

Title 314 WAC

LIQUOR CONTROL BOARD

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Purchase of liquor. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-15-020, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 93-23-015, § 314-15-020, filed 11/5/93, effective 12/6/93.] Repealed by 00-07-117, filed 3/21/00, effective 4/21/00. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120.

Sale of liquor—Motel. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-15-030, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 93-23-015, § 314-15-030, filed 11/5/93, effective 12/6/93.] Repealed by 00-07-117, filed 3/21/00, effective 4/21/00. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120.

Security and storage of liquor—Definition of honor bar—Motel. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-15-040, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 93-23-015, § 314-15-040, filed 11/5/93, effective 12/6/93.] Repealed by 00-07-117, filed 3/21/00, effective 4/21/00. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120.

Records—Motel. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-15-050, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 93-23-015, § 314-15-050, filed 11/5/93, effective 12/6/93.] Repealed by 00-07-117, filed 3/21/00, effective 4/21/00. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120.

Chapter 314-22 LICENSE DESIGNATIONS

Nonretail licensees—License designations. [Statutory Authority: RCW 66.08.030, 88-07-090 (Order 243, Resolution No. 252), § 314-22-010, filed 3/22/88.] Repealed by 98-18-097, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170,

DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 314-15 CLASS M LICENSE

314-15-010

Motel—Definition—General provisions—Fee. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-15-010, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 93-23-015, § 314-15-010, filed 11/5/93,

66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150.

**Chapter 314-26
UNALABLE BEER AND WINE**

314-26-010 Procedures for tax refunds. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-26-010, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 91-19-070, § 314-26-010, filed 9/16/91, effective 10/17/91; 88-13-118 (Order 253, Resolution No. 262), § 314-26-010, filed 6/22/88; Order 40, § 314-26-010, (Rule 83.5), filed 8/21/75.] Repealed by 00-17-065, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.

**Chapter 314-56
SCIENTIFIC STUDIES AND RESEARCH**

314-56-010 Scientific studies and research. [Rule 127, filed 6/13/63.] Repealed by 00-12-012, filed 5/25/00, effective 6/25/00. Statutory Authority: RCW 66.08.030.

314-56-020 Report of findings. [Rule 128, filed 6/13/63.] Repealed by 00-12-012, filed 5/25/00, effective 6/25/00. Statutory Authority: RCW 66.08.030.

**Chapter 314-78
OFFICIAL SEAL OF THE BOARD**

314-78-010 Official seal of the board. [Statutory Authority: RCW 66.08.030 and 66.98.070. 81-19-116 (Order 81, Resolution No. 90), § 314-78-010, filed 9/23/81.] Repealed by 00-12-012, filed 5/25/00, effective 6/25/00. Statutory Authority: RCW 66.08.030.

**Chapter 314-02 WAC
REQUIREMENTS FOR RETAIL LIQUOR
LICENSEES**

WAC

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WAC 314-02-005 What is the purpose of chapter 314-02 WAC? Chapter 314-02 WAC outlines the qualifications for the following liquor licenses and permits:

- (1) Spirits, beer, and wine restaurants;
- (2) Beer and/or wine restaurants;
- (3) Snack bars;
- (4) Taverns;
- (5) Motels;
- (6) Bed and breakfasts;
- (7) Nonprofit arts organizations;
- (8) Public houses;
- (9) Grocery stores;
- (10) Beer/wine specialty shops; and
- (11) Beer/wine gift delivery business.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120, 00-07-091, § 314-02-005, filed 3/15/00, effective 4/15/00.]

WAC 314-02-010 Definitions. The following definitions are to clarify the purpose and intent of the rules and laws governing liquor licenses and permits. Additional definitions can be found in RCW 66.04.010.

(1) "Banquet room" means any room used primarily for the sale and service of food and liquor to private groups.

(2) "Customer service area" means areas where food and/or liquor are normally sold and served to the public, i.e., lounges and dining areas. A banquet room is not considered a customer service area.

(3) "Dedicated dining area." In order for an area to qualify as a dedicated dining area, it must be a distinct portion of a restaurant that is used primarily for the sale, service, and consumption of food, and have accommodations for eating, e.g., tables, chairs, booths, etc.

(4) "Liquor" means beer, wine, or spirits (per RCW 66.04.010(19) - Definitions).

(5) "Lounge" means the portion of a restaurant used primarily for the preparation, sale, and service of beer, wine, or spirits. Persons under twenty-one years of age are not allowed in a lounge (see RCW 66.44.316 for information on employees and professional musicians under twenty-one years of age).

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120, 00-07-091, § 314-02-010, filed 3/15/00, effective 4/15/00.]

WAC 314-02-015 What is a spirits, beer, and wine restaurant license? (1) Per RCW 66.24.400, this license allows a restaurant to:

(a) Serve spirits by the individual serving for on-premises consumption;

(b) Serve beer by the bottle or can or by tap for on-premises consumption; and

(c) Serve wine for on-premises consumption (see RCW 66.24.400 regarding patrons removing recorked wine from the premises).

(2) Per RCW 66.24.400, this license prohibits licensees from selling alcohol for off-premises consumption.

(3) All applicants for a spirits, beer, and wine license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant. The term "bona fide restaurant" is defined in RCW 66.24.410(2).

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-015, filed 3/15/00, effective 4/15/00.]

WAC 314-02-020 What are the fee categories for a spirits, beer, and wine restaurant license? (1) Per RCW 66.24.420, the annual fee for a spirits, beer, and wine restaurant license is graduated, as follows:

Amount of customer service area dedicated to dining	Annual fee
100%	\$1,000
50 - 99%	\$1,600
Less than 50%	\$2,000

(2) In order for an area to qualify as a dedicated dining area it must be a separate and distinct portion of a restaurant that is used primarily for the sale, service, and consumption of food, and have accommodations for eating, e.g., tables, chairs, booths, etc.

(3) The fee for a spirits, beer, and wine restaurant license outside of an incorporated city or town will be prorated according to the calendar quarters the licensee is open for business. This proration does not apply in the case of a suspension or revocation of the license.

(4) A duplicate license is required in order to sell liquor from more than one site on your property. These sites must be located on the same property and owned by the same licensee. The following types of businesses may apply for a duplicate license:

Type of Business	Annual fee per duplicate license
Airport terminal	25% of annual license fee
Civic center (such as a convention center)	\$10
Privately owned facility open to the public	\$20

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-020, filed 3/15/00, effective 4/15/00.]

WAC 314-02-025 What are the floor space requirements to obtain and maintain a spirits, beer, and wine restaurant license? (1) **Barriers** - Licensees must place identifiable barriers around areas that are restricted from persons under twenty-one years of age. "Minor prohibited" signs, as required by WAC 314-16-025, must be posted at each entrance to such areas.

(2) **Floor plans** - When applying for a license, the applicant must provide to the board's licensing and regulation division two copies of a detailed drawing of the entire premises. The drawing must:

- (a) Be drawn one foot to one-quarter-inch scale;
- (b) Have all rooms labeled according to their use; e.g., dining room, lounge, game room, kitchen, etc.; and
- (c) Have all barriers labeled in a descriptive way; e.g., "full wall," "half wall," etc.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-025, filed 3/15/00, effective 4/15/00.]

WAC 314-02-030 Can a spirits, beer, and wine restaurant exclude persons under twenty-one years of age from the premises? A spirits, beer, and wine restaurant licensee may exclude persons under twenty-one years of age from the entire premises at all times or at certain times as approved by the board.

(1) To exclude persons under twenty-one years of age from the entire licensed premises, the applicant or licensee must:

- (a) indicate during the liquor license application process that he/she does not wish to have persons under twenty-one years of age on the entire premises at any time; or
- (b) if already licensed as a spirits, beer, and wine restaurant that allows person under twenty-one years of age, the applicant may request permission from the board's licensing and regulation division to exclude persons under twenty-one years of age, per WAC 314-02-130.

(c) Spirits, beer, and wine restaurant licensees who exclude persons twenty-one years of age from the entire premises at all times must:

- (i) place the required barriers around dedicated dining areas (see WAC 314-02-025(1)); and
- (ii) meet all other requirements of this license, including the food service requirements outlined in WAC 314-02-035.

(2) Restaurants that have less than fifteen percent of their total customer service area dedicated to dining must exclude persons under twenty-one years of age from the entire premises. The licensee must:

- (a) Pay the two thousand dollars annual license fee; and
- (b) Meet all other requirements of this license, including the food service requirements outlined in WAC 314-02-035.

(3) To exclude persons under twenty-one years of age from the entire licensed premises during a portion of the day or week or on a one-time-only basis, the applicant or licensee must:

- (a) request permission from the board, see WAC 314-02-130(1); and
- (b) meet all other requirements of the license, including the food service requirements outlined in WAC 314-02-035.

(4) See WAC 314-16-025 regarding requirements for "minors prohibited" signage.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-030, filed 3/15/00, effective 4/15/00.]

WAC 314-02-035 What are the food requirements for a spirits, beer, and wine restaurant license? (1) The restaurant must maintain the kitchen equipment necessary to prepare the complete meals required by RCW 66.24.410(2) and WAC 314-16-190.

(2) The complete meals must be prepared on the restaurant premises.

(3) A chef or cook must be on duty while complete meals are offered.

(4) A menu must be available to customers that lists, at a minimum, the required complete meals.

(5) The food items required to maintain the menu must be on the restaurant premises. These items must be edible.

(6) Restaurants that have one hundred percent dedicated dining area must maintain complete meal service any time liquor is available for sale, service, or consumption.

(7) Restaurants with less than one hundred percent dedicated dining area (restaurants in the one thousand six hundred dollar or two thousand dollar fee category) must maintain complete meal service for a minimum of five hours a day on any day liquor is served.

(a) Minimum food service, such as sandwiches, hamburgers, or fry orders, must be available outside of these hours.

(b) Snacks such as peanuts, popcorn, and chips do not qualify as minimum food service.

(8) The hours of complete meal service must be conspicuously posted on the premises or listed on the menu. If applicable, a statement that minimum food service is available outside of those hours must also be posted or listed on the menu.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-035, filed 3/15/00, effective 4/15/00.]

WAC 314-02-040 Can a hotel with a spirits, beer, and wine restaurant license sell liquor by the bottle to guests? (1) RCW 66.24.400 allows a spirits, beer, and wine restaurant in a hotel or club with overnight sleeping accommodations to sell liquor by the bottle to registered guests. The hotel or club must be licensed as a "transient accommodation" under chapter 70.62 RCW.

(a) The licensee must verify that the person purchasing the liquor is a registered guest who is at least twenty-one years of age.

(b) The bottle of liquor may be consumed only in a guest, hospitality, or banquet room.

(c) Guests may remove any unused portion of the bottle of liquor from the premises.

(2) A spirits, beer, and wine restaurant in a hotel or club with overnight sleeping accommodations may sell liquor from honor bars, under the definitions and guidelines in WAC 314-02-080.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-040, filed 3/15/00, effective 4/15/00.]

WAC 314-02-045 What is a beer and/or wine restaurant license? (1) Per RCW 66.24.320 and 66.24.354, this license allows a restaurant to:

Privilege	Annual fee
(a) Serve beer by the bottle or can or by tap for on-premises consumption.	\$200
(b) Serve wine for on-premises consumption (see RCW 66.24.320 regarding patrons removing recorked wine from the premises).	\$200

(c) Sell beer and/or wine in the original, unopened containers for off-premises consumption.	\$120
(d) Sell tap beer for off-premises consumption in a sanitary container holding less than four gallons of beer, and brought to the premises by the purchaser.	In conjunction with off-premises privilege outlined in subsection (c).
(e) Sell beer in kegs or other containers holding at least four gallons of beer (see WAC 314-02-115 regarding the requirements for registering kegs).	In conjunction with off-premises privilege outlined in subsection (c).

(2) All applicants for a beer and/or wine restaurant license must establish, to the satisfaction of the board, that the premises will operate as a bona fide restaurant, as defined in RCW 66.04.010(29).

(3) If a beer and/or wine restaurant's dedicated dining area comprises less than fifteen percent of the total customer service area, the premises must maintain a tavern license (see WAC 314-02-070 regarding the tavern license).

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-045, filed 3/15/00, effective 4/15/00.]

WAC 314-02-050 What are the floor space requirements to obtain and maintain a beer and/or wine restaurant license? (1) **Barriers** - Licensees must place barriers around areas that are restricted from persons under twenty-one years of age. These barriers must be at least 42" in height. "Minor prohibited" signs, as required by WAC 314-16-025, must be posted at each entrance to such areas.

(2) **Floor Plans** - The applicant must provide two copies of a detailed drawing of the entire premises to be licensed, to the board's licensing and regulation division. The drawing must:

(a) Have all rooms labeled according to their use; e.g., dining room, lounge, game room, kitchen, etc.; and

(b) Have all barriers labeled in a descriptive way; e.g., "full wall," "half wall," etc.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-050, filed 3/15/00, effective 4/15/00.]

WAC 314-02-055 Can a beer and/or wine restaurant exclude persons under twenty-one years of age from the dining area? (1) To exclude persons under twenty-one years of age from the dining area during a portion of the day or week or on a one-time-only basis, the applicant or licensee must request permission from the board (see WAC 314-02-130(1)).

(2) See WAC 314-16-025 regarding requirements for "minors prohibited" signage.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-055, filed 3/15/00, effective 4/15/00.]

WAC 314-02-060 What is a caterer's endorsement? (1) A spirits, beer, and wine restaurant and a beer and/or wine restaurant applicant or licensee may apply for a caterer's endorsement, in order to extend the on-premises license privilege to allow the sale and service of liquor at

approved locations other than the licensed premises. See RCW 66.24.420(6) and RCW 66.24.320(2) for more information about this endorsement.

(2) The annual fee for this endorsement is three hundred fifty dollars.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-060, filed 3/15/00, effective 4/15/00.]

WAC 314-02-065 What is a snack bar license? (1) Per RCW 66.24.350, a snack bar license allows a licensee to serve beer by the opened bottle or can for on-premises consumption only.

(2) Snack bar licensees must have food available whenever beer is sold or served.

(3) The annual fee for this license is one hundred twenty-five dollars.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-065, filed 3/15/00, effective 4/15/00.]

WAC 314-02-070 What is a tavern license? (1) Per RCW 66.24.330 and 66.24.354, this license allows a tavern to:

Privilege	Annual fee
(a) Serve beer by the bottle or can or by tap for on-premises consumption.	\$200
(b) Serve wine for on-premises consumption.	\$200
(c) Sell beer and/or wine in the original, unopened containers for off-premises consumption.	\$120
(d) Sell tap beer for off-premises consumption in a sanitary container holding less than four gallons of beer, and brought to the premises by the purchaser.	In conjunction with off-premises privilege outlined in subsection (c).
(e) Sell beer in kegs or other containers holding at least four gallons of beer (see WAC 314-02-110 regarding the requirements for registering kegs).	In conjunction with off-premises privilege outlined in subsection (c).

(2) A tavern licensee may not allow persons under twenty-one years of age on the premises at any time (see RCW 66.44.316 for information regarding employees and professional musicians under twenty-one years of age).

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-070, filed 3/15/00, effective 4/15/00.]

WAC 314-02-075 What is a motel license? (1) Per RCW 66.24.540, a motel license allows a motel to:

(a) Sell liquor in locked honor bars in no more than one-half of its guest rooms, provided that:

(i) Rooms are rented to guests, at a minimum, on a daily rental basis; and

(ii) Each honor bar also contains snack food; and

(b) Provide beer and wine by the individual serving to overnight guests of the motel, without additional charge, for on-premises consumption at a specified regular date, time,

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and place (such as a hospitality room). Patrons may not self-serve during these functions.

(2) The motel must be licensed as a "transient accommodation" per chapter 70.62 RCW.

(3) The annual fee for this license is five hundred dollars.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-075, filed 3/15/00, effective 4/15/00.]

WAC 314-02-080 What are the requirements for a motel licensee or a hotel with a spirits, beer, and wine restaurant license to sell liquor in honor bars? For the purposes of this chapter, an "honor bar" is a cabinet, box, cooler, or refrigerator in a guest room that can be opened only with a key, combination, magnetic card, or similar device. The following requirements apply to the use of an honor bar:

(1) The licensee must require proof of age before providing a guest access to an honor bar. The guest must sign a declaration, under penalty of perjury, verifying that:

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

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

(2) The honor bars must remain locked whenever the room is rented to a guest under twenty-one years of age.

(3) All liquor stored on the licensed premises must be either locked in an honor bar or locked in a secured liquor storage room.

(4) No person under twenty-one years of age may have access to the honor bars, liquor storage rooms, or keys, combinations, etc., to the locked honor bars or storage rooms.

(5) A honor bar or storage room may only be replenished during those hours when liquor may legally be sold (not between 2:00 a.m. and 6:00 a.m.), and only by employees who are twenty-one years of age or older. Beer and wine wholesalers may deliver, price, and stock product only in storage rooms.

(6) Liquor in honor bars may only be sold in individual containers in the following sizes:

(a) Spirits - not to exceed fifty milliliters;

(b) Beer - not to exceed twelve ounces; and

(c) Wine - not to exceed one hundred eighty-seven milliliters.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-080, filed 3/15/00, effective 4/15/00.]

WAC 314-02-085 What is a bed and breakfast permit? (1) Per RCW 66.20.010(11), this permit allows a bed and breakfast lodging facility to serve beer or wine without charge to overnight guests, for consumption on the premises.

(2) RCW 66.20.010(11) defines a "bed and breakfast" as a hotel or similar facility offering from one to eight lodging units and breakfast to travelers or guests.

(3) The annual fee for this permit is seventy-five dollars.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-085, filed 3/15/00, effective 4/15/00.]

WAC 314-02-090 What is a nonprofit arts organization license? (1) Per RCW 66.24.495, this license allows a bona fide nonprofit organization to sell beer, wine, and spir-

its by the individual serving in conjunction with artistic or cultural exhibitions or performances.

(2) The nonprofit organization must be organized and operated for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs for viewing by the general public. See RCW 66.24.495(2) for specific organizational requirements.

(3) The annual fee for this license is two hundred fifty dollars.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-090, filed 3/15/00, effective 4/15/00.]

WAC 314-02-095 What is a public house license? (1) Per RCW 66.24.580, a public house licensee is allowed to:

(a) Manufacture between two hundred fifty gallons and two thousand four hundred barrels of beer on the premises per year;

(b) Serve beer by the bottle or can or by tap for on-premises consumption; and

(c) Serve wine for on-premises consumption (see RCW 66.24.320 regarding patrons removing recorked wine from the premises).

(2) The annual fee for this license is one thousand dollars.

(3) If a public house licensee wishes to allow persons under twenty-one years of age on the premises, the licensee must meet the requirements of a beer and/or wine restaurant license, per WAC 314-02-045 and 314-02-050.

(4) Public house licensees may apply for a spirits, beer, and wine restaurant license, in order to sell spirits by the individual serving for on-premises consumption (see WAC 314-02-015).

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-095, filed 3/15/00, effective 4/15/00.]

WAC 314-02-100 What is a grocery store license? (1) Per RCW 66.24.360, a grocery store license allows a licensee to sell beer and/or wine for off-premises consumption.

(2) The annual fee for this license is one hundred fifty dollars.

(3) In order to obtain and maintain a grocery store license, the premises must be stocked with an inventory of at least three thousand dollars wholesale value of food for human consumption, not including soft drinks, beer, or wine. This minimum inventory must be:

(a) stocked within the confines of the licensed premises; and

(b) maintained at the premises at all times the business is licensed, with the exception of:

(i) The beginning and closing inventory for seasonal operations; or

(ii) When the inventory is being sold out immediately prior to discontinuing or selling the business.

(4) A grocery store licensee may sell beer in kegs or other containers holding at least four gallons and less than five and one-half gallons of beer. See WAC 314-02-115 regarding keg registration requirements.

(5) A grocery store applicant or licensee may apply for an international exporter endorsement for five hundred dol-

lars a year, which allows the sale of beer and wine for export to locations outside the United States.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-100, filed 3/15/00, effective 4/15/00.]

WAC 314-02-105 What is a beer and/or wine specialty store license? (1) Per RCW 66.24.371, a beer and/or wine specialty store license allows a licensee to sell beer and/or wine for off-premises consumption.

(2) The annual fee for this license is one hundred dollars.

(3) To obtain and maintain a beer and/or wine specialty store license, the premises must be stocked with an inventory of beer and/or wine in excess of three thousand dollars wholesale value. This inventory must be:

(a) Stocked within the confines of the licensed premises; and

(b) Maintained on the premises at all times the premises is licensed, with the exception of beginning and closing inventory for seasonal operations or when the inventory is being sold out immediately prior to discontinuing or selling the business.

(4) A beer and/or wine specialty store licensee may allow customers to sample beer and wine for the purpose of sales promotion, if the primary business is the sale of beer and/or wine at retail. A licensee's gross retail sales of beer and/or wine must exceed fifty percent of all gross sales for the entire business. Sampling may be conducted under the following conditions:

(a) Each sample must be two ounces or less;

(b) No more than four samples may be provided to a customer during any one visit to the premises; and

(c) No more than one sample of any single brand and type of beer or wine may be provided to a customer during any one visit to the premises.

(5) A beer and/or wine specialty store licensee may sell beer in kegs or other containers holding at least four gallons and less than five and one-half gallons of beer. See WAC 314-02-115 regarding keg registration requirements.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-105, filed 3/15/00, effective 4/15/00.]

WAC 314-02-110 What is a beer and/or wine gift delivery license? (1) Per RCW 66.24.550, a beer and/or wine gift delivery license allows a business that is primarily engaged in the retail sale of gifts or flowers to deliver beer and/or wine in bottles or original packages. The beer or wine must be delivered in conjunction with the gifts or flowers.

(2) The annual fee for this license is seventy-five dollars.

(3) An applicant must meet the following requirements to obtain and maintain a beer and/or wine gift delivery license:

(a) The business must be primarily engaged in the retail sale of gifts or flowers. In order to determine that the business meets this qualification, the board may inspect an applicant's or licensee's inventory, sales figures, and business records.

(b) A beer and/or wine gift delivery licensee may not hold any other class of liquor license.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-110, filed 3/15/00, effective 4/15/00.]

WAC 314-02-115 What are the requirements for licensees that sell keg beer? Per RCW 66.28.200 and 66.28.210, any licensee who sells beer for off-premises consumption in kegs or other containers holding four or more gallons of beer must:

(1) Require the purchaser to provide at least one piece of identification (see RCW 66.16.040 for acceptable forms of identification); and

(2) The licensee or employee and purchaser must fill out a keg registration form, provided by the board, which contains:

(a) The name and address of the purchaser;

(b) The type and number of the identification presented by the purchaser;

(c) The address where the beer will be consumed and the date on which it will be consumed; and

(d) A sworn statement, signed by the purchaser under penalty of perjury, that the purchaser:

(i) Is at least twenty-one years of age;

(ii) Will not allow persons under twenty-one years of age to consume the beer purchased;

(iii) Will not remove or obliterate the keg registration form affixed to the keg or allow it to be removed or obliterated; and

(iv) The address listed in (c) of this subsection is the true and correct address at which the beer will be consumed or physically located.

(3) It is the licensee's or employee's responsibility to distribute the properly completed keg registration form as follows:

(a) One copy to the purchaser;

(b) One copy affixed to the keg or container holding four gallons or more of beer, prior to it leaving the licensed premises; and

(c) One copy must be retained on the licensed premises for one year, available for inspection and copying by any law enforcement officer.

(4) Possession of a keg or other container which holds four gallons or more of beer without a properly completed keg registration form affixed to it, other than on the licensee's premises, will be a violation of this title.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-115, filed 3/15/00, effective 4/15/00.]

WAC 314-02-120 How do licensees get keg registration forms? (1) The board will provide keg registration forms free-of-charge to licensees who hold a beer restaurant or tavern license in combination with an off-premises beer and/or wine endorsement.

(2) Licensees who hold only an off-premises beer and/or wine license must purchase the keg registration forms from their local board enforcement office for four dollars per book of twenty-five forms.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-120, filed 3/15/00, effective 4/15/00.]

WAC 314-02-125 What types of activities on a licensed premises require notice to the board? Liquor licensees must notify their local enforcement office in writing

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at least forty-eight hours before conducting the following activities:

(1) Male/female dance reviews, subject to the provisions of WAC 314-16-125;

(2) Live boxing or wrestling;

(3) Contests or games where patrons are part of the entertainment; and

(4) Hours of operation in between 2:00 a.m. and 6:00 a.m. for licensees that sell liquor for on-premises consumption.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-07-091, § 314-02-125, filed 3/15/00, effective 4/15/00.]

WAC 314-02-130 What types of changes to a licensed premises require board approval? The following changes to a licensed premises require prior board approval, by submitting a form provided by the board's licensing and regulation division:

Type of alteration	Approval process and timeline
<p>(1)</p> <ul style="list-style-type: none"> • excluding persons under twenty-one years of age from a spirits, beer, and wine restaurant; • excluding persons under twenty-one years of age from the dining area of a beer and/or wine restaurant; • reclassifying a lounge as open to persons under twenty-one years of age; • extending the location of alcohol service, such as a beer garden or patio/deck service (areas must be enclosed with a barrier a minimum of forty-two inches in height); • storing liquor off of the licensed premises; • initiating room service in a hotel or motel when the restaurant is not connected to the hotel or motel; • installing a pass-through window for walk-up customers; and • using a licensed premises as an access to another business. 	<p>(a) The board's licensing and regulation division will respond to the request for alteration within five business days.</p> <p>(b) The licensee may begin liquor service in conjunction with the alteration as soon as approval is received.</p> <p>(c) Board approval will be based on the alteration meeting the requirements outlined in this title.</p>
<p>(2)</p> <ul style="list-style-type: none"> • any alteration that affects the size of a premises' customer service area. 	<p>(a) The board's licensing and regulation division will respond to the licensee's request for alteration within five business days.</p>

	<p>(b) The licensee must contact their local liquor control agent when the alteration is completed.</p> <p>(c) The licensee may begin liquor service in conjunction with the alteration after the completed alteration is inspected by the liquor control agent.</p> <p>(d) Board approval will be based on the alteration meeting the requirements outlined in this title.</p>
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[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120, 00-07-091, § 314-02-130, filed 3/15/00, effective 4/15/00.]

**Chapter 314-04 WAC
HEARINGS**

WAC

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

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

- 314-04-010 Method. [Resolution No. 1, filed 6/13/63; Rule 114, filed 6/13/63.] Repealed by 99-15-023, filed 7/12/99, effective 8/12/99. Statutory Authority: RCW 66.08.030, 66.44.010 and 66.24.010(3).

WAC 314-04-005 What are the procedures for a licensee to be notified of an alleged violation of a board statute or regulation? (1) When an enforcement agent believes that a licensee has violated a board statute or regulation, the agent will prepare an administrative violation notice (AVN), which will include a brief narrative description of the violation(s) the agent is charging and the dates of the violation(s).

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

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

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

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

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

(7) Once the board members have approved the AVN, the board's hearing coordinator will send a notice of initial board action to the licensee. This notice of initial board action will notify the licensee of the charged violation(s) and the recommended penalty as outlined in WAC 314-12-170

and 314-12-300 through WAC 314-12-340, and will offer the licensee the options outlined in WAC 314-04-007.

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

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

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

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

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

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

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

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

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

- (a) Accept the recommended penalty; or
- (b) Request a settlement conference; or
- (c) Request an administrative hearing in writing.

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

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

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

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

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

(ii) If the board does not approve the compromise, the board will notify the licensee of the decision. The licensee will be given the option of agreeing to any changes the board has made in the agreement, or of requesting an administrative hearing on the charges in writing within ten days of receipt of the notice of board action.

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

- (i) Request an administrative hearing in writing within ten days of the date of the settlement conference; or
- (ii) Agree to accept the originally recommended penalty.

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

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

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

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

(4) What will happen during the administrative hearing?

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

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

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

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

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

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

(5) What will happen after the administrative hearing?

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

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

- (i) Specify the portions of the initial order to which exception is taken;
- (ii) Refer to the evidence of record which is relied upon to support the petition; and

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

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

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

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

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

Chapter 314-08 WAC

PRACTICE AND PROCEDURE

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-08-075	Waiver of hearing. [Resolution No. 2, Rule 08.075, filed 6/13/63.] Repealed by Order 35, filed 7/2/75.
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WAC 314-08-001 Promulgation for rules. The Washington state liquor control board by virtue of the authority vested in it under chapter 66.08 RCW, after due notice and public hearing, held in Olympia, Washington, on June 6, 1963, as provided by chapter 42.32 RCW, does hereby promulgate the following resolution relating to practice and procedure before the Washington state liquor control board, being Title XIV of the regulations of the board.

[Promulgation, filed 6/13/63.]

WAC 314-08-010 Appearance and practice before the board—Who may appear. No person may appear in a representative capacity before the Washington state liquor control board, hereinafter referred to in WAC 314-08-010 through 314-08-590, as the board, or its designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) A bona fide officer, authorized manager, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

[Resolution No. 2, Rule 08.010, filed 6/13/63.]

WAC 314-08-020 Appearance in certain proceedings may be limited to attorneys. In all hearings involving the taking of testimony and the formulation of a record subject to review by the courts, where the board or its designated hearing officer determines that representative activity in such hearing requires a high degree of legal training, experience, and skill, the board or its designated hearing officer may limit

those who may appear in a representative capacity to attorneys at law.

[Resolution No. 2, Rule 08.020, filed 6/13/63.]

WAC 314-08-030 Solicitation of business unethical. It shall be unethical for persons acting in a representative capacity before the board to solicit business by circulars, advertisements or by personal communication or interviews not warranted by personal relations, provided that such representatives may publish or circulate business cards. It is equally unethical to procure business indirectly by solicitors of any kind.

[Resolution No. 2, Rule 08.030, filed 6/13/63.]

WAC 314-08-040 Standards of ethical conduct. All persons appearing in proceedings before the board in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to such standards, the board may decline to permit such person to appear in a representative capacity in any proceeding before the board.

[Resolution No. 2, Rule 08.040, filed 6/13/63.]

WAC 314-08-050 Appearance by former employee of board or former member of attorney general's staff. No former employee of the board or member of the attorney general's staff may at any time after severing his employment with the board or the attorney general appear, except with the written permission of the board, in a representative capacity on behalf of other parties in a formal proceeding wherein he previously took an active part as a representative of the board.

[Resolution No. 2, Rule 08.050, filed 6/13/63.]

WAC 314-08-070 Computation of time. In computing any period of time prescribed or allowed by the board rules, by order of the board or by any applicable statute, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. This section shall not apply to periods of license suspension.

[Resolution No. 2, Rule 08.070, filed 6/13/63.]

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

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

WAC 314-08-090 Service of process—By whom served. The board shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.

[Resolution No. 2, Rule 08.090, filed 6/13/63.]

WAC 314-08-100 Service of process—Upon whom served. All papers served by either the board or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

[Resolution No. 2, Rule 08.100, filed 6/13/63.]

WAC 314-08-110 Service of process—Service upon parties. The final order and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record.

[Resolution No. 2, Rule 08.110, filed 6/13/63.]

WAC 314-08-120 Service of process—Method of service. Service of papers shall be made personally or, unless otherwise provided by law, by first class, registered, or certified mail; or by telegraph.

[Resolution No. 2, Rule 08.120, filed 6/13/63.]

WAC 314-08-130 Service of process—When service complete. Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

[Resolution No. 2, Rule 08.130, filed 6/13/63.]

WAC 314-08-140 Service of process—Filing with agency. Papers required to be filed with the board shall be deemed filed upon actual receipt by the board at the place specified in its rules accompanied by proof of service upon parties required to be served.

[Resolution No. 2, Rule 08.140, filed 6/13/63.]

WAC 314-08-150 Subpoenas—Form. Every subpoena shall state the name of the board and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under his control at a specified time and place.

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[Resolution No. 2, Rule 08.150, filed 6/13/63.]

WAC 314-08-160 Subpoenas—Issuance to parties.

(1) Upon application of counsel or other representative appearing before the board pursuant to WAC 314-08-010(3) for any party to a contested case, there shall be issued to such party subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding: Provided, however, That such subpoenas may be issued with like effect by the attorney of record of the party to the contested case in whose behalf the witness is required to appear, and the form of such subpoena in each case may be the same as when issued by the board except that it shall only be subscribed by the signature of such attorney.

(2) The board may issue subpoenas to licensees in contested case proceedings who are not represented by counsel or other representative upon request and or upon a showing of general relevance and reasonable scope of the testimony or evidence sought.

[Statutory Authority: RCW 66.08.030 and 66.98.070. 81-19-116 (Order 81, Resolution No. 90), § 314-08-160, filed 9/23/81; Resolution No. 2, Rule 08.160, filed 6/13/63.]

WAC 314-08-170 Subpoenas—Service. Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person.

[Resolution No. 2, Rule 08.170, filed 6/13/63.]

WAC 314-08-180 Subpoenas—Fees. As provided by RCW 66.24.010(3), witnesses shall be allowed fees and mileage each way to and from any such inquiry, investigation, hearing, or proceeding at the rate authorized by RCW 34.04.105, as now or hereafter amended. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

[Statutory Authority: RCW 66.08.030 and 66.98.070. 81-19-116 (Order 81, Resolution No. 90), § 314-08-180, filed 9/23/81; Resolution No. 2, Rule 08.180, filed 6/13/63.]

WAC 314-08-190 Subpoenas—Proof of service. The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the board or the officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the board, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

[Resolution No. 2, Rule 08.190, filed 6/13/63.]

WAC 314-08-200 Subpoenas—Quashing. Upon motion made promptly and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the board or its authorized member or officer may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any mat-

ter in issue, or (2) condition denial of the motion upon just and reasonable conditions.

[Resolution No. 2, Rule 08.200, filed 6/13/63.]

WAC 314-08-210 Subpoenas—Enforcement. Upon application and for good cause shown, the board will seek judicial enforcement of subpoenas issued to parties and which have not been quashed.

[Resolution No. 2, Rule 08.210, filed 6/13/63.]

WAC 314-08-220 Subpoenas—Geographical scope. Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

[Resolution No. 2, Rule 08.220, filed 6/13/63.]

WAC 314-08-230 Depositions and interrogatories in contested cases—Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this rule and the rule on subpoenas.

[Resolution No. 2, Rule 08.230, filed 6/13/63.]

WAC 314-08-240 Depositions and interrogatories in contested cases—Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

[Resolution No. 2, Rule 08.240, filed 6/13/63.]

WAC 314-08-250 Depositions and interrogatories in contested cases—Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the board or agreed upon by the parties by stipulation in writing filed with the board. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceeding.

[Resolution No. 2, Rule 08.250, filed 6/13/63.]

WAC 314-08-260 Depositions and interrogatories in contested cases—Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the board and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particu-

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lar class or group to which he belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions.

[Resolution No. 2, Rule 08.260, filed 6/13/63.]

WAC 314-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents.

After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the board or its designated hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the board, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the board, or the board may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the board or its designated hearing officer may order the officer conducting the examination to cease forthwith from taking the deposition or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

[Resolution No. 2, Rule 08.270, filed 6/13/63.]

WAC 314-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination.

Examination and cross examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim.

[Resolution No. 2, Rule 08.280, filed 6/13/63.]

WAC 314-08-290 Depositions and interrogatories in contested cases—Recordation. The officer before whom

the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

[Resolution No. 2, Rule 08.290, filed 6/13/63.]

WAC 314-08-300 Depositions and interrogatories in contested cases—Signing attestation and return. (1) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless a motion to suppress the board holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope indorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the board, or its designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

[Resolution No. 2, Rule 08.300, filed 6/13/63.]

WAC 314-08-310 Depositions and interrogatories in contested cases—Use and effect. Subject to rulings by the hearing officer upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the hearing officer upon his own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

[Resolution No. 2, Rule 08.310, filed 6/13/63.]

(2001 Ed.)

WAC 314-08-320 Depositions and interrogatories in contested cases—Fees of deponents—Costs of deposition. Deponents whose depositions are taken shall be entitled to the same fees as are allowed by WAC 314-08-180: Provided, That all costs incidental thereto shall be paid by the party desiring such deposition.

[Resolution No. 2, Rule 08.320, filed 6/13/63.]

WAC 314-08-330 Depositions upon interrogatories—Submission of interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within 10 days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

[Resolution No. 2, Rule 08.330, filed 6/13/63.]

WAC 314-08-340 Depositions upon interrogatories—Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 314-08-250 the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

[Resolution No. 2, Rule 08.340, filed 6/13/63.]

WAC 314-08-350 Depositions upon interrogatories—Attestation and return. The officer before whom interrogatories are verified or answered shall (1) certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the stenographer, to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and (2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the board, or its designated hearing officer, one copy to the counsel who submitted the interrogatories and another copy to the deponent.

[Resolution No. 2, Rule 08.350, filed 6/13/63.]

WAC 314-08-360 Depositions upon interrogatories—Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule.

[Resolution No. 2, Rule 08.360, filed 6/13/63.]

WAC 314-08-370 Official notice—Matters of law.

The board or its hearing officer, upon request made before or during a hearing, will officially notice:

(1) **Federal law.** The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and notices published in the Federal Register;

(2) **State law.** The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and notices filed with the code reviser;

(3) **Governmental organization.** Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, the several states and foreign nations;

(4) **Agency organization.** The board's organization, administration, officers, personnel, official publications, and practitioners before its bar.

[Resolution No. 2, Rule 08.370, filed 6/13/63.]

WAC 314-08-380 Official notice—Material facts.

In the absence of controverting evidence, the board and its hearing officers, upon request made before or during a hearing, may officially notice:

(1) **Agency proceedings.** The pendency of, the issues and position of the parties therein, and the disposition of any proceeding then pending before or theretofore concluded by the board;

(2) **Business customs.** General customs and practices followed in the transaction of business;

(3) **Notorious facts.** Facts so generally and widely known to all well informed persons as not to be subject to reasonable dispute, or specific facts which are capable of immediate and accurate demonstration by resort to accessible sources of generally accepted authority, including but not exclusively, facts stated in any publication authorized or permitted by law to be made by any federal or state officer, department, or agency;

(4) **Technical knowledge.** Matters within the technical knowledge of the board as a body of experts, within the scope or pertaining to the subject matter of its statutory duties, responsibilities or jurisdiction;

(5) **Request or suggestion.** Any party may request, or the hearing officer or the board may suggest, that official notice be taken of a material fact, which shall be clearly and precisely stated, orally on the record, at any prehearing conference or oral hearing or argument, or may make such request or suggestion by written notice, any pleading, motion, memorandum, or brief served upon all parties, at any time prior to a final decision;

(6) **Statement.** Where an initial or final decision of the board rests in whole or in part upon official notice of a material fact, such fact shall be clearly and precisely stated in such decision. In determining whether to take official notice of material facts, the hearing officer of the board may consult any source of pertinent information, whether or not furnished

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as it may be, by any party and whether or not admissible under the rules of evidence;

(7) **Controversion.** Any party may controvert a request or a suggestion that official notice of a material fact be taken at the time the same is made if it be made orally, or by a pleading, reply or brief in response to the pleading or brief or notice in which the same is made or suggested. If any decision is stated to rest in whole or in part upon official notice of a material fact which the parties have not had a prior opportunity to controvert, any party may controvert such fact by appropriate exceptions if such notice be taken in an initial or intermediate decision or by a petition for reconsideration if notice of such fact be taken in a final report. Such controversion shall concisely and clearly set forth the sources, authority and other data relied upon to show the existence or nonexistence of the material fact assumed or denied in the decision;

(8) **Evaluation of evidence.** Nothing herein shall be construed to preclude the board or its authorized agents from utilizing their experience, technical competence, and specialized knowledge in the evaluation of the evidence presented to them.

[Resolution No. 2, Rule 08.380, filed 6/13/63.]

WAC 314-08-390 Presumptions. Upon proof of the predicate facts specified in the following six subdivisions hereof without substantial dispute and by direct, clear, and convincing evidence, the board, with or without prior request or notice, may make the following presumptions, where consistent with all surrounding facts circumstances:

(1) **Continuity.** That a fact of a continuous nature, proved to exist at a particular time, continues to exist as of the date of the presumption, if the fact is one which usually exists for at least that period of time;

(2) **Identity.** That persons and objects of the same name and description are identical;

(3) **Delivery.** Except in a proceeding where the liability of the carrier for nondelivery is involved, that mail matter, communications, express or freight, properly addressed, marked, billed and delivered respectively to the post office, telegraph, cable or radio company, or authorized common carrier of property with all postage, tolls and charges properly prepaid, is or has been delivered to the addressee or consignee in the ordinary course of business;

(4) **Ordinary course.** That a fact exists or does not exist, upon proof of the existence or nonexistence of another fact which in the ordinary and usual course of affairs, usually and regularly coexists with the fact presumed;

(5) **Acceptance of benefit.** That a person for whom an act is done or to whom a transfer is made has, does or will accept same where it is clearly in his own self-interest so to do;

(6) **Interference with remedy.** That evidence, with respect to a material fact which in bad faith is destroyed, removed, suppressed or withheld by a party in control thereof, would if produced, corroborate the evidence of the adversary party with respect to such fact.

