

Title 314 WAC LIQUOR CONTROL BOARD

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Chapter 314-10 WAC SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

WAC

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WAC 314-10-010 General—Liquor control board responsibilities. (1) The liquor control board shall regulate all sales and distribution of tobacco products pursuant to chapter 507, Laws of 1993. The liquor control board shall report all tobacco enforcement activity in a manner agreed by the department of health and the liquor control board on a quarterly basis or as set forth in the interagency agreement.

[Statutory Authority: RCW 66.08.030. 93-23-016, § 314-10-010, filed 11/5/93, effective 12/6/93.]

WAC 314-10-020 General—Applicable to all tobacco license holders. (1) All persons who hold a tobacco license as authorized by RCW 82.24.520 or 82.24.530 will:

(a) Display the license or a copy of the license in a prominent location at the business where tobacco products are sold,

(b) Display the license in a conspicuous place on the vending machine, and

(c) Display a sign or signs provided by the liquor control board concerning the prohibition of tobacco sales to persons under 18 years of age in a manner that allows the sign to be clearly visible to anyone purchasing tobacco products from the licensee at the point of purchase.

(2) No one is allowed to give or distribute cigarettes or other tobacco products to another person by coupon unless the coupon redemption requires an in-person transaction in a retail store.

[Statutory Authority: RCW 66.08.030. 93-23-016, § 314-10-020, filed 11/5/93, effective 12/6/93.]

WAC 314-10-030 Tobacco mechanical dispensing machines—Licensees without a liquor license—Records.

(1) Tobacco licensees who do not hold a liquor license and use a mechanical dispensing machine (vending machine) must provide to the board a listing denoting the address and specific location of each tobacco vending machine.

(2) The tobacco licensee with a vending machine(s) must notify the board in writing of any new proposed location(s) for a tobacco vending machine 10 working days in advance of the move.

(3) Vending machines which dispense or store tobacco products may only be located in establishments where minors are prohibited, or in industrial worksites where minors are not employed in such locations. the vending machines used to dispense or store tobacco products must be located at least 10 feet from each entrance and/or exit.

[Statutory Authority: RCW 66.08.030. 93-23-016, § 314-10-030, filed 11/5/93, effective 12/6/93.]

WAC 314-10-040 Employees under 18 allowed to sell and handle tobacco products. Employers holding a cigarette retailers license issued under RCW 82.24.500 may allow employees of any age to sell tobacco products provided their employees meet the age employment requirements set by the department of labor and industries (RCW 26.28.060 and WAC 296-125-018).

[Statutory Authority: RCW 66.08.030. 93-23-016, § 314-10-040, filed 11/5/93, effective 12/6/93.]

WAC 314-10-050 Sales to persons under 18 years of age. (1) No person may sell or give or in any way provide tobacco products to any person under 18 years of age.

(2) Any person attempting to purchase tobacco products must present identification to show he/she is at least 18 years of age upon the request of any tobacco licensee, employee of a tobacco licensee or enforcement officer as defined by RCW 7.80.040.

(3) All identification used to prove age must be official-ly issued and contain the bearer's age, signature and photograph. The only forms of identification which are acceptable as proof of age for the purchase of tobacco products are:

(a) A liquor control authority card of identification issued by a state of the United States or province of Canada,

(b) A driver's license, instruction permit or identification card issued by a state of the United States or province of Canada,

(c) A United States military identification card,

(d) A passport, or

(e) A merchant marine identification card issued by the United States Coast Guard.

[Statutory Authority: RCW 66.08.030. 93-23-016, § 314-10-050, filed 11/5/93, effective 12/6/93.]

WAC 314-10-060 Persons under 18 years old attempting to purchase/obtaining tobacco products. (1) Any person whom a peace officer or enforcement officer has reasonable grounds to believe is under 18 years of age who purchases or attempts to purchase, or attempts to obtain or obtains tobacco products may be detained for a reasonable period of time and in such a reasonable manner as is necessary to determine the person's true identity and date of birth. A person under 18 years of age who is cited for attempting to purchase or purchasing tobacco products is subject to a fine as set by chapter 7.80 RCW or participation in a smoking cessation program or both.

(a) This provision does not apply to a person under the age of 18 who, with parental authorization, is participating in a controlled purchase as a part of a liquor control board, law enforcement, or local health department activity.

(2) Tobacco products possessed by persons under the age of eighteen years are considered contraband and may be seized by an enforcement officer as defined in RCW 7.80.040.

[Statutory Authority: RCW 66.08.030. 93-23-016, § 314-10-060, filed 11/5/93, effective 12/6/93.]

WAC 314-10-080 Parents and guardians may not provide tobacco. No person, including parents or legal guardians of persons under 18 years of age may authorize any minor to purchase or obtain tobacco products.

[Statutory Authority: RCW 66.08.030. 93-23-016, § 314-10-080, filed 11/5/93, effective 12/6/93.]

WAC 314-10-090 Tobacco sampling—Licenses. (1) No person may engage in providing tobacco samples within Washington state without a valid sampler's license. A firm contracting with a tobacco manufacturer to distribute samples of a manufacturer's product is deemed to be the person engaged in the business of sampling. The liquor control board will issue any sampler's licenses.

(2) The annual fee for a manufacturer's samplers license within the state is \$500 and is designated a Class T1 license. The fee for independent businesses that provide samples of tobacco products is \$50 and is designated a Class T2 license. All sampler's licenses expire on the 30th day of June each year and must be renewed annually.

[Statutory Authority: RCW 66.08.030. 93-23-016, § 314-10-090, filed 11/5/93, effective 12/6/93.]

WAC 314-10-100 Samplers license—Distribution of tobacco products. (1) The sampler's license entitles the licensee, and employees or agents of the licensee, to distribute samples at any lawful location in the state during the term of the license. The person engaged in sampling shall carry the Class T1 or T2 license or a copy of the license at all times and produce same at the request of an enforcement officer as defined in RCW 7.80.040.

(2) No person may distribute or offer to distribute samples in a public place. This prohibition does not apply to:

(a) An area to which persons under 18 years of age are denied admission,

(b) A store or concession to which a cigarette retailers license has been issued, or

(c) At or adjacent to a production, repair or outdoor construction site or facility.

(3) Notwithstanding (2) above, no person may distribute or offer to distribute samples within or on a public street, sidewalk, or park that is within 500 feet of a playground, school, or other facility where that facility is being used primarily by persons under 18 years of age for recreational, educational or other purposes.

(4) Class T1 and T2 licensees shall provide the board, upon request, the locations, dates and times sampling activities will take place.

(5) All T1 and T2 licensees must provide to the liquor control board, in a format prescribed by the board, a listing of the location, date, hours and quantities of tobacco products distributed in the state for the previous six months.

(a) A report for the period covering January 1st through June 30th of each year is due by no later than July 31st of each year.

(b) A report for the period covering July 1st through December 31st is due by no later than January 30th of the immediately following year.

(c) The board may take administrative action against any tobacco sampler who fails to submit the required reports.

[Statutory Authority: RCW 66.08.030. 93-23-016, § 314-10-100, filed 11/5/93, effective 12/6/93.]

WAC 314-10-110 Penalties, suspension notices, posting or advertising of—Other closing notices prohibited. (1) The liquor control board may suspend or revoke a retailer's or sampler's license for violation of the board's administrative rules governing tobacco. Further, the board may impose a monetary penalty in lieu of license suspension for violation of said rules not covered by statute.

(2) Licensees are required to maintain compliance with all tobacco laws and regulations during any period of suspension. Whenever the board shall suspend the license of any licensee, the board shall on the date the suspension becomes effective cause to be posted in a conspicuous place on or about the licensed premises a notice in a form to be prescribed by the board, stating that the license or licenses have been suspended by order of board because of violation of the Washington State laws or the regulations.

