

RCW 62A.9-409, 60.11.040(3) and 60.13.040, as amended by 1987 c 189 § 7. 88-03-037 (Order BLS 115), § 308-410-070, filed 1/19/88.]

## Title 314 WAC

# LIQUOR CONTROL BOARD

### Chapters

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### Chapter 314-04 WAC

#### HEARINGS

#### WAC

314-04-005	What are the procedures for a licensee to be notified of an alleged violation of a board statute or regulation?
314-04-006	Are the notification procedures different for an alleged first-time violation of a board statute or regulation?
314-04-007	What options does a licensee have once he/she receives a notice of initial board action?
314-04-010	Repealed.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-04-010	Method. [Resolution No. 1, filed 6/13/63; Rule 114, filed 6/13/63.] Repealed by 99-15-023, filed 7/12/99, effective 8/12/99. Statutory Authority: RCW 66.08.030, 66.44.010 and 66.24.010(3).
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**WAC 314-04-005 What are the procedures for a licensee to be notified of an alleged violation of a board statute or regulation?** (1) When an enforcement agent believes that a licensee has violated a board statute or regulation, the agent will prepare an administrative violation notice (AVN), which will include a brief narrative description of the violation(s) the agent is charging and the dates of the violation(s).

(2) The agent will give a copy of this AVN to the licensee and to the supervisor in the board enforcement region where the licensee is located.

(3) After the supervisor reviews and approves the AVN, it will be routed to the headquarters office of the enforcement and education division.

(4) After the headquarters office of the enforcement and education division reviews and concurs with the AVN, it will be routed to the office of the attorney general.

(5) An assistant attorney general will review the proposed charge to make sure it is legally sufficient. Once the assistant attorney general has approved the AVN, it will be sent to the board's hearing coordinator.

(6) The board's hearing coordinator will circulate the AVN to the board members for review.

(7) Once the board members have approved the AVN, the board's hearing coordinator will send a notice of initial

board action to the licensee. This notice of initial board action will notify the licensee of the charged violation(s) and the recommended penalty as outlined in WAC 314-12-170 and 314-12-300 through WAC 314-12-340, and will offer the licensee the options outlined in WAC 314-04-007.

[Statutory Authority: RCW 66.08.030, 66.44.010 and 66.24.010(3). 99-12-129, § 314-04-005, filed 6/2/99, effective 7/3/99; Order 35, § 314-04-005, filed 7/2/75.]

**WAC 314-04-006 Are the notification procedures different for an alleged first-time violation of a board statute or regulation?** (1) A board enforcement agent may immediately issue an AVN notice to a licensee without going through the steps outlined in WAC 314-04-005 (2) through (7), under the following conditions:

(a) The charge would be the first time a licensee has violated the specific statute or regulation; and

(b) The agent believes the standard penalty is appropriate.

(2) The AVN will contain the recommended standard penalty and will notify the licensee of the option to request an administrative hearing in writing within ten days of receipt of the AVN or to request a settlement conference.

(3) No further review will be made of the charge by the board members or by the office of the attorney general.

(4) The AVN will constitute the notice of initial board action in these cases and the remaining steps in the prehearing procedure as outlined in WAC 314-04-007 will be followed.

[Statutory Authority: RCW 66.08.030, 66.44.010 and 66.24.010(3). 99-12-129, § 314-04-006, filed 6/2/99, effective 7/3/99.]

**WAC 314-04-007 What options does a licensee have once he/she receives a notice of initial board action? (1) When a licensee receives a notice of initial board action, the licensee has ten days from receipt of the notice to:**

(a) Accept the recommended penalty; or

(b) Request a settlement conference; or

(c) Request an administrative hearing in writing.

**(2) What are the procedures when a licensee requests a settlement conference?**

(a) If the licensee requests a settlement conference, the agent in charge or designee in the enforcement region where the licensee is located will schedule a conference with the licensee.

(b) Both the licensee and the agent in charge or designee will discuss the circumstances surrounding the charge, the recommended penalty, and any aggravating or mitigating factors.

(c) If a compromise is reached, the agent in charge or designee will prepare a proposed settlement agreement and will forward it to the board for approval.

(i) If the board approves the compromise, a copy of the signed settlement agreement will be sent to the licensee, and will conclude the case.

(ii) If the board does not approve the compromise, the board will notify the licensee of the decision. The licensee will be given the option of agreeing to any changes the board has made in the agreement, or of requesting an administrative

hearing on the charges in writing within ten days of receipt of the notice of board action.

(d) If the licensee and the agent in charge or designee cannot reach agreement on a settlement proposal, the licensee may:

(i) Request an administrative hearing in writing within ten days of the date of the settlement conference; or

(ii) Agree to accept the originally recommended penalty.

**(3) What are the procedures when a licensee requests an administrative hearing?**

(a) If the licensee requests an administrative hearing in writing within ten days, it is conducted pursuant to chapter 34.05 RCW and WAC 314-04-010.

(b) The penalty recommendation will be based upon written guidelines.

(c) The penalty recommendation may be a letter of admonition, a license suspension, a license revocation, or a license suspension with a monetary alternative to be paid by the licensee in lieu of suspension.

**(4) What will happen during the administrative hearing?**

(a) When the licensee requests an administrative hearing, the board's hearing coordinator will notify the assistant attorney general.

(b) The assistant attorney general will draft an administrative complaint and send it to the licensee and to the office of administrative hearings.

(c) The office of administrative hearings will schedule the hearing date, and notify the licensee and their attorney and the assistant attorney general in writing of the hearing date, time, and location.

(d) The hearing will be conducted by an administrative law judge assigned by the office of administrative hearings. Subpoenas may be issued by an attorney for any party, or by the assigned administrative law judge.

(e) At the hearing, the assistant attorney general or a designee will present witnesses and other evidence to prove the charges on behalf of the board's enforcement staff.

(f) At the hearing, the licensee may be represented by an attorney or may choose to represent himself or herself.

**(5) What will happen after the administrative hearing?**

(a) Following the hearing, the administrative law judge will prepare an initial order and send it to the licensee and the assistant attorney general.

(b) Either the licensee or the assistant attorney general may file a petition for review of the initial order with the liquor control board within twenty days of the date of service of the initial order. The petition for review must:

(i) Specify the portions of the initial order to which exception is taken;

(ii) Refer to the evidence of record which is relied upon to support the petition; and

(iii) Be filed with the liquor control board within twenty days of the date of service of the petition.