[Resolution No. 2, Rule 08.390, filed 6/13/63.]

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WAC 314-08-400 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) **Upon whom binding.** Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) **Withdrawal.** Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the hearing officer or the board that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

[Resolution No. 2, Rule 08.400, filed 6/13/63.]

WAC 314-08-410 Form and content of decisions in contested cases and proposed orders. Every decision and order, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, be referenced to specific provisions of the law and/or regulations appropriate thereto;

(7) Whenever the board considers that any matter or proceeding will be best handled by the issuance of a proposed order by the board or by the examiner conducting the hearing, such an order shall be issued and the parties so notified. Upon receipt of such notice and proposed order, any party may file exceptions to the same within twenty days after the date of the service of the proposed order, unless a greater or less time for filing exceptions is designated by the board at the time of issuance of the proposed order. Exceptions shall be filed in triplicate and a copy thereof shall be served upon all other parties who have appeared in the cause, or their attorneys of record together with proof of such service in accordance with the rules governing service of process. Any party may answer the exceptions so filed and served within ten days after service of said exceptions upon him. Briefs may accompany the exceptions or answers thereto and shall be filed and served in the same manner. After a full consideration of the proposed order, the exceptions and the answers to exceptions so filed and briefs, the board may affirm its proposed order by service of an order of affirmance upon the

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parties, or, if it deems the exceptions well taken, may revise the proposed order and issue a final order differing from the proposed order: Provided, That the board may revise the proposed order and issue a final order differing from the proposed order notwithstanding the fact that neither its counsel nor the licensee or his/her counsel have filed exceptions in said case.

[Statutory Authority: Chapters 34.04 and 66.08 RCW. 80-12-021 (Order 74, Resolution No. 83), § 314-08-410, filed 8/27/80; Resolution No. 2, Rule 08.410, filed 6/13/63.]

WAC 314-08-415 Written arguments. At the conclusion of the evidentiary portion of a field hearing, the examiner may call for an oral legal argument on the record, after which the examiner shall render his oral proposals; or, the examiner may call for written arguments to be submitted to his office by the licensee or his attorney and the board's attorney. Such written arguments shall be submitted in triplicate to the hearing examiner and may not be exchanged by opposing counsel. When both arguments have been received, the hearing examiner will deliver one of the copies of the licensee's argument to the board's attorney, and one copy of the board's argument will be forwarded to the licensee or his attorney. Unless a different time is fixed at the field hearing, written arguments must be filed within ten days after the conclusion of the taking of the testimony at the field hearing. After the receipt of both written arguments, the hearing examiner will render his written proposals which will be served on the licensee or his attorney and the attorney for the board.

[Order 55, § 314-08-415, filed 5/31/77, effective 7/1/77.]

WAC 314-08-420 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that hearing officers may proceed promptly to conduct the hearings on relevant and material matter only.

[Resolution No. 2, Rule 08.420, filed 6/13/63.]

WAC 314-08-430 Prehearing conference rule—Authorized. In any proceeding the board or its designated hearing officer upon its or his own motion, or upon the motion of one of the parties or their qualified representatives, may in its or his discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider:

- (1) The simplification of the issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of facts and of documents;
- (4) The limitation of the number of expert witnesses;
- (5) Such other matters as may aid in the disposition of the proceeding.

[Resolution No. 2, Rule 08.430, filed 6/13/63.]

WAC 314-08-440 Prehearing conference rule—Record of conference action. The board or its designated hearing officer shall make an order or statement which recites the action taken at the conference, the amendments allowed

to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admissions or agreements; and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order.

[Resolution No. 2, Rule 08.440, filed 6/13/63.]

WAC 314-08-450 Submission of documentary evidence in advance. Where practicable the board or its designated hearing officer may require:

(1) That all documentary evidence which is to be offered during the taking of evidence be submitted to the hearing examiner and to the other parties to the proceeding sufficiently in advance of such taking of evidence to permit study and preparation of cross-examination and rebuttal evidence;

(2) That documentary evidence not submitted in advance, as may be required by subdivision (1), be not received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner;

(3) That the authenticity of all documents submitted in advance in a proceeding in which such submission is required, be deemed admitted unless written objection thereto is filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

[Resolution No. 2, Rule 08.450, filed 6/13/63.]

WAC 314-08-460 Excerpts from documentary evidence. When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by all parties to the proceeding.

[Resolution No. 2, Rule 08.460, filed 6/13/63.]

WAC 314-08-470 Expert or opinion testimony and testimony based on economic and statistical data—Number and qualifications of witnesses. That the hearing examiner or other appropriate officer in all classes of cases where practicable make an effort to have the interested parties agree upon the witness or witnesses who are to give expert or opinion testimony, either by selecting one or more to speak for all parties or by limiting the number for each party; and, if the interested parties cannot agree, require them to submit to him and to the other parties written statements containing the names, addresses and qualifications of their respective opinion or expert witnesses, by a date determined by him and fixed sufficiently in advance of the hearing to permit the other interested parties to investigate such qualifications.

[Resolution No. 2, Rule 08.470, filed 6/13/63.]

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WAC 314-08-480 Expert or opinion testimony and testimony based on economic and statistical data—Written sworn statements. That the hearing examiner or other appropriate officer, in all classes of cases in which it is practicable and permissible, require, and when not so permissible, make every effort to bring about by voluntary submission, that all direct opinion or expert testimony and all direct testimony based on economic or statistical data be reduced to written sworn statements, and, together with the exhibits upon which based, be submitted to him and to the other parties to the proceeding by a date determined by the hearing officer and fixed a reasonable time in advance of the hearing; and that such sworn statements be acceptable as evidence upon formal offer at the hearing, subject to objection on any ground except that such sworn statements shall not be subject to challenge because the testimony is not presented orally, and provided that witnesses making such statements shall not be subject to cross-examination unless a request is made sufficiently in advance of the hearing to insure the presence of the witnesses.

[Resolution No. 2, Rule 08.480, filed 6/13/63.]

WAC 314-08-490 Expert or opinion testimony and testimony based on economic and statistical data—Supporting data. That the hearing examiner or other appropriate officer, in his discretion but consistent with the rights of the parties, cause the parties to make available for inspection in advance of the hearing, and for purposes of cross-examination at the hearing, the data underlying statements and exhibits submitted in accordance with WAC 314-08-480, but, wherever practicable that he restrict to a minimum the placing of such data in the record.

[Resolution No. 2, Rule 08.490, filed 6/13/63.]

WAC 314-08-500 Expert or opinion testimony and testimony based on economic and statistical data—Effect of noncompliance with WAC 314-08-470 or 314-08-480. Whenever the manner of introduction of opinion or expert testimony or testimony based on economic or statistical data is governed by requirements fixed under the provisions of WAC 314-08-470 or 314-08-480, such testimony not submitted in accordance with the relevant requirements shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to conform to such requirements.

[Resolution No. 2, Rule 08.500, filed 6/13/63.]

WAC 314-08-510 Continuances. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the board or its designated hearing officer of said desire, stating in detail the reasons why such continuance is necessary. The board or its designated hearing officer, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the board or its designated hearing officer may grant such a continuance and may at any time order a continuance upon its or his own motion. During a hearing, if it appears in the public

interest or in the interest of justice that further testimony or argument should be received, the examiner or other officer conducting the hearing may in his discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

[Resolution No. 2, Rule 08.510, filed 6/13/63.]

WAC 314-08-520 Rules of evidence—Admissibility criteria. Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the officer conducting the hearing, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the officer conducting the hearing shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

[Resolution No. 2, Rule 08.520, filed 6/13/63.]

WAC 314-08-530 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The officer conducting the hearing may, in his discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

[Resolution No. 2, Rule 08.530, filed 6/13/63.]

WAC 314-08-540 Petitions for rule making, amendments or repeal—Who may petition. Any interested person may petition the board requesting the promulgation, amendment, or repeal of any rule.

[Resolution No. 2, Rule 08.540, filed 6/13/63.]

WAC 314-08-550 Petitions for rule making, amendments or repeal—Requisites. Where the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule together with briefs of any applicable law. Where the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule.

[Resolution No. 2, Rule 08.550, filed 6/13/63.]

WAC 314-08-560 Petitions for rule making, amendments or repeal—Agency must consider. All petitions shall be considered by the board and the board may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

[Resolution No. 2, Rule 08.560, filed 6/13/63.]

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WAC 314-08-570 Petitions for rule making, amendments or repeal—Notice of disposition. The board shall notify the petitioning party within a reasonable time of the disposition, if any, of the petition.

[Resolution No. 2, Rule 08.570, filed 6/13/63.]

WAC 314-08-580 Declaratory rulings. (1) As prescribed by RCW 34.04.080, any interested person may petition the board for a declaratory ruling. The board shall consider the petition and within a reasonable time shall:

- (a) Issue a nonbinding declaratory ruling; or
- (b) Notify the person that no declaratory ruling is to be issued; or
- (c) Set a reasonable time and place for hearing argument upon the matter, and give reasonable notification to the person of the time and place for such hearing and of the issues involved.

(2) If a hearing as provided in subsection (1)(c) is conducted, the board shall within a reasonable time:

- (a) Issue a binding declaratory rule; or
- (b) Issue a nonbinding declaratory ruling; or
- (c) Notify the person that no declaratory ruling is to be issued.

[Resolution No. 2, Rule 08.580, filed 6/13/63.]

WAC 314-08-590 Forms. (1) Any interested person petitioning the board for a declaratory ruling pursuant to RCW 34.04.080, shall generally adhere to the following form for such purpose.

(2) At the top of the page shall appear the wording "Before the Washington state liquor control board." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory ruling." Opposite the foregoing caption shall appear the word "petition."

(3) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set out the state of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the petitioner. The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(4) The original and two legible copies shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" x 11" or 8 1/2" x 13" in size.

(5) Any interested person petitioning the board requesting the promulgation, amendment or repeal of any rules shall generally adhere to the following form for such purpose.

(a) At the top of the page shall appear the wording "Before the Washington state liquor control board." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for (state whether promulgation, amendment or repeal) of rule (or rules)." Opposite the foregoing caption shall appear the word "petition."

(b) The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and whether petitioner seeks the promulgation of new rule or rules, or amendment or repeal of existing rule or rules. The second paragraph, in case of a proposed new rule or amendment of an existing rule, shall set forth the desired rule in its entirety. Where the petition is for amendment, the new matter shall be underscored and the matter proposed to be deleted shall appear in double parentheses. Where the petition is for repeal of an existing rule, such shall be stated and the rule proposed to be repealed shall either be set forth in full or shall be referred to by agency rule number. The third paragraph shall set forth concisely the reasons for the proposal of the petitioner and shall contain a statement as to the interest of the petitioner in the subject matter of the rule. Additional numbered paragraphs may be used to give full explanation of petitioner's reason for the action sought.

(c) Petitions shall be dated and signed by the person or entity named in the first paragraph or by his attorney. The original and two legible copies of the petition shall be filed with the agency. Petitions shall be on white paper, either 8 1/2" by 11" or 8 1/2" x 13" in size.

[Resolution No. 2, Rule 08.590, filed 6/13/63.]

(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 ten 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 ten feet from each entrance and/or exit. The board may waive upon written request the "ten feet" requirement when permanent fixtures or the design of the room make it impractical to place a machine ten feet from each entrance and/or exit.

(4) Vending machines with an exception waiver shall have an endorsement posted on the vending machine license to denote that the board has granted an exception to the ten-foot rule.

[Statutory Authority: RCW 66.08.030. 95-04-044, § 314-10-030, filed 1/25/95, effective 2/25/95; 93-23-016, § 314-10-030, filed 11/5/93, effective 12/6/93.]

Chapter 314-10 WAC

SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

WAC

314-10-010	General—Liquor control board responsibilities.
314-10-020	General—Applicable to all tobacco license holders.
314-10-030	Tobacco mechanical dispensing machines—Licensees without a liquor license—Records.
314-10-040	How old do employees have to be to sell and handle cigarettes or tobacco products?
314-10-050	Sales to persons under 18 years of age.
314-10-060	Persons under 18 years old attempting to purchase/obtaining tobacco products.
314-10-080	Parents and guardians may not provide tobacco.
314-10-090	Tobacco sampling—Licenses.
314-10-100	Samplers license—Distribution of tobacco products.
314-10-110	Penalties, suspension notices, posting or advertising of—Other closing notices prohibited.

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

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

(a) The business has a cigarette retailer's license; or
 (b) The business has registered with the department of revenue; and

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

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

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

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

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

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

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 officially 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.]

[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

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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.

In adopting the language of WAC 314-10-090(3), the board affirms that sampling does have a direct impact upon the availability of product to minors. Many sampling activities, because of the large volume of product offered, promote secondary distribution to bystanders, especially minors. Addiction to nicotine can occur quickly after the use of a relatively small amount of product. It is the board's intention to limit this amount thereby reducing the opportunity and potential for product to be redistributed to minors.

(3) A sample is the smallest portion representative of the product that is available for retail sales and distribution. T1 and T2 license holders may distribute samples of tobacco products pursuant to chapter 70.155 RCW and chapter 314-10 WAC as follows:

(a) Cigarettes: No more than one sample package may be furnished per eligible customer per day. Such sample shall not contain more than twenty cigarettes per sample package.

(b) Cigars: No more than one sample of any single brand and type and no more than two samples may be furnished per eligible customer per day. Such sample shall not contain more than one cigar per sample package.

(c) Smokeless tobacco products: No more than one sample can, package or pouch may be furnished per eligible customer per day. Such sample can, package or pouch shall not exceed the size of the smallest unit available for sale at retail.

(d) All other tobacco products: No more than one sample unit may be furnished per eligible customer per day. Such sample unit shall not exceed the size of the smallest unit available for sale at retail.

(e) T1 and T2 licensees that have sample packages available that contain less tobacco product than allowed by this section are encouraged to provide such alternative sizes.

[Statutory Authority: RCW 70.155.110. 96-19-018, § 314-10-090, filed 9/6/96, effective 10/7/96. 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 prod-

ucts 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

314-12-005	Under what conditions may the board delegate authority to approve liquor licenses as provided in RCW 66.24.010(2)?
314-12-010	License does not grant vested right.
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.
314-12-033	Limited partnerships.
314-12-035	Furnishing of information and/or documentation to the board.
314-12-040	Prorating and refunding of fees—Discontinuance of business.
314-12-050	Loss or destruction of licenses, permits, etc.—Fee.
314-12-060	Death or incapacity of licensee.
314-12-070	Applications for currently licensed locations.
314-12-080	Limitation on reapplications.
314-12-100	Change of name.
314-12-110	Change of location.
314-12-115	Expired card of identification is not valid for proof of age.
314-12-120	Licensed premises open for inspection—Sampling of liquor.
314-12-125	Maintaining operation of licensed premises in accordance with law and rules of the board is responsibility of licensee—Failure to do so is cause for revocation of license.
314-12-130	No liquor deliveries on Sunday—Exceptions.
314-12-135	Business entertainment—Records.
314-12-140	Prohibited practices—Contracts—Gifts—Rebates, etc.
314-12-141	Courses of instruction.
314-12-145	Credit on nonliquor food items—Conditions—Record-keeping.
314-12-150	Definitions—"Pasteurized beer," "gallon."
314-12-170	What are the penalties if a retail liquor licensee violates the liquor laws or rules?
314-12-180	Suspension notices, posting or advertising of—Other—Closing notices prohibited.
314-12-195	Mandatory signs to be posted warning of the possible dangers of consumption of alcohol during pregnancy.
314-12-200	Converting a public house license (RCW 66.24.580) to a domestic brewery, microbrewery or domestic winery license.
314-12-210	Chronic public inebriation (CPI) and alcohol impact areas (AIA)—Definitions—Purpose.
314-12-215	Alcohol impact areas—Definition—Guidelines.
314-12-220	General review.
314-12-225	Severability.
314-12-300	Group One (1) violations against public safety.
314-12-310	Group Two (2) offenses—Conduct violations.
314-12-320	Group Three (3) offenses—Regulatory violations.
314-12-330	Can the board impose sanctions or penalties other than those indicated in WAC 314-12-170?
314-12-340	What are some examples of mitigating and aggravating circumstances?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-12-090	Managers required—Exceptions. [Statutory Authority: RCW 66.08.030, 66.08.130 and 66.08.140. 88-23-032]
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- (Order 269, Resolution No. 278), § 314-12-090, filed 11/8/88. Statutory Authority: RCW 66.08.030. 86-12-021 (Order 186, Resolution No. 195), § 314-12-090, filed 5/28/86. Statutory Authority: RCW 66.08.030 and 66.98.070. 81-22-026 (Order 85, Resolution No. 94), § 314-12-090, filed 10/28/81; Rule 8, filed 6/13/63.] Repealed by 92-14-023, filed 6/22/92, effective 7/23/92. Statutory Authority: RCW 66.08.030.
- 314-12-160 Near beer. [Order 20, § 314-12-160, filed 12/12/72; Rule 15, filed 6/13/63.] Repealed by 84-11-093 (Order 153, Resolution No. 153), filed 5/23/84. Statutory Authority: RCW 66.08.030 and 66.98.070.
- 314-12-175 Educational activities. [Statutory Authority: RCW 66.08.030. 89-18-005 (Order 281, Resolution No. 290), § 314-12-175, filed 8/24/89, effective 9/24/89.] Repealed by 90-14-012, filed 6/25/90, effective 7/26/90. Statutory Authority: RCW 66.08.030 and 1990 c 125.

WAC 314-12-005 Under what conditions may the board delegate authority to approve liquor licenses as provided in RCW 66.24.010(2)? (1) The board may delegate to designated staff members, in writing, the authority to approve license applications except as follows:

(a) where local officials, board staff, or members of the general public have given the board written notice of opposition or concern, or;

(b) where sensitive alcohol related issues exist within a community or neighborhood, under review by the board, that require more extensive deliberations before a decision is reached.

(2) Authority may be delegated to staff the board deems qualified, including the director of licensing and regulation, licensing supervisors, and other employees the division director recommends.

(3) Designated employees may not further delegate their authority.

[Statutory Authority: RCW 66.08.030 and 66.24.010(2). 98-14-004, § 314-12-005, filed 6/18/98, effective 7/19/98.]

WAC 314-12-010 License does not grant vested right. The issuance of any license by the board shall not be construed as granting a vested right in any of the privileges so conferred, and a misrepresentation of fact found to have been made by the applicant or a licensee shall be deemed a lack of good faith and shall constitute good and sufficient cause for the disapproval of an application or the revocation or suspension of said license by the board.

[Statutory Authority: RCW 66.08.030 and 66.98.070. 82-04-031 (Order 98, Resolution No. 107), § 314-12-010, filed 1/27/82; Rule 1, filed 6/13/63.]

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.]

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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 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, 66.24.010 and 66.24.025. 96-03-004, § 314-12-020, filed 1/4/96, effective 2/4/96. 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 application for a retail or distributor 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, "distributor liquor license" shall include all classes of liquor licenses held in conjunction with those distributor licenses authorized by RCW 66.24.200 and 66.24.250.

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

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-12-025, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.025. 96-03-004, § 314-12-025, filed 1/4/96, effective 2/4/96. 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 314-12-033 Limited partnerships. In the licensing of limited partnerships, the following will apply:

(1) The limited partnership business to be licensed shall be controlled by a general partner or partners who shall qualify as "copartners" under RCW 66.24.010.

(2) A limited partner shall be considered within the meaning of the term "copartner" as used in RCW 66.24.010(2) when the limited partner has more than [a] ten percent [ownership] interest in the business to be licensed or may exert control over the operation of the business either individually or collectively with other limited partners.

(3) As a required part of an application for the licensing of a limited partnership, all general partners shall submit affidavits specifying the nature of the interests of any and all limited partners in the business and certifying that no limited partner has any control, either individually or collectively with other limited partners, over the operation of the business to be licensed and further certifying that [no] limited partner has any financial interest which would be disqualifying under RCW 66.28.010. Similar affidavits may be required, in the discretion of the board, from any limited partner about whom there exists any question concerning ownership interest in, or control of, the business to be licensed or about whom there exists any question concerning possibly disqualifying financial interests under RCW 66.28.010.

[Statutory Authority: RCW 66.08.030 and 66.24.010 (2)(b). 90-24-009, § 314-12-033, filed 11/27/90, effective 12/28/90. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-13-105 (Order 105, Resolution No. 114), § 314-12-033, filed 6/23/82.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 314-12-035 Furnishing of information and/or documentation to the board. (1) In order to facilitate the administration and/or enforcement of RCW 66.24.010, licensees, applicants for licenses, or the agents or representatives thereof shall, upon request by the board, furnish to the board copies of all documents affecting the ownership and/or proposed operation of the premises licensed or sought to be licensed. These documents may be required with the original license application, with any additional application, and at such other times as may be requested by the board. Licensees, applicants for licenses, or the agents or representatives thereof, shall furnish along with these documents a signed written summary of any oral agreements which affect the ownership and/or proposed operation of the premises licensed, or sought to be licensed. Failure or refusal to furnish said requested documentation will be good and sufficient cause for denial of any application in support of which the documentation was requested, and will be good and sufficient cause for revocation of any license held by a licensee who fails or refuses to furnish the said requested documentation.

(2) Written information and/or documentation requested by the board from any person for the purpose of administering and/or enforcing RCW 66.24.010, any person furnishing written information and/or documentation requested by the board may be required to submit an affidavit on a form prescribed by the board, which shall be signed by the person submitting the information, given under oath subject to the penalties of perjury, and certifying that all information and/or documentation being furnished is true, accurate and complete.

(2001 Ed.)

[Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.025. 96-03-004, § 314-12-035, filed 1/4/96, effective 2/4/96. Statutory Authority: RCW 66.08.030. 91-22-114, § 314-12-035, filed 11/6/91, effective 12/7/91. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-04-032 (Order 99, Resolution No. 108), § 314-12-035, filed 1/27/82.]

WAC 314-12-040 Prorating and refunding of fees—Discontinuance of business. (1) Unless otherwise provided by law, there will be no prorating of any license fee.

(2) Upon denial or withdrawal of an application for license, adoption or change of trade name, or change of location, the fee tendered therewith shall be returned: Provided, However, such return shall not apply to the nonrefundable seventy-five dollar fee submitted with an application for a new annual retail license.

(3) When a license is suspended or cancelled, or the licensed business is discontinued, no refund of the license fee shall be made.

(4) Upon discontinuance of business for twenty-one days or more by a licensee, he shall forthwith deliver up his license to the board, or representative of the board. A licensee who is not operating as a seasonal business and who has voluntarily discontinued sale of liquor in excess of forty-five days will not be eligible for renewal of license for a subsequent year unless sale of liquor under the license is resumed on a permanent basis prior to the beginning of the next subsequent licensing period.

[Statutory Authority: RCW 66.08.030. 88-16-025 (Order 257, Resolution No. 266), § 314-12-040, filed 7/27/88. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-10-020 (Order 103, Resolution No. 112), § 314-12-040, filed 4/28/82; Rule 3, filed 6/13/63.]

WAC 314-12-050 Loss or destruction of licenses, permits, etc.—Fee. Upon the loss or destruction of any license or permit to purchase liquor thereunder, application for a duplicate must be made to the board. Fee: \$5.00.

[Statutory Authority: RCW 66.08.030. 85-24-040 (Order 168, Resolution No. 177), § 314-12-050, filed 11/27/85; Rule 4, filed 6/13/63.]

WAC 314-12-060 Death or incapacity of licensee. In the event of the incapacity, death, receivership, bankruptcy, or assignment for benefit of creditors of any licensee, then his guardian, executor, administrator, receiver, trustee in bankruptcy or assignee for benefit of creditors may, upon written authority from the board, continue the business of the licensee on the licensed premises for the duration of the license, unless sooner terminated.

[Rule 5, filed 6/13/63.]

WAC 314-12-070 Applications for currently licensed locations. (1) No application for any license shall be made except in conformance with RCW 66.24.010, and subject to the following conditions:

(a) Except as authorized by WAC 314-12-025, the license applicant shall not take possession of the premises, nor exercise any of the privileges of a licensee, nor shall such application be effective until the board shall have approved the same;

(b) In approving any license, the board reserves the right to impose special conditions as to the future connection of the

former licensee or any of his employees with the licensed business as in its judgment the circumstances may justify;

(c) A change of trade name may be made coincident with the issuance of the license without any additional fee.

(2) The sale of a partnership interest or any change in the partners, either by withdrawal or addition or otherwise, shall be considered a change of ownership and subject to the applicable regulations.

(3) If the licensee is a corporation, whether as sole licensee or in conjunction with other entities, a change in ownership of any stock shall be deemed a corporate change. The licensed corporation shall report to and obtain written approval from the board, for any proposed change in principal officers and/or the proposed sale of more than ten percent of the corporation's outstanding and/or issued stock before any such changes are made. The board may inquire into all matters in connection with any such sale of stock or proposed change in officers. The board will waive the fee for a corporate change when the proposed change consists solely of dropping an approved officer.

(4) For purposes of this regulation:

(a) "Principal officer" shall mean the president, vice president, secretary, and treasurer, or the equivalent in title, for a publicly traded corporation, and president, vice president, secretary, treasurer, or the equivalent in title, and all other officers who hold more than ten percent of the corporate stock, for a privately held corporation.

(b) The "proposed sale of more than ten percent of the stock" will be calculated as a cumulative total and must be reported to the board when the accumulation of stock transfers or newly issued stock totals more than ten percent of the outstanding and/or issued stock of the licensed corporation.

[Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.025. 96-03-004, § 314-12-070, filed 1/4/96, effective 2/4/96. Statutory Authority: RCW 66.08.030 and 66.24.010. 90-24-008, § 314-12-070, filed 11/27/90, effective 12/28/90. Statutory Authority: RCW 66.08.030 and 1987 c 217. 87-16-002 (Order 226, Resolution No. 235), § 314-12-070, filed 7/23/87. Statutory Authority: RCW 66.08.030 and 66.98.070. 81-22-026 (Order 85, Resolution No. 94), § 314-12-070, filed 10/28/81; Order 55, § 314-12-070, filed 5/31/77, effective 7/1/77; Rule 6, filed 6/13/63.]

WAC 314-12-080 Limitation on reapplications.

Unless otherwise approved by the board no reapplication for a license shall be made within a period of one year following a denial of any license application.

[Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.025. 96-03-004, § 314-12-080, filed 1/4/96, effective 2/4/96. Statutory Authority: RCW 66.08.030. 92-21-061, § 314-12-080, filed 10/19/92, effective 11/19/92; Rule 7, filed 6/13/63.]

WAC 314-12-100 Change of name. No licensee shall adopt or make a change in a trade or corporate name without the written consent of the board. Fee, \$25.00. (See WAC 314-12-070(a).)

An application for change of trade or corporate name must be completed and the required fee paid each time the trade or corporate name is changed on a license.

[Statutory Authority: RCW 66.08.030. 88-04-028 (Order 236, Resolution No. 245), § 314-12-100, filed 1/27/88; Rule 9, filed 6/13/63.]

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WAC 314-12-110 Change of location. No change of location of licensed premises shall be made without the written consent of the board. Fee, \$75.00. This regulation, however, shall not apply to holders of licenses under RCW 66.24.395.

[Statutory Authority: RCW 66.08.030, 66.20.010 and 66.98.070. 83-23-123 (Order 133, Resolution No. 142), § 314-12-110, filed 11/23/83; Rule 10, filed 6/13/63.]

WAC 314-12-115 Expired card of identification is not valid for proof of age. (1) For purposes of RCW 66.16.040 and RCW 66.20.170, a "card of identification" must be current for it to be acceptable as proof of age of a purchaser of alcoholic beverages or to frequent a cocktail lounge or tavern. "Current" means the card of identification is not expired and has not been officially invalidated.

(2) An expired Washington driver's license which has been invalidated, together with a temporary Washington driver's license which is current and for the same person pictured and described in the invalidated Washington driver's license with a photo, will be acceptable identification for liquor service.

[Statutory Authority: RCW 66.08.030. 92-21-060, § 314-12-115, filed 10/19/92, effective 11/19/92.]

WAC 314-12-120 Licensed premises open for inspection—Sampling of liquor. (1) All licensed premises, or any premises in any way connected physically or otherwise with a licensed business, including vehicles used in connection therewith, shall at all times be open to inspection by the board.

(2) The board may, upon proper receipt given therefor, take for the purpose of analysis samples of liquor possessed by any licensee by virtue of his license.

[Rule 11, filed 6/13/63.]

WAC 314-12-125 Maintaining operation of licensed premises in accordance with law and rules of the board is responsibility of licensee—Failure to do so is cause for revocation of license. (1) The licensee of a liquor licensed premises is responsible for operation of the licensed premises in compliance with the liquor laws (Title 66 RCW) and rules of the board (Title 314 WAC). If the licensee chooses to employ others in the operation of the business, any violations committed, or permitted, by those employees shall be treated by the board as violations committed, or permitted, by the licensee.

(2) Failure by a licensee to accomplish compliance with the liquor laws or rules of the board, for whatever reason, will constitute good and sufficient cause for revocation of license privileges.

[Statutory Authority: RCW 66.08.030 and 66.98.070. 83-18-070 (Order 126, Resolution No. 135), § 314-12-125, filed 9/7/83.]

WAC 314-12-130 No liquor deliveries on Sunday—Exceptions. No liquor shall be delivered to any retail licensee between midnight on Saturday and midnight on Sunday; nor shall any retail licensee receive or accept delivery of any liquor between midnight on Saturday and midnight on

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Sunday: Provided, That if delivery of beer and/or wine cannot be accomplished prior to Sunday, nothing in this section shall prohibit a distributor from delivering and a special occasion or catering licensee from receiving beer and/or wine for a licensed special occasion event occurring between midnight on Saturday and midnight on Sunday. Upon license approval, beer and/or wine may be ordered by a special occasion licensee or catering licensee and delivered by the distributor to the location specified by the special occasion licensee or catering licensee or directly to such licensed retailer at the distributor's licensed premises.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150, 98-18-097, § 314-12-130, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.070, 86-24-028 (Order 203, Resolution No. 212), § 314-12-130, filed 11/25/86; Rule 12, filed 6/13/63.]

WAC 314-12-135 Business entertainment—Records.

All manufacturers, importers and distributors and employees thereof who provide either food, beverages, transportation, tickets or admission fees for or at athletic events or for other forms of entertainment to retail licensees and or their employees must maintain records thereof as follows:

(1) The originals or copies of all purchase invoices, receipts and other memoranda covering or relating to all expenditures made for entertainment activities as specified in this subsection showing:

- (a) Tickets, transportation, food, beverage, admission fees purchased or paid for,
- (b) Quantities purchased or paid for,
- (c) From whom purchased,
- (d) The name of the retail licensees or employee for whom purchased and the retail license number of the business they represent, and
- (e) The purchase date.

(2) The records described above shall be kept for at least two years after each purchase or payment and 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 cancelled checks, bank statements and books of account covering or involving the purchase of or expenditures for items specified in subsection (1) above and all memoranda, if any, showing payment for any such items other than by check, shall be preserved for two years and shall at all times be kept available for inspection and copying by board employees.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150, 98-18-097, § 314-12-135, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 1990 c 125, 90-14-003, § 314-12-135, filed 6/22/90, effective 7/23/90.]

(2001 Ed.)

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, distributor, 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, distributor 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, distributor, 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, distributor or importer; Provided, however, manufacturers, distributors, importers or any employees thereof may move or handle in any manner any products of any other manufacturer, importer or distributor on the premises of any retail licensee when reasonable notice is given to other interested manufacturers, distributors 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) Provide sales analysis of beer and wine products based on statistical sales data voluntarily provided by the retailer involved for the purpose of proposing a schematic

display for beer and wine products. Any statistical sales data provided by retailers for this purpose shall be at no charge.

(e) 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, distributor, 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, distributor 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 distributor 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, distributor or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to non-licensed retailers. The price thereof shall be not less than the manufacturer's, importer's, or distributor's cost of acquisition. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, distributor 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 distributors 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, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-12-140, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 95-17-005, § 314-12-140, filed 8/3/95, effective 9/3/95; 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)(l). 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.]

WAC 314-12-141 Courses of instruction. Breweries, wineries and distributors conducting courses of instruction as authorized by RCW 66.28.150 may provide alcohol at no charge to licensees of the board, their employees, and invited guests who have a legitimate business interest in the manufacturing, importing, distributing and retailing of liquor.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-12-141, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 91-19-071, § 314-12-141, filed 9/16/91, effective 10/17/91.]

WAC 314-12-145 Credit on nonliquor food items—Conditions—Recordkeeping. (1) Notwithstanding the provisions of WAC 314-12-140, persons licensed under RCW 66.24.200 as wine distributors and persons licensed under RCW 66.24.250 as beer distributors may sell at wholesale nonliquor food products on thirty days credit terms to persons licensed as retailers under this title. Complete and separate accounting records shall be maintained on all sales of nonliquor food products to ensure that such persons are in compliance with RCW 66.28.010.

(2) Nonliquor food products include all food products for human consumption as defined in RCW 82.08.0293 as it exists on July 1, 1987, except that for the purposes of this section bottled water and carbonated beverages, whether liquid or frozen, shall be considered food products.

(3) For the purpose of this section, the period of credit is calculated as the time elapsing between the date of delivery of the product and the date of full legal discharge of the retailer, through the payment of cash or its equivalent, from all indebtedness arising from the transaction.

(4) If the board finds in any instance that any licensee has violated this section by extending or receiving credit in

excess of the thirty days as provided for by this section, then all licensees involved shall be held equally responsible for such violation.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-12-145, filed 9/2/98, effective 10/3/98. Statutory Authority: 1988 c 50. 88-10-049 (Order 249, Resolution No. 258), § 314-12-145, filed 5/4/88. Statutory Authority: 1987 c 386 § 2. 87-14-009 (Order 218, Resolution No. 227), § 314-12-145, filed 6/23/87.]

WAC 314-12-150 Definitions—"Pasteurized beer," "gallon." (1) "Pasteurized beer" shall mean beer which has been subjected to such process or processes in manufacture and packaging that in all cases all yeast cells or other microorganisms are killed, inactivated, or removed, thereby preventing any further fermentation or microbiological decomposition of the packaged beer which might otherwise take place.

(2) In addition to the usual and customary meaning above, "pasteurized beer" shall include bottle conditioned beer which has been fermented partially or completely in the container and which may contain residual active yeast.

(3) A "gallon," when used in computing any tax, shall mean the United States standard gallon of 231 cubic inches.

[Statutory Authority: 1987 c 46. 87-14-010 (Order 219, Resolution No. 228), § 314-12-150, filed 6/23/87, effective 7/26/87; Resolution No. 4, filed 5/5/65, effective 6/7/65; Rule 14, filed 6/13/63.]

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

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

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

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

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

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

WAC 314-12-180 Suspension notices, posting or advertising of—Other—Closing notices prohibited. (1) Licensees are required to maintain compliance with all liquor 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 sus-

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pending by order of the board because of violation of the Washington state liquor act or the regulations.

(2) During the period of suspension:

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

(b) 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 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 for any reason(s) other than those stated in the board's suspension notices.

(3) A retail liquor licensee may operate the business during the period of suspension provided there is no sale, delivery, service, consumption, removal or receipt of liquor. Further, no banquet permit or special occasion function may be held on the premises during a period of liquor license suspension.

(4) A nonretail licensee may operate the business during the period of suspension provided there is no sale, delivery, service, consumption, removal or receipt of liquor. Further, no manufacturer may receive any agricultural products used in the production of alcohol, crush fruit, or bottle alcohol during a period of suspension. A manufacturer of alcohol may do whatever is necessary as a part of the manufacturing process to keep current stock on hand at the time of the suspension from spoiling or becoming unsaleable during a suspension provided it does not include bottling the product.

[Statutory Authority: RCW 66.08.010. 92-21-059, § 314-12-180, filed 10/19/92, effective 11/19/92.]

WAC 314-12-195 Mandatory signs to be posted warning of the possible dangers of consumption of alcohol during pregnancy. No later than October 5, 1994 all retail liquor licensees shall display signs provided by the board warning of the possible danger of birth defects which may be caused as a result of the consumption of alcohol during pregnancy. These signs shall be displayed upon the licensed premise in the following manner:

(1) If a licensee holds a license providing for on-premises consumption, the sign shall be posted in plain view (in place which is clearly visible) at the main entrance to the liquor licensed portion of the establishment and in the women's public restrooms closest to the licensed area.

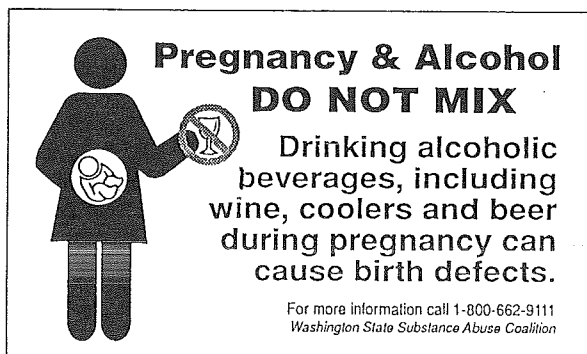
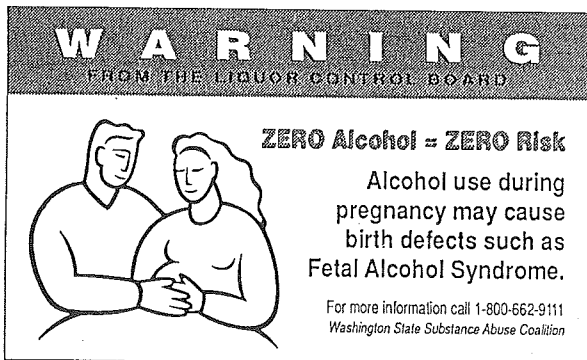
(a) Self-service "mini-bars" in hotel guest rooms shall be exempt.

(b) Airports, convention centers, sports facilities and other licensed premises where more than one location of such sale, service and consumption is authorized, shall post signs in plain view in a place which is clearly visible to the majority of patrons entering or approaching the liquor licensed portion of the premises.

(2) If the licensee holds a license providing for the sale of alcohol for off-premises consumption, the board provided

sign shall be posted in plain view at one or more of the following locations:

- (a) At each permanent display area of shelving and coolers displaying alcohol beverages.
- (b) At the cash register(s) where alcohol is sold.
- (c) At the main entrance to the licensed premises.
- (3) If the licensee is a liquor manufacturer, the notices shall be posted in plain view at the main entrance to areas where alcohol is sold for off-premises consumption. If a manufacturer's tasting rooms have separate buildings or separate entrances, the sign shall be posted in plain view at the main entrance to the tasting area.
- (4) Signs and replacements shall be available from the enforcement division.
- (5) Failure to comply with the provisions of this section shall constitute a violation of the rules of the board and administrative sanctions may be levied.



[Statutory Authority: RCW 66.08.030, 94-18-078, § 314-12-195, filed 9/2/94, effective 10/5/94.]

WAC 314-12-200 Converting a public house license (RCW 66.24.580) to a domestic brewery, microbrewery or domestic winery license. (1) Can a person who holds a public house license (class Q) convert to a domestic brewery, microbrewery or domestic winery license (class B1 or W1)?

Yes, if the licensee has held a public house license for at least six months.

(2) If a person holds several different retail liquor licenses, are those licenses affected by the conversion?

Yes. All other retail liquor licenses must either be converted to a domestic brewery, microbrewery or domestic winery license at the same time or the licensee must discontinue business or divest themselves of all interest in those non-brewery/winery licenses.

For instance, if a licensee holds three public house licenses, two grocery licenses and a tavern license and only wants to convert the three public house licenses to brewery or winery license, they must discontinue business or divest themselves of all interest in the other three businesses or they must convert them to a brewery or winery license as well.

Additionally, if the licensee has held any public house licenses for less than six months, they must discontinue business or divest themselves of all interest in that business as well.

(3) If a person currently holds a restaurant license (class H) in conjunction with their public house license, will the restaurant license be affected?

No. If the restaurant remains on the same or contiguous property as the brewery or winery, the restaurant license will be unaffected.

(4) Is there a waiting period between the closure of the public house business and the opening of the brewery or winery?

No. The licensee does not have to close the existing business before the domestic brewery, microbrewery or domestic winery license can be issued.

[Statutory Authority: RCW 66.08.030 and 66.24.580, 98-15-068, § 314-12-200, filed 7/13/98, effective 8/13/98.]

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

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

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

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

(c) The purpose of these rules concerning chronic public inebriation and alcohol impact areas is to establish a framework under which the board, in partnership with local government and community organizations, can act to mitigate negative impacts on a community's welfare, health, peace, or safety that result from the presence of chronic public inebriation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5) What type of voluntary efforts must the government subdivision attempt before the board will imple-

ment mandatory product restrictions? Before the board will implement mandatory product restrictions, the government subdivision's voluntary efforts must include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WAC 314-12-225 Severability. If any provision of WAC 314-12-210 through 314-12-220 or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or the application of these rules which can be given effect without the invalid provision or application, and, to this end, the provisions of these rules are declared to be severable.