(3) During the period of suspension:

(a) No person shall remove, alter, cover, or in any way disturb the posted notice(s) of suspension;

(b) No person shall place, permit or allow to be placed in, at, or upon the licensed premises, any notice or statement of reasons or purpose indicating that the premises have been closed or that sale of tobacco products has been discontinued for any reason other than as stated in the notice of suspension; *Provided Further*, That the prohibition of this subsection shall apply to any nearby or adjacent property, such as a parking lot area that is owned by or under the control of the licensee.

(c) Neither the licensee nor his/her or its employees shall advertise, either by newspaper, radio, television, handbill, brochure, flyer or by any means whatever, that the licensed premises are closed or discontinuing the sale of tobacco products for any reason(s) other than those stated in the board's suspension notices.

(4) A tobacco licensee may operate the business during the period of suspension provided there is no sale or distribution of tobacco products.

[Statutory Authority: RCW 66.08.030, 93-23-016, § 314-10-110, filed 11/5/93, effective 12/6/93.]

Chapter 314-12 WAC

GENERAL—APPLICABLE TO ALL LICENSEES

WAC

314-12-015	Receipt of liquor laws/rules summary.
314-12-020	Applicants—Qualifications—Fingerprinting—Criminal history record information checks—Continuing conditions—Agreements—Reconsideration of denied applications.
314-12-025	Applicants for temporary licenses—Fee—Who qualifies.
314-12-030	License to reflect true party in interest—Display of licenses.
314-12-140	Prohibited practices—Contracts—Gifts—Rebates, etc.

WAC 314-12-015 Receipt of liquor laws/rules summary. Upon issuance of a liquor license under chapter 66.24 RCW, every licensee shall be issued a guide on liquor laws, regulations, and other pertinent information. Every licensee or designee of a licensee shall be required to sign a form provided by the board acknowledging receipt of the guide. The issuance of the guide to the licensee and the receipt of the licensee's signed acknowledgement signifies that the licensee is aware of the basic liquor law requirements and is able to operate their liquor business in such a fashion as to protect the public health, welfare and safety.

[Statutory Authority: RCW 66.08.030, 93-15-027, § 314-12-015, filed 7/12/93, effective 8/12/93; 92-14-024, § 314-12-015, filed 6/22/92, effective 7/23/92.]

WAC 314-12-020 Applicants—Qualifications—Fingerprinting—Criminal history record information checks—Continuing conditions—Agreements—Reconsideration of denied applications. (1) Where a married person is an applicant for, or holder of a license, the spouse of such applicant, if the parties are maintaining a marital community, shall be required to have the same qualifications as the applicant.

(2) The board may require, as a condition precedent to the original issuance or transfer of any annual license, fingerprinting and criminal history record information checks on any person not previously licensed by the board. In addition to the applicant, fingerprinting and criminal history record information checks may be required of the applicant's spouse. In the case of a corporation, fingerprinting and criminal history record information checks may be required of its present and any subsequent officers, manager, and stockholders who hold more than ten percent of the total issued and outstanding stock of the applicant corporation if such persons have not previously had their fingerprints

recorded with the board. In the case of a partnership, fingerprinting and criminal history record information checks may be required of all general partners and their spouses. Such fingerprints as are required by the board shall be submitted on forms provided by the board to the Washington state identification section of the Washington state patrol and to the identification division of the Federal Bureau of Investigation in order that these agencies may search their records for prior arrests and convictions of the individuals fingerprinted. The applicant shall give full cooperation to the board and shall assist the board in all aspects of the fingerprinting and criminal history record information check. The applicant may be required to pay a minimal fee to the agency which performs the fingerprinting and criminal history process.

(3) The restrictions on license issuance specified in RCW 66.24.010(2) shall be construed to be continuing conditions for retaining an existing license and any licensed person who ceases to be eligible for issuance of a license under RCW 66.44.010(2) shall also cease to be eligible to hold any license already issued.

(4) An applicant for any license or permit issued by the liquor control board, who employs an attorney or agent in connection with an application for such license or permit, shall, upon request, submit in writing the entire agreement between such applicant for license or permit, and the attorney or agent. No part of any compensation agreed upon, paid or received shall in any manner be contingent upon the outcome of the matter before said board. In the event the compensation agreed upon, paid or received, is determined to be excessive, the board reserves the right to refuse to consider the application for such license or permit.

(5) The board, in considering an application for a license, may require, in addition to all other information requested concerning the proposed licensed premises (see WAC 314-12-035), that the applicant justify the issuance of the license sought based on an analysis of population trends compared to licenses in the area, any uniqueness of the proposed operation, any unusual circumstances present, plus any other information the applicant(s) may feel will justify the issuance of the license sought.

(6) The board may, at its discretion and for good cause shown, reconsider a denied application upon receipt of new information within sixty days of the original denial date. Such reconsiderations are not considered part of the normal license application procedure and must be justified on an individual basis. Should the board determine to reconsider a denied application, notice of such reconsideration shall be given to those persons and/or entities entitled to receive notice of an original license application pursuant to RCW 66.24.010(8). Such notice shall be given at least twenty days prior to final determination on the reconsideration. Additionally, at the same time the notice is given, a press release will be issued informing the public of the impending reconsideration.

[Statutory Authority: RCW 66.08.030, 93-15-024, § 314-12-020, filed 7/12/93, effective 8/12/93. Statutory Authority: RCW 66.08.030 and 66.24.010 (2)(b), 90-24-007, § 314-12-020, filed 11/27/90, effective 12/28/90. Statutory Authority: RCW 66.08.030 and 66.08.050(2), 83-18-071 (Order 129, Resolution No. 138), § 314-12-020, filed 9/7/83; Order 58, § 314-12-020, filed 8/9/77, effective 9/12/77; Order 43, § 314-12-020, Rule

1.5, filed 11/20/75; Order 36, § 314-12-020, filed 7/2/75; Rule 1.5, filed 6/13/63.]

WAC 314-12-025 Applicants for temporary licenses—Fee—Who qualifies. A person who has submitted a transfer application for a retail or wholesale liquor license in accordance with RCW 66.24.010 and WAC 314-12-070, and who has demonstrated to the satisfaction of the board that an emergency situation exists, or who submits all initially required documents which appear to be complete and signed, may apply for, and be issued, a temporary license to be effective immediately upon issuance under the following conditions:

(1) A fee of fifty dollars shall be submitted with the application for a temporary license.

(2) For the purposes of this section "emergency situation" shall include death or incapacity of the seller, foreclosure, divorce, or other situation which requires the buyer to assume control of the business before the application can be fully processed and approved.

(3) For the purposes of this section, "retail liquor license" shall include all classes of liquor licenses that allow the holder to sell liquor directly to the public.

(4) For the purposes of this section, "wholesale liquor license" shall include all classes of liquor licenses held in conjunction with those wholesale licenses authorized by RCW 66.24.200 and 66.24.250.

(5) The privilege of having a temporary license issued upon an application for a transfer of license does not apply to breweries or wineries, even though these licensees have limited wholesale and retail privileges under their manufacturers' licenses.

[Statutory Authority: RCW 66.08.030. 93-10-070, § 314-12-025, filed 5/3/93, effective 6/3/93. Statutory Authority: RCW 66.08.030 and 1987 c 217. 87-16-002 (Order 226, Resolution No. 235), § 314-12-025, filed 7/23/87.]

WAC 314-12-030 License to reflect true party in interest—Display of licenses. (1) Pursuant to the requirements of RCW 66.24.010(1), any license issued shall be issued in the name(s) of the true party or parties in interest.

(2) All licenses (except certificates of approval and agent's licenses) shall be prominently displayed on the licensed premises.

(3) For purposes of this section, "true party" shall apply to any person or entity having a substantial interest in the business conducted on the premises to be licensed.