(iv) Copies of the reply must be mailed to all other parties or their representatives at the time the reply is filed.

(c) The administrative record, the initial order, and any exceptions filed by the parties will be circulated to the board members for review.

(d) Following this review, the board will enter a final order which is appealable under the provisions of RCW 34.05.510 through 34.05.598 (Washington Administrative Procedure Act).

[Statutory Authority: RCW 66.08.030, 66.44.010 and 66.24.010(3). 99-12-129, § 314-04-007, filed 6/2/99, effective 7/3/99.]

**WAC 314-04-010 Repealed.** See Disposition Table at beginning of this chapter.

### Chapter 314-08 WAC PRACTICE AND PROCEDURE

#### WAC

314-08-080

Notice of hearing in contested cases.

**WAC 314-08-080 Notice of hearing in contested cases.** In any contested case, the board will serve all parties with a written notice of hearing at least twenty days before the hearing date. The notice will state the time, place, and reason for the hearing, and other information required by RCW 34.05.434(2). Notwithstanding the provisions of WAC 314-04-006, in the case of emergency suspensions under RCW 66.08.150, the board will give at least seven days notice before the hearing date, as required by RCW 34.05.434.

[Statutory Authority: RCW 66.08.030, 34.05.434, 66.08.150 and 66.24.010(3). 99-23-012, § 314-08-080, filed 11/5/99, effective 12/6/99. Statutory Authority: RCW 66.08.030. 88-08-057 (Order 245, Resolution No. 254), § 314-08-080, filed 4/5/88; Resolution No. 2, Rule 08.080, filed 6/13/63.]

### Chapter 314-10 WAC SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

#### WAC

314-10-040

How old do employees have to be to sell and handle cigarettes or tobacco products?

**WAC 314-10-040 How old do employees have to be to sell and handle cigarettes or tobacco products?** (1) Any employee can sell and handle tobacco products when:

(a) The business has a cigarette retailer's license; or

(b) The business has registered with the department of revenue; and

(c) There is a supervising employee who is eighteen years of age or older on the retail premises.

(2) If someone under fourteen years of age is employed by a retailer, the retailer must comply with the requirements of the department of labor and industries under RCW 26.28.060 and WAC 296-125-018.

(3) Having an employee under eighteen years of age who handles and sells cigarettes and tobacco products according to subsections (1) and (2) of this section is not:

(a) Considered "possessing" cigarettes and tobacco products and is therefore not a violation of RCW 70.155.080(1); or

(b) Considered "giving" the employee cigarettes and tobacco products and is therefore not a violation of RCW 26.28.080.

[Statutory Authority: RCW 66.08.030, 99-03-031, § 314-10-040, filed 1/13/99, effective 2/13/99; 93-23-016, § 314-10-040, filed 11/5/93, effective 12/6/93.]

### Chapter 314-12 WAC

#### GENERAL—APPLICABLE TO ALL LICENSEES

##### WAC

314-12-170	What are the penalties if a retail liquor licensee violates the liquor laws or rules?
314-12-210	Chronic public inebriation (CPI) and alcohol impact areas (AIA)—Definitions—Purpose.
314-12-215	Alcohol impact areas—Definition—Guidelines.
314-12-220	General review.
314-12-225	Severability.
314-12-300	Group One (1) violations against public safety.
314-12-310	Group Two (2) offenses—Conduct violations.
314-12-320	Group Three (3) offenses—Regulatory violations.
314-12-330	Can the board impose sanctions or penalties other than those indicated in WAC 314-12-170?
314-12-340	What are some examples of mitigating and aggravating circumstances?

**WAC 314-12-170 What are the penalties if a retail liquor licensee violates the liquor laws or rules?** (1) Penalties for violations by liquor licensees (or their employees while working for a liquor licensee) are broken down into three categories, with the most serious penalties first.

(a) Group One (1) - Public Safety Violations, WAC 314-12-300;

(b) Group Two (2) - Conduct Violations, WAC 314-12-310;

(c) Group Three (3) - Regulatory Violations, WAC 314-12-320.

(2) Past violations within a two-year period will be considered.

[Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.120, 99-03-032, § 314-12-170, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 66.08.030, 95-05-006, § 314-12-170, filed 2/1/95, effective 3/4/95. Statutory Authority: RCW 66.08.030 and 66.98.070, 88-17-023 (Order 258, Resolution No. 267), § 314-12-170, filed 8/10/88; 84-17-117 (Order 148, Resolution No. 157), § 314-12-170, filed 8/22/84.]

**WAC 314-12-210 Chronic public inebriation (CPI) and alcohol impact areas (AIA)—Definitions—Purpose.**

**(1) What is the purpose of these rules concerning chronic public inebriation and alcohol impact areas?**

(a) The enabling statutes for the liquor control board are contained in chapter 66.08 RCW. These statutes authorize the board to exercise the police power of the state for the protection of the welfare, health, peace, and safety of the people of Washington.

(b) The board's mandate to protect the welfare, health, peace, and safety of the people is to ensure that liquor licensees conduct their business in a lawful manner and that the presence of a licensee's alcohol sales does not unreasonably disturb the welfare, health, peace, or safety of the surrounding community.

(c) The purpose of these rules concerning chronic public inebriation and alcohol impact areas is to establish a framework under which the board, in partnership with local gov-

ernment and community organizations, can act to mitigate negative impacts on a community's welfare, health, peace, or safety that result from the presence of chronic public inebriation.

(d) For the purpose of these rules, chronic public inebriation exists when the effects of the public consumption of alcohol and/or public intoxication occur in concentrations that endanger the welfare, health, peace, or safety of a neighborhood or community.

**(2) What do these rules concerning chronic public inebriation and alcohol impact areas seek to do?** WAC 314-12-210 and 314-12-215 seek to:

(a) Establish an expanded local review process for liquor license applications, assumptions\*, and renewals inside a recognized alcohol impact area (AIA);

(b) Create standards under which the board may refuse to issue a liquor license; may refuse to permit the assumption or renewal of a liquor license; may place conditions or restrictions upon the issuance, assumption, or renewal of a license; or may place conditions or restrictions on an existing license inside a recognized AIA;

(c) Allow the board, in specific circumstances, to restrict the off-premises sale of certain alcohol products or alcohol product containers inside a recognized AIA.

\*Note: A liquor license assumption refers to an application by a prospective new owner/operator for an existing licensed business. Under certain conditions, such applicants may apply for a temporary license to continue operations during the new license application review period.