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

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

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

INTOXICATED PERSONS: Sales to, service to, consumption by, possession by	5 day suspension OR \$500 monetary option	5 day suspension OR \$2,500 monetary option	10 day suspension OR \$5,000 monetary option	cancellation of license
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[Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.120. 99-03-032, § 314-12-300, filed 1/13/99, effective 2/13/99.]

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

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

[Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.120. 99-03-032, § 314-12-310, filed 1/13/99, effective 2/13/99.]

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

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
ADVERTISING: Violations	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspension with no monetary option
INVENTORY: Below amount required	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspension with no monetary option
KEG REGISTRATION: Failure to properly register kegs	5 day suspension OR \$500 monetary option	5 day suspension or \$1,000 monetary option	10 day suspension or \$1,500 monetary option	20 day license suspension with no monetary option
LICENSING: Unauthorized alterations, change of trade name or added activity. Inadequate lighting.	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspension with no monetary option
LIQUOR: Purchased from unauthorized source, sale below cost	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspension with no monetary option

Violation Type	1st Violation	2nd Violation	3rd Violation	4th Violation
NONRETAIL: Posting or label violations	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspension with no monetary option
RECORDS: Improper recordkeeping, failure to allow inspection of records	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspension with no monetary option
SIGNS: Failure to post required signs	5 day suspension OR \$100 monetary option	5 day suspension or \$500 monetary option	10 day suspension or \$1,000 monetary option	20 day license suspension with no monetary option

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

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

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

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

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

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

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

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

Chapter 314-14 WAC

ALCOHOL SERVER TRAINING PROGRAM

WAC

- 314-14-010 Class 12 permit—Mixologist.
- 314-14-020 Class 13 permit—Server.
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- 314-14-110 Sanctions against providers and trainers.
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- 314-14-150 On premise liquor licensees must check identification of employees and verify their possession of an alcohol servers permit.
- 314-14-160 What are the penalties if a permit holder violates the liquor laws?
- 314-14-165 Can the board impose sanctions or penalties other than those indicated in WAC 314-14-160?
- 314-14-170 If my Class Twelve (12) or Class Thirteen (13) Permit is suspended, can I still work?

WAC 314-14-010 Class 12 permit—Mixologist. (1) "Mixologist permit" refers to the Class 12 permit. Mixologists are liquor licensees or their employees who:

- (a) Manage a premises licensed to sell alcoholic beverages for on site consumption, or
- (b) Act as a bartender for selling or mixing alcoholic drinks which may include spirits, beer and/or wine for consumption on premises, or
- (c) Draw beer and/or wine from taps and/or spirits from dispensing devices at an establishment licensed to sell liquor for on premises consumption.
- (2) A mixologist must be 21 years of age or older.
- (3) A mixologist permit includes the authority to act as a server, under the Class 13 permit.
- (4) A mixologist permit is valid for five years from the completion of a board certified alcohol server class.
- (5) The holder of a Class 12 mixologist permit must have available on premises for inspection by board employees or other peace officers the Class 12 permit together with one piece of identification as specified in RCW 66.16.040 whenever they are employed in the sale of alcohol.
- (6) The refusal or failure of any mixologist or server to make their permit available on the premises for immediate

inspection by authorized board employees or peace officers is prima facie evidence of a violation of this section.

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-010, filed 1/17/96, effective 2/17/96.]

WAC 314-14-020 Class 13 permit—Server. (1) "Server's permit" refers to the Class 13 permit. Servers are people who:

- a) Take orders for alcoholic beverages to be consumed on premise, and/or
- b) Deliver such beverages to customers for consumption on premise, and/or
- c) May open and/or pour beer or wine into a customer's glass at the customer's table.

(2) A server must be 18 years of age or older. Any server who is 18, 19 or 20 years of age who successfully completes a Class 12 mixologist class will be issued a Class 13 server's permit. Upon turning 21, the server may apply for an upgraded Class 12 mixologist permit as allowed in WAC 314-14-030. The expiration date of the permit will remain 5 years from the date of the class.

(3) Holders of a Class 13 server's permit who are 21 years of age or older may, upon the temporary absence of the Class 12 mixologist, perform the functions of a Class 12 permit holder on a retail licensed premises until such time as a Class 12 mixologist can arrive to fulfill those duties, but in no event for more than 2 consecutive work days.

(4) A server's permit is valid for five years from the completion of a board certified alcohol server class.

(5) The holder of a Class 13 servers permit must have available on premises for inspection by board employees or other peace officers the Class 13 permit together with one piece of identification as specified in RCW 66.16.040 whenever they are employed in the service of alcohol.

(6) The refusal or failure of any mixologist or server to make their permit available on the premises for immediate inspection by authorized board employees or peace officers is prima facie evidence of a violation of this section.

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-020, filed 1/17/96, effective 2/17/96.]

WAC 314-14-030 Permit expiration—Lost, replacement and upgraded permits. (1) Every Class 12 and Class 13 permit shall expire on the first day of the month, five years following the month the mixologist or server successfully completed their alcohol server education course.

(2) To be eligible for renewal of any Class 12 or Class 13 permit, the mixologist or server must attend an alcohol server's education course given by a board authorized provider within sixty days of the expiration of their current permit.

(3) Lost permits will be cancelled and a replacement permit issued by the liquor control board upon the mixologist or server submitting an affidavit of lost permit to the board together with a fee to be set by the board.

(4) Permit holders who have successfully completed a Class 12 mixologist course, but were under 21 years of age at the time of the course and were issued a Class 13 servers permit may request their trainer upgrade their permit to a Class 12 mixologist permit upon reaching 21 years of age.

(2001 Ed.)

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-030, filed 1/17/96, effective 2/17/96.]

WAC 314-14-040 Temporary certification as a provider. (1) Nationally recognized alcohol server training programs may submit their materials to the board for temporary certification. Temporary certification may be issued by the board for a period not to exceed six months.

(2) If permanent certification is not obtained during the six month temporary certification period, at the end of the temporary certification period, the provider will return to the board the original letter of board certification and any Class 12 and/or Class 13 permit forms together with records of all permits issued during the temporary certification period.

(3) To obtain temporary certification, a provider applicant must submit a letter indicating a) in which states and/or countries their program is currently used, b) a copy of the lesson plan for the program, c) a copy of any audio/visual/printed materials used with the program, d) a copy of the examination and explanation of the examination procedure used.

(4) The board or their designee will evaluate the program to see if it meets the minimum standards set by RCW 66.20.300 through 66.20.350. If the program meets the minimum statutory requirements and curriculum guidelines as set by the board, the board or their designee will send to the provider applicant a letter of temporary certification to be valid for a period not to exceed six months together with the appropriate permit forms.

(5) The board or their designee may review and attend any provider classes at no charge to determine compliance with the program approved. If, in the opinion of the board or their designee the provider does not comply with the lesson plan submitted and approved or any of the requirements of chapter 314-14 WAC, the temporary certification may be immediately revoked.

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-040, filed 1/17/96, effective 2/17/96.]

WAC 314-14-050 Illegal possession of a permit. Any person who falsifies, keeps or possesses a Class 12 mixologist permit or a Class 13 servers permit contrary to the provisions of this section and contrary to the intent of RCW 66.20.300 through 66.20.350 shall be guilty of a violation of this section.

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-050, filed 1/17/96, effective 2/17/96.]

WAC 314-14-060 Training entity—Provider—Trainers. (1) "Provider" refers to an individual, partnership, corporation, college, educational institute or other bona fide legal entity that the board certifies to provide a board approved alcohol server education course. The provider is a training entity.

(a) The provider will only contract with trainers which meet the standards set below.

(2) "Trainer" is an individual employed or authorized by a provider to conduct an alcohol server education course wherein the successful completion of the course by the stu-

dent will result in the issuance of a Class 12 or Class 13 permit.

(a) Each trainer must have a minimum of two years of post-secondary education in the field of either training, or education, or law, or law enforcement, or substance abuse rehabilitation, or the hospitality industry or a combination of any of the above fields or equivalent years of experience.

(b) Each trainer must teach an alcohol server education program that has been approved by the board.

(c) Authorized trainers of certified provider programs may order from the board or their designee Class 12 and Class 13 alcohol server training permits to issue to students who successfully complete training. EXCEPT, students between 18 through 20 years of age that successfully complete a mixologist course of instruction will be issued a Class 13 servers permit until such time as the student turns 21 years of age.

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-060, filed 1/17/96, effective 2/17/96.]

WAC 314-14-070 Provider certification. (1) A person or business entity that decides to become a certified provider for alcohol server education must submit to the board or their designee:

(a) A completed application form provided by the board that specifies how the applicant will meet the definition of "provider" in WAC 314-14-060, and

(b) A copy of the lesson plan(s), audio and visual and printed materials provided as part of the alcohol server education course(s), and

(c) A copy of the examination(s) and explanation of the examination procedure necessary to pass the course, and

(d) Identification of all trainers to be used in teaching the course. Identification should include whenever possible the name, date of birth, social security number, address and phone number and educational and employment background of trainers used for the course, and

(e) Will inform the board of any changes within 30 days of hiring, contracting with or termination of use of any trainers.

(2) If the applicant provider has a program or trainers who are not acceptable for certification, the board or designee will notify the applicant provider of any deficiencies.

(3) If the provider, its program and its trainers meet board standards and curriculum guidelines designated by the board, the provider will receive a letter of certification of their program which will be valid for a period of 5 years, together with an order form for the applicable Class 12 and Class 13 permit forms.

(4) Upon notification of who the authorized trainers are for a provider's course, and when sufficient information is given to contact the trainer, the board or their designee will issue a letter of authorization to the trainer to teach the relevant provider's course.

(5) The board or their designee may attend any class provided by certified providers and their trainers at no charge to evaluate conformance with the program certified by the board.

(6) No change(s) will be made to the basic program content or method of presentation which has been certified by the

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board without the provider notifying the board or their designee of such changes and obtaining prior approval of such changes.

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-070, filed 1/17/96, effective 2/17/96.]

WAC 314-14-080 Provider and trainer records—Rights of inspection. (1) The provider's authorized trainers will submit to the board within 30 calendar days of any training class a readable copy of the Class 12 and/or Class 13 permit application form issued.

(2) Copies of the Class 12 and/or Class 13 permits issued by the provider's authorized trainers shall be kept at the trainers place of business and be available for inspection and copying by board employee(s) for a period of five years.

(3) The trainer will keep at their place of business, available for inspection and copying by board employee(s) course presentation information which shall include the location, date and time of every class given together with the name of the trainer and the number and name of students that attended each class. These records will be kept for a period of five years.

(4) Upon request by the board, the provider and/or provider's authorized trainers will give advance notice of any classes scheduled.

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-080, filed 1/17/96, effective 2/17/96.]

WAC 314-14-090 Alcohol server education provider course standards—Class 12 mixologist permit. To be certified to issue a Class 12 mixologist permit, the provider's course of instruction must include:

(1) A course of instruction of not less than three hours in length;

(2) A standard workbook that covers the specifics of Washington liquor laws as they relate to (a) recognizing and dealing with intoxicated persons, (b) how to check identification, (c) required signs in liquor licensed establishments and (d) meets the requirements of RCW 66.20.300 through 66.20.350;

(3) A written examination completed by the student attending which demonstrates the student is familiar with the liquor laws of Washington applicable to the mixing, serving, and liability associated with the alcohol beverage industry.

(4) The consumption of alcoholic beverages by any student or trainer during any alcohol server education course or break during the course is prohibited.

(5) At the beginning of each class, the trainer will give each student:

(a) An enrollment agreement that clearly states the obligations of the trainer and student, refund policies and procedures to terminate enrollment.

(b) A statement that says, "If you have questions, comments or complaints about the program, please call the liquor control board" and includes the appropriate board telephone numbers.

(c) A notice that a student must complete the course in order to take the exam.

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-090, filed 1/17/96, effective 2/17/96.]

WAC 314-14-100 Alcohol server education provider course standards—Class 13 server permit. To be certified to issue a Class 13 server permit, the provider's course of instruction must include:

(1) A minimum one hour course of instruction that may include not less than 30 minutes of a video or audio visual presentation together with facilitation by the provider's authorized trainers or a sixty minute self teaching video;

(2) A standard workbook that covers the specifics of Washington liquor laws as they relate to (a) recognizing and dealing with intoxicated persons, (b) how to check identification, and (c) meets the requirements of RCW 66.20.300 through 66.20.350;

(3) A written examination completed by the student attending which demonstrates the student is familiar with the liquor laws of Washington applicable to the delivery and service of alcohol beverages.

(4) The consumption of alcoholic beverages by any student or trainer during any alcohol server education course or break during the course is prohibited.

(5) At the beginning of each class, the authorized trainer will give each student:

(a) An enrollment agreement that clearly states the obligations of the trainer and student, refund policies and procedures to terminate enrollment.

(b) A statement that says, "If you have questions, comments or complaints about the program, please call the liquor control board" and includes the appropriate board telephone numbers.

(c) A notice that a student must complete the course in order to take the exam.

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-100, filed 1/17/96, effective 2/17/96.]

WAC 314-14-110 Sanctions against providers and trainers. Except for providers with temporary certification, any provider or trainer that violates any of the provisions of RCW 66.20.300 through 66.20.350 or any of the requirements of chapter 314-14 WAC will, (1) upon a first offense receive a notice of intended suspension/revocation of the board's certification or authorization. The notice of intended suspension/revocation will give the provider and/or trainer thirty-days to correct any violations.

If the problem is rectified no further action will be taken.

(2) If the problem is not rectified and/or a second violation by a provider or their trainer occurs, the board will suspend its approval and certification of the provider and/or trainer for a period not to exceed six months. A monetary penalty of up to five hundred dollars may be imposed in lieu of suspension. Prior to lifting the suspension or accepting a monetary penalty, the provider and/or trainer must correct the problem(s) which caused the suspension.

(3) The board may increase sanctions based on successive violations within a two-year period. Numerous violations within the two-year period may indicate such a disregard for the law or failure to provide an acceptable alcohol server education program so as to warrant cancellation of the certification of either the provider and/or their authorized trainer.

(2001 Ed.)

(4) If the provider and/or trainer is charged with a violation of any of the provisions of RCW 66.20.300 through 66.20.350 or any of the requirements of chapter 314-14 WAC, the board may cancel or suspend the approval and certification of the provider and/or trainer for a period of up to 5 years.

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-110, filed 1/17/96, effective 2/17/96.]

WAC 314-14-120 Provider responsible for acts of trainers. The board may hold a provider responsible for any act or omission of the provider's program personnel, authorized trainers or representatives that violates any law or administrative rule affecting provider privileges.

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-120, filed 1/17/96, effective 2/17/96.]

WAC 314-14-130 Prohibited conduct. No provider or authorized trainer of a provider will:

(1) Make any material false or misleading statement to induce or prevent board actions.

(2) Falsify, alter or otherwise tamper with alcohol server training permits or records.

(3) Permit a student to refer to any written material or have a discussion with another person during the exam unless the instructor authorizes the student to use an interpreter.

(4) Permit any student to drink alcoholic beverages or to be under the influence of intoxicants during the course presentation or exam, including breaks and meals.

(5) Drink alcoholic beverages or be under the influence of intoxicants during the course presentation and exam, including breaks and meals.

(6) Prohibit or interfere with on-site observations by the board or this staff, or fail to assist the board or this staff in scheduling these observations.

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-130, filed 1/17/96, effective 2/17/96.]

WAC 314-14-140 Provider and trainer advertising and promotion standards. (1) Provider and trainer advertising related to the alcohol server education courses which result in the issuance of a Class 12 or Class 13 permit, must include:

(a) The provider's and/or trainer's telephone number and cancellation policy.

(b) The total amount of class time which includes instruction, exam and breaks.

(c) A statement that students must attend the entire class before taking the exam.

(2) Advertising will not suggest that the state of Washington, the board, or any state agency endorses or recommends the provider's program to the exclusion of any other program.

(3) The provider or trainer will give the board or its staff copies of program publications, brochures, pamphlets, scripts, etc. or any other representation of advertising materials related to the program upon request.

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(4) A provider or trainer must have records available to support all claims or that representations the provider or trainer makes in his/her advertising.

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-140, filed 1/17/96, effective 2/17/96.]

WAC 314-14-150 On premise liquor licensees must check identification of employees and verify their possession of an alcohol servers permit. (1) Except as noted in section (2) below, all liquor licensees who hold a license to sell liquor for on premise consumption must, within sixty days of employment of any person in the sale or service of liquor, verify that the employee has either a valid, not expired Class 12 mixologist permit or a valid, not expired Class 13 servers permit as required by RCW 66.20.300 through 66.20.350 in the same name and with the same identifying

characteristics as indicated on the employee's identification as specified in RCW 66.16.040.

(2) Employees of retail licensed businesses licensed under RCW 66.24.320 and 66.24.340 are exempt from alcohol service training requirements when the establishments PRIMARY business is the sale of grocery products and the sale of beer and wine for on premises consumption is incidental to the primary business and constitutes 45 per cent or less of the business activity.

[Statutory Authority: RCW 66.08.030 and 66.20.300 - 66.20.350. 96-03-074, § 314-14-150, filed 1/17/96, effective 2/17/96.]

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

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

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

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

impose a different penalty than the standard penalties outlined in WAC 314-14-160.

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

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

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

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

Chapter 314-16 WAC RETAIL LICENSEES

WAC

- 314-16-020 Dispensing apparatus and containers—Furnishing of certain devices.
- 314-16-025 "Minor prohibited" posting required in classified premises.
- 314-16-030 Sanitation, equipment and lighting.
- 314-16-040 Service limited to license and order—Removal of liquor in open containers—Room service—Price list.
- 314-16-050 Hours of operation.
- 314-16-060 Curb service prohibited.
- 314-16-070 Minors—Employment.
- 314-16-075 Musicians, disc jockeys, sound or lighting technicians, persons performing janitorial services, employees of amusement device companies, security officers, fire fighters and law enforcement officers employment.
- 314-16-090 Bottles and containers—Reuse.
- 314-16-110 Liquor purchases by spirits, beer and wine restaurant, club and sports/entertainment facility licensees.
- 314-16-120 Conduct on licensed premises.
- 314-16-122 Licensee-employees—Prohibited conduct with patrons.
- 314-16-125 Suggestive, lewd and/or obscene conduct on licensed premises.
- 314-16-145 Presentation of card of identification penalty for refusal—Detention for reasonable period to determine age—Person who cannot establish age may be removed from licensed premises.
- 314-16-150 No sale of liquor to minors, intoxicated persons, etc.
- 314-16-160 Records—Purchases—Reports.
- 314-16-190 Spirits, beer and wine restaurant—Qualifications.
- 314-16-195 Spirits, beer and wine restaurant restricted—Qualifications.
- 314-16-196 Spirits, beer and wine restaurant—Floor space requirements—Conditions for service bar only premises.
- 314-16-230 Authorization for sale of beer and/or wine in unopened bottles for off-premises consumption under special occasion license.
- 314-16-260 Sports/entertainment facility license—Purpose.
- 314-16-265 Definitions.
- 314-16-270 Sports/entertainment facility licenses—Operating plans.
- 314-16-275 How will the operating plans be enforced?

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 314-16-010 Booths. [Order 4, § 314-16-010, filed 7/9/69, effective 8/11/69; Order 1, § 314-16-010, filed 5/16/68; Rule 16, filed 6/13/63.] Repealed by 94-10-035, filed 4/29/94, effective 5/30/94. Statutory Authority: RCW 66.08.030.
- 314-16-055 Entertainment—Hours permitted. [Statutory Authority: RCW 66.08.030. 92-21-058, § 314-16-055, filed 10/19/92, effective 11/19/92.] Repealed by 00-07-117, filed 3/21/00, effective 4/21/00. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120.

- 314-16-080 Food and beverage service workers—Permit. [Rule 23, filed 6/13/63.] Repealed by 95-15-014, filed 7/7/95, effective 8/7/95. Statutory Authority: RCW 66.08.030.
- 314-16-100 Treating. [Order 53, § 314-16-100, filed 2/15/77, effective 3/18/77; Order 19, § 314-16-100, filed 8/10/72; Rule 25, filed 6/13/63.] Repealed by 86-07-014 (Order 178, Resolution No. 187), filed 3/11/86. Statutory Authority: RCW 66.08.030.
- 314-16-111 Split case handling fee for Class H liquor purchases. [Statutory Authority: RCW 66.08.030. 94-13-128, § 314-16-111, filed 6/20/94, effective 9/1/94.] Repealed by 95-16-007, filed 7/20/95, effective 8/20/95. Statutory Authority: RCW 66.08.030.
- 314-16-115 Hotels with spirits, beer and wine restaurants and spirits, beer and wine clubs with overnight sleeping accommodations—Sales by the bottle to registered guests—Conditions. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-115, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 87-22-017 (Order 232, Resolution No. 241), § 314-16-115, filed 10/27/87. Statutory Authority: RCW 66.08.030, 66.98.070, 66.24.400 and 1986 c 208. 86-12-022 (Order 188, Resolution No. 197), § 314-16-115, filed 5/28/86.] Repealed by 00-07-117, filed 3/21/00, effective 4/21/00. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120.
- 314-16-130 In transit stamps. [Rule 28, filed 6/13/63.] Repealed by 00-17-065, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.
- 314-16-140 Entertainment license displayed. [Rule 29, filed 6/13/63.] Repealed by 00-07-117, filed 3/21/00, effective 4/21/00. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120.
- 314-16-155 Licensee's certification card—Evidence of age. [Rule 31, filed 6/13/63.] Repealed by 87-21-037 (Order 231, Resolution No. 240), filed 10/13/87. Statutory Authority: RCW 66.08.030.
- 314-16-170 Suspension notices, posting of—Other closing notices prohibited. [Rule 33, filed 6/13/63.] Repealed by 92-21-057, filed 10/19/92, effective 11/19/92. Statutory Authority: RCW 66.08.030.
- 314-16-180 Alterations and changes of premises and activities—Outside storage. [Statutory Authority: RCW 66.08.030. 86-15-042 (Order 193, Resolution No. 202), § 314-16-180, filed 7/16/86; Rule 34, filed 6/13/63.] Repealed by 00-07-117, filed 3/21/00, effective 4/21/00. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120.
- 314-16-197 Minimum qualifications for applicants who apply for beer and/or wine restaurant licenses in lieu of presently held tavern license. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-197, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 92-14-026, § 314-16-197, filed 6/22/92, effective 7/23/92. Statutory Authority: RCW 66.08.030 and 66.98.070. 85-14-107 (Order 160, Resolution No. 169), § 314-16-197, filed 7/3/85.] Repealed by 00-07-117, filed 3/21/00, effective 4/21/00. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120.
- 314-16-199 Cocktail lounge declassification—Sunday dining events. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425,

- 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-199, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 94-13-127, § 314-16-199, filed 6/20/94, effective 7/21/94.] Repealed by 00-07-117, filed 3/21/00, effective 4/21/00. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120.
- 314-16-200 Minimum qualifications for issuance of grocery store or beer and/or wine specialty shop licenses. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-200, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 95-17-006, § 314-16-200, filed 8/3/95, effective 9/3/95. Statutory Authority: RCW 66.08.030 and 66.98.070. 84-19-051 (Order 146, Resolution No. 155), § 314-16-200, filed 9/18/84; 82-10-019 (Order 102, Resolution No. 111), § 314-16-200, filed 4/28/82; Order 55, § 314-16-200, filed 5/31/77, effective 7/1/77.] Repealed by 00-07-117, filed 3/21/00, effective 4/21/00. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120.
- 314-16-205 Minimum qualifications for issuance for a beer and wine gift delivery license. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-205, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 87-15-110 (Order 220, Resolution No. 229), § 314-16-205, filed 7/22/87. Statutory Authority: RCW 66.08.030 and 66.98.070. 84-09-024 (Order 139, Resolution No. 148), § 314-16-205, filed 4/11/84.] Repealed by 00-07-117, filed 3/21/00, effective 4/21/00. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120.
- 314-16-210 Spirits, beer and wine restaurant license fees in unincorporated areas—Seasonal operations—Prorating fees. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-210, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.98.070. 81-22-026 (Order 85, Resolution No. 94), § 314-16-210, filed 10/28/81.] Repealed by 00-07-117, filed 3/21/00, effective 4/21/00. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120.
- 314-16-220 Class F licensees—Principal business sale of wine for off-premises consumption—Authorization for selling or serving samples. [Statutory Authority: RCW 66.08.030 and 66.98.070. 81-22-026 (Order 85, Resolution No. 94), § 314-16-220, filed 10/28/81.] Repealed by 98-18-097, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150.
- 314-16-240 Beer and/or wine specialty shop licenses—Principal business sale of beer and wine for off-premises consumption—Authorization for selling or serving sam-
- ples. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-240, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 87-15-113 (Order 221, Resolution No. 230), § 314-16-240, filed 7/22/87.] Repealed by 00-07-117, filed 3/21/00, effective 4/21/00. Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120.
- 314-16-250 Retail sale of malt liquor in kegs. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-250, filed 9/2/98, effective 10/3/98. 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.] Repealed by 00-12-011, filed 5/25/00, effective 6/25/00. Statutory Authority: RCW 66.08.030, 66.28.200, 66.28.210.

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 distributors may furnish "tap marking devices" to retail dispensers as hereinabove provided at a nominal value or cost to the brewer or beer distributor. Brewers and beer distributors may also furnish can and bottle openers to retail licensees at a nominal value or cost to the brewer or beer distributor.

(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 distributors 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 distributor.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-020, filed 9/2/98, effective 10/3/98. 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 314-16-025 "Minor prohibited" posting required in classified premises. (1) Licensees of licensed premises classified by the board pursuant to RCW 66.44.310(2) shall post a notice in a conspicuous location at

each entryway to each such classified tavern or cocktail lounge informing persons under twenty-one years of age that they are not permitted to enter or remain on such classified premises.

(2) The board will provide the notices required by subsection (1) of this section to licensees without charge: Provided, however, That licensees may design and post their own notices. Licensees choosing to do so must ensure that the notices are legible and that they contain, at a minimum, the following language:

(a) For a premises classified as a tavern: "Persons under twenty-one years of age not permitted on these premises."

(b) For a premises classified as the cocktail lounge portion of a spirits, beer and wine restaurant premises: "Persons under twenty-one years of age not permitted in this area."

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-025, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 86-09-074 (Order 182, Resolution No. 191), § 314-16-025, filed 4/22/86.]

WAC 314-16-030 Sanitation, equipment and lighting. (1) Every retail licensee shall keep his premises and equipment in a clean, wholesome and sanitary condition.

(2) All cups, mugs, steins or glasses used for serving liquor must, after being used, be cleaned, washed and sterilized in the manner prescribed by the state board of health sanitation regulations. Any sterilizing process and chemical sterilizing agents used in connection therewith shall meet the requirements of the state board of health.

(3) All holders of retail licenses for the sale of liquor for consumption on the premises shall provide in and about the parts of said premises, which are open to and used by the public, sufficient lighting so that all objects are plainly visible at all times and all parts of such premises shall be illuminated so that patrons on any part of the premises on which intoxicating liquor is served shall be able to read a menu or liquor list printed in eight point type.

[Rule 18, filed 6/13/63.]

WAC 314-16-040 Service limited to license and order—Removal of liquor in open containers—Room service—Price list. (1) No retail licensee shall possess or allow any person to consume or possess any liquor other than that permitted by his license in or on the licensed premises, or on any public premises adjacent thereto which are under his control except under authority of a banquet permit; however, a restaurant licensee may, with or without a corkage fee, allow patrons to bring wine into the premises for consumption with a meal.

(2) Beer and/or wine only licensees may keep spirituous liquor on the premises for use in the manufacture of confection or food products provided that prior written permission of the board is obtained, all confection or food products manufactured contain one percent or less of alcohol by weight, and customers are made aware that such confection or food

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products contain liquor and the alcohol content is one percent or less of the weight of the product.

(3) No retail licensee or employee thereof shall permit the removal of any liquor in an open container from the licensed premises except that liquor brought on a licensed premises under authority of a banquet permit shall be recorked, recapped or resealed in its original container and shall be removed at the termination of such banquet permit function. Further, wine may be removed as authorized by RCW 66.24.320 and 66.24.400.

(4) No licensee shall sell or serve any spirituous liquor, beer, or wine other than ordered, or substitute a nonalcoholic beverage when an alcoholic beverage has been ordered. A spirits, beer and wine restaurant licensee shall display prices for all liquor either by posting a price list or by using menus listing such prices, or by both.

(5) No holder of a beer and/or wine restaurant license shall advertise for sale, nor sell, any mixed drink under the name of "Old Fashioned," "Whiskey Sour," "Singapore Sling," "Martini," "Manhattan," nor any other name which, by long and general usage, has become associated in the public mind as being the name of a mixed drink made from spirituous liquor, unless the name of such drink is prefaced by the word "wine," such as Wine Old Fashioned. The holder of a beer and/or wine restaurant license may advertise for sale, mix, compound or sell upon order, mixed drinks made from one or more wines under a name which does not conflict with this section.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120, 00-12-051, § 314-16-040, filed 6/5/00, effective 7/6/00. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-040, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 88-23-100 (Order 261, Resolution No. 270), § 314-16-040, filed 11/22/88; 87-20-014 (Order 228, Resolution No. 237), § 314-16-040, filed 9/29/87; 86-07-015 (Order 179, Resolution No. 188), § 314-16-040, filed 3/11/86; 85-06-023 (Order 155, Resolution No. 164), § 314-16-040, filed 2/27/85. Statutory Authority: RCW 66.08.030 and 66.98.070. 84-11-092 (Order 142, Resolution No. 151), § 314-16-040, filed 5/23/84. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-02-094 (Order 69, Resolution No. 78), § 314-16-040, filed 1/23/80; Rule 19, filed 6/13/63.]

WAC 314-16-050 Hours of operation. (1) No retail licensee, or employee thereof, shall sell, deliver, offer for sale, serve or allow to be consumed upon the licensed premises any liquor, nor permit the removal of any liquor from the licensed premises in any manner, whatever, nor shall any retail on-premise licensee permit the physical possession of any liquor, between the hours of 2:00 a.m. and 6:00 a.m., however, persons working on the premises may, while in the performance of their official duties possess liquor.

(2) Any municipality may fix later opening hours or earlier closing hours than those specified in this rule, however, such later opening hours or earlier closing hours shall apply to all licensed premises.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230,

66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-050, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 94-08-031, § 314-16-050, filed 3/30/94, effective 4/30/94; Order 53, § 314-16-050, filed 2/15/77 and 2/16/77, effective 3/18/77; Order 45, § 314-16-050, Rule 20, filed 6/1/76; Order 16, § 314-16-050, filed 8/5/71, effective 9/7/71; Order 11, § 314-16-050, filed 11/13/70, effective 12/14/70; Resolution No. 7, filed 7/19/67, effective 8/19/67; Rule 20, filed 6/13/63.]

WAC 314-16-060 Curb service prohibited. No retail liquor licensee, or employee thereof, shall provide, furnish, sell, or supply liquor by means of "drive-in" and/or "curb service." The board may approve a pass-through window for walk-up customers for the sale of beer and/or wine in original packages.

[Statutory Authority: RCW 66.08.050. 95-17-040, § 314-16-060, filed 8/10/95, effective 9/10/95. Statutory Authority: RCW 66.08.030 and 66.98.070. 81-21-024 (Order 87, Resolution No. 96), § 314-16-060, filed 10/14/81; 80-15-111 (Order 75, Resolution No. 84), § 314-16-060, filed 10/22/80; Order 53, § 314-16-060, filed 2/15/77, effective 3/18/77; Order 4, § 314-16-060, filed 7/9/69, effective 8/11/69; Rule 21, filed 6/13/63.]

WAC 314-16-070 Minors—Employment. No person under the age of 21 years shall be employed in any service in connection with the sale, handling or serving of any liquor, either on a paid or voluntary basis, in, on or about any licensed premises except as otherwise authorized by law. Employees 18 years of age or over of on-premises retail licensees may take orders for, serve and sell liquor for consumption on premises as authorized by, and under the conditions provided in, chapter 66.44 RCW. Employees 18 years of age or over of off-premises retail licensees exclusively, may sell, stock and handle beer and/or wine not to be consumed upon the premises as authorized by, and under the conditions provided in, RCW 66.44.340.

(1) All licensees shall have a person 21 years of age or over on duty supervising the sale, service and consumption of liquor at the licensed premises.

(2) Persons under 21 years of age may not serve liquor in any area of an on-premises retail licensed premises at any time such area is classified by the board as off-limits to persons under 21 years of age.

(3) Employees 18 years of age or older of an on-premises retail premises may enter cocktail lounges, bars, or other areas classified by the Washington state liquor control board as off-limits to persons under 21 years of age to perform work assignments, including picking up liquor for service in other parts of the licensed premises, performing clean-up work, setting up and arranging tables, delivering supplies, delivering messages, serving food, and seating patrons. Such employees shall remain in the areas off-limits to minors no longer than is necessary to carry out their aforementioned duties.

(4) Persons under 21 years of age shall not be permitted to perform activities or functions of a bartender. For the purposes of this section, activities or functions of a bartender include, but are not limited to: Mixing drinks or cocktails; drawing beer or wine; pouring beer or wine anywhere on the premises except at the patrons table; supplying or providing to 18, 19, or 20 year old employees for delivery to the cus-

tomers spirituous liquor by the glass, beer by the pitcher or glass; or wine by the carafe or glass.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-070, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.98.070. 88-20-086 (Order 263, Resolution No. 272), § 314-16-070, filed 10/5/88. Statutory Authority: RCW 66.08.030. 88-01-015 (Order 234, Resolution No. 243), § 314-16-070, filed 12/8/87; Order 43, § 314-16-070, Rule 22, filed 11/20/75; Order 4, § 314-16-070, filed 7/9/69, effective 8/11/69; Rule 22, filed 6/13/63.]

WAC 314-16-075 Musicians, disc jockeys, sound or lighting technicians, persons performing janitorial services, employees of amusement device companies, security officers, fire fighters and law enforcement officers employment. Pursuant to the provisions of RCW 66.44.316, professional musicians eighteen years of age and older are permitted to enter and to remain in liquor licensed establishments during and in the course of their employment as musicians. The following definitions and requirements shall be applicable.

(1) Definitions:

(a) The term "professional minor musician" shall be construed as a person between eighteen and twenty-one years of age who is employed to perform in his or her capacity as a musician at a retail liquor licensed establishment.

(b) The term "professional minor musician" shall include a person who plays a musical instrument and/or is a vocalist, professional disc jockeys, or professional sound or lighting technicians actively engaged in support of professional musicians or professional disc jockeys.

(c) To assure that the professional minor musician employed is engaged for that purpose, he or she shall be compensated at a rate not less than the minimum wage provided for by state law.

(2) Areas in licensed establishments where professional minor musicians may perform:

(a) Professional minor musicians during their performance shall, except as provided in (b) and (c) of this subsection, remain on the stage or bandstand of the licensed premises.

(b) The style of a "strolling musician" or a group of "strolling musicians" may be utilized in licensed establishments.

(c) Disc jockeys and sound and lighting technicians may enter and remain on the licensed premises, in such locations as required, during and in the course of their employment.

(3) Areas where professional minor musicians may remain when not performing:

(a) Prior to commencing a performance; at breaks or intermissions during the performance; and after concluding a performance, professional minor musicians shall be permitted only: On the stage or bandstand; in a private room or separate area on the premises in which no liquor is served; or in areas where minors are permitted under the licensee's

minor classification (for example, in the restaurant section of a spirits, beer and wine restaurant licensed premises).

(b) Professional minor musicians are permitted to enter and remain on the licensed premises not more than one hour prior to the start of their performance, in order to set up their equipment and tune their musical instruments, and to remain not more than one hour after concluding their performance in order to properly secure their equipment.

(4) Licensees shall at all times provide adequate supervision in order to insure that there will be neither the sale of nor the supplying of any alcoholic beverages to professional minor musicians, and that professional minor musicians will not be permitted to consume alcoholic beverages at any place on the premises.

(5) Responsibilities of professional minor musician:

(a) Professional minor musicians shall at all times during the course of their employment on licensed retail premises have with them documents available for inspection which disclose their true age and date of birth.

(6) Practice sessions — "jam sessions":

(a) Practice sessions involving professional minor musicians shall not be permitted on licensed premises.

(b) "Jam sessions" involving professional minor musicians shall not be permitted on any licensed premises unless the participants are being paid for such "jam sessions" in accordance with subsection (1)(c) of this section.

(7) Persons eighteen years of age and older performing janitorial services may enter and remain on premises licensed under the provisions of Title 66 RCW during the hours when there is no sale, service, or consumption of liquor on the premises (or in the area being cleaned), but only during and in the course of their performance of janitorial services.

(8) Employees of amusement device companies or companies which are in the business of installing, maintaining, and repairing amusement devices, which employees are eighteen years of age or older, may enter and remain in any premises licensed under the provisions of Title 66 RCW, but only during and in the course of their employment for the purpose of installing, maintaining, repairing, or removing an amusement device. For the purposes of this section amusement device means coin-operated video games, pinball machines, juke boxes, or other similar devices.

(9) Security officers, fire fighters and law enforcement officers eighteen years and over are permitted to enter and remain on premises licensed under the provisions of Title 66 RCW, but only during and in the course of their employment or official duties and only if they are not the direct employees of the licensee. Provided, however, that security officers access to classified portions of liquor licensed premises is limited to only isolated incidents arising in the course of their duties.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-075, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 89-08-014 (Order 277, Resolution No. 286), § 314-16-075, filed 3/27/89. Statutory Authority: RCW 66.44.316, 66.44.310, 66.44.350 and 66.08.030. 86-18-018 (Order 197,

(2001 Ed.)

Resolution No. 206), § 314-16-075, filed 8/26/86; Order 9, § 314-16-075, filed 2/17/70.]

WAC 314-16-090 Bottles and containers—Reuse. (1)

No spirits, beer and wine restaurant licensee shall reuse, refill or tamper with any bottle of spirituous 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 spirituous 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, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-090, filed 9/2/98, effective 10/3/98. 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 314-16-110 Liquor purchases by spirits, beer and wine restaurant, club and sports/entertainment facility licensees. (1) Any employee authorized by the board may sell spirituous liquor at a discount of fifteen percent from the retail price fixed by the board, together with all taxes, to any spirits, beer and wine restaurant, club or sports/entertainment facility licensee upon presentation to such employee at the time of purchase of a special permit issued by the board to such licensee or through such other means of insuring identification of the authorized purchaser as are approved by the board: Provided, however, That prior to license delivery, a new licensee or transferee may, with board authorization, be sold discount liquor and beer and wine purchased under Title 66 RCW for the purpose of stocking the premises. The employee shall at the time of selling any spirituous liquor to a spirits, beer and wine restaurant, club or sports/entertainment facility licensee make a record of the liquor so sold, together with the name of the spirits, beer and wine restaurant, club or sports/entertainment facility licensee making the purchase. No sale of beer, wine, or spirituous liquor shall take place until the premises of the new licensee or transferee have been inspected by the board and the spirits, beer and wine restaurant, club or sports/entertainment facility license is delivered.

(2) Every spirits, beer and wine restaurant, club or sports/entertainment facility licensee, upon purchasing any spirituous liquor from the board, shall immediately cause such liquor to be delivered to his licensed premises, and he shall not thereafter remove or permit to be removed from said premises any bottle or other container containing such liquor, except pursuant to chapter 314-70 WAC or to return

[Title 314 WAC—p. 41]

it to a state liquor store or agency, nor shall he dispose or allow to be disposed the liquor contained therein in any manner except as authorized by his license: Provided, however, That a delivery service business may pick up more than one liquor order on the same day so long as each of said orders are delivered in the normal course of business on the same day without detour or diversion, except for those stops and deliveries as may be necessary to make deliveries to the other licensees whose order is also on the particular delivery vehicle. The possession of any bottle or other container purchased from the board at a discount by any person other than the licensee or said licensee's agents or employees who purchased the same, or the possession thereof at any place which is not the licensed premises of the licensee who purchased such liquor, shall be prima facie evidence that the licensee unlawfully permitted the removal thereof from his licensed premises: Provided, The licensee who permanently discontinues business, other than as a result of a legal distraint action, may remove open bottles of liquor from the premises for personal use upon payment to the board of an amount to be determined by the board in lieu of the discount and tax exemption in effect at that time.

(3) No licensee shall keep in or on the licensed premises any spirituous liquor which was not purchased from the board at a discount: Provided, That spirituous liquor not purchased at a discount from the board may be kept in or on the licensed premises under authority of a banquet permit issued pursuant to RCW 66.20.010(3) and chapter 314-18 WAC, but only during the specific date and time for which the banquet permit was issued: Provided, further, That notwithstanding any other provision of Title 314 WAC, a spirits, beer and wine licensee may display antique, unusual, or unique liquor bottles with or without liquor on the licensed premises if such bottles are used as part of the decor, and any such bottles containing liquor are locked securely in display cases, and are not for sale.