(4) For purposes of this section, "substantial interest" shall mean any of the following:

(a) Receipt of, or the right to receive, ten percent or more of the gross sales from the licensed business during any calendar or fiscal year of the licensed business. Gross sales, as used in this section, shall include the entire gross receipts of every kind and nature from the sales and services made in, upon, or from the premises, whether on a credit or cash basis, whether operated by the licensee or manager, except:

Any rebates or refunds to customers;

The licensee's cost of meals and beverage provided to employees;

The amount of sales tax receipts or admission taxes;

(b) An investment in the licensed business of ten thousand dollars or more; or

(c) Ownership of stock constituting more than ten percent of the issued or outstanding stock of the licensed business.

(5) For purposes of this section, "substantial interest" shall not mean:

(a) A bonus paid to an employee, if the employee is on a fixed wage or salary and the bonus is not more than twenty-five percent of the employee's prebonus annual compensation, or the bonus is based on a written incentive/bonus program and is not out of the ordinary for the services rendered;

(b) Repayment of a loan or payment on a contract to purchase property unless the loan or contract holder exercises control over or participates in the management of the licensed business;

(c) Reasonable payment for rent on a fixed or percentage basis under a bona fide lease or rental obligation unless the lessor or property manager exercises control over or participates in the management of the business;

(d) Payment of franchise fees on a fixed or percentage basis under a bona fide franchise agreement;

(e) Payment of dividends to corporate stockholders.

[Statutory Authority: RCW 66.08.030. 93-18-094, § 314-12-030, filed 9/1/93, effective 10/2/93; 93-10-092, § 314-12-030, filed 5/4/93, effective 6/4/93; 86-07-012 (Order 176, Resolution No. 185), § 314-12-030, filed 3/11/86; Order 58, § 314-12-030, filed 8/9/77, effective 9/12/77; Rule 2, filed 6/13/63.]

WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc. (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: *Provided*, That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, wholesaler, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever; nor shall any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, wholesaler or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation. It shall be a violation of this section for:

(a) Any retail licensee who has paid for beer or wine with a check which was dishonored upon presentation to thereafter refuse to make good on the check by immediate payment in cash.

(b) Any retail licensee to purchase beer and/or wine from any source after having received notice that a previous check given in payment for beer and/or wine has been

dishonored until that dishonored check has been made good in cash.

(4) Pursuant to RCW 66.28.010 a manufacturer, wholesaler, importer, or his licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cases, filled bottles or filled cans of his own brands only, from stock or inventory owned by the retailer. Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, wholesaler or importer; Provided, however, manufacturers, wholesalers, importers or any employees thereof may move or handle in any manner any products of any other manufacturer, importer or wholesaler on the premises of any retail licensee when reasonable notice is given to other interested manufacturers, wholesalers or their agents and such activity occurs during normal business hours or upon hours that are mutually agreed.

(b) Provide price cards and may also price goods of his own brands in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(c) Provide point of sale advertising material and brand signs.

(d) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC.

(5) No manufacturer, wholesaler, importer, or employee thereof shall, directly or indirectly, give, furnish, rent or lend to, or receive from, any retail licensee any equipment, fixtures, supplies or property of any kind, nor shall any retail licensee, directly or indirectly, receive, lease or borrow from, or give or offer to, any manufacturer, wholesaler or importer any equipment, fixtures, supplies or property of any kind. Sales authorized in this regulation shall be made on a cash on delivery basis only.

(6) No manufacturer or wholesaler or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any liquor tied in with, or contingent upon, the retailer's purchase of some other beverage, alcoholic or otherwise, or any other merchandise, property or service.

(7) In selling equipment, fixtures, supplies or commodities other than liquor, no manufacturer, wholesaler or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to nonlicensed retailers. The price thereof shall be not less than the manufacturer's, importer's, or wholesaler's cost of acquisition. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, wholesaler or importer who sells what is commonly referred to as heavy equipment and fixtures, such as counters, back bars, stools, chairs, tables, sinks, refrigerators or cooling boxes and similar articles, shall immediately after making any such sales have on file and available for inspection in accordance with WAC 314-20-050 a copy of the invoice covering each such sale, which

invoice shall contain a complete description of the articles sold, the purchase price of each unit sold together with the total amount of the sale, transportation costs and services rendered in connection with the installation of such articles. Such invoice shall list the date of such sale and affirm that full cash payment for such articles was received from the retailer as provided in subsection (5) of this section.

(9) If the board finds in any instance that any licensee has violated this regulation, then all licenses involved shall be held equally responsible for such violation.

Note: WAC 314-12-140 is not intended to be a relaxation in any respect of section 90 of the Liquor Act (RCW 66.28.010). As a word of caution to persons desiring to avail themselves of the opportunity to sell to retail licensees fixtures, equipment and supplies subject to the conditions and restrictions provided in section 90 of the act and the foregoing regulation, notice is hereby given that, if at any time such privilege is abused or experience proves that as a matter of policy it should be further curtailed or eliminated completely, the board will be free to impose added restrictions or to limit all manufacturers and wholesalers solely to the sale of liquor when dealing with retail licensees. WAC 314-12-140 shall not be considered as granting any vested right to any person, and persons who engage in the business of selling to retail licensees property or merchandise of any nature voluntarily assume the risk of being divested of that privilege and they will undertake such business subject to this understanding. The board also cautions that certain trade practices are prohibited by rulings issued under the Federal Alcohol Administration Act by the United States Bureau of Alcohol, Tobacco and Firearms, and WAC 314-12-140 is not intended to conflict with such rulings or other requirements of federal law or regulations.

[Statutory Authority: RCW 66.08.030. 93-10-070, § 314-12-140, filed 5/3/93, effective 6/3/93. Statutory Authority: RCW 66.08.030(2). 92-02-014, § 314-12-140, filed 12/23/91, effective 1/23/92. Statutory Authority: RCW 66.28.010. 87-04-018 (Order 211, Resolution No. 220), § 314-12-140, filed 1/27/87. Statutory Authority: RCW 66.28.010 and 66.08.030 (2)(i). 86-09-019 (Order 181, Resolution No. 190), § 314-12-140, filed 4/9/86. Statutory Authority: RCW 66.08.030. 86-04-003 (Order 167, Resolution No. 176), § 314-12-140, filed 1/23/86. Statutory Authority: RCW 66.08.030 and 66.98.070. 84-22-060 (Order 150, Resolution No. 159), § 314-12-140, filed 11/7/84; Order 46, § 314-12-140, Rule 13, filed 6/9/76; Rule 13, filed 6/13/63.]

Chapter 314-15 WAC CLASS M LICENSE

WAC

314-15-010	Class M motel—Definition—General provisions—Fee.
314-15-020	Purchase of liquor—Class M.
314-15-030	Sale of liquor—Class M.
314-15-040	Security and storage of liquor—Definition of honor bar—Class M.
314-15-050	Records—Class M.

WAC 314-15-010 Class M motel—Definition—General provisions—Fee. (1) Pursuant to the provisions of chapter 511, Laws of 1993, there shall be a license designated as a Class M license which will allow a motel with 3 or more rooms to sell spirits, beer and wine by the bottle to registered guests who are at least twenty-one years of age. The annual fee for such license shall be three hundred dollars per year. Such license will be issued only to those motel establishments that do not have a licensed restaurant included as part of the motel property.

(2) "Motel" means a facility or place offering three or more self contained units (rooms) designated by number,

letter, or some other method of identification to travelers and transient guests.

(3) A Class M licensed motel may sell liquor in no more than one-half of its guest rooms under the following conditions:

(a) No rooms are offered to guests on less than daily rental basis,

(b) All liquor must be stored in locked honor bars in rooms with overnight sleeping accommodations,

(c) Each honor bar must also contain snack food,

(d) Any liquor sold is for consumption in the guest room only by persons of legal age,

(e) Spirits must be sold in individual bottles not to exceed fifty milliliters in size,

(f) Beer may be sold only in individual cans or bottles not to exceed twelve ounces in size,

(g) Wine may be sold only in individual bottles not to exceed one hundred eighty-seven milliliters in size.

(4) The Class M licensee must provide the board with a list of all rooms by number, letter or other form of identification which contain honor bars.

