6 entertainment establishment.

7 (12) The clerk may request additional information or clarification  
8 when necessary to determine compliance with this chapter.

9 (13) The clerk shall issue a live adult entertainment establishment  
10 manager or entertainer license within fourteen days from the date the  
11 complete application and fee are received unless the clerk determines  
12 that the applicant has failed to provide any information required to be  
13 supplied according to this chapter, has made any false, misleading, or  
14 fraudulent statement of material fact in the application, or has failed  
15 to meet any of the license issuance requirements under this chapter.  
16 If the clerk determines that the applicant has failed to qualify for  
17 the license applied for, the clerk shall deny the application in  
18 writing and shall cite the specific reasons therefor, including  
19 citation to applicable laws.

20 (14) An applicant for a manager's and entertainer's license shall  
21 be issued a temporary license upon receipt of a complete license  
22 application and fee. The temporary license shall automatically expire  
23 on the fourteenth day following the filing of the complete application  
24 and fee unless the clerk has failed to approve or deny the license  
25 application in which case the temporary license shall be valid until  
26 the clerk approves or denies the application, or until the final  
27 determination of any appeal from a denial of the application. In no  
28 event may the clerk extend the application review time for more than an  
29 additional twenty days.

30 NEW SECTION. **Sec. 6.** LICENSE FEES. The jurisdiction shall fix  
31 license fees for live adult entertainment establishments, managers, and  
32 entertainers. Such license fees shall be based upon the costs to the  
33 jurisdiction to process and investigate license applications as well as  
34 to enforce the licensing provisions of this chapter.

35 NEW SECTION. **Sec. 7.** APPEAL. (1) Any person who wishes to appeal  
36 the action of the clerk in refusing to issue or renew any license  
37 issued under this chapter must file a notice of such appeal with the

1 clerk. The notice must be filed within ten days of the date the notice  
2 of refusal to issue or renew was issued. A hearing body designated by  
3 the jurisdiction will hear the appeal. The hearing shall be conducted  
4 within thirty days of the filing of the notice of appeal. At such  
5 hearing the appellant and other interested persons may appear and be  
6 heard, subject to rules and regulations of the hearing body. The  
7 hearing body shall render its decision in writing within fifteen days  
8 of the close of the appeal hearing.

9 (2) Any person who wishes to appeal a decision of the hearing body  
10 rendered under this section must seek review of that decision by filing  
11 a petition for a writ of certiorari, prohibition, or mandamus in the  
12 superior court. The petition must be made within ten days of the date  
13 the decision of the hearing body was mailed.

14 NEW SECTION. **Sec. 8.** STANDARD OF CONDUCT. The following  
15 standards of conduct must be adhered to by employees, entertainers, and  
16 customers of any live adult entertainment establishment at all times:

17 (1) No employee or entertainer may appear seminude or nude in any  
18 part of the premises open to view of customers, except in an adult live  
19 entertainment performance area. No entertainer may perform anywhere on  
20 the premises except in a live adult entertainment performance area.

21 (2) No employee, entertainer, or customer may perform acts of or  
22 acts that simulate: Sexual intercourse, masturbation, bestiality,  
23 sodomy, oral copulation, flagellation, or any sexual acts the  
24 performance of which the law prohibits.

25 (3) No customer may go within eight feet of an adult live  
26 entertainment performance area.

27 (4) No customer, employee, or entertainer may allow, encourage, or  
28 knowingly permit any person upon the premises to touch, caress, or  
29 fondle the genitals, buttocks, anus, pubic area, or breasts of himself,  
30 herself, or another.

31 (5) No entertainer who performs seminude or nude may appear or  
32 remain in any part of the premises open to the public except in the  
33 live adult entertainment performance area during business hours.

34 (6) No employee or entertainer may use artificial devices or  
35 inanimate objects to depict any of the prohibited activities described  
36 in subsection (2) of this section.

37 (7) No customer may give any entertainer any gratuity or other  
38 payment.

1 (8) No entertainer may solicit, demand, accept, or receive any  
2 gratuity or other payment from a customer.

3 (9) No person may operate or maintain any kind of warning device or  
4 system for the purpose of warning or aiding and abetting the warning of  
5 any employee, customer, or any other person that the police, health,  
6 fire, or building inspectors or other public officials are approaching  
7 or have entered the premises.

8 NEW SECTION. **Sec. 9.** MANAGER'S DUTIES. The responsibilities of  
9 the manager of a live adult entertainment establishment shall include  
10 but are not limited to:

11 (1) A licensed manager shall be on duty at all times adult  
12 entertainment is being provided or members of the public are present on  
13 the premises. The name and license of the manager shall be prominently  
14 posted during business hours. The manager shall be responsible for  
15 verifying that any person who provides adult entertainment within the  
16 premises possesses a current and valid entertainer's license.