(4) No person, including anyone acting as the agent for another other than a spirits, beer and wine licensee shall keep or possess any bottle or other container containing spirituous liquor which was purchased from the board at a discount except as provided in subsection (2) of this section.

(5) All spirituous liquor in and on the licensed premises shall be made available at all times by every licensee for inspection by the board, and such licensee shall permit any authorized inspector of the board to make such tests or analyses, by spirit hydrometer or otherwise, as the inspector deems proper. Such inspectors are authorized to seize as evidence any bottles or other containers and the contents thereof which they have determined have been reused, refilled, tampered with, adulterated, diluted, fortified or substituted.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-110, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.070. 87-02-012 (Order 209, Resolution No. 218), § 314-16-110, filed 12/30/86. Statutory Authority: RCW 66.08.030 and 66.98.070. 84-15-061 (Order 147, Resolution No. 156), § 314-16-110, filed 7/18/84; 84-02-066 (Order 136, Resolution No. 145), §

314-16-110, filed 1/4/84; 83-01-029 (Order 116, Resolution No. 125), § 314-16-110, filed 12/8/82; 82-17-022 (Order 109, Resolution No. 118), § 314-16-110, filed 8/9/82; Order 50, § 314-16-110, filed 11/30/76, effective 12/31/76; Order 19, § 314-16-110, filed 8/10/72; Rule 26, filed 6/13/63.]

WAC 314-16-120 Conduct on licensed premises. (1)

It is the duty and responsibility of the licensee to control his/her conduct and the conduct of employees and patrons at all times. The prohibitions in subsections (2), (3), and (4) of this section are minimum rules of conduct. Nothing in this section shall be construed to prevent the licensee from adopting such additional more restrictive house rules as may be necessary to adequately regulate such conduct in order to prevent violations of the laws or rules of the board.

(2) No licensee, or employee thereof, shall be disorderly, boisterous or intoxicated on the licensed premises, or on any public premises adjacent thereto which are under the licensee's control, nor shall any licensee, or employee thereof, permit any disorderly or boisterous person to be thereon; nor shall any licensee, or employee thereof, use or allow the use of profane or vulgar language thereon when there is a clear and present danger of disorderly conduct being provoked by such language.

(3) No licensee, or employee thereof, shall consume liquor of any kind while working on the licensed premises. (See WAC 314-16-050, Hours of operation.)

(4) No licensee shall engage in, or knowingly permit any employee or other person to engage in, conduct on the licensed premises or on property adjacent to the licensed premises under the control of the licensee which is prohibited by any portion of Titles 9, or 9A, or 69 RCW.

[Statutory Authority: RCW 66.08.030 and 66.98.070. 89-03-045 (Order 273, Resolution No. 282), § 314-16-120, filed 1/13/89; 88-20-085 (Order 262, Resolution No. 271), § 314-16-120, filed 10/5/88; 85-15-021 (Order 161, Resolution No. 170), § 314-16-120, filed 7/9/85; 83-06-026 (Order 120, Resolution No. 129), § 314-16-120, filed 2/23/83; Order 53, § 314-16-120, filed 2/15/77, effective 3/18/77; Rule 27, filed 6/13/63.]

WAC 314-16-122 Licensee-employees—Prohibited conduct with patrons. (1)

No retail licensee, and no servant, agent, employee, or entertainer employed at the licensed premises or employed on a contractual basis to entertain, perform, or work upon the licensed premises shall solicit any patron, customer or visitor in or upon the licensed premises to purchase any beverage for the licensee or for any servant, agent, employee, or entertainer.

(2) No retail licensee, and no servant, agent or employee employed on the licensed premises shall permit any person to remain on the licensed premises for the purpose of soliciting any patron, customer, or visitor in or upon the licensed premises to purchase any beverage for said person.

(3) No retail licensee, and no servant, agent, employee, or entertainer employed at the licensed premises or employed on a contractual basis to entertain or work upon the licensed premises shall spend time or dance with any patron, customer or visitor in or upon the licensed premises and receive therefor from said patron, customer, or visitor, either directly or indirectly, any commission, remuneration, or compensation.

(4) No retail licensee, and no servant, agent, or employee employed on the licensed premises shall permit any person to spend time or dance with any patron, customer, or visitor in

or upon the licensed premises and for which said person receives therefor from said patron, customer, or visitor either directly or indirectly any commission, remuneration, or compensation.

(5) As used in subsections (1) and (2) of this section, the term "beverage" means any liquid for drinking including water, but not limited thereto.

(6) As used in subsections (1), (2), (3), and (4) of this section, the terms "employee," "servant," "agent," and "entertainer" are intended to have a broad and general meaning so as to include any person performing services in or on a retail liquor licensed premises and whose work is under some control and/or direction of the licensee.

[Statutory Authority: RCW 66.08.030 and 66.98.070. 83-13-055 (Order 124 and Resolution No. 133), § 314-16-122, filed 6/15/83. Statutory Authority: RCW 66.08.030 and 66.98.070. 81-23-039 (Order 83, Resolution No. 92), § 314-16-122, filed 11/18/81.]

WAC 314-16-125 Suggestive, lewd and/or obscene conduct on licensed premises. The following acts or conduct on licensed premises are prohibited:

(1) To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(2) To employ or use the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume or clothing as described in subsection (1) above.

(3) To encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

(4) To permit any employee or person to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(5) To permit any person to perform acts of or acts which simulate:

(a) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) The touching, caressing or fondling of the breast, buttocks, anus or genitals.

(c) The displaying of the pubic hair, anus, vulva or genitals.

(6) Subject to subsection (5) herein, to permit entertainers whose breast and/or buttocks are exposed to view to perform elsewhere on the licensed premises except upon a stage at least eighteen inches above the immediate floor level and removed at least six feet from the nearest patron.

(7) Subject to subsection (5) herein, to permit any dancer-entertainer to perform on the licensed premises except when removed at least six feet from the nearest patron. This subsection shall not be applied to performances of traditional ethnic dancing such as belly dancing, flamenco dancing, Hawaiian, or Tahitian dancing, etc., performed in restaurant, hotel, or club licensed premises, provided that the following conditions are met:

(a) That the licensee shall have applied for and received written approval of the board for such activity.

(b) That the dancers shall be compensated by the licensee.

(c) The licensee shall keep and have available for inspection by the board, or any peace officer, at all reasonable times, a list of all traditional ethnic dancers employed at the licensed premises. Such list shall be retained for a period of thirty days after termination of employment and shall designate the following information with respect to each entertainer:

(i) True name and professional or stage name, if any;

(ii) Residence address and phone number;

(iii) Social Security number;

(iv) Terms of the agreement of employment; and

(v) Signature of both the licensee and the dancer.

(d) That a person employed as a traditional ethnic dancer at a licensed premises shall not act as an employee in any other public capacity such as a waiter, waitress, host/hostess, etc., in connection with the sale or service of liquor at that licensed premises.

(e) The dance performances authorized by this subsection shall be those performed for the enjoyment of the general audience of the licensee and not for individual patrons.

(8) To permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.

(9) To permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

(10) To permit the showing of any lewd or obscene film, still pictures, electronic reproduction, or other lewd or obscene visual reproductions, which films, electronic reproductions, still pictures, or other visual reproductions depict:

(a) Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law.

(b) Any person being touched, caressed or fondled on the anus or genitals.

(c) Scenes wherein a person displays the vulva or the anus or the genitals.

(d) Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(11) Nothing in this rule is intended to modify the provisions of RCW 66.28.080 concerning city or county dancing or music permits.

(12) Notwithstanding any of the provisions of this rule, no licensee shall employ, use the services of, or permit upon his licensed premises, any entertainment or person whose attire or conduct is in violation of any city or county ordinance.

(13) The occurrence of any of the above acts or conduct, whether permitted on the part of a licensee or his employees or agents or any other persons under the control or direction of the licensee or his employees or agents, shall constitute good and sufficient cause for cancellation of license privileges.

(14) If any provision of this rule or the application thereof to any person or circumstances is held invalid, such

invalidity shall not affect other provisions or application of the rule which can be given effect without the invalid provision or application, and to this end the provisions of this rule are severable.

[Statutory Authority: RCW 66.08.030, 91-19-098 and 92-01-105, § 314-16-125, filed 9/18/91 and 12/18/91, effective 10/19/91 and 1/18/92. Statutory Authority: RCW 66.08.030 and 66.98.070, 82-22-069 (Order 115, Resolution No. 124), § 314-16-125, filed 11/2/82; 81-23-039 (Order 83, Resolution No. 92), § 314-16-125, filed 11/18/81; Order 34, § 314-16-125, filed 6/24/75.]

WAC 314-16-145 Presentation of card of identification penalty for refusal—Detention for reasonable period to determine age—Person who cannot establish age may be removed from licensed premises. (1) A card of identification shall be presented by the holder thereof upon request of a peace officer or an enforcement officer of the board when the person holding the card is on that portion of a licensed premises which is prohibited to persons under the age of twenty-one years pursuant to RCW 66.44.310, or the person is purchasing, attempting to purchase, consuming, or in possession of liquor, and the officer requesting the card of identification is doing so for the purpose of ascertaining the age of the person to determine if the provisions of Title 66 RCW or Title 314 WAC are being complied with.

(2) It is a violation of Title 66 RCW for any person who is the holder thereof to fail or refuse to present a card of identification upon the request of a peace officer or an enforcement officer of the board when the person is on that portion of a licensed premises which is prohibited to persons under the age of twenty-one years pursuant to RCW 66.44.310, or when the person is purchasing, attempting to purchase, consuming, or in possession of liquor and the officer is requesting the card of identification to ascertain the person's age for purposes of determining compliance with the provisions of Title 66 RCW or Title 314 WAC.

(3) For the purpose of enforcing Title 66 RCW or Title 314 WAC, a peace officer or enforcement officer of the board who has reasonable grounds to believe a person observed by the officer on that portion of a licensed premises which is prohibited to persons under the age of twenty-one years pursuant to RCW 66.44.310 or observed by the officer purchasing, attempting to purchase, consuming, or in possession of liquor, is under twenty-one years of age, the officer may detain such person 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 if the person fails or refuses to present a card of identification.

(4) If a person fails or refuses to produce a card of identification and a peace officer or enforcement officer of the board is unable to determine the person's age pursuant to subsection (3) of this section, it is a violation of Title 66 RCW for the person to remain on the licensed premises after being asked to leave by the peace officer or enforcement officer of the board.

(5) "Card of identification," as used in this section, means any one of those cards described in RCW 66.16.040.

[Statutory Authority: RCW 66.08.030 and 66.98.070, 83-12-022 (Order 123, Resolution No. 132), § 314-16-145, filed 5/25/83.]

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WAC 314-16-150 No sale of liquor to minors, intoxicated persons, etc. (1) No retail licensee shall give or otherwise supply liquor to any person under the age of twenty-one years, either for his/her own use or for the use of his/her parent or of any other person; or to any person apparently under the influence of liquor; nor shall any licensee or employee thereof permit any person under the said age or in said condition to consume liquor on his/her premises, or on any premises adjacent thereto and under his/her control.

(2) No retail licensee shall permit any person apparently under the influence of liquor to physically possess liquor on the licensed premises.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150, 98-18-097, § 314-16-150, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 94-08-030, § 314-16-150, filed 3/30/94, effective 4/30/94; Rule 30, filed 6/13/63.]

WAC 314-16-160 Records—Purchases—Reports. (1) The originals or copies of all purchase invoices and other memoranda covering all purchases of liquor by retail licensees showing (a) items purchased, (b) quantities thereof, (c) from whom purchased, and (d) purchase date, shall be kept for at least two years after each purchase, and 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. All canceled checks, bank statements and books of account covering or involving the purchase of liquor, and all memoranda, if any, showing payment of money for liquor other than by check, shall be likewise preserved for two years and shall be at all times kept available for inspection and copying.

(2) No retail licensee shall buy or accept delivery of liquor except for cash paid at the time of the delivery thereof: Provided, That a retail licensee may pay cash prior to delivery of liquor purchased. Failure by licensees to keep accurate accounting records which result in the extension of or receipt of credit from a manufacturer, importer, or distributor through the use of a prior cash deposit which is overextended may result in administrative action being taken against the liquor license.

(3) A retail licensee shall purchase beer from a beer distributor pursuant to RCW 66.28.070 and shall purchase wine from a state liquor store or agency or from a duly licensed distributor except as provided in chapter 314-70 WAC. All beer purchased must be at the posted price in accordance with WAC 314-20-100 and all wine purchased must conform to the posted price as filed under WAC 314-24-190. No retail licensee may return wine to a wine distributor except in accordance with the provisions of WAC 314-24-210, nor shall any retail licensee return beer to a beer distributor except in accordance with the provisions of WAC 314-20-070.

(4) Prior to license delivery, a new beer and/or wine licensee or transferee may, with board authorization, be sold

beer and/or wine for the purpose of stocking the premises. No retail sale of beer and/or wine shall take place until the applicant premises have been inspected by the board and the liquor license is delivered.

(5) Each retail licensee shall keep books and records which will clearly reflect all financial transactions and the financial condition of the business.

(6) Any retail licensee may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for approval shall be directed to the Washington state liquor control board and must include the following information:

- (a) Records proposed to be reproduced.
- (b) Reproduction process.
- (c) Manner of preserving the reproduction.
- (d) Facilities provided for examining or viewing such reproduction.

If the request is approved, the licensee shall provide for the examining, viewing and reproduction of such records the same as if they were the original records.

(7) If a retail licensee keeps records within an automatic data processing (ADP) system, the system must include a method for producing from punchcards or from other machine-sensible data media legible records that will provide the same information required of that type of record within this section. The ADP system is acceptable if it complies with the following guidelines:

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

(b) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If print-outs of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.

(c) Has available a full description of the ADP portion of the accounting system. This should show the applications being performed, the procedures employed in each application and the controls used to ensure accurate and reliable processing.

(8) All spirits, beer and wine licensees in addition to the requirements of subsection (1) of this section shall at all times:

(a) Maintain records of all purchases for the premises, including liquor, food and supplies. The purchases supported by supplier invoices or signed vouchers are to be segregated as to type and recorded.

(b) Maintain records of all sales in the premises from all sources including liquor, food and miscellaneous items and service. Individual sales are to be recorded on sales slips or cash register tape in such a manner to indicate the source of revenue and the records are to be filed for future audit purposes. Sales segregated as to source of revenue are to be recorded.

(c) Preserve for a period of two years the records described in subsections (6), (7), and (8)(a) and (b) of this section.

(2001 Ed.)

(d) Make such periodic reports to the board covering purchases, sales and inventory of liquor, food and supplies as may be prescribed or requested by the board.

(e) Keep available for inspection and copying by the board and/or its accredited representatives all books and records relative to purchases, sales and inventories of liquor, food and supplies.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-160, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 88-23-101 (Order 270, Resolution No. 279), § 314-16-160, filed 11/22/88; 87-04-017 (Order 210, Resolution No. 219), § 314-16-160, filed 1/27/87. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-022 (Order 109, Resolution No. 118), § 314-16-160, filed 8/9/82; Order 24, § 314-16-160, filed 6/28/73; Order 5, § 314-16-160, filed 8/7/69, effective 9/8/69; Rule 32, filed 6/13/63.]

WAC 314-16-190 Spirits, beer and wine 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 (5) 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 (5) 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) Each spirits, beer and wine 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.

(3) The restaurant area of any spirits, beer and wine 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 pre-

mises, 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.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120, 00-12-051, § 314-16-190, filed 6/5/00, effective 7/6/00. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150, 98-18-097, § 314-16-190, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 95-16-008, § 314-16-190, filed 7/20/95, effective 8/20/95; 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 314-16-195 Spirits, beer and wine restaurant restricted—Qualifications. (1) Spirits, beer and wine restaurant restricted licensees shall govern their operations in selling liquor in accordance with the regulations set forth in Titles I and II. Such licensees may sell liquor in accordance with these regulations, only to members, invited guests, and holders of cards as authorized by subsection (3) of this section. Spirits, beer and wine restaurant restricted licensees shall not be prohibited from renting, leasing, or donating all or a portion of their facilities for, or making services available to, an activity where the public is invited or admitted under the conditions specified in subsection (4) of this section.

(2)(a) Applications for new spirits, beer and wine restaurant restricted licenses shall be on forms prescribed by the board and shall be accompanied by proof that:

(i) The business has been in operation for at least one year immediately prior to the date of its application. Such proof should include records of membership as well as an indication as to numbers and types of membership.

(ii) Membership or admission will not be denied to any person because of race, creed, color, national origin, sex or the presence of any sensory, mental or physical handicap.

(b) Applications for renewal shall be made on forms prescribed by the board and shall be accompanied by such information as the board may request.

(c) Spirits, beer and wine restaurant restricted applicants and licensees must meet the provisions of WAC 314-16-190 (1), (2), (3), (4), (5) and (7).

(3)(a) Guest privilege cards may be issued only as follows:

(i) For spirits, beer and wine restaurant restricted licensees within the limits of any city or town, only to those persons residing outside of an area ten miles from the limits of such city or town.

(ii) For spirits, beer and wine restaurant restricted licensees outside of any city or town only to those persons residing outside an area fifteen miles from the location of such licensee: Provided, That where such area limitation encroaches

upon the limits of any city or town, the entire corporate limits of such city or town shall be included in the prohibited area.

(iii) Such guest privilege cards shall be issued for a reasonable period and must be numbered serially, with a record of the issuance of each such card to be filed on the licensed premises in such a manner as to be readily accessible for inspection.

(iv) The mileage restrictions in (i) and (ii) of this subsection may be waived for special events upon written approval of the board.

(b) Guests may be introduced when accompanied at all times by a member and may remain as long as such member is present: Provided, That any such guest may only enjoy the privileges of the organization a reasonable number of times in any one calendar year.

(c) Persons who are members in good standing of a licensed spirits, beer and wine restaurant restricted organization may enjoy the privileges of any other licensed spirits, beer and wine restaurant restricted organization: Provided, That the operating rules of such organization authorize reciprocal privileges: Provided further, That (a) and (b) of this subsection shall not apply to members of such organizations while exercising reciprocal privileges.

(4) If the licensee at any time rents any portion of the premises for any purpose other than to their membership or at any time holds any function within the premises to which the public is generally invited or admitted, then such portion devoted to liquor service must be closed to the public generally and no one admitted therein except for bona fide members and guests. If the premises does not have an area which can be so closed, then no liquor service whatever may be permitted during the entire time when such activity is taking place or when the public is generally admitted in the premises.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150, 98-18-097, § 314-16-195, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.98.070, 82-13-069 (Order 107, Resolution No. 116), § 314-16-195, filed 6/16/82.]

WAC 314-16-196 Spirits, beer and wine restaurant—Floor space requirements—Conditions for service bar only premises. (1) Definitions. For the purpose of this section:

(a) "Banquet room" means any room used primarily for the sale and service of food and liquor to private groups.

(b) "Cabaret" means a dining area also used to conduct entertainment such as live music, patron dancing, comedy and floor shows.

(c) "Cocktail lounge" means that portion of a licensed premises used primarily for the preparation, sale and service of liquor. Persons under twenty-one years of age are not permitted to enter a cocktail lounge except as otherwise provided under this title.

(d) "Public service area" means those public areas where food and/or liquor is normally sold and served to the general public.

(e) "Dining room" means that area dedicated to the sale and service of food with liquor being incidental to dining. A dining area must be separate and apart from a dance floor, entertainment stage, cocktail lounge or game area except if written permission is given by the board to use a dining area during specified times as a cabaret area.

(f) "Service bar" means any fixed or portable table, counter, cart or similar work station primarily used to prepare, mix, serve and sell liquor for pickup only, by employees and customers.

(2) Before the board shall issue a spirits, beer and wine restaurant 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 fifteen percent of the total public service area: Provided,

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

(b) Routine sale and service of liquor in a banquet room to the public requires written board approval.

(3) The boundary of a cocktail lounge or other restricted area shall be clearly defined as a separate and distinct area by fixed or movable barriers, including, but not limited to, railings, ropes and stanchions, shrubbery or other closely placed plantings, etc.

(a) Restricted area entrances may be no wider than ten feet.

(b) Minor prohibited signs as required by WAC 314-16-025 must be placed at all restricted area entrances and other locations as necessary.

(c) The licensee is responsible to construct and post restricted area boundaries to reasonably prevent unauthorized persons from entering such areas.

(d) Movable barriers may not be placed so as to reduce the required dining area to less than fifteen percent.

(4) In spirits, beer and wine restaurant premises with a cocktail lounge, any portable service bar(s) may be placed in, or moved about, public service areas other than the dining area(s) without need for separate board approval.

(a) Any permanently fixed service bar(s) must be included as part of original floor plans or submitted as an alterations request, requiring board approval.

(b) Customers may not be seated or allowed to consume food or liquor at the service bar(s).

(5) Spirits, beer and wine restaurant licensees/applicants may have a service bar(s) without regard to the floor space requirements of subsection (2) of this section, in lieu of a cocktail lounge on the following conditions:

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

(b) Customers may not be seated or allowed to consume food or liquor 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.

(6) If the board issues a spirits, beer and wine restaurant 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 spirits, beer and wine restaurant 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).

(7) 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.

[Statutory Authority: RCW 66.08.030, 66.24.010, 66.24.120. 00-12-051, § 314-16-196, filed 6/5/00, effective 7/6/00. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-196, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 96-03-005, § 314-16-196, filed 1/4/96, effective 2/4/96; 95-20-005, § 314-16-196, filed 9/21/95, effective 10/22/95; 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 314-16-230 Authorization for sale of beer and/or wine in unopened bottles for off-premises consumption under special occasion license. (1) Authorization for the sale of unopened bottles and original packages of beer and/or wine not to be consumed on the premises where sold, as authorized by RCW 66.24.380, must be applied for to the board at the time the society or organization makes application for the special occasion license, and the board's written approval is required before any such sales are made.

(2) Board approval for the sales authorized in subsection (1) of this section shall be granted by the board upon the condition that no more than twelve liters of beer and/or wine may be sold to any one purchaser under a single special occasion license.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-16-230, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.98.070. 81-22-026 (Order 85, Resolution No. 94), § 314-16-230, filed 10/28/81.]

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

(a) In RCW 66.24.570, the legislature established a spirits, beer, and wine license for arenas, coliseums, stadiums, or

other facilities where sporting, entertainment, and special events are presented.

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

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

(2) **Will the liquor control board recognize the differences between types of sports/entertainment facilities?**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Prior to the first of each month, the licensee must provide a schedule of events for the upcoming month to the facility's local liquor enforcement office. This schedule must show the date and time of each event during which alcohol service is planned. The licensee must notify the local enforcement office at least twenty-four hours in advance of any events where alcohol service is planned that were not included in the monthly schedule. Notice of private events is not required when the event is being held in conjunction with a professional or amateur sporting event, an entertainment event, or a special event as outlined in WAC 314-16-265(2).

(2) **May the liquor control board impose any other mandatory standards as a part of an operating plan?**

Yes. To prevent persons who are under twenty-one years of age or who appear intoxicated from gaining access to alcohol, the board may impose the following standards as part of an operating plan:

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

(b) To permit alcohol servers to establish the age of patrons and to prevent over-service, sports/entertainment facilities must meet minimum lighting requirements established by WAC 314-16-030(3) in any area where alcohol is served or consumed. For the purpose of establishing a permanent technical standard, an operating plan may include a lighting standard measured in foot candles, so long as the candle power of the lighting is, at all times, sufficient to per-

mit alcohol servers to establish the validity of documents printed in eight point type.

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

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

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

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

(4) **Will hawking be allowed at sports/entertainment facilities?** Subject to the provisions of this rule, hawking may be permitted in general seating areas for the sale and consumption of beer, at the professional sporting events of baseball, football, basketball, soccer, tennis, volleyball, horse racing, hockey, and track and field events only, as defined by WAC 314-16-265(2).

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

(b) During hawking, any patron may decline to handle alcoholic beverages, either on behalf of themselves and for

any person under their supervision. When a patron objects to handling alcohol, hawkers must accommodate the objection. The facility operating plan will address how hawking will be managed, including how hawkers will respond to patron objections to handling alcohol.

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

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

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

the board. The wording and method of notice must be approved by the board.

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

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

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

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

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

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

Chapter 314-18 WAC BANQUET PERMITS

WAC

314-18-010	Banquet permits—Authorized.
314-18-020	Definitions.
314-18-030	Applicants—Retail liquor licensees ineligible—Exceptions.
314-18-040	Issuance fee—Restrictions.
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314-18-070	Responsibilities of permittee.
314-18-080	Hours of operation—Inspection of premises.
314-18-090	Misrepresentation on application—Consequences.
314-18-100	Penalties.

WAC 314-18-010 Banquet permits—Authorized. Pursuant to the provisions of RCW 66.20.010, the board may issue banquet permits in accordance with the following rules.

[Statutory Authority: RCW 66.08.030 and 66.98.070, 82-16-100 (Orders 110 and 112, Resolution Nos. 119 and 121), § 314-18-010, filed 8/4/82.]

WAC 314-18-020 Definitions. In this chapter unless the context otherwise requires:

(1) "Permit" means a banquet permit authorized by RCW 66.20.010(3).

(2) "Banquet"

(a) Means any event not open to the general public to be held or conducted at a specific place upon a specific date where the persons in attendance will have some common purpose or interest, either business or social or a combination thereof, for attending;

(b) Does not mean or refer to an event or affair requiring the presence or service of food as might be construed in the more formal sense of that term; nor is there any implication that such events are limited to any specific number of times that they may be held or conducted, if the applicants are qualified and the events are conducted in conformance with this chapter;

(c) Is not intended to refer to or be applicable to an event, affair, or occasion held in the privacy of a person's home.

[Title 314 WAC—p. 50]

[Statutory Authority: RCW 66.08.030 and 66.98.070, 82-16-100 (Orders 110 and 112, Resolution Nos. 119 and 121), § 314-18-020, filed 8/4/82.]

WAC 314-18-030 Applicants—Retail liquor licensees ineligible—Exceptions. (1) Any person twenty-one years of age or older, either for himself/herself or in a representative capacity on behalf of a society, organization, or business entity, may apply for a banquet permit which authorizes the service and consumption of liquor at a specific place upon a specific date.

(2) Retail liquor licensees are NOT eligible to apply for banquet permits for events to be held at, in, or upon such licensee's premises: Provided, however, That the licensee's ineligibility will not apply:

(a) When the application is by an established organization of members or auxiliary within a licensed club;

(b) Where grand openings, or special openings following new construction or substantial alterations, or when conventions are to be held on the licensed premises;

(c) Where special occasions such as employee Christmas parties, business anniversaries, etc. are held on the licensed premises;

(d) For functions held at locations other than the licensed premises.

(3) Banquet permits may be issued to qualified applicants for private functions on a chartered bus, chartered boat, chartered plane, or a chartered passenger car on a train.

(4) A banquet permit is not required for:

(a) Spirit, beer and wine sampling conducted in accordance with RCW 66.28.040 as implemented by chapter 314-64 WAC.

(b) Beer or wine provided by a brewery, winery, or distributor as part of a course of instruction for liquor licensees and/or their employees pursuant to RCW 66.28.150.

(5) The board interprets and will apply the relevant portions of the Liquor Act (RCW 66.20.010, 66.04.010(23), 66.04.010(26), 66.24.480, 66.24.481, and 66.44.100), reading them in pari materia, as not requiring a banquet permit to be obtained by an individual for a function when that individual is not acting with a business purpose or on behalf of an organization or business entity, where each of the following conditions are met:

(a) The function to be held by the individual is of a personal, noncommercial type which would normally be held in the individual's private home but for space considerations. Examples being a birthday party, wedding reception, bar mitzvah, etc. In lieu of holding the function in his or her home, the individual has arranged for use of a facility which is to be closed off from the public during the function and which is not on any licensed premises.

(b) The function is hosted by the individual personally. That is, there is no charge in any manner whatsoever for attendance, whether by admission charge, donation, dues, fees, or otherwise, and there is no charge in any manner whatsoever for anything provided at the function (i.e., mixer, setups, ice, food, hors d'oeuvres, etc.).

(c) That there is no business purpose for the function and that no pecuniary gain is intended or realized by the individual from the holding of the function.

(2001 Ed.)

(d) That those persons attending the function are the personal invitees of the individual holding it.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-18-030, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 88-22-026 (Order 268, Resolution No. 277), § 314-18-030, filed 10/25/88. Statutory Authority: RCW 66.08.030 and 66.98.070, 82-16-100 (Orders 110 and 112, Resolution Nos. 119 and 121), § 314-18-030, filed 8/4/82.]

WAC 314-18-040 Issuance fee—Restrictions. (1) Banquet permits may be issued by the board's stores and agencies to qualified applicants on forms provided by the board; the fee for each banquet permit will be ten dollars.

(2) Except for outdoor areas, banquet permits will only be issued for use at premises that are or can be arranged so that the general public can be excluded therefrom.

(3) Where the application is for a banquet to be held either partially or wholly out-of-doors, the following restrictions will apply:

(a) State parks: State parks are exempt from the law requiring a license or permit to consume liquor in a public place (RCW 66.04.011). Banquet permits shall not be issued for the service and consumption of liquor in state parks.

(b) City and county parks: Applicants will be issued banquet permits only upon presentation of written approval from the appropriate local authority for the banquet applied for.

(c) Commercial parks (privately owned and operated): Store and agency managers may issue banquet permits for use in such commercial parks even though the event is to be held partly or wholly out-of-doors.

(d) All other outdoor areas: Issuance is conditioned upon approval of the area liquor enforcement officer.

(4) Where the application is for a banquet permit for an event to be held on a college or university campus or upon the premises of an elementary or high school, public or private; permits will be issued provided that approval, in writing, by an appropriate official of the college, university, elementary, or high school is furnished with the application.

(5) When the application is for a banquet permit for an event to be held in or at a state armory used for military purposes, permits will be issued provided that approval, in writing, by the adjutant general or his/her designee is furnished by the applicant to the board and to the chief of police of the incorporated city or town in which the armory is located or to the county sheriff if the armory is located outside the boundaries of incorporated cities or towns.

(6) Banquet permits will not be issued for use at premises that have a license issued by the board that is or will be suspended on the date of the scheduled banquet.

(7) The event for which the banquet permit application is made cannot be open to the public through general admission ticket sales.

(8) The event for which the banquet permit application is made cannot be open to the public or advertised to the public.

(2001 Ed.)

(9) Approval of the area enforcement officer is required for banquet permits intended for use in the cocktail lounge facilities or tap rooms of hotels, restaurants, and clubs, unless the entire premises under the control of the licensee is devoted to the banquet, and then only if all licensee liquor is removed from view and securely isolated.

(10) Where the application is for a banquet permit for an event to be held on a vessel under the jurisdiction of the Washington state ferry system; permits will be issued provided that approval, in writing, by an appropriate official of the Washington state ferry system is furnished with the application.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-18-040, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 86-09-075 (Order 183, Resolution No. 192), § 314-18-040, filed 4/22/86. Statutory Authority: RCW 66.08.030 and 66.98.070, 85-06-021 (Order 153, Resolution No. 162), § 314-18-040, filed 2/27/85; 84-09-025 (Order 140, Resolution No. 149), § 314-18-040, filed 4/11/84; 82-16-100 (Orders 110 and 112, Resolution Nos. 119 and 121), § 314-18-040, filed 8/4/82.]

WAC 314-18-050 Sale of liquor—Not authorized. (1) A banquet permit does not authorize the sale of liquor for cash, credit, check, scrip, or in any manner whatever: Provided, however, That the cost of the occasion to those attending, if any, may be included in the total price for the banquet, in which event, to assure participants receiving an equal share, an allocation based upon a distribution of tickets exchangeable for drinks as a part of the package price is permissible.

(2) The prohibition provided for in subsection (1) of this section extends to the sale of mixers, ice, or "set-ups" if the prices charged therefor are unrelated to the cost of such goods and/or services and approximate what the charge for a drink containing liquor would be.

(3) Liquor cannot be raffled off or offered as a prize at an event for which a banquet permit has been issued. (Such disposition would constitute a "sale" of liquor as that term is defined in RCW 66.04.010(27).)

[Statutory Authority: RCW 66.08.030 and 66.98.070, 82-16-100 (Orders 110 and 112, Resolution Nos. 119 and 121), § 314-18-050, filed 8/4/82.]

WAC 314-18-060 Liquor to be served and consumed—Restrictions. (1) Spirit, beer and wine restaurant discount liquor cannot be sold, served, or consumed under or by authority of a banquet permit. Liquor to be served will be purchased from an authorized retail source only.

(2) Licensees and/or commercial caterers shall not pay for or advance the moneys to purchase the liquor for the event for which the banquet permit application has been made, but they may transport the prepaid liquor purchased by the applicant to whom the banquet permit was issued.

(3) No banquet permittee may buy or accept delivery of liquor from any manufacturer, brewer, distributor, distiller, winery, importer, or agent thereof.

(4) It is not necessary for a banquet permit applicant to purchase liquor at the time the permit is issued, and individuals attending a banquet function may bring their own liquor.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-18-060, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 92-01-080, § 314-18-060, filed 12/16/91, effective 1/16/92. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-16-100 (Orders 110 and 112, Resolution Nos. 119 and 121), § 314-18-060, filed 8/4/82.]

WAC 314-18-070 Responsibilities of permittee. (1) No banquet permittee, or employee thereof, may knowingly permit the service to or consumption of liquor by any person under the age of twenty-one years who is present at the event for which a banquet permit has been issued.

(2) No banquet permittee, or employee thereof, may knowingly permit any disorderly conduct to occur or serve or permit the consumption of liquor by an apparently intoxicated person(s) on the premises for which a banquet permit has been issued.

(3) The banquet permit shall be posted in a conspicuous place at the premises for which the permit was issued during all times the permit is in use.

[Statutory Authority: RCW 66.08.030 and 66.98.070. 82-16-100 (Orders 110 and 112, Resolution Nos. 119 and 121), § 314-18-070, filed 8/4/82.]

WAC 314-18-080 Hours of operation—Inspection of premises. (1) Banquet permits may be issued for any day and may authorize the service and consumption of liquor between the hours of 6:00 a.m. and 2:00 a.m. of the following day.

(2) Any premises where a banquet permit has been granted shall be open to inspection by any peace officer or enforcement officer of the board to the same extent as provided for in WAC 314-12-120.

[Statutory Authority: RCW 66.08.030. 95-04-044, § 314-18-080, filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-16-100 (Orders 110 and 112, Resolution Nos. 119 and 121), § 314-18-080, filed 8/4/82.]

WAC 314-18-090 Misrepresentation on application—Consequences. A misrepresentation of fact found to have been made by an applicant for any banquet permit shall be deemed a lack of good faith and shall constitute good and sufficient cause for the disapproval of such application or for the cancellation of said permit if the event for which the permit has been granted has not yet been held, or for the immediate termination of the permit if the event for which the permit has been issued is in progress.

[Statutory Authority: RCW 66.08.030 and 66.98.070. 82-16-100 (Orders 110 and 112, Resolution Nos. 119 and 121), § 314-18-090, filed 8/4/82.]

WAC 314-18-100 Penalties. In addition to the general penalties provided by law (RCW 66.44.175 and 66.44.180) for the violation of board regulations, the board, upon a finding that a banquet permittee has violated any of the regulations of this chapter, may, in its discretion:

[Title 314 WAC—p. 52]

- (1) Cancel or terminate the permit.
- (2) Hold the applicant and/or the premises for which the banquet permit was issued ineligible for future banquet permits.

[Statutory Authority: RCW 66.08.030 and 66.98.070. 82-16-100 (Orders 110 and 112, Resolution Nos. 119 and 121), § 314-18-100, filed 8/4/82.]

**Chapter 314-19 WAC
BEER AND WINE TAX REPORTING AND
PAYMENT REQUIREMENTS**

WAC

- 314-19-005 What is the purpose of chapter 314-19 WAC?
- 314-19-010 Definitions.
- 314-19-015 What are the monthly reporting and tax payment requirements?
- 314-19-020 What if a licensee doesn't report or pay the taxes due, or reports or pays late?
- 314-19-025 Are there any exceptions to the tax payments required in this chapter if the licensee primarily exports beer and/or wine?
- 314-19-030 How can a licensee claim a credit or refund for tax-paid product?
- 314-19-035 Reduced tax rate for beer
- 314-19-040 Is there any exception to the additional tax imposed on fortified wine?

WAC 314-19-005 What is the purpose of chapter 314-19 WAC? The purpose of this chapter is to outline the beer and wine tax reporting and payment requirements for the following liquor licensees:

Type of liquor license	Laws that outline tax rates and requirements
(a) Washington beer and/or wine distributor	RCWs 66.24.210, 66.24.230, 66.24.290, 66.24.305
(b) Washington beer and/or wine importer	RCW 66.24.230
(c) domestic brewery	RCWs 66.24.270, 66.24.290, 66.24.305
(d) domestic brewery/brand owner	RCWs 66.24.270, 66.24.290, 66.24.305
(e) microbrewery	RCWs 66.24.270, 66.24.290, 66.24.305
(f) domestic winery	RCWs 66.24.210, 66.24.215, 66.24.230, 66.24.305
(g) public house	RCW 66.24.290, 66.24.580
(h) beer certificate of approval holder	RCW 66.24.270
(i) wine certificate of approval holder	RCWs 66.24.210, 66.24.206

[Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206. 00-17-065, § 314-19-005, filed 8/9/00, effective 9/9/00.]

WAC 314-19-010 Definitions. The following definitions are to clarify the purpose and intent of the rules and laws governing beer and wine tax reporting and payment requirements. Additional definitions can be found in RCW 66.04.010.

(1) "Missing." A monthly tax report or payment is considered missing if it is more than thirty days past the required

filing date. Required filing dates are outlined in RCW 66.24.206, RCW 66.24.210, RCW 66.24.270, RCW 66.24.290 and WAC 314-19-015.

(2) "Samples" are beer and/or wine furnished to retail licensees for the purpose of negotiating a sale, per RCW 66.28.040. See WAC 314-64-080 for sampling procedures.

(3) "Tastings" are beer and/or wine products provided to customers at no charge for the purpose of promoting a sale, that are consumed on the premises of a domestic brewery, microbrewery, winery, or additional winery locations as authorized by RCW 66.24.170(4). Tastings are not taxable under this title.

[Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206. 00-17-065, § 314-19-010, filed 8/9/00, effective 9/9/00.]

WAC 314-19-015 What are the monthly reporting and tax payment requirements? (1) The required monthly beer and/or wine tax reports must be:

(a) on a form furnished by the board or in a format approved by the board;

(b) filed every month, including months with no activity or taxes due; and

(c) submitted, with the tax due, to the board on or before the twentieth day of each month, for the previous month (for example, a report listing transactions for the month of January is due by February 20). When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day.

Type of licensee	Tax Payment Requirements
(2) Washington beer and/or wine distributor	<p>(a) Distributors must pay taxes on all beer and/or wine received during the preceding calendar month, including samples received at no charge. The total tax due (per barrel for beer and per liter for wine) is to be paid by the first distributor to receive the product and must be included with the monthly report.</p> <p>(b) Distributors do not pay taxes on beer and/or wine received from another in-state licensed distributor who has already paid the Washington State tax on the product.</p> <p>(c) Distributors may claim a tax refund or credit for the following (see WAC 314-19-030 for information on claiming a tax refund or credit):</p> <ul style="list-style-type: none"> (i) shipments exported directly to a point outside the state of Washington, including sales to interstate common carriers; (ii) sales to any military reservation in Washington State; (iii) samples on which the tax has already been paid; and (iv) product that is deemed unsalable due to freight damage or other causes that occurred prior to receipt by the distributor, subject to the following conditions: <ul style="list-style-type: none"> (A) the unsalable product must be destroyed within the state of Washington (per RCW 66.24.305);

	<p>(B) the licensee must notify their local liquor enforcement officer in advance for destruction of more than fifty cases of wine or two hundred cases of beer;</p> <p>(C) the licensee must report the destroyed product on the next required monthly report; and</p> <p>(D) the licensee must keep records showing the reason for the destruction and an inventory of products destroyed. These records must be kept on the licensed premises and available for inspection by board employees for a period of two years.</p>
(3) Washington beer and/or wine importer	<p>Importers must pay taxes on samples received during the preceding calendar month, as follows:</p> <ul style="list-style-type: none"> (a) If the samples are used by the importer within the state of Washington, the importer must pay the tax. (b) If samples are provided to a distributor for use by the distributor, the distributor must pay the tax.
(4) Domestic breweries, domestic brewery/brand owner, microbreweries, and domestic wineries	<p>(a) Domestic breweries, domestic breweries/brand owners, microbreweries, and domestic wineries must pay taxes on beer and/or wine that is:</p> <ul style="list-style-type: none"> (i) sold at retail on the licensed premises (or additional winery locations as authorized by RCW 66.24.170(4)), including retail sales to out-of-state residents; (ii) sold to retail licensees; (iii) furnished as samples to licensees as authorized by RCW 66.28.040 and WAC 314-64-080; (iv) provided as donations to qualifying non-profit organizations, per RCW 66.28.040; and (v) received via an inter-plant transfer if used as outlined in above subsections (i), (ii), (iii), or (iv). <p>(b) Domestic breweries, domestic breweries/brand owners, microbreweries, and domestic wineries do not pay tax on beer and/or wine that is:</p> <ul style="list-style-type: none"> (i) sold to distributors; (ii) shipped out of a particular location for an inter-plant transfer; (iii) exported directly to a point outside the state of Washington, including sales to interstate common carriers; (iv) sold to the Washington State liquor control board; (v) sold to any military reservation in Washington State; or (vi) provided as a tasting on the brewery or winery premises or at additional winery locations as authorized by RCW 66.24.170(4). See WAC 314-19-010(3) for the definition of "tastings."
(5) Out-of-state beer and/or wine certificate of approval holders	<p>(a) Certificate of approval holders must file a report showing the quantity of all beer and/or wine sold or delivered to each licensed beer or wine distributor or importer during the preceding month.</p> <p>(b) Tax is due from the certificate of approval holder only on samples shipped to licensed agents, directly to retailers, or to non-profit charitable associations within Washington State. See WAC 314-64-080 for information on providing samples. See RCW 66.28.040 regarding donations to nonprofit charitable associations.</p>
(6) Public House licensees	<p>Public house licensees must pay taxes on all sales of their own product during the preceding calendar month.</p>

[Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206. 00-17-065, § 314-19-015, filed 8/9/00, effective 9/9/00.]