[Statutory Authority: RCW 66.08.030. 93-23-015, § 314-15-010, filed 11/5/93, effective 12/6/93.]

WAC 314-15-020 Purchase of liquor—Class M. (1) All liquor sold by a Class M licensee must be purchased from an authorized source. All spirits must be purchased from the board. Beer and wine must be purchased from a licensed beer or wine wholesaler or the board.

(2) No Class M licensee shall buy or accept delivery of beer or wine from a beer or wine wholesaler except for cash paid at the time of the delivery thereof; *Provided*, That a Class M licensee may pay cash prior to delivery of the beer or wine purchased. Failure by the licensee to keep accurate accounting records which result in the extension of or receipt of credit from a wholesaler through the use of a prior cash deposit which is overextended is a violation.

[Statutory Authority: RCW 66.08.030. 93-23-015, § 314-15-020, filed 11/5/93, effective 12/6/93.]

WAC 314-15-030 Sale of liquor—Class M. (1) Before a guest may be provided access to the honor bar the licensee will require proof of age from the guest requesting the use of the honor bar pursuant to RCW 66.16.040. The guest must complete a declaration, under penalty of perjury, verifying that:

(a) The guest is twenty-one years of age or older,

(b) No one under twenty-one years of age will have access to the liquor in the honor bar.

(2) For the purposes of chapter 511, Laws of 1993, section 1 the declaration referred to in section 1 above shall be considered an affidavit.

(3) Where there may be a question of a registered guest's right to purchase liquor, by reason of age, the licensee shall require the guest to complete a certification card as provided in RCW 66.20.190.

[Statutory Authority: RCW 66.08.030. 93-23-015, § 314-15-030, filed 11/5/93, effective 12/6/93.]

WAC 314-15-040 Security and storage of liquor—Definition of honor bar—Class M. (1) All liquor stored in

a Class M licensed premises shall be either locked in an honor bar or locked in a secured liquor storage room. No person under twenty-one years of age shall have access to the honor bar(s), liquor storage room, or keys, combinations, etc. to the locked liquor facilities.

(2) An "honor bar" for the purposes of a Class M licensed motel is considered to be any cabinet, box, cooler or refrigerator which can be opened only with a key, combination, magnetic card or other device particular to that cabinet and which is secured within a guest room.

(3) Replenishment of a liquor honor bar or storage room may be made only during those hours when liquor may legally be sold, and only by employees of the Class M licensed motel who are twenty-one years of age or older; *Provided, However*, beer and wine wholesalers may deliver, price and stock product only in the storage room.

[Statutory Authority: RCW 66.08.030. 93-23-015, § 314-15-040, filed 11/5/93, effective 12/6/93.]

WAC 314-15-050 Records—Class M. (1) Each Class M licensee shall keep books and records which will clearly reflect all financial transactions and the financial condition of the business. Failure to keep and maintain adequate records as described in this section is a violation.

(2) Every Class M licensed motel will keep originals or copies of all purchase invoices and other memoranda covering all purchases and sales of liquor showing (a) items purchased and sold, (b) quantities thereof, (c) from whom purchased and (d) purchase and sale date. These records shall be filed separately and kept apart from all other records and, as nearly as possible, shall be filed in consecutive order and each month's records kept separate so as to render the same readily available for inspection and copying.

(3) All records will be available for inspection and copying by representatives of the board for a period of two years.

(4) A Class M licensee may maintain records within an automatic data processing system provided the system includes a method for producing legible records that will provide the same information required of that type of records required in section (2) above.

(5) All records maintained, either manually or with a data processing system must provide:

(a) An audit trail so that details underlying the summary accounting data may be identified and made available upon request.

(b) The opportunity to trace any transaction back to the original source or forward to a final total. If printouts are not made when a transaction is processed, the system must have the ability to reconstruct these transactions.

[Statutory Authority: RCW 66.08.030. 93-23-015, § 314-15-050, filed 11/5/93, effective 12/6/93.]

Chapter 314-16 WAC RETAIL LICENSEES

WAC

314-16-020	Dispensing apparatus and containers—Furnishing of certain devices.
314-16-090	Bottles and containers—Reuse.
314-16-190	Class H restaurant—Qualifications.

314-16-196	Class H restaurant—Floor space requirements— Conditions for service bar only premises.
314-16-250	Retail sale of malt liquor in kegs.

WAC 314-16-020 Dispensing apparatus and containers—Furnishing of certain devices. (1) No retail licensee shall draw any beer from any faucet, spigot or other dispensing apparatus unless the brand name of the beer drawn shall appear in legible lettering, visible from both the front and rear, upon such faucet, spigot or other dispensing apparatus. Brewers and beer wholesalers may furnish "tap marking devices" to retail dispensers as hereinabove provided at a nominal value or cost to the brewer or beer wholesaler. Brewers and beer wholesalers may also furnish can and bottle openers to retail licensees at a nominal value or cost to the brewer or beer wholesaler.

(2) Every bottle or other container from which wine is sold by a retail licensee for consumption on the licensed premises shall be truly labeled with the brand name, type and manufacturer's name of said wine. Wineries and wine wholesalers may furnish said labels and "tap marking devices" or container marking devices and corkscrews to retail dispensers as hereinabove provided at a nominal value or cost to the winery or wine wholesaler.

[Statutory Authority: RCW 66.08.030. 93-10-070, § 314-16-020, filed 5/3/93, effective 6/3/93; 87-22-018 (Order 233, Resolution No. 242), § 314-16-020, filed 10/27/87; Rule 17, filed 6/13/63.]

WAC 314-16-090 Bottles and containers—Reuse.

(1) No Class H licensee shall reuse, refill or tamper with any bottle of spiritous liquor, nor shall such licensee adulterate, dilute, fortify, or cause any substitution of any nature to be made in or to, the contents of any bottle of spiritous liquor.

(2) No retail licensee shall fill a jug, bottle or other container with beer while such jug, bottle or other container bears any identification or marking which would mislead the purchaser about the identity of the contents of the container.

(3) Every jug, bottle or other container a retail licensee fills for off-premise consumption must:

(a) Be capable of being sealed; and

(b) Be capable of holding a minimum of 750 ml (25.4 ounces) of liquid and may not hold more than 15 liters (or 4 gallons or 512 ounces) of any beer.

[Statutory Authority: RCW 66.08.030. 93-15-025, § 314-16-090, filed 7/12/93, effective 8/12/93; Order 19, § 314-16-090, filed 8/10/72; Rule 24, filed 6/13/63.]

WAC 314-16-190 Class H restaurant—Qualifications. (1) Definitions: For the purpose of this section:

(a) Complete meals means any combination of foods consisting of an entree and at least one additional course that is prepared and cooked on the premises and, except as provided in subsection (6) of this section, requires the use of dining implements for consumption.

(b) Entree means the main course of a meal to include meat, fish, fowl, eggs, vegetarian meat substitutes, pasta, or any combination thereof. Except as provided in subsection (6) of this section, such entree must be heated by means of baking, roasting, broiling, or grilling.

(c) Minimum food service means sandwiches and/or short orders such as deep fried foods, hors d'oeuvres, soup,

or chili. Snacks such as peanuts, popcorn, and chips are not sufficient to meet the minimum food service requirement.

(2) All restaurant applicants for a Class H license, in addition to furnishing all requested material and information relating to the premises applied for and their personal qualifications, shall establish to the satisfaction of the board that the premises will commence as, and continue to operate as, a bona fide restaurant as required by RCW 66.24.400 and 66.24.410(2).

(3) A restaurant applicant for a Class H license shall be subject to the following requirements which are conditions precedent to action by the board on the application:

(a) The applicant shall furnish to the board a detailed blueprint of the entire premises to be licensed drawn to scale of one-fourth inch to one foot. This blueprint shall include the kitchen equipment layout plus a detailed listing of the kitchen equipment and its approximate value. The kitchen equipment shall include, at a minimum, adequate refrigeration, oven, grill, cooktop, and/or broiler to support the menu.