[Statutory Authority: RCW 66.08.030 and 66.24.010, 99-13-042, § 314-12-210, filed 6/8/99, effective 7/9/99.]

**WAC 314-12-215 Alcohol impact areas—Definition—Guidelines.** (1) **What is an alcohol impact area (AIA)?** An alcohol impact area is a geographic area within a city, town, or county that is adversely affected by chronic public inebriation or illegal activity associated with alcohol sales or consumption. The area must be designated by ordinance by the government subdivision and recognized by resolution of the board before any enhanced processes described by these rules are applied.

(2) **What guidelines will the board use to recognize an alcohol impact area (AIA)?** The board, by resolution, may recognize an AIA adopted by a city, town, or county and subsequently referred to the board by that government subdivision. To achieve recognition, the AIA must meet all of the following conditions:

(a) The AIA comprises a geographic area that does not include the entire territory of the local jurisdiction;

(b) The government subdivision has given a rationale, expressed in the ordinance, for the establishment of the proposed boundaries of the AIA;

(c) The government subdivision has described the boundaries of the AIA in the ordinance in such a way that:

(i) The board can determine which liquor licensees are in the proposed area; and

(ii) The boundaries are understandable to the public at large.

(d) The AIA ordinance includes findings of fact which establish:

(i) Chronic public inebriation or illegal activity associated with alcohol sales and/or consumption within the proposed AIA is contributing to the deterioration of the general quality of life within the area or threatens the welfare, health, peace, or safety of the area's visitors and occupants;

(ii) There is a pervasive pattern of public intoxication and/or public consumption of alcohol as documented in crime statistics, police reports, emergency medical response data, detoxification reports, sanitation reports, public health records, or similar records; and

(iii) A good faith effort has been made by the government subdivision to control the problem through voluntary efforts that may include cooperation with neighborhood citizen and/or business organizations, and must include the notification of licensees within the proposed AIA of public intoxication problems and of voluntary remedies available to them to resolve the problem.

(e) The AIA will take effect on the date of the board's resolution extending recognition to the AIA.

**(3) Once an AIA is recognized by the board, what processes, conditions, or restrictions may the board apply?**

(a) The board will apply a unique local license review process for liquor license applications, assumptions, and renewals within the AIA.

(b) The board may place conditions or restrictions on the off-premises sale privilege of liquor licenses within the AIA. These restrictions must be reasonably related to reducing chronic public inebriation or illegal activity associated with off-premises alcohol sales and/or consumption. These restrictions may include, but are not limited to:

(i) Restrictions on the hours of operation for off-premises alcohol sale within the AIA;

(ii) Restrictions on the off-premises sale of certain alcohol products within the AIA; and

(iii) Restrictions on alcohol container sizes available for off-premises sale within the AIA.

**(4) What are the circumstances required for the board to restrict the off-premises sale of alcohol within an AIA?** The board may restrict the off-premises sale of alcohol within an AIA, subject to all of the following conditions:

(a) Product restrictions must be requested by the government subdivision's law enforcement agency or public health authority;

(b) The board must find that the off-premises sale of such alcohol products is reasonably linked to the problems associated with chronic public inebriation; and

(c) The government subdivision must have shown that voluntary efforts have failed to significantly reduce the impact of chronic public inebriation, or that voluntary efforts need augmentation by license restrictions described in subsection (3) of this section.

**(5) What type of voluntary efforts must the government subdivision attempt before the board will implement mandatory product restrictions?** Before the board will implement mandatory product restrictions, the government subdivision's voluntary efforts must include:

(a) Notification of all off-premises sales licensees in the proposed AIA that behavior associated with alcohol sales is having an impact on chronic public inebriation.

(b) Documentation that the government subdivision has made reasonable efforts to implement voluntary agreements to promote business practices that reduce chronic public inebriation and promote public welfare, health, peace, and safety with licensees within the AIA who sell alcohol for off-premises consumption.

(c) Implementation of these voluntary agreements must have been attempted for at least six months before information is presented to the board that voluntary efforts have failed or need augmentation.

**(6) If restrictions are approved for an AIA, the board will:**

(a) Notify the appropriate beer and wine distributors of the product restrictions placed on off-premises licensees within the AIA.

(b) When product restrictions on the off-premises sale of alcohol products are placed on licensees within an AIA, no state liquor store or agency within the AIA may sell these restricted products.

**(7) What is the process for liquor license applications and renewals for licensees inside a recognized AIA?** Subject to the provisions of RCW 66.24.010(8):

(a) When the board receives an application for a liquor license that includes an off-premises sale privilege, the board will establish an extended time period of sixty days for the government subdivision to comment on the liquor license application or assumption.

(i) The government subdivision may and is encouraged to submit comment before the end of this sixty-day period, but may request an extension of this period when unusual circumstances, explained in the request, require additional time for comment.

(ii) The requesting government subdivision will notify the licensee or applicant when an extension of the sixty-day comment period is requested.

(b) For renewals, notice will be mailed to the government subdivision not less than ninety days before the current license expires.

**(8) How long will an AIA be in effect?** An AIA will remain in effect until:

(a) The sponsoring government subdivision repeals the specific enabling ordinance that originally defined the specific AIA recognized by the board; or

(b) The board repeals its recognition of an AIA as the result of a public hearing, called by the board acting on its own initiative or at the request of a community organization within the AIA, made after the AIA has been in effect for at least two years.

[Statutory Authority: RCW 66.08.030 and 66.24.010. 99-13-042, § 314-12-215, filed 6/8/99, effective 7/9/99.]

**WAC 314-12-220 General review.** The board will initiate a study of the effectiveness of WAC 314-12-210 and 314-12-215 one year following recognition of the first AIA under these rules. The study, which shall take no more than

ninety days, will recommend the continuation, modification, or repeal of these rules.

[Statutory Authority: RCW 66.08.030 and 66.24.010. 99-13-042, § 314-12-220, filed 6/8/99, effective 7/9/99.]

**WAC 314-12-225 Severability.** If any provision of WAC 314-12-210 through 314-12-220 or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or the applica-

tion of these rules which can be given effect without the invalid provision or application, and, to this end, the provisions of these rules are declared to be severable.

[Statutory Authority: RCW 66.08.030 and 66.24.010. 99-13-042, § 314-12-225, filed 6/8/99, effective 7/9/99.]