WAC 314-19-020 What if a licensee doesn't report or pay the taxes due, or reports or pays late? The board may take the following actions against a domestic brewery, domestic brewery/brand owner, microbrewery, domestic winery, beer/wine distributor, beer/wine importer, public house licensee, or beer/wine certificate of approval holder in order to collect any of the reports or taxes due that are outlined in this title.

(1) Suspension or revocation of license	<p>(a) Failure to make a report and/or pay the taxes in the manner and dates outlined in this chapter will be sufficient ground for the board to suspend or revoke a liquor license or certificate of approval (per RCW 66.08.150, RCW 66.24.010, RCW 66.24.120, 66.24.206, and 66.24.270).</p> <p>(b) The suspension will remain in effect until all missing reports and/or taxes have been filed with the board (see WAC 314-19-010(1) for the definition of "missing").</p>
(2) Penalties	<p>A penalty will be assessed on any tax payments postmarked after the twentieth day of the month following the month of sale (per the reporting requirements outlined in WAC 314-19-015, RCW 66.24.290, and RCW 66.24.210). When the twentieth day of the month falls on a Saturday, Sunday, or a legal holiday, the filing must be postmarked by the U.S. Postal Service no later than the next postal business day.</p>
(3) Surety bond requirements	<p>(a) What is a surety bond? A "surety bond" is a type of insurance policy that guarantees beer and/or wine tax payment to the state. The surety bond must be:</p> <ul style="list-style-type: none"> (i) Executed by a surety company authorized to do business in the state of Washington; (ii) On a form and in an amount acceptable to the board; (iii) Payable to the Washington state liquor control board; and (iv) Conditioned that the licensee will pay the taxes and penalties levied by RCW 66.24.210 and/or RCW 66.24.290. <p>(v) As an option to obtaining a surety bond, a licensee may create an assignment of savings account for the board in the same amount as required for a surety bond. Requests for this option must be submitted in writing to the board's financial division.</p>
	<p>(b) When will the board require a surety bond? If any of the following occur at one or more licensed locations, the board will require the licensee to obtain a surety bond or assignment of savings account for each licensed location, within twenty-one days:</p> <ul style="list-style-type: none"> (i) A report or tax payment is missing, as defined in WAC 314-19-010(1), for two or more consecutive months; or (ii) A report or tax payment is missing, as defined in WAC 314-19-010(1), two or more times within a two year period.

	<p>(c) What will happen if the licensee does not acquire the surety bond or savings account? Failure to meet the bonding or savings account requirements outlined in subsections (a) and (b) of this rule may result in immediate suspension of license privileges until all missing reports are filed and late taxes have been paid.</p>
	<p>(d) In what amount and for how long will the board require a surety bond? The amount of a surety bond or savings account required by this chapter must be either \$3,000, or the total of the highest four months' worth of tax liability for the previous twelve month period, whichever is greater.</p> <ul style="list-style-type: none"> (i) The licensee must maintain the bond for at least two years. After the two year period the licensee may request an exemption as outlined in subsection (f) of this rule. (ii) Surety bond and savings account amounts will be reviewed annually and compared to the last twelve months' tax liability of the licensee. If the current bond or savings account amount does not meet the requirements outlined in this section, the licensee will be required to increase the bond amount or amount on deposit within twenty-one days.
	<p>(e) What action will the board take when a licensee holds a surety bond and does not pay taxes due or pays late? If a licensee holds a surety bond or savings account, the board will immediately start the process to collect overdue taxes from the surety company or assigned account. If the exact amount of taxes due is not known due to missing reports, the board will estimate the taxes due based on previous production, receipts, and/or sales.</p>
	<p>(f) Can a licensee request an exemption to the surety bond or savings account requirement? A licensee may make a written request to the board's financial division for an exemption from the surety bond or assignment of savings account requirements. The board will grant an exemption once the following criteria are met for each of the requesting licensee's locations:</p> <ul style="list-style-type: none"> (i) The licensee has filed reports and paid applicable taxes to the board for at least two years immediately prior to the exemption request; and (ii) There have been no late or missing reports or tax payments during the previous two years. (iii) In order to remain exempt from the surety bond or assignment of savings account requirements, the licensee must continue to meet the tax reporting and payment requirements outlined in this title (outlined in WAC 314-19-015, RCW 66.24.206, RCW 66.24.210, RCW 66.24.270, RCW 66.24.290, and RCW 66.24.580).

[Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206. 00-17-065, § 314-19-020, filed 8/9/00, effective 9/9/00.]

WAC 314-19-025 Are there any exceptions to the tax payments required in this chapter if the licensee primarily exports beer and/or wine? Washington beer and/or wine distributors or importers who purchase fifty percent or more of their beer or wine for the purpose of exporting the

product from the state may request that the board make simplified arrangements for reporting and payment of tax.

(1) The licensee must make a written request for such arrangement to the board's financial division.

(2) The board will make such arrangements on an individual basis for the purpose of simplifying the reporting and accounting requirements.

[Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206. 00-17-065, § 314-19-025, filed 8/9/00, effective 9/9/00.]

WAC 314-19-030 How can a licensee claim a credit or refund for tax-paid product?

(1) How to claim a tax credit	(2) How to claim a tax refund
(a) On the next monthly report, show the amount of product for which a tax credit is due in the appropriate section(s) of the form.	(a) A licensee may request a refund, rather than claim a credit, if no tax is due on the next required report.
(b) Deduct the total credit from the total amount due on this report.	(b) On the next monthly report, the licensee must show the amount of product for which a tax refund is due in the appropriate section(s) of the form.
	(c) The board will not issue a refund check until the total amount to be refunded accumulates to at least ten dollars.

[Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206. 00-17-065, § 314-19-030, filed 8/9/00, effective 9/9/00.]

WAC 314-19-035 Reduced tax rate for beer. (1) The additional beer taxes imposed under RCW 66.24.290 (3)(a) do not apply to the first sixty thousand barrels of beer sold by a brewery in Washington each fiscal year, if:

- (a) the beer is produced in the United States; and
- (b) the producing brewery meets the qualifications of 26 U.S.C. Sec. 5051 (a)(2).

(2) In order to qualify for this exemption, the Washington brewer or the out-of-state beer certificate of approval holder must provide the board a copy of a Bureau of Alcohol, Tobacco and Firearms 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 tax exemption will not apply until the first day of the second month following the month the notice is received (for example, if the notice is received by the Board on January 10, the tax exemption will start on March 1).

(4) How will the distributor know what tax rate to pay for each brewery's products?

(a) The board will provide distributors a list of breweries that qualify for the reduced tax rate; and

(b) The qualifying brewery is responsible to inform the distributors when product sold to distributors exceeds the first sixty thousand barrels exempted from the additional tax.

(c) Once a qualifying brewery's sales to distributors exceeds sixty thousand barrels, the distributors must begin paying the full tax rate on their next monthly tax report.

[Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206. 00-17-065, § 314-19-035, filed 8/9/00, effective 9/9/00.]

WAC 314-19-040 Is there any exception to the additional tax imposed on fortified wine? (1) RCW 66.24.210(4) imposes an additional tax on fortified wine. RCW 66.04.010(37) defines "fortified wine" as wine that has an alcohol content greater than fourteen percent of alcohol by volume, and outlines exceptions for when wine can be over fourteen percent alcohol by volume and not be considered "fortified."

(2) In order to not pay the additional tax on fortified wine that falls under one of the exceptions in RCW 66.04.010(34), a manufacturer, importer, or distributor must file an affidavit of exception on a form prescribed by the board.

(a) The form must be submitted to the board's licensing and regulation division.

(b) The board will only exempt payments owed and/or submitted after the affidavit is on file with the board. Tax payments owed and/or submitted prior to the board receiving the affidavit will not be adjusted.

(c) The licensee who files the affidavit is responsible for the information it contains. Any affidavit which the board finds to contain false information may result in suspension of label and product approval for the wine products that are the subject of the affidavit, for not less than one year.

[Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206. 00-17-065, § 314-19-040, filed 8/9/00, effective 9/9/00.]

Chapter 314-20 WAC

BEER—BREWERS, HOLDERS, IMPORTERS, ETC.

WAC	
314-20-005	Application procedure—Beer distributor's or importer's license.
314-20-015	Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Spirit, beer and wine restaurant operation.
314-20-020	Beer labels—Certificate of label approval required—Labels to be submitted.
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314-20-080	Sales to vessels.
314-20-090	Cash sales.
314-20-100	Beer distributor price posting.
314-20-105	Beer suppliers' price filings, contracts and memoranda.
314-20-110	Beer importers—Principal office.
314-20-120	Beer importers—Warehouses.
314-20-130	Imported beer—List filed—Labels.
314-20-140	Beer importers—Certain duties.
314-20-160	Importation of foreign beer—Reports—Payment of tax.
314-20-170	Holders of certificates of approval.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-20-010	Brewers—Importers—Distributors—Monthly reports—Tax refund procedures. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-20-010, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 84-09-023 (Order 138, Resolution No. 147), § 314-20-010, filed 4/11/84. Stat-
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- utory Authority: RCW 66.08.030 and 66.98.070. 81-22-026 (Order 85, Resolution No. 94), § 314-20-010, filed 10/28/81; Order 40, § 314-20-010, filed 8/21/75; Order 8, § 314-20-010, filed 11/24/69, effective 12/26/69; Rule 37, filed 6/13/63.] Repealed by 00-17-065, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.
- 314-20-040 Beer in transit stamps—General. [Order 42, § 314-20-040, filed 11/6/75; Rule 40, filed 6/13/63.] Repealed by 00-17-065, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.
- 314-20-060 Beer distributors and importers—Reports—Stamps. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-20-060, filed 9/2/98, effective 10/3/98; Rule 45, filed 6/13/63.] Repealed by 00-17-065, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.
- 314-20-150 Beer importers—Responsibility—Taxes—Stamps. [Rule 54, filed 6/13/63.] Repealed by 00-17-065, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.
- 314-20-180 Partial beer tax exemption. [Statutory Authority: RCW 66.08.030. 93-15-023, § 314-20-180, filed 7/12/93, effective 8/12/93.] Repealed by 00-17-065, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.

WAC 314-20-005 Application procedure—Beer distributor's or importer's license. Any person making application for a new beer distributor's or importer's license shall submit to the board, as a condition precedent to the board considering the application, such information as may be requested by the board and shall additionally submit a written commitment from a manufacturer or importer that the product the applicant proposes to distribute is available to him should a license be issued.

The decision as to whether a license will or will not be issued in a particular case is, pursuant to RCW 66.24.010, a matter of board discretion. The submission of the above information and written commitment shall not be construed as creating a vested right in the applicant to have a license issued.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-20-005, filed 9/2/98, effective 10/3/98; Order 55, § 314-20-005, filed 5/31/77.]

WAC 314-20-015 Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Spirit, beer and wine restaurant operation.

(1) A licensed brewer holding a proper retail license, pursu-

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ant to chapter 66.24 RCW, may sell beer of its own production at retail on the brewery premises[.]

(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 spirit, beer and wine 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 spirit, beer and wine restaurant 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.

(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, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206. 00-17-065, § 314-20-015, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-20-015, filed 9/2/98, effective 10/3/98. 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.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 314-20-020 Beer labels—Certificate of label approval required—Labels to be submitted. (1) Every bottle or can containing beer intended for sale in the state of Washington shall bear a label in compliance with RCW 66.28.120. No beer shall be imported or sold within the state of Washington until the licensed brewery, or certificate of approval holder, shall have obtained from the board a certificate of label approval for such beer.

(2) A request for certificate of label approval must be submitted on a form prescribed by the board which is one copy of the federal certificate of label approval for such beer,

issued by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department.

(3) Any change in label or product which requires reissuance of federal certificate of label approval, must also be submitted to the board, in accordance with the foregoing provisions of this regulation.

(4) No label shall be used that is misleading.

(5) Every producer, importer, or distributor of beer shall, upon request of the board or its authorized representative, furnish without cost to the board, samples of any brand of beer upon its premises for the purpose of analysis in order to determine whether the beer conforms to commercial standards.

(6) No label will be approved which is designed to be especially appealing to children or other persons under legal age to consume. Persons who appear to be under legal age to consume may be depicted on a label when, in the discretion of the board, the depiction is dignified and does not promote illegal consumption of liquor.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-20-020, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 92-03-109, § 314-20-020, filed 1/21/92, effective 2/21/92. Statutory Authority: RCW 66.08.030 and 66.28.160. 91-08-022, § 314-20-020, filed 3/27/91, effective 4/27/91. Statutory Authority: RCW 66.08.030, 90-18-008, § 314-20-020, filed 8/24/90, effective 1/1/92; 89-02-015 (Order 275, Resolution No. 284), § 314-20-020, filed 12/28/88. Statutory Authority: RCW 66.08.030 and 66.28.120. 88-14-131 (Order 255, Resolution No. 264), § 314-20-020, filed 7/6/88. Statutory Authority: RCW 66.28.120 and 66.28.110. 87-21-036 (Order 230, Resolution No. 239), § 314-20-020, filed 10/13/87. Statutory Authority: RCW 66.28.120, 87-08-015 (Order 215, Resolution No. 224), § 314-20-020, filed 3/24/87; Order 42, § 314-20-020, filed 11/6/75; Order 19, § 314-20-020, filed 8/10/72; Rule 38, filed 6/13/63.]

WAC 314-20-030 Packages—Classification. (1) No manufacturer, distributor 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

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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 spirit, beer and wine restaurant privileges to dispense beer directly from conditioning tanks/vessels to the spirit, beer and wine restaurant 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, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-20-030, filed 9/2/98, effective 10/3/98. 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 314-20-050 Beer distributors—Importers—Brewers—Records—Preservation. (1) Beer distributors must keep beer accounts separate and independent from other accounts and maintain proper records in a form approved by the board, showing all transactions in beer, and must in case of beer exported or beer sold, transferred or shipped to another distributor, preserve all bills of lading or other evidence of shipment for a period of two years after such exportation, and must in the case of sales to retailers preserve all sales slips and keep the same on file in the office of the wholesaler for at least two years after each sale.

(2) Each brewery, beer distributor, and beer importer may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for approval shall be

directed to the financial division of the Washington state liquor control board and must include the following information:

- (a) Records proposed to be reproduced.
- (b) Reproduction process.
- (c) Manner of preserving the reproduction.
- (d) Facilities provided for examining or viewing such reproduction.

If the request is approved, the licensee shall provide for the examining, viewing, and reproduction of such records the same as if they were the original records.

(3) If the brewery, beer distributor, or beer importer keeps records within an automated data processing (ADP) system, the system must include a method for producing legible records that will provide the same information required of that type of record within this section. The ADP system is acceptable if it complies with the following guidelines:

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

(b) Provides the opportunity to trace any transaction back to the original source or forward to a final total. If print-outs of transactions are not made when they are processed, the system must have the ability to reconstruct these transactions.

(c) Has available a full description of the ADP portion of the accounting system. This should show the applications being performed, the procedures employed in each application, and the controls used to ensure accurate and reliable processing.

(4) The provisions contained in subsections (2) and (3) of this section do not eliminate the requirement to maintain source documents, but they do allow the source documents to be maintained in some other location.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-20-050, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 87-20-013 (Order 229, Resolution No. 238), § 314-20-050, filed 9/29/87; Rule 44, 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 distributor for a claim adjustment. The brewer or supplier may make a credit adjustment to the distributor 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 distributor, brewer, or beer importer for two years after the date of the claim;

(4) No brewer, beer distributor, 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 distributor from whom the beer was purchased, provided it is immediately replaced by the beer distributor with an identical quantity, type and brand of beer: Provided further, That if the brand of beer is not presently in the beer distributor's stock and is not available to the distributor 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 distributor 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) Distributors 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 distributor 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 distributor, brewer or beer importer.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-20-070, filed 9/2/98, effective 10/3/98. 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 314-20-080 Sales to vessels. (1) Tax paid beer may be sold direct by beer distributors to:

(a) Vessels engaged in foreign commerce and operating on regular schedules.

(b) Vessels engaged in interstate commerce and operating on regular schedules.

(c) Vessels commonly known as "tramps," engaged in interstate and/or foreign commerce but not operating on regular schedules and taking cargo when and where it offers and to any port.

(2) Beer may not be sold direct by beer distributors to any other class of boat or vessel unless the boat or vessel is in possession of a proper retail license.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395,

66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-20-080, filed 9/2/98, effective 10/3/98; Rule 47, filed 6/13/63.]

WAC 314-20-090 Cash sales. No beer distributor nor brewer or beer importer holding a beer distributor's license shall sell or deliver beer to any retailer except for cash paid at the time of the delivery thereof: Provided, That cash may be paid prior to the delivery of beer sold to any retailer. Failure by licensees to keep accurate accounting records which result in the extension of credit, in violation of RCW 66.28.010 through the use of a prior cash deposit which is overextended may result in administrative action being taken against the liquor license.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-20-090, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 88-23-101 (Order 270, Resolution No. 279), § 314-20-090, filed 11/22/88; Order 24, § 314-20-090, filed 6/28/73; Rule 48, filed 6/13/63.]

WAC 314-20-100 Beer distributor price posting. (1) Every beer distributor shall file with the board at its office in Olympia a price posting showing the distributor prices at which any and all brands of beer sold by such beer distributor shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the tenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of such posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the fifteenth day of the month in order to become effective on the first day of the next calendar month: Provided, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the tenth day of the month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a beer distributor determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each

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succeeding posting period until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a beer distributor elects to file postings listing selected items on which prices are temporarily reduced for one posting period only, such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Each price posting shall be made on a form prepared and furnished by the board or a reasonable facsimile thereof, and shall set forth:

(a) All brands, types, packages and containers of beer offered for sale by such beer distributor.

(b) The wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(6) No beer distributor shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer distributor and then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below acquisition cost plus ten percent of acquisition cost.

(8) Wholesale prices on a "close-out" item shall be accepted by the board if the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the distributor who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.

(9) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of approval holder, beer importer or beer distributor and a beer distributor, on file in accordance with WAC 314-20-105, is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer distributor in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly-designated beer distributor, may put such filings into effect immediately: Provided, That prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and WAC 314-20-105.

(10) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at

the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(11) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

(12) Any beer distributor or employee authorized by his distributor-employer may sell beer at the distributor's posted prices to any authorized retail licensee upon presentation to such distributor or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class authorized retail licensee upon purchasing any beer from a distributor, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such beer to be disposed of in any manner except as authorized by his license.

(b) Beer sold as provided herein shall be delivered by such distributor or his authorized employee either to such retailer's licensed premises or directly to such retailer at the distributor's licensed premises: Provided, however, That a distributor's prices to retail licensees shall be the same at both such places of delivery.

(13) When a new beer distributor's license is issued by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-20-105.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-20-100, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 66.98.070 and 66.08.060. 86-16-060 (Order 173, Resolution No. 182), § 314-20-100, filed 8/5/86. Statutory Authority: RCW 66.08.030, 85-21-020 (Order 166, Resolution No. 175), § 314-20-100, filed 10/9/85, effective 12/10/85; 82-16-069 (Order 91, Resolution No. 100), § 314-20-100, filed 8/2/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 78-02-056 (Order 62), § 314-20-100, filed 1/20/78, effective 7/1/78; Order 54, § 314-20-100, filed 5/24/77, effective 7/1/77; Order 51, § 314-20-100, filed 12/15/76; Order 18, § 314-20-100, filed 1/13/72, effective 2/14/72; Order 15, § 314-20-100, filed 5/13/71, effective 7/1/71; Rule 49, filed 6/13/63.]

WAC 314-20-105 Beer suppliers' price filings, contracts and memoranda. (1) Every licensed brewer shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such brewer may have with any beer distributor, which contracts or memoranda shall contain a schedule of prices charged to distributors for all items, all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances and incentive programs; all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified such revised contracts or memoranda shall forthwith be filed with the board as provided in this regulation.

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Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages and containers of beer offered for sale by such licensed brewer; all additional information required may be filed as a supplement to said price schedule forms.

(2) Filing date—All written contracts and memoranda of oral agreements must be received by the board not later than the twenty-fifth day of the month, and if approved will become effective on the first day of the second calendar month following the date of such filing. An additional period will be allowed for revision of such filings to correct errors and omissions, or to meet competitive prices, filed during the current posting period, but a revised contract or memorandum of oral agreement must be on file with the board not later than the first day of the month in order to become effective on the first day of the following month: Provided, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

(a) When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it, or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(b) Exceptions for changes in distributors and newly licensed distributors are set forth in WAC 314-20-100 (9) and (13).

(3) Filing date exception—Whenever the twenty-fifth day of the month falls on Saturday, Sunday, or a legal holiday, an original contract or memorandum of oral agreement may be filed not later than the close of business the next business day.

(4) In the event that a brewer determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding posting period until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a licensed brewer elects to file postings listing selected items on which prices are temporarily reduced for a period of one posting period only, such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Prices filed by a licensed brewer shall be uniform prices to all distributors on a statewide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed which is below acquisition cost plus ten percent of acquisition cost: Provided, That acquisition cost plus ten percent of acquisition cost shall not apply to sales of beer between a beer importer who sells beer

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to another beer importer or to a beer distributor, or to a beer distributor who sells beer to another beer distributor.

(6) No licensed brewer shall sell or offer to sell any beer to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(7) No licensed brewer shall sell or offer to sell any package or container of beer to any distributor at a price differing from the price for such package or container as shown in the schedule of prices filed by the brewer and then in effect.

(8) The provisions set forth in the foregoing subsections of this regulation shall also apply to written contracts and memoranda of oral agreements which must be filed with the board by every certificate of approval holder who sells beer to a beer importer, every beer importer who sells beer to another beer importer or to a beer distributor, and every beer distributor who sells beer to another beer distributor: Provided, That the provisions of this subsection shall not apply, and filings will not be required in the instance of beer distributors making accommodation sales to other beer distributors when such sales are made at a selling price not to exceed the laid-in cost of the beer being sold. Accommodation sales may only be made when the distributor purchasing the beer is an authorized purchaser of the brand and product being sold, having been designated as an authorized purchaser by the manufacturer or importer of the product being sold, as demonstrated by an existing contract or memoranda on file and in effect under the provisions of this rule.

(9) Holders of certificates of approval may ship beer into this state when the beer has been sold and consigned to the holder of a beer importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the beer diverted unless such diversion is to another beer importer, and the board so notified immediately.

(10) The board may reject any supplier's price filing, contract or memorandum of oral agreement or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any such price filing, contract or memorandum the licensee submitting said price filing, contract or memorandum may be heard by the board and shall have the burden of showing that the said price filing, contract or memorandum is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said price filing, contract or memorandum is accepted it shall become effective at a time fixed by the board. If said price filing, contract or memorandum or portion thereof is rejected, the last effective price filing, contract or memorandum shall remain in effect until such time as an amended price filing, contract or memorandum is filed and approved, in accordance with the provisions of this regulation.

(11) All prices, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150,

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66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-20-105, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 87-01-014 (Order 207, Resolution No. 216), § 314-20-105, filed 12/9/86. Statutory Authority: RCW 66.08.030, 66.98.070 and 66.08.060. 86-16-060 (Order 173, Resolution No. 182), § 314-20-105, filed 8/5/86. Statutory Authority: RCW 66.08.030. 85-21-020 (Order 166, Resolution No. 175), § 314-20-105, filed 10/9/85, effective 11/25/85; 82-16-069 (Order 91, Resolution No. 100), § 314-20-105, filed 8/2/82; Order 54, § 314-20-105, Rule 49.5, filed 5/24/77, effective 7/1/77; Order 51, § 314-20-105, filed 12/15/76; Order 15, § 314-20-105, filed 5/13/71, effective 7/1/71.]

WAC 314-20-110 Beer importers—Principal office.

Each beer importer shall keep the board informed at all times of the location of the principal office required by section 23-G, subdivision (2) of the Washington State Liquor Act (RCW 66.24.260) and shall, not less than two days prior thereto notify the board in writing or by telegraph of any change in the location of such office.

[Rule 50, filed 6/13/63.]

WAC 314-20-120 Beer importers—Warehouses.

Beer importers maintaining warehouses at which beer imported by such importer is stored shall at all times keep the board advised of the location of such warehouse.

[Rule 51, filed 6/13/63.]

WAC 314-20-130 Imported beer—List filed—

Labels. Each beer importer shall at all times keep on file with the board a list showing all beers which such importer intends to import, which list shall contain the trade name of the beer, the name of the brewer, and the location of the brewery at which such beer is manufactured. No beer shall be imported until duplicate copies of all beer labels intended to be used shall have been submitted to and approved by the board or its accredited representative.

[Rule 52, filed 6/13/63.]

WAC 314-20-140 Beer importers—Certain duties.

No beer importer shall import or transport or cause to be transported into the state of Washington any brand of beer manufactured within the United States but outside the state of Washington, unless such importer shall have first filed with the board a notice of his intention so to do, and shall have ascertained from the board that the brewer manufacturing such beer has obtained from the Washington state liquor control board a certificate of approval as provided in section 23-F of the Washington State Liquor Act (RCW 66.24.270).

[Rule 53, filed 6/13/63.]

WAC 314-20-160 Importation of foreign beer—Reports—Payment of tax. Beer manufactured outside of the United States may be imported by a beer importer or distributor, but only under the following conditions:

(1) Such beer shall be imported and delivered directly to either the warehouse of the importer or distributor or to some

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other warehouse previously designated by the importer or distributor and approved by the board.

(2) All matters pertaining to the importation, transportation, storage, payment of taxes and keeping of records, and all other matters pertaining to the importation of beer manufactured outside the United States shall be subject at all times to such orders, rules and regulations as the board may from time to time prescribe, and the board reserves the right to make orders applicable to individual and particular cases in addition to general orders, rules and regulations applicable generally.

[Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206. 00-17-065, § 314-20-160, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 66.08.030 and 66.98.070. 81-22-026 (Order 85, Resolution No. 94), § 314-20-160, filed 10/28/81; Order 14, § 314-20-160, filed 12/1/70, effective 1/1/71; Rule 55, filed 6/13/63.]

WAC 314-20-170 Holders of certificates of approval.

Each brewer holding a certificate of approval may ship beer only to licensed beer importers or distributors. [.] As required by RCW 66.24.270 (sec. 23-F of the Washington State Liquor Act) and by the written agreement embodied in the application for certificate of approval[,] each brewer holding a certificate of approval shall file the report(s) required by WAC 314-19-015[.].

All reports shall be made upon forms prescribed[,] and furnished by the Washington state liquor control board.

[Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206. 00-17-065, § 314-20-170, filed 8/9/00, effective 9/9/00; Rule 56, filed 6/13/63.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 314-24 WAC

DOMESTIC WINERIES AND DOMESTIC WINE DISTRIBUTORS

WAC

314-24-003	Standards of identity for wine.
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314-24-200	Wine suppliers' price filings, contracts and memoranda.
314-24-210	Return of wine by retailer—Replacement—Conditions.
314-24-220	Licensing and operation of bonded wine warehouses.
314-24-230	Wine shipper's license.
314-24-240	Conditions on delivery.
314-24-250	Labeling requirements for private wine shippers.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-24-010	Eligibility. [Rule 59, filed 6/13/63.] Repealed by Order 5, filed 8/7/69, effective 9/8/69.
314-24-030	Domestic winery defined. [Order 5, § 314-24-030, filed 8/7/69, effective 9/8/69; Resolution No. 6, Rule 61, filed 4/7/66; Resolution No. 5, filed 9/22/65; Rule 61, filed 6/13/63.] Repealed by Order 14, filed 12/1/70, effective 1/1/71.
314-24-095	Fortified wine—Exception to definition when affidavit on file. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-095, filed 9/2/98, effective 10/3/98. 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.] Repealed by 00-17-065, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.
314-24-110	Domestic wineries, wine distributors, wine importers— Monthly reports—Bonds required—Payment of tax. [Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-110, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 87-15-111 (Order 222, Resolution No. 231), § 314-24-110, filed 7/22/87. Statutory Authority: RCW 66.08.030 and 66.24.185. 85-24-042 (Order 170, Resolution No. 179), § 314-24-110, filed 11/27/85. Statutory Authority: RCW 66.08.030. 84-09-023 (Order 138, Resolution No. 147), § 314-24-110, filed 4/11/84. Statutory Authority: RCW 66.08.030 and 66.98.070. 81-22-026 (Order 85, Resolution No. 94), § 314-24-110, filed 10/28/81; Order 40, § 314-24-110, filed 8/21/75; Order 26, § 314-24-110, filed 8/14/73; Order 5, § 314-24-110, filed 8/7/69, effective 9/8/69; Rule 69, filed 6/13/63.] Repealed by 00-17-065, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206.

WAC 314-24-003 Standards of identity for wine. (1)

Application of standards. The standards of identity for the several classes and types of wine set forth herein shall be applicable to all wines produced, imported, bottled, offered for sale, or sold within this state for beverage use or any other purpose, except as hereinafter prescribed. The standards herein established are minimum standards for wines of the several classes and types defined.

(2) Standards of identity. The several classes and types of wine set forth herein shall be as follows:

(a) Wine (or grape wine). "Wine" is the product of the normal alcoholic fermentation of the juice of sound, ripe

grapes (including pure condensed must), with or without added grape brandy or other spirits derived from grapes or grape products, and containing not to exceed 24 percent alcohol by volume, but without any other addition or abstraction whatsoever except such as may occur in normal cellar treatment: Provided, That the product may be ameliorated before, during or after fermentation by the use of pure dry sugar, a combination of water and pure dry sugar, liquid sugar, invert sugar syrup, grape juice or concentrated must, but only in accordance with federal regulations 27 CFR part 240, and the total solids of the wine shall in no case exceed 21 percent by weight. The maximum volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, shall not be, for red table wine, more than 0.14 gram, and for all other wine, more than 0.12 gram in both cases per 100 cubic centimeters (20 degrees C.). The maximum sulphur dioxide content of any wine shall not be greater than 350 parts per million of total sulphur dioxide or sulphites expressed as sulphur dioxide.

Pure condensed must. "Pure condensed must" means the dehydrated juice or must of sound, ripe grapes, or other fruit or agricultural products, concentrated to not more than 80° Brix, the composition thereof remaining unaltered except for removal of water; the term "restored pure condensed must" means pure condensed must to which has been added an amount of water not exceeding the amount removed in the dehydration process; and the term "sugar" means pure cane, beet, or dextrose sugar in dry form containing, respectively, not less than 95 percent of actual sugar calculated on a dry basis.

(b) Natural wine is the product of the juice of sound, ripe grapes, or the product of the juice of sound ripe fruit or berries other than grapes, produced in accordance with section 5381, I.R.C., and federal regulations 27 CFR part 240, as applicable.

(c) Red and white wine. Red wine is wine which contains the red coloring matter of the skins, juice, or pulp of grapes; pink, amber or rose wine is wine which contains partial red coloring of the skins, juice, or pulp of grapes; and white wine is wine which does not contain the red coloring matter of the skins, juice, or pulp of grapes.

(d) Table wine (including light wine, light grape wine, light red wine, light white wine, and natural wine) is wine containing not to exceed 14 percent alcohol by volume. The maximum Balling or Brix saccharometer test for any table wine shall not be more than 14 percent (at 20 degrees C. using a saccharometer calibrated at this temperature) when the test is made in the presence of the alcoholic content provided herein.

(e) Dessert wine (including appetizer wine) is wine containing more than 14 percent alcohol by volume, and not to exceed 24 percent alcohol by volume. Angelica, madeira, malaga, marsala, muscatel, port, white port, sherry, and tokay are types of dessert wine containing added grape brandy or other spirits derived from grapes or grape products, possessing the taste, aroma and other characteristics generally attributed to these products, and having an alcoholic content of not less than 17 percent by volume in the case of sherry, and not less than 18 percent in the case of all other types named in this paragraph.

(f) Aperitif wine is grape wine, containing added grape brandy or other spirits derived from grapes or grape products and having an alcoholic content of not less than 15 percent by volume flavored with herbs and other natural aromatic flavoring materials and possessing the taste, aroma and other characteristics generally attributed to wine of this class.

(g) Vermouth is a type of aperitif wine made from grape wine and possessing the taste, aroma and other characteristics generally attributed to vermouth.

(h) The term vintage wine means a wine produced wholly from (i) grapes gathered and (ii) the juice therefrom fermented, in the same calendar year and in the same viticultural area (e.g., county, state, department, province, or equivalent geographic area, or subdivision thereof), as identified on the label of such wine.

(i) Sacramental wine. Wine used solely for sacramental purposes may possess such alcoholic content not exceeding 24 percent by volume as required by ecclesiastical codes.

(j) Sparkling grape wine (including sparkling wine, sparkling red wine, and sparkling white wine) is grape wine made effervescent with carbon dioxide resulting solely from the fermentation of the wine within a closed container, tank or bottle.

(k) Champagne is a type of sparkling light white wine which derives its effervescence solely from the secondary fermentation of the wine within glass containers of not greater than one gallon capacity, and which possesses the taste, aroma, and other characteristics attributed to champagne as made in the Champagne District of France.

(l) A sparkling light wine having the taste, aroma, and characteristics generally attributed to champagne but not otherwise conforming to the standard for champagne may, in addition to but not in lieu of the class designation sparkling wine, be further designated as champagne style, or champagne type or American (or New York state, California, etc.) champagne — bulk process; all the words in such further designation shall appear in lettering of substantially the same size and such lettering shall not be substantially larger than the words "sparkling wine."

(m) Pink (or rose) champagne is a type of sparkling pink wine otherwise conforming to the definition of champagne, and shall be labeled in the same manner as champagne except that the designation pink (or rose) champagne shall be used in lieu of the designation champagne.

(n) Sparkling burgundy and sparkling moselle are types of sparkling wine possessing the taste, aroma and characteristics attributed to these products.

(o) Carbonated wine (including carbonated grape wine, carbonated red wine, carbonated pink (or rose) wine and carbonated white wine) is wine made effervescent with carbon dioxide other than that resulting solely from the secondary fermentation of the wine within a closed container, tank, or bottle.

(p) Fruit wine is wine produced by the normal alcoholic fermentation of the juice of sound, ripe fruit (other than grape), including pure condensed fruit must, with or without added fruit brandy or fruit spirits distilled from the same type of fruit or fruit products as the wine to which such fruit brandy or fruit spirits is added, and containing not to exceed 24 percent of alcohol by volume but without any other addi-

tion or abstraction whatsoever except such as may occur in normal cellar treatment: Provided, That the product may be ameliorated before, during, or after fermentation by the addition of water, pure dry sugar, a combination of water and pure dry sugar, liquid sugar, invert sugar syrup and concentrated and unconcentrated juice of the same fruit, but, only in accordance with federal regulations and the total solids of the wine shall in no case exceed 21 percent by weight.

The maximum volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, shall not be for natural fruit wine, more than 0.14 gram, and for other fruit wine, more than 0.12 gram, per 100 cubic centimeters (20 degrees C.).

(q) Light fruit wine (including natural fruit wine) is fruit wine containing not to exceed 14 percent alcohol by volume.

(r) Fruit wine derived wholly (except for sugar, water, or added fruit brandy or fruit spirits) from one kind of fruit shall be designated by the word wine, qualified by the name of such fruit; e.g., peach wine, orange wine, blackberry wine, etc. Fruit wine not derived wholly from one kind of fruit shall be designated as fruit wine or berry wine, as the case may be, qualified by a truthful and adequate statement of composition appearing in direct conjunction therewith. Fruit wines derived wholly (except for sugar, water, or added fruit brandy or fruit spirits) from apples or pears may if desired be designated cider, and perry, respectively, and shall be so designated if lacking in vinous taste, aroma, and other characteristics. Fruit wine rendered effervescent by carbon dioxide resulting solely from the secondary fermentation of the wine within a closed container, tank, or bottle shall be further designated as sparkling, and fruit wine rendered effervescent by carbon dioxide otherwise derived shall be further designated as carbonated.

(s) Berry wine is fruit wine produced from berries.

(t) Citrus wine or citrus fruit wine is fruit wine produced from citrus.

(u) Wine from other agricultural products. Sake is wine produced from rice in accordance with the commonly accepted method of producing such product.

(v) Other agricultural wines (such as honey wine), the production or sale of which is not prohibited by these regulations, shall be made in accordance with the commonly accepted standards of such product.

(w) Specialty wine is wine not otherwise herein defined, produced in accordance with commercial standards for such wines. Such wines may bear a fanciful proprietary designation and shall be labeled with a truthful and adequate statement of composition or with any commonly accepted trade designation indicative of such composition.

(x) Specially sweetened natural wine (a wine such as Kosher wine) is wine produced in accordance with federal regulation 27 CFR part 240.

(y) High fermentation wine is a grape or fruit wine made within the limitations of regulation (57)(2)(a) for grape wine, and regulation (57)(2)(p) for fruit wine, except that the alcohol content after complete fermentation or complete fermentation and sweetening is more than 14 percent and that wine spirits may not be added, produced in accordance with federal regulation 27 CFR part 240.

(z) Special natural wine is a flavored wine made on bonded wine cellar premises from a base of natural wine, in conformity with federal regulation 27 CFR part 240.

(3) Grape-type designations. A name indicative of variety of grape may be employed as the type designation of a wine if the wine derives its predominate taste, aroma, and other characteristics, and at least 51 percent of its volume, from that variety of grape.

(4) Appellations of origin. A wine shall be entitled to an appellation of origin if:

(a) At least 75 percent of its volume is derived from both fruit or other agricultural products grown in the place or region indicated by such appellation; and

(b) It conforms to the requirements of the laws and regulations of such place or region governing the composition, method of production and designation of wines for consumption within such place or region of origin.

(5) Conformance to state standards required. Wines of any defined class or type labeled or advertised under appellation of origin such as Spanish, New York, Ohio, Finger Lakes, California, etc., shall meet the requirements of standards herein prescribed applicable to such wines and shall, in addition, contain the minimum percentage of alcohol and conform as to composition in all other respects with all standards of identity, quality and purity applicable to wines of such classes or types marketed for consumption in the place or region of origin.

For example, all grape wines bearing labels showing California as the origin of such wine, shall be derived one hundred percent from grapes grown and wine from such grapes fermented within the state of California, shall contain no sugar or material containing sugar, other than pure condensed grape must; and any type of grape dessert wine (except sherry) shall contain not less than 18 percent of alcohol by volume; any type of sherry shall contain not less than 17 percent alcohol by volume; except as hereinbefore provided. Wines subjected to cellar treatment outside the place or region of origin, and blends of wine of the same origin, blended together outside the place or region of origin (if all the wines, in the blend have a common class, type, or other designation which is employed as the designation of the blend), shall be entitled to the same appellation of origin to which they would be entitled if such cellar treatment of blending took place within the place or region of origin.

(6) Grape-type designations, generic, semi-generic and nongeneric designations of geographic significance, are subject to the same requirements as set forth under Title 27, Code of Federal Regulations, Part 4.

[Statutory Authority: RCW 66.08.030, 85-19-030 (Order 164, Resolution No. 173), § 314-24-003, filed 9/12/85. Statutory Authority: RCW 66.08.030 and 66.98.070, 81-22-026 (Order 85, Resolution No. 94), § 314-24-003, filed 10/28/81; Order 14, § 314-24-003, filed 12/1/70, effective 1/1/71; Order 5, § 314-24-003, filed 8/7/69, effective 9/8/69.]

WAC 314-24-006 Substandard wines prohibited. Application of this regulation. The production, importation or sale of, wine, which fails to conform to the standards prescribed in regulation (57) hereof, or of any wine fermented from raisins, dried fruits, or dried berries, or of any imitation

or substandard wine as hereinafter defined, is hereby prohibited.

