
SUBSTITUTE HOUSE BILL 1775

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Heavey, Horn, G. Cole and Brough)

Read first time 03/03/93.

1 AN ACT Relating to class 12 permits and liability for providing
2 liquor to minors; amending RCW 66.04.010, 66.44.270, 66.44.310, and
3 66.16.040; adding new sections to chapter 66.44 RCW; adding a new
4 section to chapter 66.20 RCW; creating a new section; prescribing
5 penalties; making an appropriation; and providing effective dates.

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

7 **Sec. 1.** RCW 66.04.010 and 1991 c 192 s 1 are each amended to read
8 as follows:

9 In this title, unless the context otherwise requires:

10 (1) "Alcohol" is that substance known as ethyl alcohol, hydrated
11 oxide of ethyl, or spirit of wine, which is commonly produced by the
12 fermentation or distillation of grain, starch, molasses, or sugar, or
13 other substances including all dilutions and mixtures of this
14 substance. The term "alcohol" does not include alcohol in the
15 possession of a manufacturer or distiller of alcohol fuel, as described
16 in RCW 66.12.130, which is intended to be denatured and used as a fuel
17 for use in motor vehicles, farm implements, and machines or implements
18 of husbandry.

1 (2) "Alcohol seller" means any person serving or selling alcohol,
2 spirits, wines, or beer as a regular requirement of his or her
3 employment or business, and shall include those persons eighteen years
4 of age or older permitted by the liquor laws of this state to serve
5 alcoholic beverages with meals.

6 (3) "Beer" means any malt beverage or malt liquor as these terms
7 are defined in this chapter.

8 (~~(3)~~) (4) "Brewer" means any person engaged in the business of
9 manufacturing beer and malt liquor.

10 (~~(4)~~) (5) "Board" means the liquor control board, constituted
11 under this title.

12 (~~(5)~~) (6) "Club" means an organization of persons, incorporated
13 or unincorporated, operated solely for fraternal, benevolent,
14 educational, athletic or social purposes, and not for pecuniary gain.

15 (~~(6)~~) (7) "Consume" includes the putting of liquor to any use,
16 whether by drinking or otherwise.

17 (~~(7)~~) (8) "Dentist" means a practitioner of dentistry duly and
18 regularly licensed and engaged in the practice of his profession within
19 the state pursuant to chapter 18.32 RCW.

20 (~~(8)~~) (9) "Distiller" means a person engaged in the business of
21 distilling spirits.

22 (~~(9)~~) (10) "Druggist" means any person who holds a valid
23 certificate and is a registered pharmacist and is duly and regularly
24 engaged in carrying on the business of pharmaceutical chemistry
25 pursuant to chapter 18.64 RCW.

26 (~~(10)~~) (11) "Drug store" means a place whose principal business
27 is, the sale of drugs, medicines and pharmaceutical preparations and
28 maintains a regular prescription department and employs a registered
29 pharmacist during all hours the drug store is open.

30 (~~(11)~~) (12) "Employee" means any person employed by the board,
31 including a vendor, as hereinafter in this section defined.

32 (~~(12)~~) (13) "Fund" means 'liquor revolving fund.'

33 (~~(13)~~) (14) "Hotel" means every building or other structure kept,
34 used, maintained, advertised or held out to the public to be a place
35 where food is served and sleeping accommodations are offered for pay to
36 transient guests, in which twenty or more rooms are used for the
37 sleeping accommodation of such transient guests and having one or more
38 dining rooms where meals are served to such transient guests, such
39 sleeping accommodations and dining rooms being conducted in the same

1 building and buildings, in connection therewith, and such structure or
2 structures being provided, in the judgment of the board, with adequate
3 and sanitary kitchen and dining room equipment and capacity, for
4 preparing, cooking and serving suitable food for its guests: PROVIDED
5 FURTHER, That in cities and towns of less than five thousand
6 population, the board shall have authority to waive the provisions
7 requiring twenty or more rooms.

8 (~~(14)~~) (15) "Imprisonment" means confinement in the county jail.