**WAC 314-12-300 Group One (1) violations against public safety.**

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
<b>MINOR FREQUENTING</b> a tavern, cocktail lounge or other age restricted area	5 day suspension OR \$500 monetary option	7 day suspension and no monetary option	30 day suspension and no monetary option	cancellation of license
<b>SALES OR SERVICE:</b> Of alcohol to persons under 21 years of age	5 day suspension OR \$500 monetary option	7 day suspension and no monetary option	30 day suspension and no monetary option	cancellation of license
<b>CRIMINAL CONDUCT:</b> Allowing or engaging in	5 day suspension OR \$500 monetary option	5 day suspension OR \$2,500 monetary option	10 day suspension OR \$5,000 monetary option	cancellation of license
<b>DISORDERLY CONDUCT:</b> Allowing patrons, by licensee or employee	5 day suspension OR \$500 monetary option	5 day suspension OR \$2,500 monetary option	10 day suspension OR \$5,000 monetary option	cancellation of license
<b>INTOXICATED PERSONS:</b> Sales to, service to, consumption by, possession by	5 day suspension OR \$500 monetary option	5 day suspension OR \$2,500 monetary option	10 day suspension OR \$5,000 monetary option	cancellation of license

[Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.120. 99-03-032, § 314-12-300, filed 1/13/99, effective 2/13/99.]

**WAC 314-12-310 Group Two (2) offenses—Conduct violations.**

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
<b>EMPLOYEE:</b> Under legal age or with no MAST Permit	5 day suspension OR \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	cancellation of license
<b>FOOD SERVICE:</b> Not available	5 day suspension OR \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	cancellation of license
<b>HOURS OF SERVICE:</b> Sales, service, removal, consumption between 2:00 a.m. and 6:00 a.m.	5 day suspension OR \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	cancellation of license
<b>INSPECTIONS:</b> Refusing to allow	5 day suspension OR \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	cancellation of license
<b>LEWD CONDUCT:</b> Allowing	5 day suspension OR \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	cancellation of license
<b>LIQUOR:</b> Substituting, tampering, unlawful removal, possession, or unauthorized sale	5 day suspension OR \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	cancellation of license
<b>MISUSE OF LICENSE:</b> Or unauthorized use of license	5 day suspension OR \$1,500 monetary option	cancellation of license	cancellation of license	cancellation of license

<b>RETAILER/NONRETAILER: Violations</b>	5 day suspension OR \$250 monetary option	5 day suspension or \$1,500 monetary option	10 day suspension or \$3,000 monetary option	cancellation of license
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[Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.120. 99-03-032, § 314-12-310, filed 1/13/99, effective 2/13/99.]

**WAC 314-12-320 Group Three (3) offenses—Regulatory violations.**

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
<b>ADVERTISING: Violations</b>	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspension with no monetary option
<b>INVENTORY: Below amount required</b>	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspension with no monetary option
<b>KEG REGISTRATION: Failure to properly register kegs</b>	5 day suspension OR \$500 monetary option	5 day suspension or \$1,000 monetary option	10 day suspension or \$1,500 monetary option	20 day license suspension with no monetary option
<b>LICENSING: Unauthorized alterations, change of trade name or added activity. Inadequate lighting.</b>	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspension with no monetary option
<b>LIQUOR: Purchased from unauthorized source, sale below cost</b>	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspension with no monetary option
<b>NONRETAIL: Posting or label violations</b>	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspension with no monetary option
<b>RECORDS: Improper recordkeeping, failure to allow inspection of records</b>	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspension with no monetary option
<b>SIGNS: Failure to post required signs</b>	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspension with no monetary option

[Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.120. 99-03-032, § 314-12-320, filed 1/13/99, effective 2/13/99.]

**WAC 314-12-330 Can the board impose sanctions or penalties other than those indicated in WAC 314-12-170?**

Yes, the board has broad discretionary authority. Based on aggravating or mitigating circumstance, the board may impose a different penalty than the standard penalties outlined in WAC 314-12-300, 314-12-310, or 314-12-320. Penalties may range as follows:

- (1) A mitigated penalty would be when there are mitigating circumstances that the board determines merits a lesser number of days suspension or a lower monetary option.
- (2) A standard penalty would be one indicated in WAC 314-12-170.
- (3) An aggravated penalty would be one based on aggravating circumstances that is either:
  - (a) A higher number of days suspension or a higher monetary penalty than the standard penalty; or
  - (b) Cancellation of the license.

[Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.120. 99-03-032, § 314-12-330, filed 1/13/99, effective 2/13/99.]

**WAC 314-12-340 What are some examples of mitigating and aggravating circumstances?** (1) Mitigating factors may include having in place business policies and practices such as:

- (a) Accepting only identification authorized by statute for persons of questionable age;
  - (b) Utilizing licensee certification cards that are correctly filled out and filed;
  - (c) Having direct on site supervision of employees;
  - (d) Having a signed acknowledgment from each employee of the business alcohol policy on file;
  - (e) Have an employee training plan that includes annual training on liquor laws;
  - (f) Showing cooperation with local law enforcement, etc.
- (2) Aggravating circumstances may include practices that show the licensee or their employees:
- (a) Fail to cooperate with local law enforcement or board staff;
  - (b) Do not call for local law enforcement when requested by customers or board agents;
  - (c) Do not check employees to insure employees are of legal age or have appropriate work permits;
  - (d) Committed the violation willfully, etc.

[Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.120. 99-03-032, § 314-12-340, filed 1/13/99, effective 2/13/99.]

Chapter 314-14 WAC

314-14-170

If my Class Twelve (12) or Class Thirteen (13) permit is suspended, can I still work?

ALCOHOL SERVER TRAINING PROGRAM

WAC

- 314-14-160 What are the penalties if a permit holder violates the liquor laws?
- 314-14-165 Can the board impose sanctions or penalties other than those indicated in WAC 314-14-160?

**WAC 314-14-160 What are the penalties if a permit holder violates the liquor laws?** (1) Penalties within a three-year period will normally be as indicated below.