(b) Prior to delivery of the license the board shall receive a verification from its enforcement officer, based upon an inspection of the premises, that the kitchen equipment designated in (a) of this subsection is in place and is operational.

(4) In any case where the board has a concern as to the applicant's qualifications, based on the applicant's experience; the adequacy of the proposed facility; the proposed method of operation; the applicant's financial stability; or for any other good and sufficient reason, the board may require such applicant to submit figures reflecting operation as a restaurant for a period to be designated by the board. The submission of these operating figures shall be a condition precedent to the board making a decision on a license application. Any applicant required to submit operating figures for a period designated by the board, shall not thereby be deemed to have acquired a vested right to have the license applied for issued merely because the requested figures have been submitted.

(5) To demonstrate to the satisfaction of the board that a Class H restaurant as defined in RCW 66.24.410(2) is maintained in a substantial manner as a place for preparing, cooking and serving of complete meals, a Class H restaurant shall maintain daily average gross retail food sales of one hundred dollars or more, and such food sales shall amount to thirty percent or more of the restaurant's total food-liquor sales.

(6) Each Class H restaurant licensee shall submit reports annually, or as directed by the board in writing, on forms provided by the board, showing its gross food and liquor sales. Sales of food and liquor made by a Class H licensee under a Class I license shall be included as a part of the licensee's gross food and liquor sales. If a Class H restaurant's daily average gross retail food sales are less than one hundred dollars, or its retail food sales are less than thirty percent of its total food-liquor sales, such restaurant shall be ineligible to retain its Class H license. Further, each Class H restaurant licensee shall conspicuously display or provide to any patron upon request, a menu offering a variety of at least five entrees accompanied by such other foods as to constitute a complete meal. One of the five entrees may consist of pizza or a deep fried food. Where

salad bars or other buffet-type meals are offered, one or more entrees may be included to count toward the five entree requirement.

(7) The restaurant area of any Class H restaurant shall be open to the public for service of complete meals, with a minimum selection of five entrees, at least five days a week, unless otherwise authorized in writing by the board to alleviate demonstrated hardship, and such service of complete meals shall be available to the public for five hours a day between the hours of 11:00 a.m. and 11:00 p.m. on any day liquor is offered for sale, service or consumption, unless otherwise authorized in writing by the board to alleviate demonstrated hardship. The hours of complete meal service shall be conspicuously posted for public viewing. A chef or cook shall be on duty during the hours when complete meal service is available. At all other times when the restaurant area is not open for service of complete meals, but liquor is offered for sale, service or consumption on the licensed premises, minimum food service shall be available for sale to the public. Notice of such minimum food service availability shall be conspicuously posted in all areas where liquor is being served.

(8) In the event a Class H restaurant licensee shall fail to comply with any of the foregoing requirements, and such licensee has been notified that they will not be eligible to retain its Class H license, such licensee may petition the board setting forth unusual, extenuating and mitigating circumstances for the failure to comply and the board may consider such reasons and may grant an extension of the Class H license under such terms and conditions as the board determines are in the best interest of the public.

(9) The licensee shall maintain the ingredients necessary to provide complete meals including at least five different entrees during those times as required in subsection (6) of this section and minimum food service at all other times. Such ingredients shall be fresh, palatable, and relate to the menu so posted or available to the public.

(10) The refusal or failure by any licensee or employee thereof to provide complete or minimum food service in subsection (6) of this section shall be *prima facie* evidence of a violation of this section.

(11) Licensees assessing customers a mandatory premises entry fee which includes a cover charge, meal charge, and/or other charges may not apply the mandatory food sales charge to the food/liquor ratio: *Provided*, That customary holiday food/entertainment packages and Sunday brunches are not subject to the provisions of this subsection.

(12) Meals provided to employees by Class H licensees may be applied to the food/liquor ratio to the extent that the amount applied does not exceed the licensees per meal cost. The recordkeeping requirements in WAC 314-16-160 apply to employee meals that are included as a part of the food/liquor ratio.

(13) Nonliquor ingredients (pop, bottled water, lime, olives, etc.) served in an alcoholic beverage shall not be considered food sales. Soft drinks, juices, bottled water, etc., sold without an alcohol ingredient may be counted as food sales as long as they are sold and accounted for (rung up) as a separate item.

[Statutory Authority: RCW 66.08.030. 93-10-092, § 314-16-190, filed 5/4/93, effective 6/4/93. Statutory Authority: RCW 66.98.070. 88-07-058 (Order 240, Resolution No. 249), § 314-16-190, filed 3/15/88. Statutory

Authority: RCW 66.08.030 and 66.98.070. 85-14-107 (Order 160, Resolution No. 169), § 314-16-190, filed 7/3/85; 78-07-002 (Order 66, Resolution No. 75), § 314-16-190, filed 6/9/78; Order 55, § 314-16-190, filed 5/31/77, effective 7/1/77; Order 52, § 314-16-190, Rule 35, filed 1/18/77, effective 2/18/77.]

WAC 314-16-196 Class H restaurant—Floor space requirements—Conditions for service bar only premises.

(1) Before the board shall issue a Class H license to a bona fide restaurant, the applicant shall submit, as a part of or in addition to the blueprint required by WAC 314-16-190 (2)(a), a scale drawing one-quarter inch equals one foot of the proposed premises indicating that the area designated as the primary dining room(s) comprises at least fifty-one percent of the total area allocated for the cocktail lounge and dining room areas, except:

(a) Banquet rooms are permitted without limitations as to number or size;

(b) Other customer service areas, i.e., waiting rooms, game rooms, card rooms, and bandstand/dance areas located outside the cocktail lounge shall not exceed twice the total square footage of the primary dining and cocktail lounge area combined. Written board approval is required: *Provided, however*, That the board may approve variations to the floor space requirement of this subsection where the applicant/licensee can demonstrate to the satisfaction of the board that the proposed layout would best suit the available floor space.

(2) Class H licensees/applicants may have a service bar(s) without regard to the floor space requirements of subsection (1) of this section, in lieu of a cocktail lounge on the following conditions:

(a) Location of the service bar(s) shall be approved, in writing, by the board.

(b) Service of liquor from such service bar(s) will be by the licensee, or licensee's employees or customers may order and pick up their drinks at the service bar(s).

(c) Liquor sale, service and consumption may take place only during hours that the full restaurant menu is available and a chef or cook is on duty.

(3) A Class H licensed restaurant having a service bar(s) may with written board approval have the added activity of live music.

(4) If the board issues a Class H license to a bona fide restaurant which has a service bar in lieu of an approved cocktail lounge and the licensee subsequently applies for approval to install a cocktail lounge the board will process such a change in the same manner as an application for a new Class H license (i.e. notice will be posted at the premises, notice will be given to local officials, and nearby churches and schools will be notified).

[Statutory Authority: RCW 66.08.030. 93-10-092, § 314-16-196, filed 5/4/93, effective 6/4/93; 92-14-025, § 314-16-196, filed 6/22/92, effective 7/23/92. Statutory Authority: RCW 66.08.030 and 66.08.080. 87-02-011 (Order 208, Resolution No. 217), § 314-16-196, filed 12/30/86. Statutory Authority: RCW 66.98.070. 86-15-066 (Order 194, Resolution No. 203), § 314-16-196, filed 7/22/86. Statutory Authority: RCW 66.08.030 and 66.98.070. 83-13-056 (Order 125, Resolution No. 134), § 314-16-196, filed 6/15/83.]

WAC 314-16-250 Retail sale of malt liquor in kegs.

(1) Licensees holding a Class A or B license in combination

with a Class E license may sell malt liquor in kegs or other containers capable of holding four gallons or more of liquid.

(2) Licensees holding a Class E license may sell malt liquor in kegs or other containers capable of holding four gallons or more, but less than five and one-half gallons of malt liquor.