9 (~~(15)~~) (16) "Liquor" includes the four varieties of liquor herein
10 defined (alcohol, spirits, wine and beer), and all fermented,
11 spirituous, vinous, or malt liquor, or combinations thereof, and mixed
12 liquor, a part of which is fermented, spirituous, vinous or malt
13 liquor, or otherwise intoxicating; and every liquid or solid or
14 semisolid or other substance, patented or not, containing alcohol,
15 spirits, wine or beer, and all drinks or drinkable liquids and all
16 preparations or mixtures capable of human consumption, and any liquid,
17 semisolid, solid, or other substance, which contains more than one
18 percent of alcohol by weight shall be conclusively deemed to be
19 intoxicating. Liquor does not include confections or food products
20 that contain one percent or less of alcohol by weight.

21 (~~(16)~~) (17) "Manufacturer" means a person engaged in the
22 preparation of liquor for sale, in any form whatsoever.

23 (~~(17)~~) (18) "Malt beverage" or "malt liquor" means any beverage
24 such as beer, ale, lager beer, stout, and porter obtained by the
25 alcoholic fermentation of an infusion or decoction of pure hops, or
26 pure extract of hops and pure barley malt or other wholesome grain or
27 cereal in pure water containing not more than eight percent of alcohol
28 by weight, and not less than one-half of one percent of alcohol by
29 volume. For the purposes of this title, any such beverage containing
30 more than eight percent of alcohol by weight shall be referred to as
31 "strong beer."

32 (~~(18)~~) (19) "Package" means any container or receptacle used for
33 holding liquor.

34 (~~(19)~~) (20) "Permit" means a permit for the purchase of liquor
35 under this title.

36 (~~(20)~~) (21) "Person" means an individual, copartnership,
37 association, or corporation.

1 (~~(21)~~) (22) "Physician" means a medical practitioner duly and
2 regularly licensed and engaged in the practice of his profession within
3 the state pursuant to chapter 18.71 RCW.

4 (~~(22)~~) (23) "Prescription" means a memorandum signed by a
5 physician and given by him to a patient for the obtaining of liquor
6 pursuant to this title for medicinal purposes.

7 (~~(23)~~) (24) "Public place" includes streets and alleys of
8 incorporated cities and towns; state or county or township highways or
9 roads; buildings and grounds used for school purposes; public dance
10 halls and grounds adjacent thereto; those parts of establishments where
11 beer may be sold under this title, soft drink establishments, public
12 buildings, public meeting halls, lobbies, halls and dining rooms of
13 hotels, restaurants, theatres, stores, garages and filling stations
14 which are open to and are generally used by the public and to which the
15 public is permitted to have unrestricted access; railroad trains,
16 stages, and other public conveyances of all kinds and character, and
17 the depots and waiting rooms used in conjunction therewith which are
18 open to unrestricted use and access by the public; publicly owned
19 bathing beaches, parks, and/or playgrounds; and all other places of
20 like or similar nature to which the general public has unrestricted
21 right of access, and which are generally used by the public.

22 (~~(24)~~) (25) "Regulations" means regulations made by the board
23 under the powers conferred by this title.

24 (~~(25)~~) (26) "Restaurant" means any establishment provided with
25 special space and accommodations where, in consideration of payment,
26 food, without lodgings, is habitually furnished to the public, not
27 including drug stores and soda fountains.

28 (~~(26)~~) (27) "Sale" and "sell" include exchange, barter, and
29 traffic; and also include the selling or supplying or distributing, by
30 any means whatsoever, of liquor, or of any liquid known or described as
31 beer or by any name whatever commonly used to describe malt or brewed
32 liquor or of wine, by any person to any person; and also include a sale
33 or selling within the state to a foreign consignee or his agent in the
34 state. "Sale" and "sell" shall not include the giving, at no charge,
35 of a reasonable amount of liquor by a person not licensed by the board
36 to a person not licensed by the board, for personal use only. "Sale"
37 and "sell" also does not include a raffle authorized under RCW
38 9.46.0315: PROVIDED, That the nonprofit organization conducting the
39 raffle has obtained the appropriate permit from the board.

1 (~~(27)~~) (28) "Soda fountain" means a place especially equipped
2 with apparatus for the purpose of dispensing soft drinks, whether mixed
3 or otherwise.

4 (~~(28)~~) (29) "Spirits" means any beverage which contains alcohol
5 obtained by distillation, including wines exceeding twenty-four percent
6 of alcohol by volume.

7 (~~(29)~~) (30) "Store" means a state liquor store established under
8 this title.