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
<b>AFTER HOURS:</b> Service, removal, allowing, consumption	5 day permit suspension OR \$50 monetary option	10 day permit suspension OR \$100 monetary option	30 day permit suspension OR \$200 monetary option	revocation of permit monetary option
<b>DISORDERLY CONDUCT:</b> Allowing patrons, by licensee or employee	5 day permit suspension OR \$50 monetary option	10 day permit suspension OR \$100 monetary option	30 day permit suspension OR \$200 monetary option	revocation of permit
<b>INTOXICATED PERSONS:</b> Sales to, service to, consumption by, possession by	5 day permit suspension OR \$50 monetary option	10 day permit suspension OR \$100 monetary option	30 day permit suspension OR \$200 monetary option	revocation of permit
<b>LEWD CONDUCT:</b> Allowing	5 day permit suspension OR \$50 monetary option	10 day permit suspension OR \$100 monetary option	30 day permit suspension OR \$200 monetary option	revocation of permit
<b>MISCELLANEOUS:</b> Violation of other retail liquor laws or rules	5 day permit suspension OR \$50 monetary option	10 day permit suspension OR \$100 monetary option	30 day permit suspension OR \$200 monetary option	revocation of permit
<b>MINORS:</b> Sales to	5 day permit suspension OR \$100 monetary option	10 day permit suspension OR \$200 monetary option	30 day permit suspension OR \$300 monetary option	revocation of permit
<b>MINORS:</b> Frequenting by	5 day permit suspension OR \$50 monetary option	10 day permit suspension OR \$100 monetary option	30 day permit suspension OR \$200 monetary option	revocation of permit
<b>MISREPRESENTATION OF FACT:</b> Obstructing an officer, failure to allow an inspection	5 day permit suspension OR \$50 monetary option	10 day permit suspension OR \$100 monetary option	30 day permit suspension OR \$200 monetary option	revocation of permit
<b>*OTHER VIOLATION OF LAWS:</b> Conviction of liquor laws, DUI or felony	5 day permit suspension OR \$50 monetary option	revocation of permit		
<b>PERMIT:</b> Failure to produce permit and ID upon request	5 day permit suspension OR \$50 monetary option	10 day permit suspension OR \$100 monetary option	30 day permit suspension OR \$200 monetary option	revocation of permit
<b>PRIVATE CLUBS:</b> Prohibitions involving club liquor and use by the general public	5 day permit suspension OR \$50 monetary option	10 day permit suspension OR \$100 monetary option	30 day permit suspension OR \$200 monetary option	revocation of permit

[Statutory Authority: RCW 66.08.030, 66.20.079 and 66.20.340. 99-03-033, § 314-14-160, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-160, filed 1/17/96, effective 2/17/96.]

**WAC 314-14-165 Can the board impose sanctions or penalties other than those indicated in WAC 314-14-160?** The board has broad discretionary authority. Based on aggravating or mitigating circumstances, the board may impose a different penalty than the standard penalties outlined in WAC 314-14-160.

[Statutory Authority: RCW 66.08.030, 66.20.079 and 66.20.340. 99-03-033, § 314-14-165, filed 1/13/99, effective 2/13/99.]

**WAC 314-14-170 If my Class Twelve (12) or Class Thirteen (13) permit is suspended, can I still work?** (1) During a suspension period, a permit holder may work on a liquor licensed premises provided they are not involved in any way in the sales or service of alcohol.

(2) No permit is required to be a cashier, receptionist, cook or janitor.

[Statutory Authority: RCW 66.08.030, 66.20.079 and 66.20.340. 99-03-033, § 314-14-170, filed 1/13/99, effective 2/13/99.]

**Chapter 314-16 WAC**  
**RETAIL LICENSEES**

## WAC

314-16-260	Sports/entertainment facility license—Purpose.
314-16-265	Definitions.
314-16-270	Sports/entertainment facility licenses—Operating plans.
314-16-275	How will the operating plans be enforced?

**WAC 314-16-260 Sports/entertainment facility license—Purpose. (1) What is the purpose of the rules governing the use of alcohol in sports/entertainment facilities?**

(a) In RCW 66.24.570, the legislature established a spirits, beer, and wine license for arenas, coliseums, stadiums, or other facilities where sporting, entertainment, and special events are presented.

(b) These rules provide a framework for the enforcement of liquor laws and regulations, particularly those prohibiting the sale of alcohol to persons under twenty-one years of age or persons who are apparently intoxicated.

(c) This framework recognizes the unique conditions associated with events attended by large crowds consisting of diverse age groups.

(2) **Will the liquor control board recognize the differences between types of sports/entertainment facilities?** Yes. A sports/entertainment facility must submit an operating plan, which must be approved by the board prior to the issuance of a license. All plans are required to meet the minimum standards outlined in WAC 314-16-270. The board will take into consideration the unique features of each facility when approving an operating plan, including the seating accommodations, eating facilities, and circulation patterns.

[Statutory Authority: RCW 66.08.030 and 66.24.570. 99-24-106, § 314-16-260, filed 12/1/99, effective 1/1/00.]

**WAC 314-16-265 Definitions. (1) Premises -** Buildings, parking lots, and any open areas that are adjacent to and owned, leased, or managed by the licensee and under the licensee's control.

(2) **Event categories -** Types of events that the licensee expects to hold on the premises:

(a) **Professional sporting event -** A contest involving paid athletes and sanctioned by a professional sports organization that regulates the specific sport.

(i) A preapproved level of alcohol service will be applied to the professional sporting events of baseball, football, basketball, soccer, tennis, volleyball, horse racing, hockey, and track and field events (relay races, dashes, pole vaulting, etc.).

(ii) For all other professional sporting events, the board will determine the level of alcohol service on a case-by-case basis, as approved in the operating plan.

(b) **Amateur sporting event -** A contest or demonstration involving athletes who receive no monetary compensation that is sanctioned by a national or regional amateur athletic regulatory organization.

(c) **Entertainment event -** A concert, comedy act, or similar event intended for the entertainment of the audience.

(d) **Special event -** A convention, trade show, or other public/private event to large too be held in a separate banquet or meeting room within the facility.

(e) **Private event -** An event not open to the public such as a wedding, private party, or business meeting, where the facility or a portion of the facility where the event is held is not accessible to the general public during the time of the private event.

(3) **Hawking -** The practice of selling alcohol in seating areas by roving servers who carry the beverages with them, as outlined in WAC 314-16-270(4). Because of row seating arrangements, servers normally do not have direct access to customers. Therefore, service usually requires that drinks, money, and identification be passed down rows, involving other spectators.

(4) **Club seats -** A specifically designated and controlled seating area that is distinct from general seating with food and beverage service provided by servers directly to the customer.

[Statutory Authority: RCW 66.08.030 and 66.24.570. 99-24-106, § 314-16-265, filed 12/1/99, effective 1/1/00.]

**WAC 314-16-270 Sports/entertainment facility licenses—Operating plans. (1) What rules govern the submission of operating plans?**

(a) To receive a license, a sports/entertainment facility must submit an operating plan for board approval.