(3) Any licensee who sells or offers for sale kegs or other containers holding four gallons or more of malt liquor to consumers for off-premises consumption who are not licensed under chapter 66.24 RCW shall require the purchaser to:

(a) Provide one piece of identification pursuant to RCW 66.16.040.

(b) Sign a sworn statement, contained on the keg registration declaration and receipt form, under penalty of perjury that:

(i) The purchaser is of legal age to purchase, possess, or use malt liquor;

(ii) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;

(iii) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the keg registration declaration and receipt form affixed to the container.

(c) State the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located.

(4) The keg registration declaration and receipt forms shall be provided by the board to licensees holding a Class A or B license in combination with the Class E license. Licensees holding a Class E license must purchase the keg registration declaration and receipt forms from the board at the board's costs of providing the forms. Forms will be sold to Class E licensees upon receipt of a request and payment in the form of a check or money order for the proper amount.

(5) The keg registration declaration and receipt form provided by the board must be properly completed for sales of kegs for off-premises consumption.

(a) The form shall contain:

(i) The name and address of the purchaser.

(ii) The type and number of the identification presented by the purchaser pursuant to RCW 66.16.040.

(iii) A sworn statement, signed by the purchaser under penalty of perjury, that the purchaser is twenty-one years of age or older; will not allow persons under twenty-one years of age to consume the malt liquor purchased; and that the purchaser will not remove or obliterate the keg registration tag affixed to the keg or allow its removal or obliteration.

(iv) The particular address where the malt liquor will be consumed, and the date on which it will be consumed.

(b) Where the purchaser obtains more than one keg for off-premises consumption at the same location and on the same date, only one keg registration declaration and receipt form must contain all required information. All other keg registration declaration and receipt forms for that particular transaction must contain the registration number from the fully completed form as a reference and be signed by the purchaser. Such keg registration declaration and receipt forms which contain the reference number of a fully completed form and have been signed by the purchaser constitute

a valid and properly completed keg registration and declaration receipt.

(6) The seller shall comply with all provisions of the keg registration law as codified in RCW 66.28.200, 66.28.210, 66.28.220, 66.28.230, and 66.28.240 including provisions adopted in chapter 21, Laws of 1993.

(7) For the purpose of tracing the kegs and purchaser responsibility it shall be the responsibility of the seller to affix the properly completed and signed keg registration declaration and receipt form to all containers of four gallons or more of malt liquor prior to the container leaving the premises of the seller.

(8) The licensee must retain a copy of the keg registration declaration and receipt, which shall be retained on the licensed premises for a period of one year unless otherwise authorized in writing by the board. The records shall be available for inspection and copying by any liquor enforcement officer or other law enforcement officer.

(9) The keg registration declaration and receipt affixed to the keg may serve as the purchaser's receipt.

(10) Kegs or other containers holding four gallons or more of malt liquor shall be purchased for off-premises consumption only from an authorized retail source and shall, at all times, have a properly completed keg registration declaration and receipt form affixed thereon when sold for off-premises consumption. Possession of a keg or other container which holds four gallons or more of malt liquor, other than on the seller's premises, without a properly completed keg registration and declaration form either affixed thereon or in possession of the person with the keg(s) shall be a violation of this title.

[Statutory Authority: RCW 66.08.030, 93-15-026, § 314-16-250, filed 7/12/93, effective 8/12/93; 91-19-070, § 314-16-250, filed 9/16/91, effective 10/17/91. Statutory Authority: RCW 66.08.030 and 66.98.070, 89-17-037 (Order 283, Resolution No. 292), § 314-16-250, filed 8/9/89, effective 9/9/89.]

Chapter 314-20 WAC

BEER—BREWERS, HOLDERS, IMPORTERS, ETC.

WAC

314-20-015	Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Class H restaurant operation.
314-20-030	Packages—Classification.
314-20-070	Claims for defective keg beer—Replacement of overaged packaged beer—Procedures.
314-20-180	Partial beer tax exemption.

WAC 314-20-015 Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Class H restaurant operation. (1) A licensed brewer holding a proper retail license, pursuant to chapter 66.24 RCW, may sell beer of its own production at retail on the brewery premises: *Provided*, That beer so sold at retail shall be subject to the tax and penalty for late payment, if any, as imposed by RCW 66.24.290, and to reporting and bonding requirements as prescribed in RCW 66.28.010 and WAC 314-20-010.

(2) In selling beer at retail, as provided in subsection (1) of this regulation, a brewer shall conduct such operation in conformity with the statutes and regulations applicable to

holders of such beer retailers' licenses. The brewer shall maintain records of such retail operation separate from other brewery records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, beer of a licensed brewer's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the licensed brewer.

(4) A licensed brewer or a lessee of a licensed brewer operating a Class H restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such Class H licenses.

(5) A brewer may serve its own beer and beer not of its own production without charge on the brewery premises, as authorized by RCW 66.28.040. Such beer served without charge as provided herein is not subject to the tax imposed by RCW 66.24.290.

(6) No retail license or fee is required for the holder of a brewer's license to serve beer without charge on the brewery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such brewer shall obtain approval of the proposed service area and facilities from the board. Such brewer shall maintain a separate record of all beer so served.

(7) A brewery is required to obtain the appropriate retail license to sell beer, wine, or spirits on the brewery premises that is not of its own production.

[Statutory Authority: RCW 66.08.030, 93-11-028, § 314-20-015, filed 5/10/93, effective 6/10/93. Statutory Authority: RCW 66.08.030 and 66.98.070, 81-22-026 (Order 85, Resolution No. 94), § 314-20-015, filed 10/28/81; Order 61, § 314-20-015, filed 12/6/77; Order 40, § 314-20-015, Rule 37.5, filed 8/21/75.]

WAC 314-20-030 Packages—Classification. (1) No manufacturer, wholesaler or importer shall sell beer for use in the state of Washington in any packages or containers differing in sizes and case quantities from the manufacturer's original packages.

(2) Net contents—Packaged beer. Net contents shall be stated in a clearly legible manner on the label in fluid ounces or as follows:

(a) If less than 1 pint, in fluid ounces, or fractions of a pint;

(b) If 1 pint, 1 quart, or 1 gallon, the net contents shall be so stated;

(c) If more than 1 pint, but less than 1 quart, the net contents shall be stated in fractions of a quart, or in pints and fluid ounces;

(d) If more than 1 quart, but less than 1 gallon, the net contents shall be stated in fractions of a gallon, or in quarts, pints, and fluid ounces;

(e) If more than 1 gallon, the net contents shall be stated in gallons and fractions thereof;

(f) The net contents need not be stated on any label if the net contents are displayed by having the same blown, branded, or burned in the container in letters or figures in such manner as to be plainly legible under ordinary circumstances and such statement is not obscured in any manner in whole or in part.

(3) Container size limitations—Barrels. Whole barrels (31 gallons), 1/2 barrels (15.5 gallons), 1/4 barrels (7.75

gallons), 1/6 barrels (5.16 gallons). Packaged beer—Maximum capacity for individual containers, 170 fluid ounces: *Provided, however,* That the board may, in its discretion, authorize other container and/or barrel size packages which have been approved for marketing within the United States by the Bureau of Alcohol, Tobacco, and Firearms, United States Treasury Department: *Provided further,* That the board may, in its discretion, authorize a brewery with Class H privileges to dispense beer directly from conditioning tanks/vessels to the Class H area provided the taxes have been paid prior to dispensing.

(4) The net contents of individual containers shall be stated on the outside of any multicontainer package where the individual container label or bottle size is not visible to the consumer at the point of purchase.

(5) Gift packages. A beer importer or beer wholesaler may prepare and sell "gift packages" consisting of containers of beer differing in case quantities from the manufacturer's original case capacities provided the tax has been paid on the previously purchased beer in accordance with RCW 66.24.290 and provided written approval by the board has been obtained.