(1) Imitation wine shall include:

(a) Any wine containing synthetic materials;

(b) Any wine made from a mixture of water with residues remaining after thorough pressing of grapes, fruit or other agricultural products;

(c) Any class or type of wine, the taste, aroma, color or other characteristics of which have been acquired in whole or in part by treatment with methods or materials of any kind, if the taste, aroma, color or other characteristics of normal wines of such class or type are acquired without such treatment; or

(d) Any wine made from "must" concentrated at any time to more than 80 degrees (balling).

(2) Substandard wine shall include:

(a) Any wine having a volatile acidity in excess of the maximum prescribed therefor in these regulations;

(b) Any wine for which no maximum volatile acidity is prescribed in these regulations having a volatile acidity, calculated as acetic acid and exclusive of sulphur dioxide, in excess of 0.14 gram per 100 cubic centimeters (20 degrees C.);

(c) Any wine for which a standard of identity is prescribed in these regulations which, through disease, decomposition, or otherwise, fails to have the composition, color, and clean vinous taste and aroma of normal wines conforming to such standard; or

(d) Wine of any class or type containing added water, or sugar and water solution, in excess of the quantities expressly authorized for standard wine made from the same kind or kinds of materials as prescribed in regulation (57).

(3) Coined names:

(a) The sale in this state of wines, identified on labels or in advertisements by a type of brand designation which implies mixtures of wines for which standards of identity are established in these regulations, or which identifying type or brand designation resembles an established wine type name such as Angelica, Madeira, Muscatel, Port, White Port, Sherry, Tokay, Sauterne, Claret, Burgundy, etc., is hereby prohibited.

(b) The sale in this state of wine or combinations of wine and other alcoholic beverages which contain on the label statements such as whiskey wine, rum and wine, gin and wine, beer and wine, etc., or simulations of such combinations, is hereby prohibited.

(4) Containers:

(a) The sale of wine in any container originally designed for a product other than wine or in any container the design or shape of which would tend to mislead the consumer as to the nature of the contents, is hereby prohibited.

(b) The sale of wine in containers which have blown, branded or burned therein the name or other distinguishing mark of any person engaged in business as a wine producer, importer, distributor, or bottler or any other person different from the person whose name is required to appear on the brand label, is hereby prohibited.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230,

66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-006, filed 9/2/98, effective 10/3/98; Order 5, § 314-24-006, filed 8/7/69, effective 9/8/69.]

WAC 314-24-020 Sanitation. Domestic winery premises shall be constructed, kept and maintained in a clean and sanitary condition, and in accordance with such rules and regulations as shall be prescribed by the state department of agriculture through the dairy and food division, for the sanitation thereof and applicable to the sanitation of such winery premises.

[Order 5, § 314-24-020, filed 8/7/69, effective 9/8/69; Rule 60, filed 6/13/63.]

WAC 314-24-040 Wine labels—Certificate of label approval required—Labels to be submitted. No wine shall be imported or sold within the state of Washington until the certificate of approval holder, or domestic winery, or United States importer of foreign wine, shall have obtained from the board a certificate of label approval for such wine.

(1) A request for certificate of label approval must be submitted to the board on forms prescribed by the board, together with the following:

(a) Two labels of the brand and type for which approval is requested for wines under seven percent alcohol by volume; and

(b) One copy of the federal certificate of label approval for such wine which has been issued by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department.

(2) Any change in label or product which requires reissuance of federal approval under the provisions of 27 CFR Part 4, must also be submitted to the board in accordance with the foregoing provisions of this regulation.

(3) Every producer, importer, bottler, or distributor of wine shall, upon request of the board or its authorized representative, furnish without cost to the board, samples of any brand of wine upon its premises for the purpose of analysis in order to determine whether the wine conforms to the quality standards set by the board in WAC 314-24-060 and conforms with commercial standards.

(4) No label shall be used that is misleading.

(5) No label will be approved which is designed to be especially appealing to children or other persons under legal age to consume. Persons who appear to be under legal age to consume may be depicted on a label when, in the discretion of the board, the depiction is dignified and does not promote illegal consumption of liquor.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-040, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 92-03-110, § 314-24-040, filed 1/21/92, effective 2/21/92; 89-02-014 (Order 274, Resolution No. 283), § 314-24-040, filed 12/28/88. Statutory Authority: RCW 66.08.030 and 66.28.110. 88-17-095 (Order 254, Resolution No. 263), § 314-24-040, filed 8/23/88; Order 57, § 314-24-040, filed 7/28/77, effective 9/1/77; Order

42, § 314-24-040, Rule 62, filed 11/6/75; Order 19, § 314-24-040, filed 8/10/72; Order 5, § 314-24-040, filed 8/7/69, effective 9/8/69; Rule 62, filed 6/13/63.]

WAC 314-24-050 Alcoholic content. No wine shall exceed twenty-four percent of alcohol by volume at 60 degrees Fahrenheit, calculated from the distillate.

Label tolerance:

(1) The alcoholic content of wines containing in excess of fourteen percent of alcohol by volume shall be within one percent plus or minus of the label claim, but not to exceed the prescribed 24% limitation. In the event a maximum range of two percent is stated on the label, the alcoholic content must be within the stated range.

(2) The alcoholic content of wines containing less than fourteen percent of alcohol by volume shall be within one and one-half percent plus or minus of the label claim. In the event a maximum range of three percent is stated on the label, the alcoholic content must be within the stated range.

[Statutory Authority: RCW 66.08.030 and 66.98.070. 81-22-026 (Order 85, Resolution No. 94), § 314-24-050, filed 10/28/81; Order 5, § 314-24-050, filed 8/7/69, effective 9/8/69; Rule 63, filed 6/13/63.]

WAC 314-24-060 Quality standards. All wines of the types and classes hereinafter set forth sold in the state of Washington shall meet the following requirements.

Acid content:

(1) Volatile acids:

- (a) Red table wines Not over 0.14%, exclusive of sulfur dioxide, calculated as acetic acid.
- (b) All other wines Not over 0.12%, exclusive of sulfur dioxide, calculated as acetic acid.
- (c) Exception A higher volatile acidity level is permitted of 0.15 grams per 100 milliliters for white wine and 0.17 grams per 100 milliliters for red wine produced from unameliorated juice having a minimum solids content of 28 degrees Brix.

(2) Fixed acids:

- (a) Grape wine:
 - (i) Table wine Not less than 0.4% calculated as tartaric acid.
 - (ii) Dessert wine Not less than 0.25% calculated as tartaric acid.
- (b) Apple wine Not less than 0.15% calculated as malic acid.
- (c) Fruit wine Not less than 0.5% calculated as citric acid.
- (d) Berry wine Not less than 0.5% calculated as citric acid.

(3) Brix (balling):

- (a) Port wine Minimum of 5.5 Brix at 20 degrees centigrade.
- (b) White port wine Minimum of 5.5 Brix at 20 degrees centigrade.
- (c) Muscatel wine Minimum of 5.5 Brix at 20 degrees centigrade.

- (d) Tokay wine Minimum of 3.5 Brix at 20 degrees centigrade.
- (e) Dry sherry wine Under 0.5 Brix at 20 degrees centigrade.
- (f) Sherry wine Under 3 Brix at 20 degrees centigrade.
- (g) Creme or sweet sherry wine Above 3 Brix at 20 degrees centigrade.

(4) Sulfur dioxide: Maximum of 350 parts per million total.

(5) Preservatives: No wines shall contain preservatives such as benzoic acid, salicylic acid or monochloroacetic acid, or their derivatives except that wines classified as specialty wine in accordance with WAC 314-24-003 (2)(w) may use benzoic acid or its derivatives if such use has been approved by the United States Food and Drug Administration.

(6) Stability: All wines shall be free from precipitates, colloidal matter, metallic casse, haze due to yeast, bacteria, tartrates, or other causes as determined by usual stability tests: Provided, however, That sediment may be allowed at the discretion of the board when it occurs in accordance with commercial standards commonly accepted by trade designations as normal and indicative of the wine's composition.

[Statutory Authority: RCW 66.08.030. 88-11-009 (Order 250, Resolution No. 259), § 314-24-060, filed 5/10/88; 86-24-030 (Order 205, Resolution No. 214), § 314-24-060, filed 11/25/86; 85-24-041 (Order 169, Resolution No. 178), § 314-24-060, filed 11/27/85; Order 14, § 314-24-060, filed 12/1/70, effective 1/1/71; Order 5, § 314-24-060, filed 8/7/69, effective 9/8/69; Rule 64, filed 6/13/63.]

WAC 314-24-070 Domestic wineries—Purchase and use of bulk wines, brandy or wine spirits—Import permit required—Records. (1) Domestic wineries may purchase and receive under federal bond from any holder of a domestic winery license, holder of the fruit and/or wine distillery license provided in section 23-D of the Washington State Liquor Act (RCW 66.24.140), or out-of-state holder of a federal winery or fruit distillery basic permit, bulk wine, brandy or bulk wine spirits manufactured or produced by such holder, and use the same in the manufacture or production of wines: Provided, That every domestic winery which imports wine, brandy or wine spirits manufactured outside the state of Washington for use as authorized in this section must first be in possession of a permit issued by the board, in accordance with RCW 66.20.010(5) of the Washington State Liquor Act. Applications for such permits must be submitted to the board in writing. Such permits expire at the end of the board's fiscal year, and are subject to renewal at that time upon written request and remittance of said annual fee. Wine manufactured or produced from one kind of fruit or berry may not receive wine, brandy or wine spirits manufactured or produced from another kind of fruit or berry. Such brandy or wine spirits so purchased shall be used exclusively and only for the purpose of adding wine spirits to wines. In those cases where the holder of a domestic winery license shall also hold such fruit and/or wine distillery license, then, and in such cases, such domestic winery may use brandy or wine spirits manufactured or produced under such distillery license as a wine spirits addition in the manufacture or pro-

duction of wine by such holder of the domestic winery license.

(2) Any domestic winery using wine, brandy or wine spirits as provided in subsection (1) of this section, shall make and file with the board, not later than the tenth day of each month upon forms prescribed and furnished by the board, a report showing all transactions of such domestic winery in the purchase and/or use of wine, brandy or wine spirits as provided in said subsection (1), and shall retain one copy of such report in its own files, and shall keep and preserve for a period of not less than two years any bills of lading or other documents supporting such report. One copy of the bill of lading covering such sale and shipment to a domestic winery is to be forwarded to the board by the shipping winery or fruit distillery, at the time of such shipment.

[Statutory Authority: RCW 66.08.030, 86-11-014 (Order 184, Resolution No. 193), § 314-24-070, filed 5/13/86; Order 14, § 314-24-070, filed 12/1/70, effective 1/1/71; Order 5, § 314-24-070, filed 8/7/69, effective 9/8/69; Rule 65, filed 6/13/63.]

WAC 314-24-080 Containers—Sizes and types permitted. (1) All wine sold for consumption in the state shall be sold in packages or container sizes approved by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department for Marketing within the United States. A copy of the federal certificate of label approval must be submitted with each such request for authorization.

(2) No domestic winery or wine distributor, or wine importer shall adopt or use any packages for wine differing in sizes and case capacities from: Manufacturer's original full cases. The board may, in its discretion, authorize other container and/or keg size packages it deems appropriate.

(3) Wine referred to in subsections (1) and (2) of this regulation may also be packaged and sold in metric standards of fill and in case sizes as are established in 27 Code of Federal Regulations, to wit: 3 liters (101 fl. oz.) 4 bottles per case; 1.5 liters (50.7 fl. oz.) 6 bottles p/c; one liter (33.8 fl. oz.) 12 bottles p/c; 750 milliliters (25.4 fl. oz.) 12 bottles p/c; 375 milliliters (12.7 fl. oz.) 24 bottles p/c; 187 milliliters (6.3 fl. oz.) 48 bottles p/c; 100 milliliters (3.4 fl. oz.) 60 bottles p/c. Wine may be bottled or packed in containers of four liters or larger if the containers are filled and labeled in quantities of even liters.

(4) Wine imported from foreign countries may be packaged and container sizes approved by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department for marketing within the United States. A copy of the federal certificate of label approval must be submitted with each such request for authorization.

(5) For taxing purposes and in all reports to the board, the above enumerated designations of package sizes, and no others, shall be used.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-080, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 86-07-022 (Order 172, Resolution No. 181), § 314-24-080, filed 3/13/86. Statutory Authority: RCW

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66.08.030, 66.08.050 and 66.98.070. 78-09-012 (Order 67, Resolution No. 76), § 314-24-080, filed 8/8/78; Order 49, § 314-24-080, filed 8/26/76; Order 37, § 314-24-080, filed 7/17/75; Order 19, § 314-24-080, filed 8/10/72; Order 14, § 314-24-080, filed 12/1/70, effective 1/1/71; Order 5, § 314-24-080, filed 8/7/69, effective 9/8/69; Resolution No. 3, filed 9/8/64; Rule 66, filed 6/13/63.]

WAC 314-24-090 Wine labels. (1) Every package or container of wine intended for sale within the state of Washington shall bear a label in compliance with RCW 66.28.110. Such label shall show:

(a) The brand name of the wine.

(b) Class, type or other designation.

(c) The name and address of the bottler or packager, which shall be stated as follows "Bottled by. . . ." Where a bottler or packager has made not less than 75% of the wine in a particular package or container by crushing the grapes or other materials, fermenting the must and clarifying the resulting wine, there may be stated in lieu of the words "bottled by" the words "manufactured and bottled by" or "produced and bottled by." In addition to the name and address of the bottler or packager, but not in lieu thereof, there may be stated the name and address of the manufacturer or producer.

(d) The alcoholic content of the wine by volume, stated as provided in either (i) or (ii) of this subsection:

(i) "Alcohol. . . . % by volume."

(ii) "Alcohol. . . . % to. . . . % by volume."

(e) The net contents of the package or container: Provided, That the net contents need not be stated on any label if the net contents are displayed by having the same blown or branded in the package or container as the brand label, 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.

(2) No label shall be used until after the same has been submitted to, and has received a written approval of, the board (see WAC 314-24-040).

(3) No label shall be used that is misleading.

[Statutory Authority: RCW 66.28.120 and 66.28.110. 87-21-036 (Order 230, Resolution No. 239), § 314-24-090, filed 10/13/87. Statutory Authority: RCW 66.28.110. 87-08-016 (Order 216, Resolution No. 225), § 314-24-090, filed 3/24/87; Order 5, § 314-24-090, filed 8/7/69, effective 9/8/69; Rule 67, filed 6/13/63.]

WAC 314-24-100 Domestic wineries—Responsibility for fruits used—Records. Every domestic winery shall keep proper records as required by the Bureau of Alcohol, Tobacco and Firearms, United States Treasury Department, in a form approved by the board showing the place of origin and/or purchase of all fruits and fruit products used by such winery in the manufacture of wine, which records shall be kept at the office of such winery and available at all times for inspection by the board.

[Statutory Authority: RCW 66.08.030, 86-11-014 (Order 184, Resolution No. 193), § 314-24-100, filed 5/13/86; Order 5, § 314-24-100, filed 8/7/69, effective 9/8/69; Rule 68, filed 6/13/63.]

WAC 314-24-105 Application procedure—Wine distributor's or importer's license. Any person making application for a new wine distributor's or importer's license shall submit to the board, as a condition precedent to the board

considering the application, such information as may be requested by the board and shall additionally submit a written commitment from a manufacturer or importer that the product the applicant proposes to distribute is available to him should a license be issued.

The decision as to whether a license will or will not be issued in a particular case is, pursuant to RCW 66.24.010, a matter of board discretion. The submission of the above information and written commitment shall not be construed as creating a vested right in the applicant to have a license issued.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-105, filed 9/2/98, effective 10/3/98; Order 55, § 314-24-105, filed 5/31/77, effective 7/1/77.]

WAC 314-24-115 Wine importers—Requirements.

(1) Principal office: Each wine importer shall keep the board informed at all times of the location of the principal office required by the Washington State Liquor Act and shall, not less than two days prior thereto notify the board in writing or by telegraph of any change in the location of such office.

(2) Warehouses: Wine importers maintaining warehouses at which wine imported by such importer is stored shall at all times keep the board advised of the location of such warehouses.

(3) Certain duties: No wine importer shall import or transport or cause to be transported into the state of Washington any brand of wine manufactured within the United States but outside the state of Washington, unless such importer shall have first filed with the board a notice of his intention so to do, and shall have ascertained from the board that the winery manufacturing such wine has obtained from the Washington state liquor control board a certificate of approval as provided in the Washington State Liquor Act (section 10, chapter 21, Laws of 1969 ex. sess.).

[Order 26, § 314-24-115, filed 8/14/73; Order 5, § 314-24-115, filed 8/7/69, effective 9/8/69; Rule 69, filed 6/13/63.]

WAC 314-24-120 Importation of foreign wine—United States wineries—Monthly reports—Records. (1) Foreign wine. Wine manufactured outside of the United States may be imported by a wine importer or distributor under the following conditions:

(a) The wine importer or distributor importing such wine must obtain label approval in accordance with WAC 314-24-040. Such wine shall be imported and delivered directly to either the warehouse of the importer or distributor or to some other warehouse previously designated by the importer or distributor and approved by the board.

(b) All matters pertaining to the importation, transportation, storage, keeping of records, and all other matters pertaining to the importation of wine manufactured outside the United States shall be subject at all times to such orders, rules and regulations as the board may from time to time prescribe, and the board reserves the right to make orders appli-

cable to individual and particular cases in addition to general orders, rules and regulations applicable generally.

(2) Holders of certificate of approval—United States wineries, located outside of Washington state. Each winery holding a certificate of approval may ship wine to licensed wine importers and/or distributors only. As required by section 10, chapter 21, Laws of 1969 ex. sess., and by the written agreement embodied in the application for certificate of approval, each winery holding a certificate of approval shall file the report(s) required by WAC 314-19-015.

[Statutory Authority: RCW 66.08.030, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206. 00-17-065, § 314-24-120, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-120, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-04-035 (Order 95, Resolution No. 104), § 314-24-120, filed 1/28/82; 81-22-026 (Order 85, Resolution No. 94), § 314-24-120, filed 10/28/81; Order 26, § 314-24-120, filed 8/14/73; Order 5, § 314-24-120, filed 8/7/69, effective 9/8/69; Rule 71, filed 6/13/63.]

WAC 314-24-130 Case lot sales. No domestic winery, wine distributor, wine importer, or certificate of approval holder shall sell or otherwise deliver wine to another domestic winery, wine distributor, and wine importer except in whole case lots, nor shall any such licensee receive from any other such licensee wine except in whole case lots.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-130, filed 9/2/98, effective 10/3/98; Order 5, § 314-24-130, filed 8/7/69, effective 9/8/69; Rule 72, filed 6/13/63.]

WAC 314-24-140 Sales to vessels. Tax paid wine may be sold direct by wine distributors to:

(1) Vessels engaged in foreign commerce and operating on regular schedules.

(2) Vessels engaged in interstate commerce and operating on regular schedules.

(3) Vessels commonly known as "tramps," engaged in interstate and/or foreign commerce but not operating on regular schedules and taking cargo when and where it offers and to any port.

Wine may not be sold direct by wine distributors to any other class of boat or vessel unless the boat or vessel is in possession of a proper retail license.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-140, filed 9/2/98, effective 10/3/98; Order 5, § 314-24-140, filed 8/7/69, effective 9/8/69; Rule 73, filed 6/13/63.]

WAC 314-24-150 Wine records—Preservation. (1)

Every domestic winery, wine distributor, and wine importer shall keep wine accounts separate from other accounts, and maintain proper records in a form approved by the board showing all transactions in wine.

(2) Every domestic winery, wine distributor, and wine importer, shall, in the case of sales of wine within the state, keep and preserve all invoices, bills of lading, sales slips, and other evidence of sale, in the office of the domestic winery, wine distributor or wine importer for at least two years after each sale.

(3) Every domestic winery, wine distributor, and wine importer, shall, in the case of wine exported from the state, keep and preserve all bills of lading and other evidence of shipment in the office of the domestic winery, wine distributor, or wine importer for at least two years after each shipment.

(4) In the case of sales, transfers or shipments of wine between a domestic winery and a wine distributor, or between two domestic wineries, or between two wine distributors, or between a wine importer and a wine distributor, both the shipping and receiving licensees, as the case may be, shall keep and preserve all invoices, bills of lading, sales slips, and other evidence of sale, transfer or shipment in their respective offices for at least two years after each sale, transfer or shipment.

(5) Each winery, wine distributor, and wine importer may maintain microfilm records containing reproductions (including microfiche) of any record, document, or report if first approved by the board. Request for approval shall be directed to the financial division of the Washington state liquor control board and must include the following information:

- (a) Records proposed to be reproduced.
- (b) Reproduction process.
- (c) Manner of preserving the reproduction.
- (d) Facilities provided for examining or viewing such reproduction.

If the request is approved, the licensee shall provide for the examining, viewing, and reproduction of such records the same as if they were the original records.

(6) If the winery, wine distributor, or wine importer keeps records within an automated data processing (ADP) system, the system must include a method for producing legible records that will provide the same information required of that type of record within this section. The ADP system is acceptable if it complies with the following guidelines:

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

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

(c) Has available a full description of the ADP portion of the accounting system. This should show the applications being performed, the procedures employed in each application, and the controls used to ensure accurate and reliable processing.

(2001 Ed.)

(7) The provisions contained in subsections (5) and (6) of this section do not eliminate the requirement to maintain source documents, but they do allow the source documents to be maintained in some other location.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-150, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 87-20-013 (Order 229, Resolution No. 238), § 314-24-150, filed 9/29/87; Order 5, § 314-24-150, filed 8/7/69, effective 9/8/69; Rule 75, filed 6/13/63.]

WAC 314-24-160 Domestic wineries—Retail sales of wine on winery premises—Wine served without charge on premises—Spirit, beer and wine 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.

(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 spirit, beer and wine 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 spirit, beer and wine restaurant 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.

(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, 66.24.210, 66.24.230, 66.24.290, 66.24.305, 66.24.270, 66.24.215, 66.24.580, 66.24.206, 00-17-065, § 314-24-160, filed 8/9/00, effective 9/9/00. Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, §

314-24-160, filed 9/2/98, effective 10/3/98. 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.]

WAC 314-24-170 Cash sales. No wine distributor shall sell or deliver any wine to any retailer within the state except for cash paid at the time of the delivery of such wine: Provided, That cash may be paid prior to the delivery of wine sold to any retailer. Failure by licensees to keep accurate accounting records which result in the extension of credit, in violation of RCW 66.28.010 through the use of a prior cash deposit which is overextended may result in administrative action being taken against the liquor license.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150, 98-18-097, § 314-24-170, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 88-23-101 (Order 270, Resolution No. 279), § 314-24-170, filed 11/22/88; Order 24, § 314-24-170, filed 6/28/73; Order 5, § 314-24-170, filed 8/7/69, effective 9/8/69; Rule 77, filed 6/13/63.]

WAC 314-24-180 Wine distributors, wine importers—Certain rights granted. (1) Wine distributors may sell to the board, export wine from the state, and purchase wine from or sell wine to another wine distributor.

(2) Wine importers may sell to the board, export wine from the state, or sell to wine distributors, but may not sell to another wine importer.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150, 98-18-097, § 314-24-180, filed 9/2/98, effective 10/3/98; Order 5, § 314-24-180, filed 8/7/69, effective 9/8/69; Rule 78, filed 6/13/63.]

WAC 314-24-190 Wine distributor price posting. (1) Every wine distributor shall file with the board at its office in Olympia a wine price posting, showing the wholesale prices at which any and all brands of wine offered for sale by such wine distributor shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the tenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of such posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the fifteenth day of the month in order to become effective on the first day of the next calendar month: Provided, That the board may in individual cases, for good cause shown, extend

the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the tenth day of any month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a wine distributor determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding calendar month until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a wine distributor elects to file postings listing selected items on which prices are temporarily reduced for a period of one calendar month only such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the month for which the price reductions will be in effect. At the expiration of the month during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Postings shall be submitted upon forms prescribed and furnished by the board, or a reasonable facsimile thereof, and shall set forth:

(a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine distributor, which packages or containers shall be limited to the sizes permitted in WAC 314-24-080.

(b) The wholesale prices thereof within the state, which prices shall include the state wine tax plus surcharge of \$0.2192 cents per liter imposed under RCW 66.24.210 and 82.02.030.

(6) No wine distributor shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below acquisition cost plus ten percent of acquisition cost.

(8) Wholesale prices on a "close-out" item shall be accepted by the board when the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the distributor who posts such a "close-out" price shall not restock the item for a period of one year following the first effective date of such "close-out" price.

(9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine distributor and a distributor, as filed in accordance with WAC 314-24-200, is terminated by either party, and a new written contract or mem-

orandum of oral agreement is made by such a supplier with another wine distributor in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine distributor, may put such filings into effect immediately: Provided, That prices and other conditions of any such filings which are in effect at the time of such termination shall not be changed prior to the next applicable filing period.

(10) When a new wine distributor's license is issued for the first time by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-24-200.

(11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.

(12) Any wine distributor or employee authorized by his/her distributor-employer may sell wine at the distributor's posted prices to any authorized licensee upon presentation to such distributor or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every authorized retail licensee, upon purchasing any wine from a distributor, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his license.

(b) Wine sold as provided herein shall be delivered by such distributor or his authorized employee either to such retailer's licensed premises or directly to such retailer at the distributor's licensed premises: Provided, however, That a distributor's prices to retail licensees shall be the same at both places of delivery.

(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-190, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 87-15-111 (Order 222, Resolution No. 231), § 314-24-190, filed 7/22/87. Statutory Authority: RCW 66.08.030, 66.98.070 and 66.08.060. 86-16-060 (Order 173, Resolution No. 182), § 314-24-190, filed 8/5/86. Statutory Authority: RCW 66.08.030. 82-

16-069 (Order 91, Resolution No. 100), § 314-24-190, filed 8/2/82. Statutory Authority: RCW 66.08.030 and 66.98.070. 81-22-026 (Order 85, Resolution No. 94), § 314-24-190, filed 10/28/81. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 78-02-056 (Order 62), § 314-24-190, filed 1/20/78, effective 7/1/78; Order 54, § 314-24-190, filed 5/24/77, effective 7/1/77; Order 51, § 314-24-190, filed 12/15/76; Order 26, § 314-24-190, filed 8/14/73; Order 18, § 314-24-190, filed 1/13/72, effective 2/14/72; Order 15, § 314-24-190, filed 5/13/71, effective 7/1/71; Order 5, § 314-24-190, filed 8/7/69, effective 9/8/69; Rule 81, filed 6/13/63.]

WAC 314-24-200 Wine suppliers' price filings, contracts and memoranda. (1) Every domestic winery shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such winery may have with any wine distributor, which contracts or memoranda shall contain a schedule of the prices charged to distributors for all items. Requirements for including or omitting from such prices the wine tax plus surcharge of \$0.2192 cents per liter, imposed under RCW 66.24.210 and 82.02.030, are set forth in subsection (8) of this section. Contracts and memoranda required to be filed under this subsection must list all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances; and all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified such revised prices, contracts or memoranda shall be filed with the board, as provided in this regulation.

Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages and containers of wine offered for sale by such licensed domestic winery; all additional information required may be filed as a supplement to said price schedule forms.

(2) Filing date—All written contracts and memoranda of oral agreements must be received by the board not later than the twenty-fifth day of the month, and if approved will become effective on the first day of the second calendar month following the date of such filing. An additional period will be allowed for revision of such filings to correct errors and omissions, or to meet competitive prices, filed during the current posting period, but a revised contract or memorandum of oral agreement must be on file with the board not later than the first day of the month in order to become effective on the first day of the next calendar month: Provided, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the twenty-fifth day of any month falls on Saturday, Sunday, or a legal holiday, an original contract or memorandum of oral agreement may be filed not later than the close of business the next business day.

(4) Exceptions for changes in distributors and newly licensed distributors are set forth in WAC 314-24-190 (9) and (10).

(5) In the event that a domestic winery determines to make no changes in any contracts or memoranda last filed and then in effect, such contracts or memoranda shall remain in effect for each succeeding calendar month until revised or amended contracts or memoranda are filed and placed into effect as provided herein.

Provision for filing of temporary price reductions—In the event a licensed domestic winery elects to file postings listing selected items on which prices are temporarily reduced for a period of one calendar month only such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the month for which the price reductions will be in effect. At the expiration of the month during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(6) Prices filed by a domestic winery shall be uniform prices to all distributors on a state-wide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed which is below acquisition cost plus ten percent of acquisition cost: Provided, That acquisition cost plus ten percent of acquisition cost shall not apply to sales of wine between a wine importer who sells wine to a wine distributor, or to a wine distributor who sells wine to another wine distributor.

(7) The provisions set forth in subsections (1), (2), (3), (4), (5) and (6) of this section shall also apply to written contracts and memoranda of oral agreements which must be filed with the board by certificate of approval holders who sell wine to wine importers; wine importers who sell to wine distributors; and wine distributors who sell to other wine distributors: Provided, That the provisions of this subsection shall not apply, and filing will not be required, in the instance of wine distributors making accommodation sales to other wine distributors when such sales are made at a selling price not to exceed the laid-in cost of the wine being sold. Accommodation sales may only be made when the distributor purchasing the wine is an authorized purchaser of the brand and product being sold, having been designated as an authorized purchaser by the manufacturer or importer of the product being sold, as demonstrated by an existing contract or memoranda on file and in effect under the provisions of this rule.

(8) The wine tax plus surcharge, imposed under RCW 66.24.210 and 82.02.030, is not to be included in the prices filed as required by subsection (1) of this section by (a) a domestic winery, nor (b) by a certificate of approval holder who is not licensed as a wine distributor, nor (c) a wine importer who is not licensed as a wine distributor.

Every wine distributor who sells wine to another wine distributor shall include such tax in the prices posted on such required schedules.

(9) No domestic wineries, certificate of approval holders, wine importers, or wine distributors shall sell any wine to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(10) Certificate of approval holders may ship wine into this state when the same has been sold and consigned to the

holder of an importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the wine diverted unless such diversion is to another importer, and the board so notified immediately.

(11) The board may reject any supplier's price filing, contract or memorandum of oral agreement or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any such price filing, contract or memorandum of oral agreement the licensee submitting said price filing, contract or memorandum may be heard by the board and shall have the burden of showing that the said price filing, contract or memorandum is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said price filing, contract or memorandum is accepted it shall become effective at a time fixed by the board. If said price filing, contract or memorandum or portion thereof is rejected the last effective price filing, contract or memorandum shall remain in effect until such time as an amended price filing, contract or memorandum is filed and approved, in accordance with the provisions of this regulation.

(12) All prices, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-200, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 87-15-111 (Order 222, Resolution No. 231), § 314-24-200, filed 7/22/87; 87-01-014 (Order 207, Resolution No. 216), § 314-24-200, filed 12/9/86. Statutory Authority: RCW 66.08.030, 66.98.070 and 66.08.060. 86-16-060 (Order 173, Resolution No. 182), § 314-24-200, filed 8/5/86. Statutory Authority: RCW 66.08.030. 82-16-069 (Order 91, Resolution No. 100), § 314-24-200, filed 8/2/82. Statutory Authority: RCW 66.08.030 and 66.98.070. 81-22-026 (Order 85, Resolution No. 94), § 314-24-200, filed 10/28/81; Order 54, § 314-24-200, filed 5/24/77, effective 7/1/77; Order 51, § 314-24-200, filed 12/15/76; Order 26, § 314-24-200, filed 8/14/73; Order 15, § 314-24-200, filed 5/13/71, effective 7/1/71; Order 5, § 314-24-200, filed 8/7/69, effective 9/8/69; Rule 82, filed 6/13/63.]

WAC 314-24-210 Return of wine by retailer—Replacement—Conditions. No wine shall be returned by any retail licensee to any wine distributor except as herein provided.

(1) Wine which is not in a salable condition may be returned by a retail licensee to the wine distributor from whom purchased, provided it is immediately replaced by the wine distributor with an identical quantity, type and brand of wine: Provided, That if the brand of wine is not presently in the wine distributor's stock and is not available to the distributor in the immediate future, a cash refund may be made to the retail licensee upon the approval of the board first being obtained.

(a) Every wine distributor shall maintain on the licensed premises for a period of two years complete records of all refunds and exchanges made under this section including an

inventory of unsalable wine returned to such distributor by any retail licensee.

(b) Such unsalable wine which requires reconditioning or destruction shall be returned by the wine distributor to the domestic winery which manufactured or produced the same, or to the importer who imported such wine. When wine which has been returned to a domestic winery by any person for reconditioning or destruction has been assembled at the winery, a complete inventory in duplicate of unsalable wine shall be filed with the board by the winery with a request that inspection be made of the returned wine before the reconditioning process or destruction is started. When wine has been returned by the distributor to the importer who imported such wine, a complete inventory of said wine shall be filed in duplicate with the board by the importer with a request that inspection be made of the returned wine before the wine is destroyed or returned to the out-of-state manufacturer.

(c) Wine which is not in a salable condition and has been returned to a domestic winery or importer by a distributor may be replaced by the supplier with an identical quantity, type, and brand of wine: Provided, That if the brand of wine is not presently in the winery or importer's stock and is not available to the supplier in the immediate future, a cash refund or credit may be made to the distributor by the supplier. Credit extended for the return of product should be noted on a separate document from the original invoice. Except as provided herein, no other adjustment, by way of a cash refund or otherwise, shall be made by the winery or wine distributor.

(2) Wine may be returned by a retail licensee or by a governmental agency who has seized the same to the wine distributor selling such wine in the event the retailer goes out of the business of selling wine at retail or has their license changed to a wine restricted license, and in such case a cash refund may be made upon return of the wine, provided that consent of the board is first had and obtained.

(3) Wine different from that ordered which has been delivered in error to a retail licensee may be returned to a wine distributor and either replaced with that wine which was ordered or a cash refund may be made upon the approval of the board first being obtained: Provided, That the error in delivery shall be discovered and corrected within eight days of the date the delivery was made.

(4) A distributor may return salable wine to a Washington winery provided the winery reimburses the distributor for the cost of the wine plus the wine tax which was paid by the distributor. The winery will then put any wine returned from a distributor into their tax paid area at the winery.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-210, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 87-16-003 (Order 227, Resolution No. 236), § 314-24-210, filed 7/23/87; 86-24-029 (Order 204, Resolution No. 213), § 314-24-210, filed 11/25/86. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-022 (Order 109, Resolution No. 118), § 314-24-210, filed 8/9/82; Order 5, § 314-24-210, filed 8/7/69, effective 9/8/69; Rule 83, filed 6/13/63.]

(2001 Ed.)

WAC 314-24-220 Licensing and operation of bonded wine warehouses. (1) There shall be a license for bonded wine warehouses pursuant to RCW 66.24.185, and this type of license shall be known as a bonded wine warehouse licensee. Applications for a bonded wine warehouse license shall be on forms prescribed by the board and shall be accompanied by such information as the board may request including, but not limited to, a written description of the proposed method of shipping, receiving, inventory control, and security.

(2) The bonded wine warehouse shall be physically separated from any other use in such manner as prescribed by the board, and as a condition of license approval, the applicant must furnish the board appropriate documentation indicating the location of the bonded wine warehouse is properly zoned for the intended use. Wine not under federal excise tax bond shall be identified as federally tax-paid and physically separated on the premises to the extent required under the license holder's federal basic permit.

(3) A bonded wine warehouse may provide storage for a domestic winery and for a United States winery outside the state of Washington holding a Washington certificate of approval. The wine may or may not be under federal bond, and the Washington wine tax provided in RCW 66.24.210 shall not be due until the wine is removed from bond and shipped to a licensed Washington wine distributor or, pursuant to RCW 66.12.020, to the liquor control board who will be responsible to pay the tax based on their purchases.

(4) Every bonded wine warehouse licensee shall have on file and available for inspection records of all wine transactions, including receipts and shipments of wine and the total inventory on hand at the bonded warehouse.

(5) Removals of wine from a bonded wine warehouse may be made only for shipment (a) to a licensed independent Washington wine distributor; (b) to another licensed bonded wine warehouse; (c) to the liquor control board; (d) out of state; (e) for return to the producing winery; or (f) to a producing domestic winery licensee. For purposes of this section, "producing domestic winery licensee" means the licensed Washington winery that produced the wine and its licensed agents. For purposes of this section, a "licensed agent" shall be an accredited representative, licensed pursuant to chapter 314-44 WAC, of only one producing domestic winery at the time of removal by such agent. A producing domestic winery licensee may take possession of wine from a bonded wine warehouse, after accepting an order therefor, and deliver the wine to a purchasing retail or special occasion licensee only by transporting the wine directly from the bonded wine warehouse to the licensed premises of the purchasing retail or special occasion licensee; provided, however, that in no event may a producing domestic winery licensee remove, in the aggregate, during any one calendar year, more than two thousand cases of wine for delivery directly to retail and special occasion licensees. Producing domestic winery licensees shall maintain records of removals and deliveries of wine from bonded wine warehouses and shall file with the liquor control board annually reports of the quantity of wine removed and delivered directly to retail and special occasion licensees. Invoicing shall be by the titleholder. The titleholder shall report shipments to, and returns

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from the bonded wine warehouse and sales to Washington wine distributors, and/or the liquor control board on the twentieth day of the month following the month of shipment and/or sale on forms furnished by, or acceptable to, the board.

(6) At no time shall title to wine stored at the bonded wine warehouse pass to the operator of the bonded wine warehouse.

(7) "Storage of bottled wine only" as used in RCW 66.24.185(1) shall mean the storage of wine packaged for sale at retail (i.e., other than in bulk form).

(8) As a condition precedent to license issuance, a bonded wine warehouse licensee shall guarantee payment to the state of any and all taxes under RCW 66.24.210 in the event the winery or other entity storing wine in the bonded wine warehouse fails to immediately pay such tax when due. Such guarantee shall be in the form of the bond referred to in subsection (9) of this section.

(9) As required by RCW 66.24.185(5) every holder of a bonded wine warehouse license must, at all times when said license is in force, have in effect and on file with the board a bond executed by a surety authorized to do business in the state of Washington, in a form approved by the board and in the amount of five thousand dollars.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-220, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.24.185. 96-11-076, § 314-24-220, filed 5/13/96, effective 6/13/96; 85-24-042 (Order 170, Resolution No. 179), § 314-24-220, filed 11/27/85. Statutory Authority: RCW 66.24.185, 66.08.030 and 66.98.070. 85-10-029 (Order 158, Resolution No. 167), § 314-24-220, filed 4/24/85.]

WAC 314-24-230 Wine shipper's license. There shall be a license, designated as a wine shipper's license, to authorize the licensee to ship up to two cases of wine of its own manufacture annually to any resident of the state of Washington who is over the age of twenty-one years without payment of Washington's state liquor taxes and markup.

(1) Wine received as authorized by this rule shall be free of markup and state taxes as otherwise required by RCW 66.12.120 if the state from which the wine is received allows its residents to receive wine from the state of Washington without imposition of state tax, markup, or charges.

(2) All holders of a winery certificate of approval designated as an out-of-state winery license as authorized by RCW 66.24.206 and WAC 314-22-010, shall be deemed to hold wine shipper's license privileges without further application, provided, the holder meets all legal requirements for private wine shipments.

(3) A wine manufacturer located outside the state of Washington which is licensed by its resident state to manufacture wine therein may apply for a wine shipper's license from the board, if the manufacturer's resident state allows Washington wineries licensed under RCW 66.24.170 an equal reciprocal shipping privilege.

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[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-230, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 94-10-034, § 314-24-230, filed 4/29/94, effective 5/30/94. Statutory Authority: RCW 66.08.030 and 1991 c 149. 91-21-132, § 314-24-230, filed 10/23/91, effective 11/23/91.]

WAC 314-24-240 Conditions on delivery. (1) No person who receives wine pursuant to this rule shall resell any of the wine received.

(2) The licensee may not advertise or solicit consumers within the state of Washington to engage in reciprocal wine shipments.

(3) It is the responsibility of the licensee to contract only with private carriers who employ delivery agents that will (a) verify the age of the receiver of the wine upon delivery and (b) verify that the receiver of the wine does not appear intoxicated at the time of delivery.

(4) The licensee will report to the board, on or before the thirtieth day of January of each year all such shipments into Washington when a class W8 license has been in effect for all or any portion of the preceding year. All such reports will be on forms prescribed by the board.

(5) The board may suspend or revoke any wine shipper's W8 license if the licensee fails to comply with all requirements of Title 66 RCW and WAC 314-24 or any rules of the board.

[Statutory Authority: RCW 66.08.030 and 1991 c 149. 91-21-132, § 314-24-240, filed 10/23/91, effective 11/23/91.]

WAC 314-24-250 Labeling requirements for private wine shippers. (1) All holders of a private wine shipper's license shall label all wine cases or outside shipping packages with the following language: "Alcoholic beverage. Do not deliver to anyone under 21 years old or who is visibly intoxicated. If reasonable doubt of age exists, verify age and record driver's license number or other photo ID."

(2) The language required in section (1) must be clearly visible and readable at the time of delivery.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-24-250, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 1991 c 149. 91-21-132, § 314-24-250, filed 10/23/91, effective 11/23/91.]