(b) Once approved, the plan remains in effect until the licensee requests a change or the board determines that a change is necessary due to demonstrated problems or conditions not previously considered or adequately addressed in the original plan.

(c) The plan must be submitted in a format designated by the board.

(d) The plan must contain all of the following elements:

(i) How the sports/entertainment facility will prevent the sale and service of alcohol to persons under twenty-one years of age and those who appear to be intoxicated.

(ii) The ratio of alcohol service staff and security staff to the size of the audiences at events where alcohol is being served.

(iii) Training provided to staff who serve, regulate, or supervise the service of alcohol.

(iv) The facility's policy on the number of alcoholic beverages that will be served to an individual patron during one transaction.

(v) A list of event categories (see WAC 314-16-265(2)) to be held in the facility at which alcohol service is planned, along with a request for the level of alcohol service at each event.

(e) Prior to the first of each month, the licensee must provide a schedule of events for the upcoming month to the facility's local liquor enforcement office. This schedule must show the date and time of each event during which alcohol service is planned. The licensee must notify the local enforcement office at least twenty-four hours in advance of any events where alcohol service is planned that were not included in the monthly schedule. Notice of private events is not required when the event is being held in conjunction with

a professional or amateur sporting event, an entertainment event, or a special event as outlined in WAC 314-16-265(2).

(2) **May the liquor control board impose any other mandatory standards as a part of an operating plan?** Yes. To prevent persons who are under twenty-one years of age or who appear intoxicated from gaining access to alcohol, the board may impose the following standards as part of an operating plan:

(a) The board may require that an operating plan include additional mandatory requirements if it is judged by the board that the plan does not effectively prevent violations of liquor laws and regulations, particularly those that prevent persons under twenty-one years of age or who are apparently intoxicated from obtaining alcohol.

(b) To permit alcohol servers to establish the age of patrons and to prevent over-service, sports/entertainment

facilities must meet minimum lighting requirements established by WAC 314-16-030(3) in any area where alcohol is served or consumed. For the purpose of establishing a permanent technical standard, an operating plan may include a lighting standard measured in foot candles, so long as the candle power of the lighting is, at all times, sufficient to permit alcohol servers to establish the validity of documents printed in eight point type.

(3) **Where will spirits, beer, and wine be allowed in a sports/entertainment facility?** The purpose of the following matrix is to outline where and when alcohol service will normally be permitted. Due to the unique nature of each facility, the board will determine the permitted alcohol service based on the facility's approved operating plan.

Type of event as defined in WAC 314-16-265(2)	Beer, wine, and spirits may be sold and served in approved restaurants, lounges, private suites, and club rooms	Beer, wine, and spirits may be sold and served in temporary lounges, beer gardens, or other approved service areas	Wine may be served and consumed in club seats during events	Beer and wine may be consumed throughout seating areas during events	Hawking - Beer may be served throughout seating areas, subject to the provisions of WAC 314-16-270(4)
Professional sporting events of baseball, football, basketball, soccer, tennis, volleyball, horse racing, hockey, and track and field events	x	x	x	x	x
All other professional sporting events (level of alcohol service will be determined on a case-by-case basis per the approved operating plan)	x	x	x	x	
Amateur sporting events	x	x			
Entertainment events	x	x			
Special events	x	x			

(a) For private events, beer, wine, and spirits may be served in the area where the event is held. This area may be a separate meeting or banquet room or the entire facility.

(b) In order to minimize youth access to alcohol, the board may prohibit or restrict the service of alcohol at events where the attendance is expected to be over thirty percent persons under twenty-one years of age. This restriction will not apply to the professional sporting events outlined in WAC 314-16-265 (2)(a).

(4) **Will hawking be allowed at sports/entertainment facilities?** Subject to the provisions of this rule, hawking may be permitted in general seating areas for the sale and consumption of beer, at the professional sporting events of base-

ball, football, basketball, soccer, tennis, volleyball, horse racing, hockey, and track and field events only, as defined by WAC 314-16-265(2).

(a) An operating plan must include procedures for hawkers to verify the age of purchasers and to prevent service to apparently intoxicated persons.

(b) During hawking, any patron may decline to handle alcoholic beverages, either on behalf of themselves and for any person under their supervision. When a patron objects to handling alcohol, hawkers must accommodate the objection. The facility operating plan will address how hawking will be managed, including how hawkers will respond to patron objections to handling alcohol.

(c) Each facility's hawking authorization will be reviewed by the board one year after the facility commences hawking under these rules and then every two years. This review, which will take no more than ninety days, will recommend the continuation, modification, or repeal of the hawking authorization. The decision to continue hawking will be based on:

(i) The facility's demonstrated record of preventing service of liquor to persons under twenty-one years of age and to persons who appear intoxicated; and

(ii) Public input submitted to the board. The licensee must post written notices to its patrons at fixed points of alcohol sales on the premises and in programs at events where hawking occurs for at least sixty days prior to the review period, stating that the facility's hawking authorization is up for review by the board, and directing comment to the board. The wording and method of notice must be approved by the board.

[Statutory Authority: RCW 66.08.030 and 66.24.570. 99-24-106, § 314-16-270, filed 12/1/99, effective 1/1/00.]

**WAC 314-16-275 How will the operating plans be enforced?** (1) The board will inspect sports/entertainment facilities and issue violation notices for:

(a) Infractions of all liquor laws and rules, particularly with regard to persons who appear intoxicated or who are under twenty-one years of age; and

(b) Any significant deviation from the approved operating plan.

(2) Violations of liquor laws or rules that occur as a result of not following the approved operating plan will be considered aggravating circumstances, which permit the board to impose added penalties.

[Statutory Authority: RCW 66.08.030 and 66.24.570. 99-24-106, § 314-16-275, filed 12/1/99, effective 1/1/00.]

### Chapter 314-37 WAC LIQUOR VENDORS

#### WAC

314-37-030

Bank credit cards and debit cards.

**WAC 314-37-030 Bank credit cards and debit cards.**

**(1) May liquor vendors accept bank credit cards and debit cards?**

Yes. Per RCW 66.16.041, liquor vendors may accept bank credit cards and debit cards for liquor purchases from non-licensees. Any equipment provided by the board to an agency liquor vendor may be used only for the sale of liquor obtained from the board.