9 (~~(30)~~) (31) "Tavern" means any establishment with special space
10 and accommodation for sale by the glass and for consumption on the
11 premises, of beer, as herein defined.

12 (~~(31)~~) (32) "Vendor" means a person employed by the board as a
13 store manager under this title.

14 (~~(32)~~) (33) "Winery" means a business conducted by any person for
15 the manufacture of wine for sale, other than a domestic winery.

16 (~~(33)~~) (34) "Domestic winery" means a place where wines are
17 manufactured or produced within the state of Washington.

18 (~~(34)~~) (35) "Wine" means any alcoholic beverage obtained by
19 fermentation of fruits (grapes, berries, apples, et cetera) or other
20 agricultural product containing sugar, to which any saccharine
21 substances may have been added before, during or after fermentation,
22 and containing not more than twenty-four percent of alcohol by volume,
23 including sweet wines fortified with wine spirits, such as port,
24 sherry, muscatel and angelica, not exceeding twenty-four percent of
25 alcohol by volume and not less than one-half of one percent of alcohol
26 by volume. For purposes of this title, any beverage containing no more
27 than fourteen percent of alcohol by volume when bottled or packaged by
28 the manufacturer shall be referred to as "table wine," and any beverage
29 containing alcohol in an amount more than fourteen percent by volume
30 when bottled or packaged by the manufacturer shall be referred to as
31 "fortified wine." However, "fortified wine" shall not include: (a)
32 Wines that are both sealed or capped by cork closure and aged two years
33 or more; and (b) wines that contain more than fourteen percent alcohol
34 by volume solely as a result of the natural fermentation process and
35 that have not been produced with the addition of wine spirits, brandy,
36 or alcohol.

37 This subsection shall not be interpreted to require that any wine
38 be labeled with the designation "table wine" or "fortified wine."

1 (~~(35)~~) (36) "Beer wholesaler" means a person who buys beer from
2 a brewer or brewery located either within or beyond the boundaries of
3 the state for the purpose of selling the same pursuant to this title,
4 or who represents such brewer or brewery as agent.

5 (~~(36)~~) (37) "Wine wholesaler" means a person who buys wine from
6 a vintner or winery located either within or beyond the boundaries of
7 the state for the purpose of selling the same not in violation of this
8 title, or who represents such vintner or winery as agent.

9 **Sec. 2.** RCW 66.44.270 and 1987 c 458 s 3 are each amended to read
10 as follows:

11 (1) It is a gross misdemeanor for any person to sell, give, or
12 otherwise supply liquor to any person under the age of twenty-one years
13 or permit any person under that age to consume liquor on his or her
14 premises or on any premises under his or her control, with knowledge
15 that the person receiving or consuming the liquor is under the age of
16 twenty-one years. A minimum fine of two hundred fifty dollars shall be
17 imposed on any person who is convicted of a violation of this
18 subsection.

19 (2) It is (~~(unlawful)~~) a misdemeanor for any person to sell, give,
20 or otherwise supply liquor to any person under the age of twenty-one
21 years or permit any person under that age to consume liquor on his or
22 her premises or on any premises under his or her control, without
23 knowledge of the fact that the person receiving or consuming the liquor
24 is under the age of twenty-one years.

25 (~~(2)~~) (3) It is unlawful for any person under the age of twenty-
26 one years to possess, consume, or otherwise acquire any liquor.

27 (~~(3)~~) (4) This section does not apply to liquor given or
28 permitted to be given to a person under the age of twenty-one years by
29 a parent or guardian and consumed in the presence of the parent or
30 guardian. This subsection shall not authorize consumption or
31 possession of liquor by a person under the age of twenty-one years on
32 any premises licensed under chapter 66.24 RCW.

33 (~~(4)~~) (5) This section does not apply to liquor given for
34 medicinal purposes to a person under the age of twenty-one years by a
35 parent, guardian, physician, or dentist.

36 (~~(5)~~) (6) This section does not apply to liquor given to a person
37 under the age of twenty-one years when such liquor is being used in

1 connection with religious services and the amount consumed is the
2 minimal amount necessary for the religious service.

3 ~~((6))~~ (7) Conviction or forfeiture of bail for a violation of
4 this section by a person under the age of twenty-one years at the time
5 of such conviction or forfeiture shall not be a disqualification of
6 that person to acquire a license to sell or dispense any liquor after
7 that person has attained the age of twenty-one years.

