
HOUSE BILL 1775

State of Washington 53rd Legislature 1993 Regular Session

By Representatives Heavey, Horn, G. Cole and Brough

Read first time 02/08/93. Referred to Committee on Commerce & Labor.

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; and providing an effective date.

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, and shall include those persons eighteen years of age or
4 older permitted by the liquor laws of this state to serve alcoholic
5 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 (~~unlawful~~) a misdemeanor for any person to sell, give,
12 or otherwise supply liquor to any person under the age of twenty-one
13 years or permit any person under that age to consume liquor on his or
14 her premises or on any premises under his or her control, without
15 knowledge of the fact that the person receiving or consuming the liquor
16 is under the age of twenty-one years.

17 (2) It is a gross misdemeanor for any person to sell, give, or
18 otherwise supply liquor to any person under the age of twenty-one years
19 or permit any person under that age to consume liquor on his or her
20 premises or on any premises under his or her control, with knowledge
21 that the person receiving or consuming the liquor is under the age of
22 twenty-one years. Every person who is convicted of a violation of this
23 subsection shall be punished by imprisonment for not less than twenty-
24 four consecutive hours nor more than one year. Twenty-four consecutive
25 hours of the jail sentence shall not be suspended or deferred unless
26 the judge finds that the imposition of the jail sentence will pose a
27 risk to the defendant's physical or mental well-being. Whenever the
28 mandatory jail sentence is suspended or deferred, the judge must state,
29 in writing, the reason for granting the suspension or deferral and the
30 facts upon which the suspension or deferral is based.

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

33 (~~(3)~~) (4) This section does not apply to liquor given or
34 permitted to be given to a person under the age of twenty-one years by
35 a parent or guardian and consumed in the presence of the parent or
36 guardian. This subsection shall not authorize consumption or
37 possession of liquor by a person under the age of twenty-one years on
38 any premises licensed under chapter 66.24 RCW.

1 (~~(4)~~) (5) This section does not apply to liquor given for
2 medicinal purposes to a person under the age of twenty-one years by a
3 parent, guardian, physician, or dentist.

4 (~~(5)~~) (6) This section does not apply to liquor given to a person
5 under the age of twenty-one years when such liquor is being used in
6 connection with religious services and the amount consumed is the
7 minimal amount necessary for the religious service.

8 (~~(6)~~) (7) Conviction or forfeiture of bail for a violation of
9 this section by a person under the age of twenty-one years at the time
10 of such conviction or forfeiture shall not be a disqualification of
11 that person to acquire a license to sell or dispense any liquor after
12 that person has attained the age of twenty-one years.

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

15 It is a gross misdemeanor for a person to knowingly present the
16 identification of another person or a forged, fraudulent, altered,
17 counterfeit, or otherwise false identification card to acquire,
18 possess, purchase, or obtain liquor. Every person who is convicted of
19 a violation of this subsection shall be punished by imprisonment for
20 not less than twenty-four consecutive hours nor more than one year.
21 Twenty-four consecutive hours of the jail sentence shall not be
22 suspended or deferred unless the judge finds that the imposition of the
23 jail sentence will pose a risk to the defendant's physical or mental
24 well-being. Whenever the mandatory jail sentence is suspended or
25 deferred, the judge must state, in writing, the reason for granting the
26 suspension or deferral and the facts upon which the suspension or
27 deferral is based.

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

30 (1) Except as otherwise provided by RCW 66.44.270, 66.44.316, and
31 66.44.350(~~(7)~~) it shall be a misdemeanor(~~(7)~~):

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

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

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

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

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

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

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

21 (1) Liquor control authority card of identification of any state or
22 province of Canada.

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

26 (3) United States active duty military identification.

27 (4) Passport.

28 (5) Merchant Marine identification card issued by the United States
29 Coast Guard.

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

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

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

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

1 (1) There is an alcohol seller permit to be known as a class 12
2 permit, authorizing the holder to sell alcohol, spirits, wine, or beer
3 for a period of five years. The permit shall be in a form prescribed
4 by the board.

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

7 (b) Training for a class 12 permit must be through a board-
8 certified program provided by the licensee, labor organizations,
9 independent contractors, private or public schools, or licensee
10 associations, such as the nationally recognized training for
11 intervention programs or techniques in alcohol management programs or
12 by the board itself. The board shall offer the option of live
13 classroom training or a videotaped training session produced and
14 distributed by the board.

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

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

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

27 (f) No licensee shall employ or accept the services of any person
28 whose duties include the sale or service of liquor without such person
29 first having taken the training and examination for a class 12 permit.
30 The board shall correct the examination and issue a permit for anyone
31 successfully completing the examination within thirty days from the
32 date the person commences work for the licensee. An individual may
33 sell or serve liquor during the time which the board takes to process
34 the permit. An individual may retake the examination any time after
35 being notified by the board that he or she has failed the examination.
36 However, an individual may not sell or serve liquor more than thirty
37 days after completing the training requirements unless he or she has
38 obtained a valid class 12 permit.

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

5 (3) The board may suspend the permit of a permittee who has been
6 convicted of two or more violations of sales to minors or sales to
7 intoxicated persons within a twelve-month period or who has violated
8 RCW 66.44.270(2). Subsequent violations may result in revocation of
9 the permit.

10 (4)(a) It is a violation of this title for a licensee or permittee
11 to employ in the sale or service of alcoholic beverages, any person who
12 has not taken the required training or completed the prescribed
13 examination, or one whose current class 12 permit is either revoked or
14 suspended.

15 (b) It is a violation of this title for a person whose class 12
16 permit has been denied, suspended, or revoked to accept employment in
17 the sale or service of alcoholic beverages.

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

20 (1) The board shall administer the required alcohol seller training
21 program by:

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

24 (b) Producing and distributing for employers to administer to their
25 employees an examination and examination procedure to be administered
26 following completion of the certified training program or training
27 provided by the board;

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

30 (d) Taking administrative actions against those class 12 permit
31 holders who have violated the provisions of this title and taking
32 appropriate actions against others who have been involved in violations
33 of this title.

34 (2) The board shall review and update the curricula to maintain
35 accuracy with existing statutes and rules adopted to administer the
36 liquor laws of the state.

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

3 It is a violation of this title for a licensee, an employee of a
4 licensee, or an employee of a state liquor store or agency to sell
5 liquor to any person without having first inspected that person's
6 identification to ensure that it is an officially issued card of
7 identification listed in RCW 66.16.040 and that the person is at least
8 twenty-one years of age.

9 NEW SECTION. **Sec. 9.** This act shall take effect July 1, 1994.

10 NEW SECTION. **Sec. 10.** The liquor control board may take such
11 steps as are necessary to ensure that this act is implemented on its
12 effective date.

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