**(2) What are the procedures for accepting bank credit cards and debit cards for liquor purchases?** The procedures for accepting bank credit cards and debit cards for liquor purchases are as follows:

(a) **Sales transactions.**

(i) All credit/debit card sales transactions will be made in accordance with liquor control board and SPS procedures.

(ii) Cash back is not allowed.

(iii) Batch closing must be done nightly in order to ensure transactions are processed in a timely manner.

(b) **Recording transactions.** Liquor vendors will record transactions on forms provided by the liquor control board.

(c) **Reporting.** Liquor vendors will report all credit/debit card sales to the administrative services division of the liquor control board.

(d) **Retention of records.**

(i) All credit/debit card receipts and balancing reports will be kept for the current fiscal year, in addition to the prior two complete fiscal years.

(ii) Liquor vendors are responsible for the security of all credit/debit card records.

[Statutory Authority: RCW 66.08.030 and 66.16.041. 99-04-114, § 314-37-030, filed 2/3/99, effective 3/6/99.]

### Chapter 314-60 WAC PUBLIC RECORDS

#### WAC

314-60-040

Operations and procedure.

**WAC 314-60-040 Operations and procedure.** The general course and method by which the operations of the board are channeled and determined are illustrated by the following:

(1) An organizational chart is available from the board's public records office which illustrates the general structure and composition of the board's operations.

(2) Board procedures relating to hearings involving alleged violations of the liquor act and/or revised rules and regulations of the board are covered in chapter 314-04 WAC and in chapter 314-08 WAC Practice and procedure.

(a) General information pertaining to formal hearings is available from the board's public records office.

(b) Forms of notice of board action proposing to suspend a liquor license are available from the board's public records office.

(3) Pursuant to the requirements of the Open Public Meetings Act (chapter 42.30 RCW) all determinations and business of the board, except matters which are exempt from the act under RCW 42.30.140, or properly conducted in executive session, pursuant to RCW 42.30.110, will be made and conducted in meetings open to the public. Regular meetings of the board will be on Wednesday at 9:00 a.m. Meetings of the board may be held on Monday, Tuesday, Thursday, and Friday of each week, except on holidays, beginning at 8:00 a.m. or as soon thereafter as a quorum is assembled. Unless notice is otherwise given, meetings of the board will be held at its offices in the board room at 3000 Pacific Avenue Southeast, Olympia, Washington. For scheduling purposes, it is the board's intent to conduct staff meetings and work sessions at its Tuesday and Thursday meetings, and to schedule petitions, public testimony, and adoption of resolutions at its regular Wednesday meetings, however, so long as proper legal notice is given, the board may accept petitions, take public testimony and adopt resolutions on any day when a regular meeting may be scheduled under this rule. In addition to legal notice published pursuant to chapter 42.30 RCW, meeting notices will be published on the Internet at

www.liq.wa.gov and information about meeting times and agendas will be available in the board office during regular office hours.

[Statutory Authority: RCW 66.08.030 and 66.24.12 [66.08.012]. 99-16-119, § 314-60-040, filed 8/4/99, effective 9/4/99. Statutory Authority: RCW 66.08.030. 98-14-003, § 314-60-040, filed 6/18/98, effective 7/19/98. Statutory Authority: RCW 66.08.030, 66.08.050 and 42.30.070. 92-14-027, § 314-60-040, filed 6/22/92, effective 7/23/92. Statutory Authority: RCW 66.08.030(1), 90-02-109, § 314-60-040, filed 1/3/90, effective 2/3/90. Statutory Authority: RCW 66.08.030 and 42.30.070. 82-10-021 (Order 104, Resolution No. 113), § 314-60-040, filed 4/28/82. Statutory Authority: RCW 66.08.030. 82-04-030 (Order 97, Resolution No. 106), § 314-60-040, filed 1/27/82; Order 56, § 314-60-040, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-040, filed 4/17/73, effective 5/18/73.]

**Chapter 314-68 WAC**

**IMPORTATION OF ALCOHOLIC BEVERAGES FOR PERSONAL OR HOUSEHOLD USE**

**WAC**

- 314-68-010 Purpose.
- 314-68-020 Definitions.
- 314-68-030 How much alcoholic beverages can a private individual bring into the state of Washington for personal or household use?
- 314-68-040 What are the procedures for a private individual to bring alcoholic beverages into the state from outside the United States for personal or household use?
- 314-68-050 What are the procedures for a private individual to bring alcoholic beverages into the state from another state for personal or household use?

**WAC 314-68-010 Purpose.** The purpose of this chapter is to outline the regulations for a person to bring alcoholic beverages into the state for personal or household use, either from another state or from outside the United States, per RCW 66.12.110 and 66.12.120.

[Statutory Authority: RCW 66.08.030 and 66.12.120. 99-10-066, § 314-68-010, filed 5/4/99, effective 6/4/99; Order 60, § 314-68-010, filed 11/1/77; Order 40, § 314-68-010, Rule 134, filed 8/21/75.]

**WAC 314-68-020 Definitions.** (1) "Alcoholic beverages" means liquor as defined in RCW 66.04.010(16).

(2) "Private individual" means a person bringing alcoholic beverages into the state from another state or from outside the United States for personal or household use.

(3) "Personal or household use" means:

(a) The alcoholic beverages are to be consumed by the private individual or the person's family or guests, or gifted to another private individual or a nonprofit organization that is not licensed by the board; and

(b) The alcoholic beverages may not be sold or resold.

(4) "Equivalent markup and tax" means the average state markup and tax that would apply to the purchase of the same or similar alcoholic beverages at retail from a state liquor store.

(5) "Bringing alcoholic beverages into the state" means personally carrying alcoholic beverages purchased outside the state into the state of Washington.

Persons who purchase alcohol for personal or household use from auction sellers may have their purchases shipped to them in the state of Washington, provided they obtain advance authorization from the board and arrange to pay the equivalent markup and tax (see WAC 314-68-040 or 314-68-050 for procedures).

[Statutory Authority: RCW 66.08.030 and 66.12.120. 99-10-066, § 314-68-020, filed 5/4/99, effective 6/4/99; Order 60, § 314-68-020, filed 11/1/77; Order 40, § 314-68-020, Rule 135, filed 8/21/75.]

**WAC 314-68-030 How much alcoholic beverages can a private individual bring into the state of Washington for personal or household use?**

	Do Not Have to Pay Tax and Markup	Must Pay Tax and Markup
Bringing from inside the U.S.	2 liters of spirits or wine or 288 ounces of beer, no more than once per calendar month.	An amount above 2 liters of spirits or wine or 288 ounces of beer during one calendar month.
Bringing from outside the U.S.	The amount that has been declared and permitted to enter the United States duty free under federal law.	An amount in excess of that permitted by federal law.

