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SENATE BILL 6768

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State of Washington

59th Legislature

2006 Regular Session

By Senators Kline, Esser, Rasmussen, Johnson, Thibaudeau, Franklin and Delvin

Read first time 01/23/2006. Referred to Committee on Judiciary.

1 AN ACT Relating to minors with alcoholic beverages; amending RCW  
2 66.44.270 and 66.44.290; adding a new section to chapter 46.20 RCW; and  
3 prescribing penalties.

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

5 **Sec. 1.** RCW 66.44.270 and 1998 c 4 s 1 are each amended to read as  
6 follows:

7 (1) It is unlawful for any person to sell, give, or otherwise  
8 supply liquor to any person under the age of twenty-one years or permit  
9 any person under that age to consume liquor on his or her premises or  
10 on any premises under his or her control. For the purposes of this  
11 subsection, "premises" includes real property, houses, buildings, and  
12 other structures, and motor vehicles and watercraft. A violation of  
13 this subsection is a gross misdemeanor punishable as provided for in  
14 chapter 9A.20 RCW. In addition, the court may suspend a driver's  
15 license issued to or the driving privilege of a person for not more  
16 than: (a) Thirty days for a first conviction; and (b) six months for  
17 a second or subsequent conviction.

18 (2)(a) It is unlawful for any person under the age of twenty-one  
19 years to possess, consume, or otherwise acquire any liquor. A

1 violation of this subsection is a gross misdemeanor punishable as  
2 provided for in chapter 9A.20 RCW. In addition, the court shall  
3 suspend a driver's license issued to or the driving privilege of a  
4 person for not more than: (a) Thirty days for a first conviction; and  
5 (b) six months for a second or subsequent conviction.

6 (b) It is unlawful for a person under the age of twenty-one years  
7 to be in a public place, or to be in a motor vehicle in a public place,  
8 while exhibiting the effects of having consumed liquor. For purposes  
9 of this subsection, exhibiting the effects of having consumed liquor  
10 means that a person has the odor of liquor on his or her breath and  
11 either: (i) Is in possession of or close proximity to a container that  
12 has or recently had liquor in it; or (ii) by speech, manner,  
13 appearance, behavior, lack of coordination, or otherwise, exhibits that  
14 he or she is under the influence of liquor. This subsection (2)(b)  
15 does not apply if the person is in the presence of a parent or guardian  
16 or has consumed or is consuming liquor under circumstances described in  
17 subsection (4) or (5) of this section.

18 (3) Subsections (1) and (2)(a) of this section do not apply to  
19 liquor given or permitted to be given to a person under the age of  
20 twenty-one years by a parent or guardian and consumed in the presence  
21 of the parent or guardian. This subsection shall not authorize  
22 consumption or possession of liquor by a person under the age of  
23 twenty-one years on any premises licensed under chapter 66.24 RCW.

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

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

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

36 **Sec. 2.** RCW 66.44.290 and 2003 c 53 s 301 are each amended to read  
37 as follows:

1 (1) Every person under the age of twenty-one years who purchases or  
2 attempts to purchase liquor shall be guilty of a violation of this  
3 title. In addition, the court shall suspend a driver's license issued  
4 to or the driving privilege of a person for not more than: (a) Thirty  
5 days for a first conviction; and (b) six months for a second or  
6 subsequent conviction. This section does not apply to persons between  
7 the ages of eighteen and twenty-one years who are participating in a  
8 controlled purchase program authorized by the liquor control board  
9 under rules adopted by the board. Violations occurring under a  
10 private, controlled purchase program authorized by the liquor control  
11 board may not be used for criminal or administrative prosecution.

12 (2) An employer who conducts an in-house controlled purchase  
13 program authorized under this section shall provide his or her  
14 employees a written description of the employer's in-house controlled  
15 purchase program. The written description must include notice of  
16 actions an employer may take as a consequence of an employee's failure  
17 to comply with company policies regarding the sale of alcohol during an  
18 in-house controlled purchase.

19 (3) An in-house controlled purchase program authorized under this  
20 section shall be for the purposes of employee training and employer  
21 self-compliance checks. An employer may not terminate an employee  
22 solely for a first-time failure to comply with company policies  
23 regarding the sale of alcohol during an in-house controlled purchase  
24 program authorized under this section.

25 (4) Every person between the ages of eighteen and twenty,  
26 inclusive, who is convicted of a violation of this section is guilty of  
27 a misdemeanor punishable as provided by RCW 9A.20.021, except that a  
28 minimum fine of two hundred fifty dollars shall be imposed and any  
29 sentence requiring community restitution shall require not fewer than  
30 twenty-five hours of community restitution. In addition, the court  
31 shall suspend a driver's license issued to or the driving privilege of  
32 a person for not more than: (a) Thirty days for a first conviction;  
33 and (b) six months for a second or subsequent conviction.

34 NEW SECTION. Sec. 3. A new section is added to chapter 46.20 RCW  
35 to read as follows:

36 (1) The department of licensing shall promptly suspend a driver's

1 license issued to or the driving privilege of a person, upon the  
2 court's imposition of a suspension of a driver's license or driving  
3 privilege under RCW 66.44.270(1).

4 (2) The department shall promptly suspend a driver's license issued  
5 to or the driving privilege of a person who is under the age of twenty-  
6 one years upon a violation of RCW 66.44.270(2)(a) or 66.44.290 (1) or  
7 (4).

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