[Statutory Authority: RCW 66.08.030, 93-10-070, § 314-20-030, filed 5/3/93, effective 6/3/93; 89-06-013 (Order 278, Resolution No. 287), § 314-20-030, filed 2/23/89; 89-01-005 (Order 272, Resolution No. 281), § 314-20-030, filed 12/8/88. Statutory Authority: RCW 66.08.050, 86-22-050 (Order 201, Resolution No. 210), § 314-20-030, filed 11/4/86. Statutory Authority: RCW 66.08.030, 86-01-026 (Order 171, Resolution No. 180), § 314-20-030, filed 12/11/85. Statutory Authority: RCW 66.08.030 and 66.98.070, 83-24-061 (Order 135, Resolution No. 144), § 314-20-030, filed 12/7/83, effective 2/15/84; 78-02-031 (Order 64), § 314-20-030, Rule 39, filed 1/17/78; Order 49, § 314-20-030, filed 8/26/76, effective 9/26/76; Order 19, § 314-20-030, filed 8/10/72; Rule 39, filed 6/13/63.]

WAC 314-20-070 Claims for defective keg beer—Replacement of overaged packaged beer—Procedures.

(1) In the case of beer in barrels, beer which is not in salable condition due to defective beer or a defective container may be returned by the retailer to the beer wholesaler for a claim adjustment. The brewer or supplier may make a credit adjustment to the wholesaler for such claim;

(2) No claim adjustment shall be accepted unless the same shall be made by the retailer within ten days after the defect in the beer or container has been discovered;

(3) All documentary evidence relating to the claim shall be preserved by the retailer, beer wholesaler, brewer, or beer importer for two years after the date of the claim;

(4) No brewer, beer wholesaler, or beer importer shall allow, or shall any retailer make claim for adjustment for defective keg beer unless the container or the beer is in fact defective;

(5) In the case of package beer, other than beer in barrels, beer which is not in a salable condition or overaged may be returned by a retail licensee to the beer wholesaler from whom the beer was purchased, provided it is immediately replaced by the beer wholesaler with an identical quantity, type and brand of beer: *Provided further,* That if the brand of beer is not presently in the beer wholesaler's stock and is not available to the wholesaler in the immediate future, a cash refund may be made to the retail licensee;

(6) Beer different from that ordered which has been delivered in error to a retail licensee may be returned to a beer wholesaler and either replaced with that beer which was

ordered or a cash refund may be made: *Provided*, That the error in delivery shall be discovered and corrected within eight days of the date the delivery was made;

(7) Wholesalers who replace unsalable or overaged packaged beer as provided in subsection (5) of this section, shall maintain complete records of all such transactions, with such records to be readily available for inspection by authorized employees of the board;

(8) Salable or unsalable beer may be returned by a retail licensee or by a governmental agency who has seized the same to the beer wholesaler selling such beer in the event the retailer goes out of the business of selling beer at retail, and in such case a cash refund may be made upon return of the beer, provided that consent of the board is first had and obtained;

(9) Except as provided herein, no other adjustment, by way of cash refund or otherwise, shall be made by the beer wholesaler, brewer or beer importer.

[Statutory Authority: RCW 66.08.030. 93-10-092, § 314-20-070, filed 5/4/93, effective 6/4/93; 92-14-028, § 314-20-070, filed 6/22/92, effective 7/23/92. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-022 (Order 109, Resolution No. 118), § 314-20-070, filed 8/9/82; Order 49, § 314-20-070, filed 8/26/76, effective 9/26/76; Rule 46, filed 6/13/63.]

WAC 314-20-180 Partial beer tax exemption. (1) The additional beer taxes imposed under RCW 66.24.290 (4)(a) shall not apply to the sale of the first sixty thousand barrels of beer in Washington each fiscal year beginning July 1, 1993, for beer produced in the United States if the producing brewery meets the qualifications of 26 U.S.C. Sec. 5051 (a)(2).

(2) In order to qualify for the exemption provided for in sub-section (1), it shall be the responsibility of the licensed Washington brewer and/or the out-of-state beer certificate of approval holder to provide the board with a copy of a Bureau of Alcohol, Tobacco and Firearms (BATF) acknowledged copy of their filing "Notice of Brewer to Pay Reduced Rate of Tax" for the calendar year as required under 27 C.F.R. Sec. 25.167.

(3) The BATF acknowledged copy of the "Notice of Brewer to Pay Reduced Rate of Tax" must be on file with the board prior to June 1 in order to qualify for the tax exemption beginning on July 1 of each year. If proof of eligibility is not received prior to June 1, the tax exemption will not apply until the first day of the second month following the month notice is received.

[Statutory Authority: RCW 66.08.030. 93-15-023, § 314-20-180, filed 7/12/93, effective 8/12/93.]

Chapter 314-24 WAC

DOMESTIC WINERIES AND DOMESTIC WINE WHOLESALEERS

WAC

314-24-095	Fortified wine—Exception to definition when affidavit on file.
314-24-160	Domestic wineries—Retail sales of wine on winery premises—Wine served without charge on premises—Class H restaurant operation.

WAC 314-24-095 Fortified wine—Exception to definition when affidavit on file. (1) All wines which have an alcohol content greater than fourteen percent of alcohol by volume shall be considered to be "fortified wine" as defined in RCW 66.04.010(34) until an affidavit of exception, on a form prescribed by the board, has been filed with the board certifying that said wine qualifies under one or more of the statutory exclusions from that definition.

(2) The affidavit may be filed by either the manufacturer, importer or wholesaler of the wine, and whichever licensee files the affidavit is responsible for the information contained therein. Any affidavit which the board finds to contain false information shall result in suspension of label and product approval for the wine which is the subject of the affidavit for a period of not less than one year.

[Statutory Authority: RCW 66.08.030. 93-11-028, § 314-24-095, filed 5/10/93, effective 6/10/93. Statutory Authority: 1987 c 386. 87-15-016 (Order 224, Resolution No. 233), § 314-24-095, filed 7/7/87.]

WAC 314-24-160 Domestic wineries—Retail sales of wine on winery premises—Wine served without charge on premises—Class H restaurant operation. (1) A domestic winery holding a proper retail license, pursuant to chapter 66.24 RCW, may sell wine of its own production at retail on the winery premises: *Provided*, That wine so sold at retail shall be subject to the tax imposed by RCW 66.24.210, and to reporting and bonding requirements as prescribed by RCW 66.28.010 and WAC 314-24-110 (Rule 69).

(2) In selling wine of its own production at retail on its premises as provided in subsection (1) of this regulation, a domestic winery shall conduct such operation in conformity with the statutes and regulations which apply to holders of such wine retailers' licenses. The winery shall maintain records of its retail operation separate from other winery operation records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, wine of a domestic winery's own production and/or liquor products other than wine of a licensee's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the domestic winery.

(4) A domestic winery or a lessee of a licensed domestic winery operating a Class H restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such Class H licenses.

(5) A domestic winery may serve its own wine and wine not of its own production without charge on the winery premises as authorized by RCW 66.28.040. Such wine served without charge as provided herein is not subject to the tax imposed by RCW 66.24.210.

(6) No retail license or fee is required for the holder of a domestic winery license to serve wine without charge on the winery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such winery shall obtain approval of the proposed service area and facilities. Such winery shall maintain a separate record of all wine so served.

(7) A winery is required to obtain the appropriate retail license to sell beer, wine, or spirits on the winery premises that is not of its own production.

[Statutory Authority: RCW 66.08.030. 93-11-028, § 314-24-160, filed 5/10/93, effective 6/10/93; 86-12-023 (Order 190, Resolution No. 199), § 314-24-160, filed 5/28/86; Order 61, § 314-24-160, filed 12/6/77; Order 40, § 314-24-160, filed 8/21/75; Order 5, § 314-24-160, filed 8/7/69, effective 9/8/69; Rule 76, filed 6/13/63.]

Chapter 314-38 WAC

PERMITS

WAC

314-38-050 Class 4 permit—Purpose—Use.

WAC 314-38-050 Class 4 permit—Purpose—Use.