Chapter 314-25 WAC SHIPS CHANDLER'S LICENSE

WAC

314-25-010	Definition and limitations.
314-25-020	Purchase and receipt of beer and wine.
314-25-030	Location—Auxiliary location—Inspection.
314-25-040	Delivery of beer and wine—Records.
314-25-050	Sales limits.

(2001 Ed.)

WAC 314-25-010 Definition and limitations. (1) The holder of a duty free exporter's license RCW 66.24.530 and ships chandler's license WAC 314-22-010(7) shall be referred to as a "ships chandler" for the purposes of this section.

(2) A ships chandler is considered to be a distributor of beer and wine for the purposes of RCW 66.28.010.

(3) A ships chandler is authorized to sell beer and wine and is not authorized to sell, possess, deliver or transfer any spirituous liquor without an additional liquor importers license.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-25-010, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 94-08-032, § 314-25-010, filed 3/30/94, effective 4/30/94.]

WAC 314-25-020 Purchase and receipt of beer and wine. (1) As authorized by RCW 66.24.530, a ships chandler may purchase beer and wine, from:

- (a) A licensed Washington brewery or winery;
- (b) A licensed Washington beer or wine distributor;
- (c) A licensed beer or wine importer located within the state of Washington;
- (d) Breweries and wineries located within the United States who hold a certificate of approval to ship their product into Washington as authorized by chapter 66.24 RCW;
- (e) A ships chandler who is currently licensed by the state of Washington.

(2) A ships chandler may not purchase beer or wine from any source other than those listed above.

(3) All beer and/or wine purchased by a ships chandler must be delivered to the licensed address of the ships chandler, unless an auxiliary location has been authorized by the board.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-25-020, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 94-08-032, § 314-25-020, filed 3/30/94, effective 4/30/94.]

WAC 314-25-030 Location—Auxiliary location—Inspection. (1) A ships chandler may distribute beer and wine from their licensed location to ships doing business in foreign commerce, to other licensees, and to Interstate Common Carriers ships chandler licensed under RCW 66.24.395 with no additional notification.

(2) The ships chandler must notify the board of every auxiliary distribution location, its secondary business name, if applicable, the street address and mailing address.

(3) No distribution of beer and wine shall be made to a ship except from an authorized location.

(2001 Ed.)

(4) All ships chandlers license holders, their auxiliary locations and any vehicle used to transport beer and wine will be open to inspection by employees of the board.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-25-030, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 94-08-032, § 314-25-030, filed 3/30/94, effective 4/30/94.]

WAC 314-25-040 Delivery of beer and wine—Records. (1) Sales made by a ships chandler of beer and wine to an approved recipient may only be delivered to another ships chandler, a vessel for use in foreign commerce, a contracted Interstate Common Carrier, or employees thereof.

(2) Beer and wine may only be delivered when the ships chandler has on file a signed statement, in a format approved by the board, which indicates the captain of the ship or manager of the authorized purchasing business understands and agrees that:

- (a) No beer or wine purchased will be consumed in Washington waters or territory or within three miles of the shores of the state of Washington;
- (b) No beer or wine purchased will be consumed while the ship is docked in a Washington port; and
- (c) Local law enforcement officers and board enforcement officers have the right to board and inspect the vessel while in Washington waters.

(3) Every statement will be notarized and remain valid for twelve calendar months after the date of signing and be signed by the master of the ship or his/her agent with the ships stamp affixed and countersigned by the ships chandler or their employee.

(4) A ships chandler or their employee must deliver any beer and wine directly to an authorized recipient purchasing the alcoholic beverage and it must be immediately placed into a locked storage area. The ships chandler must obtain the signature and printed name of the master or agent of the ship, ships chandler licensee or contracted Interstate Common Carrier on the delivery document which will contain the following information:

- (a) Name of ship;
- (b) Country of registry, if known;
- (c) Type and amount of product delivered;
- (d) Date of delivery;
- (e) Name and address of ships chandler making the sale; and
- (f) Signature and printed name of crew member receiving the liquor.

(5) The ships chandler will maintain records of all sales to ships, ships chandler licensees and Interstate Common Carrier approved licensees doing business in foreign commerce to include all federally mandated documents including order forms, bills of lading, affidavits, delivery to auxiliary location, etc., for a period of two years. Such records, or their

computerized equivalent, will be available for inspection and copying by employees of the board upon request.

(6) Board employees have the right to enter and inspect, without warrant, any business, ship, aircraft, vessel, or transport vehicle from which beer and wine is delivered to or from a licensed ships chandler.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-25-040, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 94-08-032, § 314-25-040, filed 3/30/94, effective 4/30/94.]

WAC 314-25-050 Sales limits. (1) The per voyage quantity of beer and wine sold by a ships chandler to a vessel in foreign commerce or employees thereof is as follows: (a) Nine liters of beer per crew member per week, or (b) one liter of wine per crew member per week. (2) Additional per voyage quantities of beer and wine may be substituted for the U.S. Customs per liter spirits allotment as follows: (a) Nine liters of beer per crew member per week, or (b) one liter of wine per crew member per week. (3) The combined sale of tax paid and tax free liquor products shall not exceed the amounts set forth in Section 1 and 2 of this rule.

[Statutory Authority: RCW 66.08.030. 94-13-126, § 314-25-050, filed 6/20/94, effective 7/21/94.]

Chapter 314-27 WAC

INTERSTATE COMMERCIAL COMMON PASSENGER CARRIERS

WAC

314-27-010 Liquor purchases by Class Interstate Common Carrier licensees—Reports—Payment of markup and taxes—Sales by in-state beer and wine suppliers.

WAC 314-27-010 Liquor purchases by Class Interstate Common Carrier licensees—Reports—Payment of markup and taxes—Sales by in-state beer and wine suppliers. (1) Any employee authorized by the board and/or any licensed importer and/or distributor may sell liquor to the holder of a Class Interstate Common Carrier license upon presentation of a special permit issued by the board to such licensee.

(2) Sales of liquor by the board to such properly licensed interstate commercial common passenger carriers shall be treated as sales for export from the state and, as such, will not be subject to collection of the state liquor taxes at the time of purchase by the licensee.

(3) Every federally licensed interstate commercial common passenger carrier, holding an Interstate Common Carrier license pursuant to chapter 245, Laws of 1975 1st sess., shall, on or before the fifteenth day of each month, make a report to the board, upon forms approved by the board, of all spirituous liquor, beer and wine served or sold at retail for passenger consumption by such common carrier within or over the territorial limits of the state of Washington during the preceding calendar month.

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At the time of filing the report prescribed herein, such common carrier shall pay to the board the board's markup on spirituous liquor, and state liquor taxes as applicable, on such spirituous liquor, beer and wine so served or sold, in an amount to approximate the revenue that would have been realized from such markup and taxes had such alcoholic beverages been purchased for use in the state.

(4) Licensed beer and wine importers and distributors who sell beer or wine to such properly licensed interstate commercial common passenger carriers shall treat such sales as exports from the state. Such importers and distributors who have paid the taxes imposed by RCW 66.24.290 or 66.24.210 on beer or wine so sold may claim refund of the taxes under procedures set forth in WAC 314-20-010 or 314-24-110, as applicable.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-27-010, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-022 (Order 109, Resolution No. 118), § 314-27-010, filed 8/9/82; Order 42, § 314-27-010, Rule 83.6, filed 11/6/75.]

Chapter 314-28 WAC

FRUIT DISTILLERS

WAC

314-28-010 Records.

WAC 314-28-010 Records. All fruit distillers, whether operating under the general distiller's license or under the two hundred dollar license, provided in section 23-D of the Washington State Liquor Act (RCW 66.24.140), and who manufacture brandy or wine spirits intended for use by domestic wineries for brandy or wine spirits addition in the manufacture of wine, must keep separate records concerning such brandy or wine spirits on forms approved by the board, and such records must be kept separate and apart from any other records kept or required to be kept and maintained.

[Statutory Authority: RCW 66.08.030. 86-07-022 (Order 172, Resolution No. 181), § 314-28-010, filed 3/13/86; Order 14, § 314-28-010, filed 12/1/70, effective 1/1/71; Rule 84, filed 6/13/63.]

Chapter 314-30 WAC

MANUFACTURERS

WAC

314-30-010 Sales by manufacturers.

WAC 314-30-010 Sales by manufacturers. (1) Manufacturers licensed in accordance with RCW 66.24.150 may sell within the state:

(a) Spirituous liquor only to the board or to an authorized vendor of the board;

(b) Wine products only to distributors licensed in accordance with RCW 66.24.200;

(c) Beer products only to beer certificate of approval holders as authorized by RCW 66.24.270 who also hold an importer's license as authorized by RCW 66.24.260; or

(d) To permit holders as authorized by Title 66 RCW.

(2) The first wine distributor or beer certificate of approval holder with a beer importer's license to receive wine or malt beverages from a distiller, rectifier, or bottler shall be liable for the taxes due.

(3) Manufacturers selling wine or malt beverage products will be considered a supplier and will be required to meet the requirements of WAC 314-24-200 and 314-20-105 respectively.

(4) Manufacturers selling wine to a licensed wine distributor or beer to a licensed beer certificate of approval holder who also has a beer importer's license shall file monthly reports with the board on forms prescribed by the board showing the quantity of liquor shipped to each above referenced licensee during the preceding month. Such report shall be submitted on or before the twentieth day of the month following the month of sale or delivery.

(5) Failure to make such report at the time prescribed will be sufficient cause for the board to forthwith suspend or cancel the license privilege of the manufacturer. When the twentieth day of any month falls on a Sunday, or a legal holiday, the report may be filed not later than the close of business the next business day.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-30-010, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.24.150. 88-20-087 (Order 265, Resolution No. 274), § 314-30-010, filed 10/5/88.]

Chapter 314-32 WAC RECTIFIERS

WAC

314-32-010	Applicants—Federal permit required.
314-32-020	Duplicate records furnished board.
314-32-030	Adoption federal laws.

WAC 314-32-010 Applicants—Federal permit required. No manufacturer's (rectifier's) license shall be issued, until satisfactory evidence is furnished the board that the applicant holds all permits or authorization required by the federal government.

[Rule 85, filed 6/13/63.]

WAC 314-32-020 Duplicate records furnished board. Duplicate copies of monthly returns, transcripts, notices or other data, as required by the federal government, must be furnished the board not later than the tenth of each month. In addition thereto, such rectifiers shall furnish the board duplicate copies of the bills of lading, covering all shipments of the products of the licensee.

[Rule 86, filed 6/13/63.]

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WAC 314-32-030 Adoption federal laws. All laws and rules and regulations of the federal government, or any subsequent modification thereof, applicable to the rectification of distilled spirits, wines, cordials, liquors, etc., are by reference hereby adopted and promulgated as the rules and regulations of this board.

[Rule 87, filed 6/13/63.]

Chapter 314-36 WAC

LIQUOR IMPORTERS, PUBLIC STORAGE WAREHOUSES AND IMPORTATION OF LIQUOR

WAC

314-36-010	Sales between liquor importers.
314-36-020	Liquor importation—General.
314-36-030	Importation by licensed liquor importer.
314-36-040	Principal office—Record.
314-36-050	Customs bonded locker.
314-36-060	Public storage warehouses.
314-36-070	Storage of liquor.
314-36-080	Authorization for private liquor storage warehouse.
314-36-090	Liquor shall be stored in original packages.
314-36-100	Removal of liquor.
314-36-110	Release of liquor.
314-36-130	Complete records kept.
314-36-140	Records open to inspection.
314-36-150	Special importation permit.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-36-120	Perpetual inventory—Copy to board. [Rule 99, filed 6/13/63.] Repealed by 88-07-025 (Order 238, Resolution No. 247), filed 3/9/88. Statutory Authority: RCW 66.08.030.
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WAC 314-36-010 Sales between liquor importers. One licensed liquor importer may sell to, or purchase from, or exchange with, another licensed liquor importer, intoxicating liquor for purposes of export only.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-010, filed 3/9/88; Rule 88, filed 6/13/63.]

WAC 314-36-020 Liquor importation—General. No liquor shall be imported into this state unless such liquor be consigned to the Washington state liquor control board; or unless such liquor be consigned to a holder of a liquor, beer or wine importer's license and delivered at a public storage warehouse authorized by the Washington state liquor control board to store liquor, or at the warehouse of the holder of the liquor, beer or wine importer's license in those cases where the board has authorized storage at such warehouse. No carrier shall accept or deliver liquor except in accordance with this regulation.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-020, filed 3/9/88. Statutory Authority: RCW 66.08.030 (1) and (2). 87-07-008 (Order 214, Resolution No. 223), § 314-36-020, filed 3/10/87; Order 5, § 314-36-020, filed 8/7/69, effective 9/8/69; Rule 89, filed 6/13/63.]

WAC 314-36-030 Importation by licensed liquor importer. Spirituous liquor imported by the holder of a liquor importer's license may be transferred direct from the importing carrier to an exporting carrier if the consent of the board is first obtained.

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[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-030, filed 3/9/88; Rule 90, filed 6/13/63.]

WAC 314-36-040 Principal office—Record. Each liquor, beer or wine importer shall establish and maintain a principal office within the state at which shall be kept full and complete records of all importations, storage, removals, and exportations of liquor, such records to be kept in such manner and in such form as the board shall from time to time prescribe. Each liquor, beer or wine importer shall keep the board informed at all times of the location of such principal office.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-040, filed 3/9/88; Rule 91, filed 6/13/63.]

WAC 314-36-050 Customs bonded locker. Any public storage warehouse, having a customs bonded locker, and which wishes to accept liquor, including beer or wine, for storage must furnish to the Washington state liquor control board a bond in the penal sum of not less than five thousand dollars in form prescribed by the board, conditioned upon faithful performance and compliance with the Washington State Liquor Act and rules and regulations thereunder, and shall apply for a letter of authorization so to do.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-050, filed 3/9/88; Order 5, § 314-36-050, filed 8/7/69, effective 9/8/69; Rule 92, filed 6/13/63.]

WAC 314-36-060 Public storage warehouses. No public storage warehouse shall receive or store or otherwise handle any liquor, including beer or wine, without first obtaining from the Washington state liquor control board a letter of authorization so to do.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-060, filed 3/9/88; Order 5, § 314-36-060, filed 8/7/69, effective 9/8/69; Rule 93, filed 6/13/63.]

WAC 314-36-070 Storage of liquor. No public storage warehouse shall accept or store any liquor, including beer or wine, except upon the order of a licensed liquor, beer or wine importer or the Washington state liquor control board.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-070, filed 3/9/88; Order 5, § 314-36-070, filed 8/7/69, effective 9/8/69; Rule 94, filed 6/13/63.]

WAC 314-36-080 Authorization for private liquor storage warehouse. Any holder of a liquor, beer or wine importer's license, who maintains a storage warehouse exclusively for the storage of goods, wares or merchandise belonging to such holder, and who desires to store liquor imported under such liquor, beer or wine importer's license, shall apply to the board for a letter of authorization so to do. Such authorization shall be granted only upon such terms and conditions as the board shall from time to time prescribe. If such authorization be granted, such warehouse shall thereafter be known as a private liquor storage warehouse.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-080, filed 3/9/88; Rule 95, filed 6/13/63.]

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WAC 314-36-090 Liquor shall be stored in original packages. No shipments of liquor shall be accepted or stored in a private or public storage warehouse except in original packages or combinations of original packages as authorized by the board.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-090, filed 3/9/88; Order 5, § 314-36-090, filed 8/7/69, effective 9/8/69; Rule 96, filed 6/13/63.]

WAC 314-36-100 Removal of liquor. No liquor shall be removed from any storage warehouse, either public or private, except for sale and delivery to the board or for export from the state, or for delivery to persons, firms or corporations authorized by Title 66 RCW to receive such liquor products: Provided, however, That liquor may be removed from an authorized private liquor storage warehouse to a public storage warehouse, or may be removed from one authorized public storage warehouse to another authorized public storage warehouse, or may be removed from an authorized public storage warehouse to the authorized private liquor storage warehouse of the owner of the liquor. Liquor, beer or wine importers may remove liquor for sample purposes only, but only after permission thereto has been specifically granted by the board or its accredited representatives. Any and all removals of liquor must be made in full compliance with the Washington state liquor laws, Title 66 RCW (Alcoholic beverage control), and the rules and regulations of the board.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-100, filed 3/9/88. Statutory Authority: RCW 66.08.030 (1) and (2). 87-07-008 (Order 214, Resolution No. 223), § 314-36-100, filed 3/10/87; Order 5, § 314-36-100, filed 8/7/69, effective 9/8/69; Rule 97, filed 6/13/63.]

WAC 314-36-110 Release of liquor. No public storage warehouse shall release any liquor for delivery to anyone other than the Washington state liquor control board or for shipment to a consignee outside the state of Washington, or for delivery to another authorized public storage warehouse, or to the authorized private liquor storage warehouse of the owner of the liquor, or to persons, firms or corporations authorized by Title 66 RCW to receive such liquor products: Provided, however, That liquor may be delivered to liquor, beer or wine importers for sample purposes under such conditions as the board may from time to time prescribe, and may be delivered to holders of liquor importer's licenses for export under WAC 314-36-010.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-110, filed 3/9/88. Statutory Authority: RCW 66.08.030 (1) and (2). 87-07-008 (Order 214, Resolution No. 223), § 314-36-110, filed 3/10/87; Order 5, § 314-36-110, filed 8/7/69, effective 9/8/69; Rule 98, filed 6/13/63.]

WAC 314-36-130 Complete records kept. Each public storage warehouse shall keep full and complete records showing all liquor received for storage, together with all removals and exportations thereof, such records to be kept in such manner and in such form as the board shall prescribe, and in case of removal, releases or shipments, shall preserve for two years, subject to the order of the board, all bills of lad-

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ing or certified copies thereof, and all authorizations of the board for withdrawals of samples.

[Statutory Authority: RCW 66.08.030, 88-07-025 (Order 238, Resolution No. 247), § 314-36-130, filed 3/9/88; Rule 100, filed 6/13/63.]

WAC 314-36-140 Records open to inspection. The books and records pertaining to liquor receipts, storage and shipments, shall at all times be open for inspection by the board or its authorized representatives, who shall have access to the warehouse at any time during business hours for the purpose of inspecting records and checking inventory.

[Rule 101, filed 6/13/63.]

WAC 314-36-150 Special importation permit. Each manufacturer holding a special permit under RCW 66.20.010(5) to import alcohol, malt and other materials containing alcohol to be used in the manufacture of liquor or other products, shall notify the board of the location of their principal office within the state, at which office shall be kept full and complete records of all transactions pertaining to the importation of alcohol, malt and other materials containing alcohol and the disposition thereof, in a form approved by the board.

[Statutory Authority: RCW 66.08.030 (1) and (2), 87-07-008 (Order 214, Resolution No. 223), § 314-36-150, filed 3/10/87; Rule 102, filed 6/13/63.]

Chapter 314-37 WAC LIQUOR VENDORS

WAC

314-37-010	Liquor sales in Indian country—Appointment of tribal liquor vendors—Qualifications.
314-37-020	Manufacturer's on site vending appointment—Qualifications.
314-37-030	Bank credit cards and debit cards.

WAC 314-37-010 Liquor sales in Indian country—Appointment of tribal liquor vendors—Qualifications.

(1) The Washington state liquor control board deems it necessary and advisable to adopt this rule for the following reasons:

(a) The decision of the United States Supreme Court in the case of *Rice v. Rehner* (filed July 1, 1983) has established that the state of Washington has licensing jurisdiction over tribal liquor sales in Indian country and that those sales, when made in conformity with federal law, are subject to both tribal and state liquor regulatory requirements.

(b) It is contrary to state law (see chapter 66.44 RCW) for purchasers of Indian liquor to remove that liquor from the reservation and into the state of Washington in those instances where the tribal liquor sellers are not authorized by the board to sell liquor.

(2) Accordingly, pursuant to RCW 66.08.050(2), the Washington state liquor control board will appoint qualifying Indian tribes, which have entered into negotiated business agreements with the board, as liquor vendors which will authorize those vendor tribes to sell liquor by the bottle to such persons, firms or corporations as may be sold liquor from a state liquor store. All such appointments will be subject to the following conditions:

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(a) The tribe must enter into a business agreement with the Washington state liquor control board for the purchase and sale of liquor which will insure that the state's control over liquor traffic will be maintained while taking into consideration the unique nature of a tribal liquor vendor operation.

(b) The tribe must purchase all of its spirituous liquor for resale in Indian country from the board at a negotiated price: Provided, That a quota of spirituous liquor will be sold by the board each year to the vendor tribe without the payment of state taxes, which quota shall be negotiated between the board and the qualified tribes and approved by the department of revenue.

(c) The tribe must have in force a tribal ordinance governing liquor sales, which ordinance must have been certified by the Secretary of the Interior and published in the Federal Register as required by 18 U.S.C. § 1161.

(d) The tribe must make all liquor sales in Indian country in conformity with both state and federal law.

(3) Should a tribe which has been appointed as a liquor vendor pursuant to this section fail to comply with all the above enumerated conditions, which shall be construed as continuing requirements to maintain the status of liquor vendor, the appointment of that tribe as a liquor vendor may be revoked by the board.

(4) A tribe, whether or not it has status as an Indian liquor vendor, which desires to sell beer and wine purchased from a licensed distributor must obtain state licenses for the sale of beer and wine and must abide by all state laws and rules applicable to sale of beer and wine by state licensees. Tribes selling beer and wine shall collect and remit to the state department of revenue the retail sales tax imposed by RCW 82.08.020 on retail sales of beer and wine to nontribal members.

(5) "Indian country" as used herein shall have the meaning ascribed to it in Title 18 U.S.C. § 1151 as qualified by Title 18 U.S.C. § 1154 as of July 1, 1983.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150, 98-18-097, § 314-37-010, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.08.050(2), 83-24-021 (Order 131, Resolution No. 140), § 314-37-010, filed 11/30/83; 83-04-017 (Order 118, Resolution No. 127), § 314-37-010, filed 1/26/83.]

WAC 314-37-020 Manufacturer's on site vending appointment—Qualifications.

(1) Pursuant to RCW 66.08.050, the board, in its discretion, may appoint a domestic winery which also manufactures liquor products other than wine pursuant to a license under Title 66 RCW, as a vendor for the purpose of sale of liquor products of its own manufacture on the licensed premises only.

(2) Such appointment may not be made to domestic wineries located inside incorporated cities or towns in which there is a state liquor store.

(3) Such appointment shall only be made after a contract has been entered into between the board and the domestic winery. Such contract shall contain the following:

(a) A designation of the location on the licensed premises from which the sales will be made;

(b) A designation of the nonwine products manufactured by the winery which will be sold under the appointment;

(c) That the manufacturer/vendor shall not be considered an employee of the state for any purpose;

(d) That the manufacturer/vendor shall agree to hold the state harmless from any and all claims resulting from operation of the manufacturer's on site vendorship; and

(e) Such other aspects of the appointment relationship as the parties may agree to.

(4) All sales made under a manufacturer's on site vending appointment shall be made at the prices established by the board for sales of the same product through state liquor stores and agencies.

(5) All sales made under a manufacturer's on site vending appointment shall be subject to all applicable state taxes.

[Statutory Authority: RCW 66.08.050(2), 86-07-023 (Order 180, Resolution No. 189), § 314-37-020, filed 3/13/86.]

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

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

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

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

(a) Sales transactions.

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

(ii) Cash back is not allowed.

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

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

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

(d) Retention of records.

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

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

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

Chapter 314-38 WAC

PERMITS

WAC

314-38-010	Special permit to consume liquor on the premises of a business not licensed under Title 66 RCW.
314-38-020	Permits—Fees established.

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314-38-030	Fee for replacement of a lost or destroyed license or permit.
314-38-040	Beverage alcohol raffle permit—Fee.
314-38-050	Class 4 permit—Purpose—Use.

WAC 314-38-010 Special permit to consume liquor on the premises of a business not licensed under Title 66 RCW. (1) The special permit provided by RCW 66.20.010(4) to consume liquor on the premises of a business not licensed under Title 66 RCW shall only be issued to businesses at which the service and consumption of liquor is incidental to, and does not form a portion of, the service the business is engaged in producing or marketing. The permit shall not be used by the holder thereof for purposes of stimulating or increasing business from the general public.

(2) Each permit shall be issued for a period of twelve months from the first day of the month in which it is issued. The fee for each permit issued shall be five hundred dollars.

(3) The permit shall be issued for, and service and consumption of liquor will be limited to, specified hospitality rooms and/or dining rooms which shall be on the premises of the business applying for the permit. A separate permit is required for each business premises at which liquor is to be served or consumed. The general public shall not be permitted in the hospitality or dining room at any time during the service or consumption of liquor.

(4) The permit will authorize the service and consumption of liquor, without charge, by employees and invited guests of the business holding the permit. No sale of liquor will be authorized in any manner, whether by scrip, donation, contribution, or otherwise. No charge of any kind may be made by the permittee to invited guests for admission to the hospitality or dining room, or for any meals or other services provided to them in the hospitality or dining room.

(5) All liquor served or consumed under the permit shall be purchased from a Washington state licensed retailer or a Washington state liquor store or agency at full retail price.

(6) The permit shall be issued in the name of the business applying for it, and that business shall not allow any other person, business, or organization to utilize the permit. The issuance of any permit by the board shall not be construed as granting a vested right in any of the privileges so conferred, and a misrepresentation of fact found to have been made by the applicant or permittee shall be deemed a lack of good faith and shall constitute good and sufficient cause for the disapproval of a permit application or for the revocation or suspension of any permit issued by the board.

[Statutory Authority: RCW 66.08.030 and 66.20.010, 82-13-068 (Order 106, Resolution No. 115), § 314-38-010, filed 6/16/82.]

WAC 314-38-020 Permits—Fees established. The fees for permits authorized under RCW 66.20.010 are hereby established as follows:

(1) A fee of five dollars is established for a special permit as authorized by RCW 66.20.010(1).

(2) The fee for a special permit as authorized by RCW 66.20.010(2) for purchase of five gallons or less is established as five dollars and for purchase of over five gallons is established as ten dollars.

(3) A fee for a banquet permit, as authorized by RCW 66.20.010(3), is established in WAC 314-18-040.

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(4) The fee for a special business permit, as authorized by RCW 66.20.010(4), is established in WAC 314-38-010(2).

(5) The fee of ten dollars is established for a special permit as authorized by RCW 66.20.010(5).

(6) A fee of five dollars is established for a special permit as authorized by RCW 66.20.010(6).

(7) A special permit as authorized by RCW 66.20.010(7) shall be issued without charge to those eligible entities.

(8) The fee of twenty-five dollars is established for a special permit as authorized by RCW 66.20.010(8).

(9) The fee of twenty-five dollars is established for a special permit as authorized by RCW 66.20.010(9).

(10) The fee of thirty dollars is established for a special permit as authorized by RCW 66.20.010(10).

(11) The fee of seventy-five dollars is established for a special permit as authorized by RCW 66.20.010(11).

[Statutory Authority: RCW 66.08.030, 66.20.010 and 66.98.070. 84-14-028 (Order 145, Resolution No. 154), § 314-38-020, filed 6/27/84; 83-23-123 (Order 133, Resolution No. 142), § 314-38-020, filed 11/23/83.]

WAC 314-38-030 Fee for replacement of a lost or destroyed license or permit. (1) A fee of five dollars is established for replacement by the board of a lost or destroyed agent's license issued pursuant to RCW 66.24.310.

(2) The fee of five dollars is established for replacement by the board of a lost or destroyed retail or wholesale liquor license of any class.

[Statutory Authority: RCW 66.08.030, 66.20.010 and 66.98.070. 83-23-123 (Order 133, Resolution No. 142), § 314-38-030, filed 11/23/83.]

WAC 314-38-040 Beverage alcohol raffle permit—Fee. (1) Any organization authorized to conduct a raffle under RCW 9.46.0315 may raffle beverage alcohol upon obtaining a raffle permit from the board. The fee for a raffle permit shall be ten dollars for a one-time raffle permit or twenty-five dollars for an annual permit.

(2) An application for a raffle permit shall be on a form prescribed by the board and filed with the board at the headquarters office in Olympia thirty days in advance of the commencement of ticket sales.

(3) An application for a raffle permit must contain the following information:

(a) The full name of the bona fide charitable or bona fide nonprofit organization with verification of qualification as prescribed in RCW 9.46.0209;

(b) Name, address, and phone number of the organization officer in charge of the raffle

(c) The date the raffle ticket sales will commence;

(d) The date, time and exact location of the drawing;

(e) A description of the beverage alcohol being raffled including its estimated value;

(f) And the source of the alcohol to be raffled.

(4) An organization officer must certify that:

(a) Only organization members may purchase tickets or be awarded prizes;

(b) The organization meets the qualifications of a bona fide charitable or bona fide nonprofit organization as provided in RCW 9.46.0209;

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(c) The organization will not sell more than \$5,000 dollars worth of raffle tickets in a calendar year;

(d) The organization will not sell raffle tickets to anyone under twenty one years of age when alcohol is awarded as a prize.

(5) Alcohol to be raffled must have all applicable Washington State taxes paid and may only be:

(a) Purchased at retail or

(b) Donated by a private citizen.

(6) Upon application being filed and fee paid the board may issue a raffle permit. The raffle permit will state the:

(a) Organization name,

(b) Address,

(c) Date and time of the drawing,

(d) Effective dates of the raffle permit.

(e) And a description of the alcohol to be raffled.

(7) The raffle permit shall be posted at the location of the drawing prior to and during the drawing. The organization or person in charge of the raffle shall; when requested by any representative or agent of the board and/or any law enforcement officer; exhibit to such person the raffle permit and shall allow such person to inspect the raffle items at any time.

[Statutory Authority: RCW 66.08.030. 92-01-079, § 314-38-040, filed 12/16/91, effective 1/16/92.]

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

314-40-010

Operations under retail licenses.

314-40-020

Applications.

314-40-030

Constitution—Bylaws—House rules.

314-40-040

Guest and courtesy cards—Visitors.

314-40-050

Records.

314-40-060

Club property and finances—Concessions.

314-40-070

Club roster—List of officers.

314-40-080

Designated portion of club used for service and consumption of liquor.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-40-090

Soliciting advertising—Special events—Exterior signs. [Rule 111, filed 6/13/63.] Redesignated as WAC 314-52-115 by Order 10, filed 10/27/70, effective 11/27/70.

WAC 314-40-010 Operations under retail licenses.

Clubs operating under any class of retail license shall govern their operations in selling liquor in accordance with the regulations set forth in Title II, applicable to all retail licensees, except as otherwise specifically provided in this title. Such clubs may sell liquor only to members, visitors and guests as specified in these regulations. Licensed clubs shall not be prohibited from renting, leasing or donating all or a portion of their facilities for, or making services available to, a nonclub activity where the public is invited or admitted under conditions as permitted by WAC 314-40-080.

[Statutory Authority: RCW 66.08.030 and 66.98.070, 82-13-069 (Order 107, Resolution No. 116), § 314-40-010, filed 6/16/82; Order 23, § 314-40-010, filed 7/3/73; Rule 103, filed 6/13/63.]

WAC 314-40-020 Applications. (1) Applications for new club licenses shall be accompanied by proof that:

(a) The organization is bona fide and nonprofit;

(b) The organization has been in operation for at least one year immediately prior to the date of its application, such proof to consist of records of (i) membership, (ii) meetings of trustees or directors at least every month and membership meetings at least once a year, (iii) the location of such meetings, and (iv) such other data as is necessary to establish that the organization has been active for at least one year prior to [its] application: Provided, The minimum one year period of operation shall not be required when the applicant club is under a nationally chartered organization and there is a previously licensed club operating under the same national charter within the state. Proof of issuance of a charter to such existing club must be provided at the time of application;

(c) The application is approved by a majority of the members which approval shall be indicated by presentation to the board of a petition bearing the names of such members desiring [the] license. The president and secretary of the organization shall certify on such petition the total number of members of the organization in good standing as of the date of the application and that those signing the petition are all members in good standing on such date;

(d) The organization was not primarily formed or activated to obtain a license to sell liquor, but that the sale of liquor is incidental to the main purposes of the club.

(2) Applications for renewal of club licenses shall be made on forms prescribed by the board and accompanied by such information as the board may request.

(3) All applications must be made in the official name of the organization and be signed by either the president or the secretary and be accompanied by a certified copy of the minutes of that meeting of the governing board of the organization which authorized the president or secretary to make the application. The use of trade names shall not be permitted.

[Statutory Authority: RCW 66.08.030, 90-14-004, § 314-40-020, filed 6/22/90, effective 7/23/90; Rule 104, filed 6/13/63.]

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.

[Title 314 WAC—p. 82]

(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.]

WAC 314-40-040 Guest and courtesy cards—Visitors. (1) Guest cards may be issued only as follows:

(a) For clubs located within the limits of any city or town, only to those persons residing outside of an area ten miles from the limits of such city or town;

(b) For clubs located outside of any city or town only to those persons residing outside an area fifteen miles from the location of such club: Provided, That where such area limitation encroaches upon the limits of any city or town, the entire corporate limits of such city or town shall be included in the prohibited area;

(c) Such guest cards shall be issued for a period not to exceed two weeks and must be numbered serially, with a record of the issuance of each such card to be filed in a manner as to be readily accessible to the agents of the board;

(d) Mileage restrictions in (a) and (b) of this subsection shall not apply to contestants in golf or tennis tournaments conducted on the grounds of a licensed club.

(2) Visitors may be introduced when accompanied at all times by a member and may remain as long as such member is present in the club: Provided, That any such visitor may only enjoy the privileges of the club a reasonable number of times in any one calendar year.

(3) Persons who are members in good standing of a national veterans organization may enjoy the privileges of any licensed club affiliated with any national veterans organization, and persons who are members in good standing of

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a national fraternal organization may enjoy the privileges of any club affiliated with that particular national fraternal organization: Provided, That the bylaws of such clubs authorize reciprocal privileges: Provided further, That subsections (1) and (2) of this section shall not apply to members of such organizations.

(4) Persons who are members in good standing of organizations licensed as private nonfraternal clubs may enjoy the privileges of other licensed nonfraternal clubs: Provided, That the bylaws of such clubs authorize reciprocal privileges: Provided further, That subsections (1) and (2) of this section shall not apply to members of such clubs.

(5) Courtesy cards may be issued to the adult members of the immediate family of any member with or without charge upon application being made to the club by the member.

(6) In order to recruit new members and build club membership, a private club may hold a public membership function for one day per calendar year where club liquor may be given or sold to those attending as a part of the membership drive activities. The function must be advertised as a membership drive and may not be held in conjunction with any other nonclub activity or event.

(7) A person issued a guest card by the club manager pursuant to subsection (1) of this section may introduce visitors into the club provided the visitors are accompanied at all times by the sponsoring guest card holder; the visitors remain in the club only as long as the sponsoring guest card holder is present; the house rules or bylaws of the club provide guest card holders the privilege of introducing visitors into the club; and, such house rules or bylaws have been filed with the liquor control board.

[Statutory Authority: RCW 66.08.030, 95-16-030, § 314-40-040, filed 7/21/95, effective 8/21/95; 88-07-060 (Order 239, Resolution No. 248), § 314-40-040, filed 3/16/88; 88-01-016 (Order 235, Resolution No. 244), § 314-40-040, filed 12/8/87; 86-07-013 (Order 177, Resolution No. 186), § 314-40-040, filed 3/11/86. Statutory Authority: RCW 66.08.030 and 66.98.070, 85-06-020 (Order 152, Resolution No. 161), § 314-40-040, filed 2/27/85; 82-04-028 (Order 92, Resolution No. 101), § 314-40-040, filed 1/27/82; Rule 106, filed 6/13/63.]

WAC 314-40-050 Records. In addition to the requirements of WAC 314-16-160, clubs shall maintain a complete system of bookkeeping covering all operations of the club, with the operations thereof pertaining to liquor being kept separate in a manner prescribed by the board. All such records shall be maintained in an office on the licensed premises and be available for inspection and audit by agents of the board, which agents shall be entitled to make copies thereof or abstracts therefrom or, upon furnishing a proper receipt therefor, remove the originals for such purposes as the board deems necessary.

[Rule 107, filed 6/13/63.]

WAC 314-40-060 Club property and finances—Concessions. (1) All property of any club, as well as the advantages thereof, must belong to the members. Any funds advanced for the purchase or improvement of club rooms or quarters must be advanced by the membership or upon securities or properties owned by the club, and any obligations assumed in connection with the establishment or operation of

club rooms or quarters must be assumed by the entire club. No club shall receive any money from any source whatever under any arrangement through or under which the person or persons advancing such funds, whether members of the club or not, are to be given control or supervision over the operation of the club. All activities of any such club, except food service and such other activities as may be specifically approved by the board, must be conducted by the club itself and in its own right, and not upon any concession basis either to any member of the club or to any third party. No member of the club, officer, agent or employee of any such club shall be paid, or directly or indirectly receive, in the form of salary or otherwise, any revenue from the operation of the club beyond the amount of such reasonable compensation as may be fixed or voted by the proper authorities of the club and in accordance with the constitution and bylaws of the club.

[Rule 108, filed 6/13/63.]

WAC 314-40-070 Club roster—List of officers. (1) Every club shall keep and maintain on the premises a complete roster giving the names and addresses of all its members.

(2) Each club shall file with the board a complete list of its officers showing the address, occupation and name of each officer. When any change occurs in its officers by reason of election or otherwise, the club shall immediately file with the board a revised list of its officers.

[Rule 109, filed 6/13/63.]

WAC 314-40-080 Designated portion of club used for service and consumption of liquor. (1) Each club shall submit a sketch of the entire premises including the portion used for storage, sale and consumption of liquor, for approval. No change in any portion of the club premises so described and approved shall be made without the consent of the board.

(2) Where the physical setup of the club rooms or quarters renders it practical so to do, such portion of the club premises shall be a room or rooms devoted solely to such service and capable of being entirely closed from the remainder of the club rooms or quarters. Bona fide members may possess and consume their own liquor at any time and in any part of the club premises as permitted under the bylaws and/or house rules of the club, provided such bylaws and/or house rules have been filed with the board.

(3) If the club rents any portion of the club rooms or quarters for any purpose other than a strictly club purpose, or holds any function within the club rooms or quarters to which the public generally is invited or admitted, then such portion devoted to liquor service must be closed to the public generally and no one admitted therein, except bona fide members, bona fide visitors and bona fide guests. If such portion cannot be so closed, then no such liquor service whatever shall be permitted within the club rooms or quarters during the entire time when such nonclub activity is taking place or while the public generally is permitted within the club rooms or quarters.

[Statutory Authority: RCW 66.08.030, 88-08-056 (Order 246, Resolution No. 255), § 314-40-080, filed 4/5/88; Rule 110, filed 6/13/63.]

Chapter 314-42 WAC

LIQUOR CONTROL BOARD OPERATIONS

WAC

314-42-010 Liquor control board administrative director.

WAC 314-42-010 Liquor control board administrative director. (1) The purpose of this rule is to ensure efficient and consistent administration of the liquor control board through the delegation of certain administrative functions to an administrative director. The delegation of administrative functions by the board, as provided for in this section, does not alter the board's statutory responsibility to administer Title 66 RCW.

(2) The administrative director will be appointed by, and serve at the pleasure of, the board, and will perform his/her duties under the general control, management, and supervision of the board.

(3) The following duties are delegated by the board to the administrative director:

(a) Employ, terminate, and discipline all liquor control board employees, with the exception of the director and staff of the policy, legislative, and media relations division as described in subsection (4)(g);

(b) Authorize expenditures of funds from the board approved internal budget;

(c) Purchase, lease, contract, or otherwise acquire any goods, services, and products within the board approved internal budget;

(d) Approve liquor purchase orders authorized by the board (this authority may be further delegated);

(e) Approve uncontested licenses and permits (this authority may be further delegated);

(f) Assign duties, coordinate agency operations, and establish performance standards and timelines;

(g) Approve disbursements of excess funds from the liquor revolving fund; and

(h) Perform other duties of a routine administrative nature identified by the board.

(4) The following duties will not be delegated and will remain functions of the board:

(a) Final approval of agency-wide and division budgets as prepared by the administrative director;

(b) Revocation or suspension of a license or permit;

(c) Appeals of price posting actions;

(d) Appeals of administrative actions taken against liquor and tobacco licensees;

(e) Approval of product listings and delistings for state liquor stores and agencies;

(f) Approval of contested liquor license and permit applications; and

(g) Direct oversight of the policy, legislative, and media relations division, including:

(i) Rule making actions,

(ii) Approval of agency-request legislative proposals, and

(iii) The employment, termination, and discipline of the director and staff of the policy, legislative, and media relations division.

[Statutory Authority: RCW 66.08.030. The following statutes indicate areas where the board can delegate certain duties and activities: RCW

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66.08.070(1), 66.08.130, 66.08.140, 66.08.170, 66.20.010, 66.24.010(2), 00-06-016, § 314-42-010, filed 2/22/00, effective 3/24/00.]

Chapter 314-44 WAC

LICENSED AGENTS

WAC

314-44-005 Agent's license required—Eligible employers defined—Certain classes limited—Bona fide entity defined—Prohibited practices.