Individuals moving into the state or receiving alcoholic beverages through inheritance or estate settlements will be allowed a one-time exemption from payment of tax and markup.

[Statutory Authority: RCW 66.08.030 and 66.12.120. 99-10-066, § 314-68-030, filed 5/4/99, effective 6/4/99; Order 40, § 314-68-030, Rule 136, filed 8/21/75.]

**WAC 314-68-040 What are the procedures for a private individual to bring alcoholic beverages into the state from outside the United States for personal or household use?** Fill out a board declaration form, which is available from the United States Custom Service.

(1) Compute the state taxes and markup using the chart on the form.

(2) Sign the form.

(3) Keep a copy for your records and give a copy to the United States Customs Service.

(4) Send a copy of the form with payment within ten days to the Washington State Liquor Control Board, Purchasing Division, Olympia, Washington.

(5) The board will mail a receipt to the individual who signed the form, authorizing use of the alcoholic beverages for personal or household use.

[Statutory Authority: RCW 66.08.030 and 66.12.120. 99-10-066, § 314-68-040, filed 5/4/99, effective 6/4/99; Order 60, § 314-68-040, filed 11/1/77; Order 40, § 314-68-040, Rule 137, filed 8/21/75.]

**WAC 314-68-050 What are the procedures for a private individual to bring alcoholic beverages into the state from another state for personal or household use?** (1) You must obtain prior authorization from the board before bringing alcoholic beverages into the state from another state for personal or household use. Any private individual who fails to obtain prior authorization will be subject to the provisions of RCW 66.44.160, "Illegal possession, transportation of alcoholic beverages."

(2) To obtain approval if you know the quantity of alcoholic beverages you will bring into the state:

(a) Mail a list of the items to be brought into the state to the Washington State Liquor Control Board, Purchasing Division, Olympia, Washington.

(b) The liquor purchasing agent will compute the tax and markup.

(c) The board will mail an authorization once the payment of the applicable equivalent markup and tax is paid.

(3) To obtain approval if you do not know the quantity of alcoholic beverages you will bring into the state:

(a) Mail a certification that markup and tax will be paid to the Washington State Liquor Control Board, Purchasing Division, Olympia, Washington.

(b) The liquor purchasing agent will review the certification to pay equivalent markup and tax and mail an authorization to bring the alcoholic beverages into the state along with a declaration form.

(c) Once you have brought the alcoholic beverages into the state:

(i) Fill out the declaration form.

(ii) Compute the state taxes and markup using the chart on the form.

(iii) Sign the form.

(iv) Keep a copy for your records.

(v) Mail a copy of the form with payment within ten days to the Washington State Liquor Control Board, Purchasing Division, Olympia, Washington.

[Statutory Authority: RCW 66.08.030 and 66.12.120. 99-10-066, § 314-68-050, filed 5/4/99, effective 6/4/99; Order 40, § 314-68-050, Rule 138, filed 8/21/75.]

## Title 315 WAC

# LOTTERY COMMISSION

### Chapters

315-06	General lottery rules.
315-11A	Instant game rules—Games commencing at 100.
315-33A	Quinto rules.
315-34	Lotto 6 of 49 rules.

### Chapter 315-06 WAC GENERAL LOTTERY RULES

#### WAC

315-06-075	Game sell-out prohibited.
315-06-085	Hand-marked play slips.
315-06-120	Payment of prizes—General provisions.

**WAC 315-06-075 Game sell-out prohibited.** No Washington state lottery retailer shall sell a ticket or combination of on-line lottery tickets, which would guarantee the purchaser a jackpot or grand prize.

[Statutory Authority: RCW 67.70.040. 99-04-077, § 315-06-075, filed 2/2/99, effective 3/5/99.]

**WAC 315-06-085 Hand-marked play slips.** Plays may only be entered manually using the lottery terminal keypad or by means of a play slip provided by the lottery and hand-marked by the player. Retailers shall not permit the use of facsimiles of play slips, copies of play slips, or other materials that are inserted into the terminal's play slip reader that are not printed or approved by the lottery. Retailers shall not permit any device to be connected to a lottery terminal to enter plays, except as approved by the lottery.

[Statutory Authority: RCW 67.70.040. 99-04-077, § 315-06-085, filed 2/2/99, effective 3/5/99.]

**WAC 315-06-120 Payment of prizes—General provisions.** (1) The director may designate claim centers for the filing of prize claims, and the location of such centers shall be publicized from time to time by the director.

(2) A claim shall be entered in the name of one claimant, which shall be either a natural person, association, corporation, general or limited partnership, club, trust, estate, society, company, joint stock company, receiver, trustee, or another acting in a fiduciary or representative capacity whether appointed by a court or otherwise. A claim which includes one or more tickets with an address label or stamp on the back of the ticket shall be deemed to have been entered in the name of one claimant: Provided, That if the address label or stamp contains the name of more than one claimant, the prize payment will be made to the one who has signed the ticket and/or claim form or, if there is no signature or two signatures, to the first claimant listed on the address label or stamp. The claimant must submit his or her Social Security number (SSN) or the federal employer's identification number (FEIN) when claiming any prize exceeding six hundred dollars.

(3) A claim may be entered in the name of a claimant other than a natural person only if the claimant is a legal entity and possesses a federal employer's identification number (FEIN) as issued by the Internal Revenue Service, such number is shown on the claim form and the entity's terms comply with subsection (4) of this section. Groups, family units, organizations, clubs, or other organizations which are not a legal entity, or do not possess a federal employer's identification number, shall designate one natural person or one legal entity in whose name the claim is to be entered.

(4) The terms governing a claimant other than a natural person, i.e., articles of incorporation, trust terms, etc., shall be submitted to the director for approval. Terms not in compliance with lottery statutes or rules shall not be approved. Payment shall not be made to a claimant other than a natural person until the director has approved the terms.

All claimants other than natural persons shall have governing terms which:

(a) Prohibit deletion, amendment, or addition of terms without the director's approval;

(b) State the names of all natural persons who have a direct or indirect right or interest in the claimant, each of their percentage interests and their Social Security numbers;

(c) Acknowledge that the debt collection process mandated by RCW 67.70.255 and WAC 315-06-125 shall be applied to the natural persons who hold interests in the claimant through their Social Security numbers; and