17 (2) The licensed manager on duty shall not be an entertainer.

18 (3) The manager or an assistant manager licensed under this chapter  
19 shall maintain visual observation of each member of the public at all  
20 times any entertainer is present in the public or performance areas of  
21 the live adult entertainment establishment. Where there is more than  
22 one performance area, or the performance area is of such size or  
23 configuration that one manager or assistant manager is unable to  
24 observe visually, at all times, each adult entertainer, each employee,  
25 and each member of the public, a manager or assistant manager licensed  
26 under this chapter shall be provided for each public or performance  
27 area or portion of a public or performance area visually separated from  
28 other portions of the live adult entertainment establishment.

29 (4) The manager is responsible for and shall ensure that the  
30 actions of members of the public, the entertainers, and all other  
31 employees shall comply with all requirements of this chapter.

32 NEW SECTION. **Sec. 10.** PREMISE SPECIFICATIONS. (1) The  
33 performance area of the live adult entertainment establishment where  
34 adult entertainment is provided shall be a stage or platform at least  
35 eighteen inches in elevation above the level of the patron seating  
36 areas and shall be separated by a distance of eight feet from all areas  
37 of the premises to which members of the public have access.

1 (2) At least two signs, in English, of sufficient size to be  
2 readable at twenty feet shall be conspicuously displayed in a public  
3 area of the cabaret or theater stating the following:

4 "THE LAWS OF THIS JURISDICTION REGULATE THIS LIVE ADULT  
5 ENTERTAINMENT ESTABLISHMENT.

6 ENTERTAINERS, EMPLOYEES, AND CUSTOMERS ARE NOT PERMITTED TO  
7 ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.

8 ENTERTAINERS ARE NOT PERMITTED TO APPEAR SEMINUDE OR NUDE OR  
9 PERFORM EXCEPT IN AN ADULT LIVE ENTERTAINMENT PERFORMANCE AREA.

10 ENTERTAINERS ARE NOT PERMITTED TO REMAIN WITHIN THE PUBLIC  
11 AREAS OF THIS ESTABLISHMENT EXCEPT IN THE LIVE ADULT  
12 ENTERTAINMENT PERFORMANCE AREA DURING BUSINESS HOURS.

13 ENTERTAINERS ARE NOT PERMITTED TO SOLICIT, DEMAND, ACCEPT, OR  
14 RECEIVE ANY GRATUITY OR OTHER PAYMENT FROM A CUSTOMER."

15 (3) Doors to areas on the premises that are available for use by  
16 persons other than the owner, manager, their agents, or employees may  
17 not be locked during business hours.

18 (4) Sufficient lighting shall be provided and equally distributed  
19 throughout the public areas of the premises so that all objects are  
20 plainly visible at all times. A minimum lighting level of thirty lux  
21 horizontal, measured at thirty inches from the floor and on ten-foot  
22 centers, is hereby established for all areas of the live adult  
23 entertainment establishment where members of the public are admitted.

24 (5) Admission must be restricted to persons of the age of eighteen  
25 years or more. It is unlawful for any owner, operator, manager, or  
26 other person in charge of a live adult entertainment establishment  
27 knowingly to permit or allow any person under the minimum age specified  
28 to be in or upon such premises.

29 (6) Neither the performance nor any photograph, drawing, sketch, or  
30 other pictorial or graphic representation thereof displaying any  
31 portion of the breasts below the top of the areola or any portion of  
32 the pubic hair, buttocks, genitals, or anus may be visible outside the  
33 live adult entertainment establishment.

34 (7) It is unlawful for any live adult entertainment establishment  
35 to be operated or otherwise open to the public between the hours of  
36 2:00 a.m. and 10:00 a.m.

1 (8) All papers, records, and things required to be kept pursuant to  
2 this chapter shall be open to inspection by the clerk during the hours  
3 when the licensed premises are open for business, upon two days'  
4 written notice. The purpose of such inspections shall be to determine  
5 whether the papers, records, and things meet the requirements of this  
6 chapter.

7 (9) Each live adult entertainment establishment shall maintain and  
8 retain for two years the name, address, and age of each person employed  
9 or otherwise retained or allowed to perform on the premises as an  
10 entertainer, including independent contractors and their employees.  
11 This information shall be open to inspection by the clerk during hours  
12 of operation of the business upon twenty-four hours' notice to the  
13 licensee.