8 NEW SECTION. **Sec. 3.** A new section is added to chapter 66.44 RCW
9 to read as follows:

10 It is a gross misdemeanor for a person to knowingly present the
11 identification of another person or a forged, fraudulent, altered,
12 counterfeit, or otherwise false identification card to acquire,
13 possess, purchase, or obtain liquor. A minimum fine of two hundred
14 fifty dollars shall be imposed on any person who is convicted of a
15 violation of this section.

16 **Sec. 4.** RCW 66.44.310 and 1981 1st ex.s. c 5 s 24 are each amended
17 to read as follows:

18 (1) Except as otherwise provided by RCW 66.44.270, 66.44.316, and
19 66.44.350~~((7))~~ it shall be a misdemeanor~~((7))~~:

20 (a) To serve or allow to remain on the premises of any tavern, or
21 cocktail lounge portion of any class H licensed premises, any person
22 under the age of twenty-one years;

23 (b) For any person under the age of twenty-one years to enter or
24 remain on the premises of any tavern, or cocktail lounge portion of any
25 public class H licensed premises; or

26 (c) For any person under the age of twenty-one years to represent
27 his or her age as being twenty-one or more years for the purpose of
28 securing admission to, or remaining on the premises of, any tavern or
29 cocktail lounge portion of any class H licensed premises.

30 (2) The Washington state liquor control board shall have the power
31 and it shall be its duty to classify the various licensees, as taverns
32 or otherwise, within the meaning of this title, except bona fide
33 restaurants, dining rooms and cafes serving commercial food to the
34 public shall not be classified as taverns during the hours such food
35 service is made available to the public.

1 **Sec. 5.** RCW 66.16.040 and 1981 1st ex.s. c 5 s 8 are each amended
2 to read as follows:

3 Except as otherwise provided by law, an employee in a state liquor
4 store or agency may sell liquor to any person of legal age to purchase
5 alcoholic beverages and may also sell to holders of permits such liquor
6 as may be purchased under such permits.

7 Where there may be a question of a person's right to purchase
8 liquor by reason of age, such person shall be required to present any
9 one of the following officially issued cards of identification which
10 shows his/her correct age and bears his/her signature and photograph:

11 (1) Liquor control authority card of identification of any state or
12 province of Canada.

13 (2) Driver's license, instruction permit or identification card of
14 any state or province of Canada, or "identocard" issued by the
15 Washington state department of licensing pursuant to RCW 46.20.117.

16 (3) United States active duty military identification.

17 (4) Passport.

18 (5) Merchant Marine identification card issued by the United States
19 Coast Guard.

20 The board may adopt such regulations as it deems proper covering the
21 acceptance of such cards of identification.

22 No liquor sold under this section shall be delivered until the
23 purchaser has paid for the liquor in cash.

24 Liquor store and agency employees must be able to readily produce
25 a valid class 12 permit issued under section 6 of this act.

26 NEW SECTION. **Sec. 6.** A new section is added to chapter 66.20 RCW
27 to read as follows:

28 (1) There is an alcohol seller permit to be known as a class 12
29 permit, authorizing the holder to provide the services of an alcohol
30 seller for a period of five years or more for the initial permit and
31 renewable every five years thereafter. The permit shall be in a form
32 prescribed by the board.

33 (a) Training requirements for persons seeking the class 12 permit
34 will be established by the board.

35 (b) Training for a class 12 permit must be through a board-
36 certified program provided by the licensee, labor organizations,
37 independent contractors, private or public schools, or licensee
38 associations, such as the nationally recognized training for

1 intervention programs or techniques in alcohol management programs or
2 by the board itself. The board shall offer the option of live
3 classroom training or a videotaped training session produced and
4 distributed by the board.

5 (c) Multiple copies of the videotape will be made available by the
6 board at a nominal fee to cover the cost of reproduction and shipment
7 with any fees so collected being deposited in the liquor revolving
8 fund.

9 (d) Every class 12 permit issued shall be issued in the name of the
10 applicant and no other person shall use the permit of another permit
11 holder. The holder shall present the permit upon request to inspection
12 by any representative of the liquor control board or peace officer.