(1) The purpose of a Class 4 Permit as authorized by RCW 66.20.010(4) is to (a) allow for the consumption of liquor products in private businesses and (b) not to compete with liquor licensed establishments.

(2) All liquor served by holders of a Class 4 permit must be purchased at retail from the board or a retail liquor licensee.

(3) Liquor may not be sold by holders of a Class 4 permit, but may be provided at no charge for consumption on the premises of the permit holder.

(4) The holder of a Class 4 permit may serve liquor for no more than 24 hours during any weekly (168 hour) period.

(5) While the Class 4 permit holder may advertise their business services, no liquor service shall be advertised.

[Statutory Authority: RCW 66.08.030. 93-20-031, § 314-38-050, filed 9/27/93, effective 10/28/93.]

Chapter 314-40 WAC

CLUBS

WAC

314-40-030 Constitution—Bylaws—House rules.

WAC 314-40-030 Constitution—Bylaws—House rules. (1) No license shall be issued to any organization or club unless its constitution, bylaws, and house rules are submitted to the board as evidence that the applicant qualifies as a bona fide club under provisions of state liquor laws and regulations.

(2) The constitution, bylaws and/or house rules shall provide, among other things:

(a) That all classifications of members must be admitted only on written application and only after investigation and ballot. Such admissions must be duly recorded in the official minutes of a regular meeting;

(b) Standards of eligibility for members;

(c) Limitation on the number of members consistent with the nature of the organization or club;

(d) That not more than twelve honorary members be admitted in any one calendar year, and that nonresident and associate members be restricted to numbers consistent with the nature of the organization or club;

(e) Reasonable initiation fees and dues consistent with the nature and purpose of the organization or club;

(f) The period for which dues shall be paid and the date upon which this period shall expire;

(g) Reasonable regulations for the dropping of members for the nonpayment of dues;

(h) Strict regulations for the government of organization or club rooms and quarters generally consistent with its nature and character;

(i) That organization or club rooms and quarters must be under the supervision of a manager and house committee, which committee shall be appointed by the governing body of the organization or club;

(j) Provisions for visitors and for the issuance and use of guest and courtesy cards in accordance with WAC 314-40-040.

[Statutory Authority: RCW 66.08.030. 93-11-028, § 314-40-030, filed 5/10/93, effective 6/10/93; Order 19, § 314-40-030, filed 8/10/72; Rule 105, filed 6/13/63.]

Chapter 314-52 WAC

ADVERTISING

WAC

314-52-080 Novelty advertising.

WAC 314-52-080 Novelty advertising. (1) Novelty advertising items shall include, but shall not be limited to, trays, lighters, blotters, post cards, pencils, coasters, menu cards, meal checks, napkins, clocks, wearing apparel, mugs, glasses, knives, lamp shades, or similar items on which the logo, liquor brand name or name of a manufacturer of an alcoholic beverage has been imprinted.

(2) No liquor manufacturer, wholesaler, or importer, or employee thereof, shall provide without charge, directly or indirectly, any novelty advertising items to any retail licensee; nor shall any retail licensee, or employee thereof, accept without charge any liquor novelty advertising items directly or indirectly, from any manufacturer, wholesaler, or importer, or employee thereof.

(3) A manufacturer, wholesaler, or importer, or employee thereof, may sell, and a retail licensee may purchase, for use, resale, or distribution on the licensed premises any novelty advertising items. The price thereof shall be not less than the manufacturer's, importer's, or wholesaler's cost of acquisition. In no event shall credit be extended to any retail licensee. The purchase by retail licensees of such items shall be supported by invoices or signed vouchers which shall be preserved for two years on premises available for immediate inspection by board enforcement officers.

(4) A manufacturer, importer, or wholesaler who sells novelty advertising items to retail licensees shall keep on file the originals or copies of all sales slips, invoices, and other memoranda covering all purchases of novelty advertising items from the supplier or manufacturer of such items and shall also keep on file a copy of all invoices, sales slips, or memoranda reflecting the sales to licensees or other disbursement of all novelty advertising items. Such records shall be maintained in a manner satisfactory to the board and must be preserved in the office of the manufacturer, importer, or wholesaler for a period of at least two years after each purchase or sale. Any manufacturer which does not maintain a principal office within the state shall, when requested,

furnish the above required records at a designated location within the state for review by the board.

[Statutory Authority: RCW 66.08.030. 93-11-028, § 314-52-080, filed 5/10/93, effective 6/10/93. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-031 (Order 108, Resolution No. 117), § 314-52-080, filed 8/11/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 81-04-011 (Order 76, Resolution No. 85), § 314-52-080, filed 1/28/81; 80-09-078 (Order 73, Resolution No. 82), § 314-52-080, filed 7/18/80; 78-02-056 (Order 62), § 314-52-080, filed 1/20/78; Order 46, § 314-52-080, Rule 123, filed 6/9/76; Order 10, § 314-52-080, filed 10/27/70, effective 11/27/70; Rule 123, filed 6/13/63.]

Chapter 314-70 WAC

DISPOSITION OF LIQUOR STOCK FOLLOWING DISCONTINUANCE OF BUSINESS AND/OR LAWFUL SEIZURE OF LIQUOR BY A GOVERNMENTAL AGENCY

WAC

314-70-050 Destruction of liquor by liquor enforcement officers.

WAC 314-70-050 Destruction of liquor by liquor enforcement officers. (1) Pursuant to RCW 66.08.030, liquor enforcement officers are authorized to seize, confiscate, and destroy any liquor manufactured, sold, or offered for sale within the state that does not conform in all respects to the standards prescribed by Title 66 RCW and board regulations.

(2) Destruction shall be carried out under competent supervision and a record of the type, brand, and amount of liquor shall be maintained on a form prescribed by the board. Records made pursuant to this regulation shall be maintained for a period not less than one year.

(3) Liquor may be destroyed only after:

(a) The board's charges of a violation of Title 66 RCW or board regulations have been sustained after an administrative proceeding pursuant to chapter 314-04 or 314-08 WAC in which the liquor to be destroyed has been the subject of, or evidence in, that administrative proceeding; or

(b) The board's charges of a violation of Title 66 RCW or board regulations have been admitted or are not contested by the person from whom the liquor was seized and the liquor seized was the subject of the charged violation; or

(c) Liquor was seized pursuant to lawful arrest and that liquor was held as evidence in a criminal proceeding where a final disposition has been reached; or

(d) When no administrative or judicial proceedings are held, all parties who claim a right, title, or interest in the seized liquor have been given notice and opportunity for a hearing to determine his or her right, title, or interest in the subject liquor. Claims of right, title, or interest in seized liquor must be made to the board, in writing, within thirty days of the date of seizure.

[Statutory Authority: RCW 66.08.030. 93-11-028, § 314-70-050, filed 5/10/93, effective 6/10/93.]

Title 315 WAC LOTTERY COMMISSION

Chapters

315-02 General provisions and definitions.

315-06 General lottery rules.

315-11 Instant game rules—Specific rules.

315-11A Instant game rules—Games commencing at 100.

315-20 Procedural rules—Contested cases—Petitions for declaratory ruling and rule making.

315-33A Quinto rules.

315-33B Beat the state.

315-34 Lotto 6 of 49 rules.

Chapter 315-02 WAC

GENERAL PROVISIONS AND DEFINITIONS

WAC

315-02-230 Claim defined.

WAC 315-02-230 Claim defined. "Claim" means actual, physical receipt of a ticket, and claim form if necessary under these rules, by a location authorized to pay the prize sought. Placement of the ticket, and claim form, if necessary, in the United States mail or another mail service does not constitute receipt.

[Statutory Authority: RCW 67.70.040. 93-04-004, § 315-02-230, filed 1/21/93, effective 2/21/93.]

Chapter 315-06 WAC

GENERAL LOTTERY RULES

WAC

315-06-120 Payment of prizes—General provisions.

315-06-125 Debts owed the state.

315-06-130 Prizes payable after death or disability of individual winner.

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