14 (10) To insure compliance with this chapter all areas of licensed  
15 live adult entertainment establishments that are open to members of the  
16 public shall be open to inspection by agents and employees during the  
17 hours when the premises are open for business. The purpose of such  
18 inspections is to determine if the licensed premises are operated  
19 according to the requirements of this chapter. It is hereby expressly  
20 declared that unannounced inspections are necessary to ensure  
21 compliance with this chapter.

22 NEW SECTION. **Sec. 11.** LICENSE TERM. (1) There shall be no  
23 prorating of the license fees set forth in this chapter, and such  
24 licenses shall expire on the thirty-first day of December of each year,  
25 except that if the original application is made after June 30th, then  
26 one-half of the annual fee may be accepted for the remainder of the  
27 year. Licenses issued under this chapter are not assignable.

28 (2) Application for renewal of licenses issued under this chapter  
29 shall be made to the clerk no later than thirty days prior to the  
30 expiration of live adult entertainment establishment licenses, and no  
31 later than fourteen days prior to the expiration of live adult  
32 entertainment establishment, manager, and entertainer licenses. The  
33 clerk shall issue the renewal license in the same manner and on payment  
34 of the same fees as for an original application under this chapter.  
35 There shall be assessed and collected by the clerk, an additional  
36 charge, computed as a percentage of the license fee, on applications  
37 not made on or before the application date, as follows:

38	Days Past Due	Percent of License Fee
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1	7 - 30	25%
2	31 - 60	50%
3	61 and over	75%

4 (3) The clerk shall renew a license upon application unless the  
5 clerk is aware of facts that would disqualify the applicant from being  
6 issued the license for which he or she seeks renewal, and further  
7 provided that the application complies with all provisions of this  
8 chapter.

9 (4) The clerk shall provide written notice to the licensee of the  
10 decision not to renew the license. Such notice shall include the  
11 reason for the decision not to renew, inform the licensee of the right  
12 to appeal the decision to the designated hearing body, and shall state  
13 the effective date of such revocation or suspension.

14 NEW SECTION. **Sec. 12.** LICENSE SUSPENSION. (1) The clerk may,  
15 upon the recommendation of the chief law enforcement officer for the  
16 jurisdiction or his or her designee and as provided in subsection (2)  
17 of this section, suspend or revoke any license issued under this  
18 chapter at any time where such license was procured by fraud or false  
19 representation of fact; or for the violation of, or failure to comply  
20 with, this chapter by the licensee or by any of his or her agents or  
21 employees when the licensee knew or should have known of the violations  
22 committed by his or her agents or employees; or for the conviction of  
23 the licensee of any crime or offense involving prostitution, liquor law  
24 violations, or transactions involving controlled substances as defined  
25 in chapter 69.50 RCW or violation of chapter 9.68A RCW committed on the  
26 premises, or the conviction of any of his or her agents or employees of  
27 any crime or offense involving prostitution, liquor law violations, or  
28 transactions involving controlled substances as defined in chapter  
29 69.50 RCW or violation of chapter 9.68A RCW committed on the premises  
30 in which his or her live adult entertainment establishment is conducted  
31 when the licensee knew or should have known of the violations committed  
32 by his or her agents or employees. The violations considered by the  
33 clerk as the basis for a decision to revoke or suspend must have  
34 occurred within twenty-four months, excluding suspension or revocation  
35 periods, before the date of the issuance of the written notice of the  
36 decision to revoke or suspend.

37 (2) A license procured by fraud or misrepresentation shall be  
38 revoked. Where other violations of this chapter or other applicable

1 ordinances, statutes, or regulations are found, the license shall be  
2 suspended for thirty days upon the first such violation, ninety days  
3 upon the second violation within a twenty-four-month period, and  
4 revoked for third and subsequent violations within a twenty-four-month  
5 period, not including periods of suspension.

6 (3) The clerk shall provide at least ten days' prior written notice  
7 to the licensee of the decision to suspend or revoke the license. Such  
8 notice shall include the reason for the suspension or revocation,  
9 inform the licensee of the right to appeal the decision to the  
10 designated hearing body, and shall state the effective date of such  
11 revocation or suspension. A licensee who wishes to appeal the clerk's  
12 decision must file a notice of appeal within ten days of the date of  
13 the clerk's notice of the decision to suspend or revoke the license.  
14 The hearing shall be conducted within forty-five days of the filing of  
15 the notice of appeal under the rules and processes established by the  
16 jurisdiction. The hearing body shall render its decision within  
17 fifteen days following the close of the appeal hearing. Any person  
18 aggrieved by the hearing body's decision and wishing to appeal that  
19 decision must seek review in the superior court by filing a petition  
20 for writ of certiorari, prohibition, or mandamus within ten days of the  
21 date of mailing of the decision by the hearing body. The decision of  
22 the clerk shall be stayed during the pendency of any appeal under this  
23 chapter except as provided in subsection (4) of this section.