13 (e) No licensee shall employ or accept the services of an alcohol
14 seller, as defined in RCW 66.04.010, without the alcohol seller first
15 having taken the training and examination for a class 12 permit. The
16 board shall correct the examination and issue a permit for anyone
17 successfully completing the examination within thirty days from the
18 date the person commences work for the licensee. An individual may
19 sell or serve liquor during the time which the board takes to process
20 the permit. An individual may retake the examination any time after
21 being notified by the board that he or she has failed the examination.
22 However, an individual may not sell or serve liquor more than thirty
23 days after completing the training requirements unless he or she has
24 obtained a valid class 12 permit, or if the board has failed to correct
25 the examination and issue a permit within thirty days after receiving
26 the examination.

27 (2) Every permit issued under this section is valid for a period of
28 five years unless earlier denied, suspended, or revoked. A person
29 whose permit has been denied, suspended, or revoked shall immediately
30 return the permit to the board.

31 (3)(a) It is a violation of this title for a licensee or permittee
32 to allow or require an employee to provide the services of an alcohol
33 seller if the employee has not taken the required training or completed
34 the prescribed examination, or whose current class 12 permit is either
35 revoked or suspended. An employee of a licensee shall be paid his or
36 her usual wage and benefits for the time taken to fulfill the alcohol
37 seller training and examination requirements. If an employer does not
38 pay for the training, then the employee may choose which training
39 program to attend.

1 (b) It is a violation of this title for a person whose class 12
2 permit has been denied, suspended, or revoked to accept employment as
3 an alcohol seller.

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 66.44 RCW
5 to read as follows:

6 (1) The board shall administer the required alcohol seller training
7 program by:

8 (a) Reviewing and certifying training programs that fulfill the
9 requirements under section 6 of this act;

10 (b) Producing and distributing for employers to administer to their
11 employees an examination and examination procedure to be administered
12 following completion of the certified training program or training
13 provided by the board;

14 (c) Correcting examinations and issuing class 12 permits to those
15 individuals who successfully complete the test;

16 (d) Taking administrative actions against those class 12 permit
17 holders who have violated the provisions of this title and taking
18 appropriate actions against others who have been involved in violations
19 of this title.

20 (2) The annual cost of a retail liquor license, or a manufacturer's
21 license which has retail privileges, shall be increased in the amount
22 of twenty dollars in order to provide funding for the mandatory server
23 training program.

24 (3) The board shall review and update the curricula to maintain
25 accuracy with existing statutes and rules adopted to administer the
26 liquor laws of the state.

27 NEW SECTION. **Sec. 8.** A new section is added to chapter 66.44 RCW
28 to read as follows:

29 (1) After June 30, 1994, except under a class A, C, D, or H
30 license, it is a class III infraction for an alcohol seller to sell
31 liquor to any person without having first inspected that person's
32 identification to ensure that it is an officially issued card of
33 identification listed in RCW 66.16.040 and that the person is at least
34 twenty-one years of age.

35 (2)(a) By January 1, 1994, the board shall provide a sign to each
36 retail licensee to read as follows:

1 "AFTER JUNE 30, 1994, REGARDLESS OF YOUR AGE, WASHINGTON STATE
2 LAW REQUIRES THAT YOU PRESENT VALID IDENTIFICATION ANY TIME YOU
3 PURCHASE ALCOHOLIC BEVERAGES."

4 (b) Each retail licensee shall post the sign and keep it posted in
5 a conspicuous location on the licensed premises.

6 NEW SECTION. **Sec. 9.** This act shall take effect January 1, 1994,
7 except for section 6 of this act which shall take effect July 1, 1995.

8 NEW SECTION. **Sec. 10.** The liquor control board may take such
9 steps as are necessary to ensure that this act is implemented on its
10 effective date, including issuing class 12 permits, beginning on
11 January 1, 1994, which will be valid for five years or more, in order
12 to facilitate a balanced and orderly transition. Any class 12 permit
13 issued on July 1, 1995, or later, shall be valid for five years.

14 NEW SECTION. **Sec. 11.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected.

18 NEW SECTION. **Sec. 12.** The sum of one hundred fifty thousand
19 dollars, or as much thereof as may be necessary, is appropriated for
20 the biennium ending June 30, 1995, from the general fund to the liquor
21 revolving fund for the purpose of funding the initial cost of
22 implementing this act. The full amount of the appropriation shall be
23 repaid by June 30, 1995, from the proceeds of the increased license
24 fees provided in section 7 of this act.

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