24 (4) Where the building official or fire marshal of the local  
25 jurisdiction or the county health department finds that any condition  
26 exists upon the premises of a live adult entertainment establishment  
27 that constitutes a threat of immediate serious injury or damage to  
28 persons or property, the official may immediately suspend any license  
29 issued under this chapter pending a hearing in accordance with  
30 subsection (3) of this section. The official shall issue notice  
31 setting forth the basis for the action and the facts that constitute a  
32 threat of immediate serious injury or damage to persons or property,  
33 and informing the licensee of the right to appeal the suspension to the  
34 hearing examiner or other designated hearing body under the same appeal  
35 provisions set forth in subsection (3) of this section. A suspension  
36 based on threat of immediate serious injury or damage shall not be  
37 stayed during the pendency of the appeal.

1        NEW SECTION.    **Sec. 13.**    LIQUOR REGULATIONS.    Any license issued  
2 pursuant to this chapter is subject to any rules or regulations of the  
3 Washington state liquor control board relating to the sale of  
4 intoxicating liquor. In the event of a conflict between the provisions  
5 of this chapter and the applicable rules and regulations of the  
6 Washington state liquor control board, the rules and regulations of the  
7 Washington state liquor control board shall control.

8        NEW SECTION.    **Sec. 14.**    NUISANCE DECLARED.    (1) Any live adult  
9 entertainment establishment operated, conducted, or maintained in  
10 violation of this chapter or any law of the local jurisdiction or the  
11 state of Washington is declared to be unlawful and a public nuisance.  
12 The attorney for the local jurisdiction may, in addition to or in lieu  
13 of any other remedies set forth in this chapter, commence an action to  
14 enjoin, remove, or abate such nuisance in the manner provided by law  
15 and shall take such other steps and apply to such court or courts as  
16 may have jurisdiction to grant such relief as will abate or remove such  
17 public nuisance, and restrain and enjoin any person from operating,  
18 conducting, or maintaining a live adult entertainment establishment  
19 contrary to the provisions of this chapter.

20        (2) Any live adult entertainment establishment operated, conducted,  
21 or maintained contrary to chapter 7.48A RCW, moral nuisances, is  
22 declared to be unlawful and a public and moral nuisance and the  
23 attorney for the local jurisdiction may, in addition to or in lieu of  
24 any other remedies set forth in this chapter, commence an action or  
25 actions to abate, remove, and enjoin such public and moral nuisance or  
26 impose a civil penalty in the manner provided by chapter 7.48A RCW.

27        NEW SECTION.    **Sec. 15.**    NONPREEMPTION.    Nothing in this chapter may  
28 be construed to prevent a county, city, or town from adopting a  
29 different regulatory scheme for live adult entertainment  
30 establishments, whether more or less restrictive than the provisions  
31 contained in this chapter.

32        NEW SECTION.    **Sec. 16.**    AMENDMENTS.    The addition of any new  
33 section to, amendment of, or repeal of, any section in this chapter by  
34 the legislature is deemed to amend any ordinance of any city, town, or  
35 county which has adopted by reference this chapter or any part thereof,  
36 and it shall not be necessary for the legislative authority of any

1 city, town, or county to take any action with respect to such addition,  
2 amendment, or repeal notwithstanding the provisions of RCW 35.21.180  
3 and 35A.12.140.

4 NEW SECTION. **Sec. 17.** ADDITIONAL ENFORCEMENT. The remedies found  
5 in this chapter are not exclusive, and the jurisdiction may seek any  
6 other legal or equitable relief, including but not limited to enjoining  
7 any acts or practices that constitute or will constitute a violation of  
8 any business license ordinance or other regulations adopted under this  
9 chapter.

10 NEW SECTION. **Sec. 18.** VIOLATION. A violation of this chapter is  
11 a misdemeanor.

12 NEW SECTION. **Sec. 19.** SEVERABILITY. If any provision of this act  
13 or its application to any person or circumstance is held invalid, the  
14 remainder of the act or the application of the provision to other  
15 persons or circumstances is not affected.

16 NEW SECTION. **Sec. 20.** CAPTIONS. Captions used in this act are  
17 not any part of the law.

18 NEW SECTION. **Sec. 21.** Sections 1 through 20 of this act  
19 constitute a new chapter in Title 19 RCW.

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