314-44-015 Agent license limited authority.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-44-010 Sales to board—Registration of agents. [Rule 112, filed 6/13/63.] Repealed by Order 46, filed 6/9/76. Later promulgation, see WAC 314-44-005.

314-44-020 Salesman—Prohibited practices—Penalties. [Rule 113, filed 6/13/63.] Repealed by Order 46, filed 6/9/76. Later promulgation, see WAC 314-44-005.

WAC 314-44-005 Agent's license required—Eligible employers defined—Certain classes limited—Bona fide entity defined—Prohibited practices. (1) No person shall canvass for, solicit, receive or take orders for the purchase or sale of any liquor, or act as the agent for the purchase or sale of liquor, nor contact any licensees of the board in goodwill activities, unless such person is holder of an agent's license as provided in RCW 66.24.310, and this regulation.

(2) An agent's license may be issued to the accredited representative of a person, firm, or corporation holding a certificate of approval issued pursuant to RCW 66.24.270 or 66.24.206, a beer distributor's license, a brewer's license, a beer importer's license, a domestic winery license, a wine importer's license, or a wine distributor's license within the state of Washington, or the accredited representative of a distiller, manufacturer, importer, or distributor of spirituous liquor, or foreign produced beer or wine. A person, firm, or corporation so qualified, is herein defined to be an eligible employer. Such employer shall apply to the board for such an agent's license for his accredited representatives on application forms prescribed and furnished by the board.

(3) Every firm which applies for an agent's license under the provisions of this section shall furnish the board with satisfactory proof that such firm is in fact a bona fide business entity.

(4) Only the licensed agent of a distiller, manufacturer, importer, or distributor of spirituous liquor may contact retail licensees in goodwill activities when such contacts pertain to spirituous liquor products.

(5) No distiller, manufacturer, importer, distributor of liquor, or agent thereof, shall solicit either in person, by mail or otherwise, any liquor vendor or employee of the board, except the purchasing agent thereof, for the purpose or with the intent of furthering the sale of a particular brand or brands of merchandise as against another brand or brands of merchandise.

(6) No distiller, manufacturer, importer, distributor of liquor, or agent thereof, shall visit any state liquor store or agency for the purpose of exerting influence on employees for sales promotion or to secure information regarding inventory or any other matter relating to sales. They may

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deliver, or have delivered, and assemble where required, consumer offers and display material that have been approved by the board or its designee. Violation of this section will result in a penalty against all company items, which in appropriate cases could mean a partial or total delisting of those items.

(7) No distiller, manufacturer, importer, or distributor of liquor, or agent thereof, shall give or offer to any employee of the board any entertainment, gratuity or other consideration for the purpose of inducing or promoting the sale of merchandise.

(8) No distiller, manufacturer, importer, or distributor, or agent thereof, shall allow, pay or rebate, directly or indirectly, any cash or merchandise to any retail licensee to induce or promote the sale of liquor, including the payment of tips to such licensees or their employees and the purchasing of drinks "for the house." Such persons, firms and licensees must operate in conformity with WAC 314-12-140, RCW 66.28.010, 66.28.040, and other applicable laws and rules.

(9) Upon the infraction of any law or regulation by any distiller, manufacturer, importer, distributor, or agent, the board may, in addition to imposing other penalties as prescribed by law, remove such firm's products from the sales list of the board, and/or prohibit the sale of any brand or brands of beer or wine involved as provided in RCW 66.28.030.

(10) Upon the termination of the employment of a licensed agent, his employer shall immediately notify the board and with such notice return to the board the agent's license issued to such person.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-44-005, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 89-01-004 (Order 271, Resolution No. 280), § 314-44-005, filed 12/8/88. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-04-029 (Order 93, Resolution No. 102), § 314-44-005, filed 1/27/82; Order 46, § 314-44-005, Rule 111, filed 6/9/76. Formerly WAC 314-44-010 and 314-44-020.]

WAC 314-44-015 Agent license limited authority. (1) Agents licensed under the authority of RCW 66.24.310 may perform goodwill activities as authorized by the board.

(2) Agents licensed under RCW 66.24.310 are prohibited from using their agent's license as a means to represent their being an employee of the board for the purpose of (a) obtaining admission to liquor licensed establishments, (b) misleading anyone into thinking they are a liquor enforcement officer or (c) checking identification of patrons.

[Statutory Authority: RCW 66.08.030. 94-14-023, § 314-44-015, filed 6/27/94, effective 7/28/94.]

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Chapter 314-45 WAC

SERVING AND DONATING OF LIQUOR BY SUPPLIERS AT TRADE CONVENTIONS OF LICENSEES

WAC

314-45-010

Convention defined—Hospitality rooms, display booths, receptions and similar activities—Permits required—Fees—Procedures.

WAC 314-45-010 Convention defined—Hospitality rooms, display booths, receptions and similar activities—Permits required—Fees—Procedures. Activities pursuant to RCW 66.20.010 (8), (9), a manufacturer, importer, distributor, or agent thereof, may serve or donate liquor without charge to delegates and guests at a bona fide convention of a trade association composed of licensees of the board, subject to conditions set forth in this regulation.

(1) For the purposes of this section a "convention" is defined as a bona fide session or assembly of the general membership of a trade association composed of licensees of the board.

(2) Such manufacturer, importer, distributor, or agent thereof, must hold a special permit issued by the board to engage in such an activity at such convention. The fee for each such special permit shall be \$25.00. Application for such permit shall be submitted on a form prescribed by the board. The statutory permits applicable to such activities are:

(a) A special permit provided for in RCW 66.20.010(8) which authorizes the holder thereof to serve liquor without charge to delegates and guests in a hospitality room or from a booth in a board-approved suppliers' display room at such convention.

(b) A special permit provided for in RCW 66.20.010(9) which authorizes the holder thereof to donate liquor for a reception, breakfast, luncheon, or dinner for delegates and guests at such convention.

(3) Any liquor served or donated as provided herein is authorized only for consumption within a specific area designated on an application for permit and approved by the board.

(4) A special permit holder who serves or donates any beer or wine on which state taxes have not been paid, must file a report of the quantity so served or donated and remit the amount of the taxes to the board, in conformity with RCW 66.20.010 (8), (9).

(5) Any spirituous liquor served or donated shall be purchased from the board or a spirit, beer and wine restaurant licensee.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-45-010, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.98.070. 85-19-031 (Order 165, Resolution No. 174), § 314-45-010, filed 9/12/85; Order 46, § 314-45-010, Rule 114, filed 6/9/76.]

Chapter 314-48 WAC

TRANSPORTATION OF LIQUOR

WAC

314-48-010 Transportation through state—Permit required.

WAC 314-48-010 Transportation through state—Permit required. (1) It shall be unlawful for any person to transport liquor through the state of Washington over the highways therein unless such person shall first obtain from the board a permit to transport such liquor and then only in accordance with the terms and conditions of said permit.

(2) An application for said permit shall be filed with the board which shall set forth the following information:

(a) The consignor and point of origin of shipment, and the consignee and point of destination;

(b) The route of such shipment while in transit over the highways of the state of Washington;

(c) The dates when such shipment will enter and leave the state;

(d) A description of the transporting vehicle, including license numbers and other identifying plates;

(e) A complete description of the liquor to be transported.

(3) Upon said application being filed the board may issue a permit, which permit shall describe the vehicle or vehicles in which such liquor may be lawfully transported, and shall prescribe the lawful route of such shipment and the time during which it may be lawfully moved. Said permit shall also prescribe the quantity and type of liquor which may be transported.

(4) Said permit together with bills of lading or other shipping documents signed by the consignor giving a full description of the liquor being transported shall at all times be in or on the vehicle transporting such liquor.

(5) The driver or person in charge of any vehicle or conveyance covered by said permit shall, when requested by any representative or agent of the board and/or any persons having police authority, exhibit to such person the said permit or bills of lading or other memoranda of shipment covering the cargo of such vehicle or conveyance, and shall allow such person to inspect the vehicle or conveyance and its cargo at any time while within the state of Washington.

(6) Upon arrival of said shipment at its destination, said permit shall immediately be mailed or delivered to the board at Olympia, Washington.

[Rule 115, filed 6/13/63.]

Chapter 314-52 WAC

ADVERTISING

WAC

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314-52-060 Picture screen advertising prohibited. [Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-060, filed 7/18/80; Order 46, § 314-52-060, Rule 121, filed 6/9/76; 121, filed 6/13/63.] Repealed by 82-17-031 (Order 108, Resolution No. 117), filed 8/11/82. Statutory Authority: RCW 66.08.030 and 66.98.070.
 314-52-095 Merchandising services—Prohibited. [Order 10, § 314-52-095, L.C.B. Rule 124.5, filed 10/27/70, effective 11/27/70.] Repealed by Order 28, filed 10/11/73.
 314-52-100 Direct mail advertising prohibited—Exceptions. [Rule 125, filed 6/13/63.] Repealed by Order 10, filed 10/27/70, effective 11/27/70.
 314-52-111 Advertising by retail licensees—On premises. [Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-111, filed 7/18/80; 78-02-056 (Order 62), § 314-52-111, filed 1/20/78; Order 46, § 314-52-111, Rule 126.1, filed 6/9/76.] Repealed by 82-17-031 (Order 108, Resolution No. 117), filed 8/11/82. Statutory Authority: RCW 66.08.030 and 66.98.070.
 314-52-112 Advertising by retail licensees—Off premises. [Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-112, filed 7/18/80; Order 46, § 314-52-112, Rule 126.2, filed 6/9/76.] Repealed by 82-17-031 (Order 108, Resolution No. 117), filed 8/11/82. Statutory Authority: RCW 66.08.030 and 66.98.070.
 314-52-120 Advertising by holders of special occasion Class G or J retail licenses. [Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-120, filed 7/18/80; 78-02-056 (Order 62), § 314-52-120, filed 1/20/78; Order 46, § 314-52-120, Rule 126.6, filed 6/9/76.] Repealed by 82-17-031 (Order 108, Resolution No. 117), filed 8/11/82. Statutory Authority: RCW 66.08.030 and 66.98.070.
 Appendix Guide to advertising. [Filed 6/13/63] Repealed by Order 10, filed 10/27/70, effective 11/27/70.

WAC 314-52-005 Purpose and application of rules.

(1) PREAMBLE: The purpose of this title is to provide reasonable regulations as to the kind, character and location of advertising of liquor, as authorized by RCW 66.08.060.

(2) No person engaged in business as a producer, manufacturer, bottler, importer, distributor, or retailer of liquor, directly or indirectly, or through an affiliate, shall publish or disseminate or cause to be published or disseminated in any media any advertisement of liquor, unless such advertisement is in conformance with these rules: Provided, That these provisions shall not apply to the publisher of any newspaper, magazine or similar publication, nor to the operator of any radio or television station unless such publisher or operator is engaged in business as a producer, manufacturer, bottler, importer, distributor, or retailer of liquor, directly or indirectly, or through an affiliate.

(3) The board holds each producer, manufacturer, bottler, importer, distributor, or retailer of liquor responsible for complying with the advertising rules of the Washington state liquor control board in any advertising material placed by them or on their behalf by their agents. If desired, advertising may be submitted prior to publication for an advisory opin-

ion by the advertising coordinator of the Washington state liquor control board, but advisory opinions will be restricted to advertising material submitted by said producers, manufacturers, bottlers, importers, distributors, or retailers of liquor, or their agents.

(4) Liquor advertising materials, defined as institutional or educational advertising in WAC 314-52-015, intended for placement in retail outlets of the Washington state liquor control board shall be presented to the advertising coordinator of the Washington state liquor control board for prior approval before placement: Provided, however, That all other forms of advertising approved by the board advertising coordinator and which are acceptable to the board merchandising committee under the provisions of WAC 314-52-040 shall not be prohibited under this rule.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-52-005, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.060, 86-15-041 (Order 191, Resolution No. 200), § 314-52-005, filed 7/16/86. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-031 (Order 108, Resolution No. 117), § 314-52-005, filed 8/11/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-005, filed 7/18/80; Order 46, § 314-52-005, Rule 115.5, filed 6/9/76; Order 10, § 314-52-005, Rule 115.5, filed 10/27/70, effective 11/27/70.]

WAC 314-52-010 Mandatory statements. (1) Brand advertising of spirituous liquor by any manufacturer shall contain the following information:

(a) The name and address of the manufacturer responsible for its publication. (Street number may be omitted.)

(b) A conspicuous statement of the class to which the product belongs and the type thereof corresponding with the statement of class and type which is required by federal regulations to appear on the label of the product.

(c) A statement of the alcoholic content by proof, except that for cordials and liqueurs, gin fizzes, cocktails, highballs, bitters and other specialties, the alcoholic content may be stated in percentage by volume or by proof.

(d) In the case of distilled spirits (other than cordials, liqueurs and specialties) produced by blending or rectification, if neutral spirits have been used in the production thereof, there shall be stated the percentage of neutral spirits so used and the name of the commodity from which such neutral spirits have been distilled.

(e) In the case of neutral spirits or of gin produced by a process of continuous distillation, there shall be stated the name of the commodity from which such neutral spirits or gin has been distilled.

(2) Brand advertising of wine by any manufacturer or distributor shall contain the following information:

(a) The name and address of the manufacturer or distributor responsible for its publication. (Street number may be omitted.)

(b) A conspicuous statement of the class, type or distinctive designation to which the product belongs, corresponding with the statement of class, type, or distinctive designation

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which is required by federal regulation to appear on the label of the product.

(3) Brand advertising of malt beverages by any manufacturer, importer, or distributor shall contain the following information:

(a) The name and address of the manufacturer, importer or distributor responsible for publication of the advertisement. (Street number may be omitted.)

(b) A conspicuous statement of the class to which the product belongs, corresponding to the statement of class which is required by federal regulations to appear on the label of the product.

(4) Alcoholic content of beer. Retail licensees who choose to offer beer for sale at both less than four percent by weight and more than four percent by weight, alcoholic content, packaged in identical packages, shall be required to separate the two strengths of beer in their displays, and shall be required to identify by point-of-sale advertising which is the higher strength and which is the lower strength beer. Manufacturers, importers and distributors of such beer shall supply such shelf tickets free of charge to retail licensees: Provided, however, That no promotion of the higher alcoholic content shall be included in such advertising.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-52-010, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-031 (Order 108, Resolution No. 117), § 314-52-010, filed 8/11/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-010, filed 7/18/80; Order 46, § 314-52-010, Rule 116, filed 6/9/76; Rule 116, filed 6/13/63.]

WAC 314-52-015 General. Institutional advertising shall mean advertising which promotes company or brand name identification, but does not directly solicit purchase or consumption of liquor. Educational advertising shall mean factual information on liquor, its manufacture, history, consumption and methods of ascertaining the quality of various types of liquors such as German wines, French cognacs, or other classifiable types of product. All liquor advertising shall be modest, dignified and in good taste and shall not contain:

(1) Any statement or illustration that is false or misleading in any material particular.

(2) Any statement, picture, or illustration which promotes overconsumption.

(3) Any statement, picture, illustration, design, device, or representation which is undignified, obscene, indecent, or in bad taste.

(4) Any statement, design, device, or representation of or relating to analyses, standards, or tests, irrespective of falsity, which is likely to mislead the consumer.

(5) Any statement, design, device, or representation of or relating to any guaranty, irrespective of falsity, which is likely to mislead the consumer.

Nothing in this section shall prohibit the use of any enforceable guaranty in substantially the following form:

"We will refund the purchase price to the purchaser if he is in any manner dissatisfied with the contents of this package."

(6) Any statement that the product is produced, blended, made, bottled, packed or sold under, or in accordance with, any authorization, law, or regulation of any municipality, county, or state, federal or foreign government unless such statement is required or specifically authorized by the laws or regulations of such government; and if municipal, state or federal permit number is stated, such permit number shall not be accompanied by any additional statement relating thereto.

(7) Any statement, design or device representing that the use of liquor has curative or therapeutic effects, if such statement is untrue in any particular, or tends to create a misleading impression.

(8) Any statement, picture, or illustration implying that the consumption of liquor enhances athletic prowess, or any statement, picture, or illustration referring to any known athlete, if such statement, picture, or illustration implies, or if the reader may reasonably infer, that the use of liquor contributed to such known athlete's athletic achievements.

(9) Any depiction of a child or other person under legal age to consume liquor; any depiction of objects, such as toys, suggestive of the presence of a child, nor any other depiction designed in any manner as to be especially appealing to children or other persons under legal age to consume liquor.

(10) Any reference to any religious character, sign or symbol, except in relation to kosher wines or where such are a part of an approved label.

[Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-031 (Order 108, Resolution No. 117), § 314-52-015, filed 8/11/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-015, filed 7/18/80. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 79-08-036 (Order 68, Resolution No. 77), § 314-52-015, filed 7/17/79; Order 46, § 314-52-015, Rule 116.5, filed 6/9/76; Order 10, § 314-52-015, Rule 116.5, filed 10/27/70, effective 11/27/70.]

WAC 314-52-020 Use of insignia or reference to liquor control board prohibited—Exception. No liquor advertising shall use any insignia that may be in use by the Washington state liquor control board, nor shall any such advertising refer to the Washington state liquor control board, except where required by federal law.

[Statutory Authority: RCW 66.08.060. 86-07-019 (Order 175, Resolution No. 184), § 314-52-020, filed 3/12/86. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-031 (Order 108, Resolution No. 117), § 314-52-020, filed 8/11/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-020, filed 7/18/80; Order 46, § 314-52-020, Rule 117, filed 6/9/76; Order 10, § 314-52-020, filed 10/27/70, effective 11/27/70; Rule 117, filed 6/13/63.]

WAC 314-52-030 Liquor advertising prohibited in school publications. No liquor advertising shall be carried in any publication connected or affiliated with any elementary or secondary schools; nor shall any liquor advertising be connected with such schools when broadcast over radio or television: Provided, That institutional advertising, as defined in WAC 314-52-015, may be carried, if the board advertising coordinator interposes no objection.

[Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-031 (Order 108, Resolution No. 117), § 314-52-030, filed 8/11/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-030, filed 7/18/80; Order 46, § 314-52-030, Rule 118,

filed 6/9/76; Order 10, § 314-52-030, filed 10/27/70, effective 11/27/70; Rule 118, filed 6/13/63.]

WAC 314-52-040 Contests, competitive events, premiums and coupons. Liquor advertisements may offer consumers premiums or prizes, upon completion of any coupon, contest, or competitive event, which may or may not require proof of purchase of the advertised product: Provided, however, That contests or sweepstakes that offer prizes or premiums to consumers through a game of chance or random drawing, shall not require proof of purchase, and must comply with the requirements of RCW 9.46.020(14) regarding lotteries: And provided further, That no liquor advertisements by manufacturers, importers, or distributors may offer any premium or prize redeemable through a Washington state liquor store or any retail liquor outlet licensed by the state of Washington.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-52-040, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-031 (Order 108, Resolution No. 117), § 314-52-040, filed 8/11/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-040, filed 7/18/80; Order 46, § 314-52-040, Rule 119, filed 6/9/76; Order 10, § 314-52-040, filed 10/27/70, effective 11/27/70; Rule 119, filed 6/13/63.]

WAC 314-52-050 Sound truck advertising prohibited. No liquor advertising shall be permitted by use of sound trucks.

[Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-050, filed 7/18/80; Order 46, § 314-52-050, Rule 120, filed 6/9/76; Order 10, § 314-52-050, filed 10/27/70, effective 11/27/70; Rule 120, filed 6/13/63.]

WAC 314-52-070 Outdoor advertising. (1) "Outdoor advertising" by manufacturers, importers, distributors, and retail licensees for these purposes shall include all signs visible to the general public, whether permanent or temporary, advertising the sale and service of liquor (excluding point-of-sale brand signs, which are defined and governed as otherwise provided in WAC 314-52-113) as well as trade name and room name signs.

(2) Outdoor signs shall be designed, installed, and used in a manner not offensive to the public, and shall comply with all liquor advertising rules. These rules include, but are not limited to:

(a) WAC 314-52-015(1), which:

(i) Prohibits any statement or illustration that is false or misleading in any material particular;

(ii) Prohibits any statement, picture or illustration which promotes overconsumption;

(iii) Prohibits any statement, picture, illustration, design, device, or representation which is undignified, obscene, indecent, or in bad taste.

(b) WAC 314-52-110(1), which requires that every advertisement by a retail licensee shall carry the licensed trade name or the registered franchise name or the trademark

name. The term "trade name" shall mean the "licensed trade name" as it appears on the issued license.

(3) Prior board approval is not required before installation and use of outdoor signs/advertising; however, outdoor signs/advertising (excluding outdoor readerboard messages and/or interior signs visible through a window of a premises) not in compliance with board rules will be required to be altered or removed at the licensee's expense. If prior approval is desired, the licensee, applicant or their agent may submit three copies to the board advertising coordinator for approval.

(4) No outdoor advertising of liquor shall be placed in proximity to schools, churches, or playfields used primarily by minors, where administrative body of said schools, churches, playfields, object to such placement, nor any place which the board in its discretion finds contrary to the public interest.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-52-070, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.060, 86-15-041 (Order 191, Resolution No. 200), § 314-52-070, filed 7/16/86. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-031 (Order 108, Resolution No. 117), § 314-52-070, filed 8/11/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-070, filed 7/18/80; 78-02-056 (Order 62), § 314-52-070, filed 1/20/78; Order 46, § 314-52-070, Rule 122, filed 6/9/76; § 314-52-070, filed 10/27/70, effective 11/27/70; Order 2, § 314-52-070, filed 5/1/69; Rule 122, filed 6/13/63.]

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, distributor, 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, distributor, or importer, or employee thereof.

(3) A manufacturer, distributor, 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 distributor'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 distributor 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 distributor 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, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-52-080, filed 9/2/98, effective 10/3/98. 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.]

WAC 314-52-085 Programs and program folders.

Programs and program folders, for the purpose of this section, shall mean brochures for use at sporting arenas which have, as a part of their operations, whether directly or indirectly, a retail licensed premises. No manufacturer, importer, distributor, or their agent, shall provide, without cost, directly or indirectly, programs or program folders for retail licensees: Provided, however, That sporting arenas as described above, or their agents may accept bona fide liquor advertising from manufacturers, importers, distributors or their agents, for publication in the program or program folder of the sporting arena: Provided further, That such advertising is paid for by said manufacturer, importer, distributor or their agent at the published advertising rate for all program or program folder advertisers, including nonliquor advertisers: And also provided, That such advertising shall carry with it no express or implied offer on the part of the manufacturer, importer, distributor or their agent, or promise on the part of the retail licensee whose operation is directly or indirectly part of the sporting arena, to stock or list any particular brand of liquor to the total or partial exclusion of any other brand.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-52-085, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-031 (Order 108, Resolution No. 117), § 314-52-085, filed 8/11/82.]

WAC 314-52-090 Advertising sponsored jointly by retailers and manufacturers, importers, or distributors, prohibited. (1) The name of a retail licensee shall not appear

in, or as a part of, or supplementary to, any advertising of a manufacturer, importer or distributor. The brand name of liquor may appear in or as a part of advertising by a retail licensee: Provided, That such advertising is upon the retail licensee's free initiative and no moneys or moneys' worth has been offered the retail licensee as an inducement to secure such mention by any manufacturer, importer, or distributor or their agent, or solicited by the retail licensee or his agent.

(2) RCW 66.28.010 shall also apply to joint advertising insofar as it is relevant.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-52-090, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-031 (Order 108, Resolution No. 117), § 314-52-090, filed 8/11/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-090, filed 7/18/80; 78-02-056 (Order 62), § 314-52-090, filed 1/20/78; Order 46, § 314-52-090, Rule 124, filed 6/9/76; Order 10, § 314-52-090, filed 10/27/70, effective 11/27/70; Rule 124, filed 6/13/63.]

WAC 314-52-110 Advertising by retail licensees. (1)

Every advertisement by a retail licensee shall carry the licensed trade name or the registered franchise name or the trademark name. The term "trade name" shall be defined as the "licensed trade name" as it appears on the license issued to the licensee: Provided, however, That such words as tavern, cafe, grocery, market, food store, food center, delicatessen, wine shop, beer parlor and other similar words used to identify the type of business licensed, and numbers used to identify chain licensees of the same trade name, shall neither be required nor prohibited as part of the trade name in advertisements: And provided further, That advertisements by public spirit, beer and wine restaurant licensees may also refer to cocktails, bar, lounge and/or the "room name." The term "room name" shall be defined as the name of the room designated as the cocktail lounge and/or the dining room if both are in the same room.

(2) No retail licensee shall offer for sale any liquor for on premises consumption under advertising slogans such as "two for the price of one," "two for one drinks," "buy one—get one free," "two for \$____," nor any similar phrase or slogan where the express or implied meaning is that a customer, in order to receive a reduced price, would be required to purchase more than one drink or quantity of liquor at one time.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-52-110, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 66.98.070 and 66.08.060. 83-23-122 (Order 132, Resolution No. 141), § 314-52-110, filed 11/23/83. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-031 (Order 108, Resolution No. 117), § 314-52-110, filed 8/11/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-110, filed 7/18/80; Order 46, § 314-52-110, Rule 126,

filed 6/9/76; Order 10, § 314-52-110, filed 10/27/70, effective 11/27/70; Rule 126, filed 6/13/63.]

WAC 314-52-113 Brand signs and point-of-sale displays on retail licensed premises. Manufacturers, importers or distributors may furnish brand signs and point-of-sale material under the following conditions:

(1) The brand signs and point-of-sale material shall have no value to the retailer except as brand advertisement; such signs as those which provide illumination for cash registers, pool tables and other parts of the premises, have a functional value and are not authorized. The brand signs and point-of-sale material shall remain the property of, and be the responsibility of, the manufacturers, importers or distributors.

(2) The term "point-of-sale material" as used herein, shall include such manufacturer, importer or distributor-supplied items as display cards, placards, table tents, recipes, display bins, decalcomanias, price cards, shelf strips, product information pamphlets, bottle hangers, matches, scorecards, calendars, and other such brand advertising material for display at the point of sale.

(3) Giant inflatables, such as inflated beer cans, bottles, animals, and banners may be provided as point-of-sale by manufacturers, importers, or distributors to retailers for display purposes on their property, provided the following conditions are met:

(a) All retail licensees are afforded equal opportunity to display item;

(b) Novelty items as defined in WAC 314-52-080 are not provided by manufacturers, importers, or distributors to customers in conjunction with the display;

(c) The display shall be removed if objected to by local officials, or if the board, in its discretion, finds it contrary to the public interest.

(4) Animal mascots and costumed individuals representing beer, wine, or liquor manufacturers may be provided as point-of-sale by manufacturers, importers, or distributors to retailers for display and promotion purposes on their property, provided the following conditions are met:

(a) The costumed individual is limited to the manufacturer, importer, distributor, or employee thereof and the costumed individual's activities on-premises are limited to socializing with customers and not conducting any activity that the retail licensee would otherwise have to assign employees to;

(b) All retail licensees are afforded equal opportunity for such displays;

(c) Novelty items as defined in WAC 314-52-080 and including the purchase of drinks, are not to be provided to customers by the costumed individual in conjunction with such displays;

(d) The costumed individual must comply with the regulations regarding lewd and obscene conduct (WAC 314-16-125);

(e) If the board finds it contrary to the public interest, it may prohibit the use of the above-mentioned activities.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455,

66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-52-113, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.24.010, 66.08.010, 66.08.030, 66.08.060 and 66.98.070. 86-19-022 (Order 199, Resolution No. 208), § 314-52-113, filed 9/10/86. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-031 (Order 108, Resolution No. 117), § 314-52-113, filed 8/11/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-113, filed 7/18/80; 78-02-056 (Order 62, § 314-52-113, filed 1/20/78; Order 46, § 314-52-113, Rule 126.3, filed 6/9/76.)

WAC 314-52-114 Advertising by retail licensees, offering for sale, or selling beer, wine or spirituous liquor at less than cost—Prohibited—Exceptions. (1) Beer, wine, or spirituous liquor shall not be advertised, offered for sale or sold by retail licensees at less than acquisition cost.

(2) The provisions of this section shall not apply to any sale made:

(a) In closing out in good faith the owner's stock or any part thereof for the purpose of discontinuing his trade in any such article or product and in the case of the sale of seasonal goods or to the bona fide sale of perishable goods to prevent loss to the vendor by spoilage or depreciation: Provided, Notice is given to the public thereof;

(b) When the goods are damaged or deteriorated in quality, and notice is given to the public thereof;

(c) By an officer acting under the orders of any court;

(d) In an endeavor made in good faith to meet the prices of a competitor selling the same article or product in the same locality or trade area and in the ordinary channels of trade.

[Statutory Authority: RCW 66.08.030. 88-07-026 (Order 242, Resolution No. 251), § 314-52-114, filed 3/9/88. Statutory Authority: RCW 66.08.060. 87-04-026 (Order 213, Resolution No. 222), § 314-52-114, filed 1/29/87. Statutory Authority: RCW 66.08.030, 66.98.070 and 66.08.060. 86-16-060 (Order 173, Resolution No. 182), § 314-52-114, filed 8/5/86; 83-24-060 (Order 134, Resolution No. 143), § 314-52-114, filed 12/7/83.]

WAC 314-52-115 Advertising by clubs—Signs. (1) Clubs shall not engage in any form of soliciting or advertising which may be construed as implying that the club operates a public spirit, beer and wine restaurant premises, a tavern open to the public, or that social functions at which club liquor may be consumed, are open to the public: Provided, however, Circularizing membership shall not be considered advertising, and where clubs provide lunch or dinner to the public, this may be advertised: Provided further, Such advertising must specify no liquor service is available.

(2) Clubs and/or their auxiliary organizations may advertise social or other club events to their membership through the public media: Provided, Such advertising is clearly directed to their membership only and cannot be construed as implying that the general public is welcome to attend.

(3) Advertising of the club functions by means of placards placed for public viewing shall be governed by the provisions of subsection (2) of this section.

(4) Advertising may be directed to the public generally in connection with events of special public interest such as Flag Day, Memorial Day, Veterans Day or such other occasions, under provisions set forth in WAC 314-40-080(3).

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(5) Clubs desiring to have radio or television broadcasts originating from their licensed premises may do so: Provided, That such broadcasts consist only of entertainment or other matter which is in the public interest and may not contain any announcement of opening or closing hours, any invitation to visit the club, or any statement which may be construed as advertising or any implication that the club is operated as a public place. The only reference to the club during such broadcasts shall be limited to a statement at the opening and closing of the program as originating from the club quarters.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-52-115, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030. 94-06-022, § 314-52-115, filed 2/22/94, effective 3/25/94. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-031 (Order 108, Resolution No. 117), § 314-52-115, filed 8/11/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 80-09-078 (Order 73, Resolution No. 82), § 314-52-115, filed 7/18/80; Order 46, § 314-52-114 (codified as WAC 314-52-115), Rule 126.5, filed 6/9/76; Order 10, § 314-52-114, Rule 126.5, filed 10/27/70, effective 11/27/70. Formerly WAC 314-40-090 (part), Rule 111, filed 6/13/63.]

Chapter 314-60 WAC PUBLIC RECORDS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

314-60-150 Adoption of forms. [Order 56, § 314-60-150, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-150, filed 4/17/73, effective 5/18/73.] Repealed by 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.

314-60-900 Organization chart (Appendix A). [Order 56, Appendix A (codified as WAC 314-60-900), filed 5/31/77, effective 7/1/77; Order 22, Appendix A, filed 4/17/73, effective 5/18/73.] Repealed by 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.

314-60-901 Formal hearings (Appendix B). [Order 56, Appendix B (codified as WAC 314-60-901), filed 5/31/77, effective 7/1/77; Order 22, Appendix B, filed 4/17/73, effective 5/18/73.] Repealed by 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.

314-60-902 Notice of proposed order of summary license suspension (Appendix C). [Order 56, Appendix C (codified as WAC 314-60-902), filed 5/31/77, effective 7/1/77; Order 22, Appendix C, filed 4/17/73, effective 5/18/73.]

- Repealed by 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.
- 314-60-903 Notice of proposed order of summary license suspension with added penalty (Appendix C). [Order 56, Appendix C (codified as WAC 314-60-903), filed 5/31/77, effective 7/1/77; Order 22, Appendix C, filed 4/17/73, effective 5/18/73.] Repealed by 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.
- 314-60-904 Notice of proposed order of summary license suspension with option for monetary penalty (Appendix C). [Order 56, Appendix C (codified as WAC 314-60-904), filed 5/31/77, effective 7/1/77; Order 22, Appendix C, filed 4/17/73, effective 5/18/73.] Repealed by 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.
- 314-60-905 Notice of proposed order of summary license suspension with directions to implement option for monetary penalty (Appendix C). [Order 56, Appendix C (codified as WAC 314-60-905), filed 5/31/77, effective 7/1/77; Order 22, Appendix C, filed 4/17/73, effective 5/18/73.] Repealed by 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.
- 314-60-906 Resolution No. 41 (Appendix D). [Order 56, Appendix D (codified as WAC 314-60-906), filed 5/31/77, effective 7/1/77; Order 22, Appendix D, filed 4/17/73, effective 5/18/73.] Repealed by 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.
- 314-60-907 Request for public record (Appendix E). [Order 56, Appendix E (codified as WAC 314-60-907), filed 5/31/77, effective 7/1/77; Order 22, Appendix E, filed 4/17/73, effective 5/18/73.] Repealed by 82-04-030 (Order 97, Resolution No. 106), filed 1/27/82. Statutory Authority: RCW 66.08.030.

WAC 314-60-010 Purpose—Washington state liquor control board. (1) The purpose of this chapter is to comply with the provisions of chapter 42.17 RCW dealing with public records.

(2) The "Washington state liquor control board," pursuant to RCW 66.08.012 and 66.08.014, consists of three members appointed by the governor with the consent of the senate, for terms of six years that are staggered so that an appointment or reappointment is made every two years. The "Washington state liquor control board" shall sometimes hereinafter be referred to as the "board." Where appropriate, the term "board" also refers to the staff and employees of the Washington state liquor control board.

[Statutory Authority: RCW 66.08.030. 94-03-060, § 314-60-010, filed 1/14/94, effective 2/14/94; Order 56, § 314-60-010, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-010, filed 4/17/73, effective 5/18/73.]

WAC 314-60-020 Definitions—Public records—Writing. (1) "Public records" includes any writing containing information relating to the conduct of governmental or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture film and video recordings, magnetic cards, discs, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.

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[Statutory Authority: RCW 66.08.030. 94-03-060, § 314-60-020, filed 1/14/94, effective 2/14/94; Order 22, § 314-60-020, filed 4/17/73, effective 5/18/73.]

WAC 314-60-030 Description of central and field organization of Washington state liquor control board.

The board is an agency created to exercise the police power of the state in administering and enforcing all of the laws and regulations relating to alcoholic beverage control (Title 66 RCW).

(1) The board's major areas of activity are:

(a) Purchase, distribution and sale of liquor in the original package through its stores and agencies.

(i) All spirituous liquor in the original package is exclusively sold by the board.

(ii) Wines and malt beverages in the original package are sold by the board, and wines and beer can, under appropriate license, be sold by licensees.

(b) The licensing of the manufacture, distribution and sale of liquor. Licenses to retailers involve many different classifications and categories for the sale of liquor for on-premises and off-premises consumption. Licenses are also issued to manufacturers, breweries, wholesalers, importers, etc.

(c) The inspection of the activities and operations of liquor licensees and the enforcement of the liquor laws of the state of Washington and the rules and regulations of the board.

(2) The administrative offices of the Washington state liquor control board and its staff are located at:

(a) Main office, Capital Plaza Building, 1025 East Union Avenue, Olympia.

(b) Distribution center and stores and agencies division, 4401 East Marginal Way South, Seattle.

(c) Enforcement offices are maintained in major cities throughout the state.

(d) Stores and agencies where liquor is sold are maintained in cities, towns, and areas throughout the state.

[Statutory Authority: RCW 66.08.030. 94-03-060, § 314-60-030, filed 1/14/94, effective 2/14/94; 88-16-026 (Order 259, Resolution No. 268), § 314-60-030, filed 7/27/88; 82-04-030 (Order 97, Resolution No. 106), § 314-60-030, filed 1/27/82; Order 22, § 314-60-030, filed 4/17/73, effective 5/18/73.]

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

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

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

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

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

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

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

WAC 314-60-050 Public records available. All public records of the board as defined in WAC 314-60-020 are deemed to be available for public inspection and copying pursuant to these rules, except as provided by chapter 42.17 RCW and WAC 314-60-100 and 314-60-105.

[Order 56, § 314-60-050, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-050, filed 4/17/73, effective 5/18/73.]

WAC 314-60-060 Public records officer. The Washington state liquor control board's public records shall be available for inspection and/or copying through the public records officer designated by the board. The person so designated shall be located in the main office of the board. The public records officer shall be responsible for the following: The implementation of the board's rules and regulations regarding release of public records, coordinating the staff of the board in this regard, and generally providing for the board's public records disclosure requirements of chapter 42.17 RCW.

[Order 56, § 314-60-060, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-060, filed 4/17/73, effective 5/18/73.]

WAC 314-60-070 Office hours. Public records shall be available for inspection and copying at the main office of the

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board during its customary office hours. For the purpose of this chapter, the customary office hours shall be from 8 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays.

[Order 22, § 314-60-070, filed 4/17/73, effective 5/18/73.]

WAC 314-60-080 Requests for public records. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be obtained by members of the public at the main office of the board upon compliance with the following procedures:

(1) A request may be made in writing. A form prescribed by the board shall be available at its main office. The written request or prescribed form shall be submitted or presented to the public records officer, or to any member of the board's staff, if the public records officer is not available, at the main office of the board during customary office hours. The request shall include the following information:

(a) The name and address of the person requesting the record.

(b) The time of day and calendar date on which the request was received at the main office of the board.

(c) The nature of the request.

(d) If the matter requested is referenced within the current index maintained by the board, a reference to the requested record as described.

(e) If the requested matter is not identifiable by reference to the board's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: RCW 66.08.030, 94-03-060, § 314-60-080, filed 1/14/94, effective 2/14/94; Order 56, § 314-60-080, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-080, filed 4/17/73, effective 5/18/73.]

WAC 314-60-090 Copying. No fee shall be charged for the inspection of public records. The board will impose a reasonable charge for providing copies of public records and for the use of the board's equipment to copy its public records, such charges will not exceed the amount necessary to reimburse the board for its actual costs incident to such copying.

[Order 22, § 314-60-090, filed 4/17/73, effective 5/18/73.]

WAC 314-60-100 Exemptions. (1) The board reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 314-60-080 is exempt under the provisions of chapter 42.17 RCW.

(2) In addition, pursuant to chapter 42.17 RCW, the board reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chap-

ter 42.17 RCW. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records will be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Order 56, § 314-60-100, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-100, filed 4/17/73, effective 5/18/73.]

WAC 314-60-105 General guidelines—Exempt records. The following general guidelines relate to the board's records, or portions thereof, that are, or may be, considered as exempt from public disclosure under the provisions of the Public Disclosure Law, chapter 42.17 RCW.

A general rule in connection with the application of any of the exemptions set forth below is that such exemptions shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption will be construed to permit the non-disclosure of statistical information which is not descriptive of any readily identifiable person or persons.

The list of records and material generally considered exempt from disclosure by the board includes, but is not limited to, the following:

(1) Personal information of the board members and its entire staff as may be contained in the personnel records of each member or employee, including all applications for public employment, resumes, and other materials submitted relating to the applicant, and residential addresses of members, employees or volunteers, with the exception that the employee's name, job title, and rate of pay for said job title, will be furnished. (See RCW 42.17.310 (1)(b), (t) and (u).)

(2) Audits of, and investigation reports concerning, individual licensees, except when cited by the board as the basis for disciplinary action taken against the licensee. (See RCW 42.17.310 (1)(d).)

(3) Intelligence information and investigative data and reports pertaining to the enforcement of the liquor laws and the board's regulations, the non-disclosure of which is essential to law enforcement or to the protection of any person's right to privacy. (See RCW 42.17.310 (1)(d).)

(4) Special order requests and records of purchases by any person or persons, including class H licensees. (See RCW 66.16.090.)

(5) The board's records during the process of lease negotiations, when it would be both unfair and inequitable to disclose to contending parties what another party may have bid or offered. (See RCW 42.17.310 (1)(g).)

(6) The names of complainants in connection with alleged liquor violations, if disclosure would endanger any person's life, physical safety, or property except when the complainant authorizes the release of his or her name at the time the complaint is submitted. (See RCW 42.17.310 (1)(e).)

(7) Computer program and research data of the board within five years of the request for disclosure when disclosure would produce private gain and public loss. (See RCW 42.17.310 (1)(h).)

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(8) Preliminary drafts, notes, recommendations, and intraagency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by the board in connection with board action. (See RCW 42.17.310 (1)(i).)

[Statutory Authority: RCW 66.08.030. 94-03-060, § 314-60-105, filed 1/14/94, effective 2/14/94; Order 56, § 314-60-105, filed 5/31/77, effective 7/1/77.]

WAC 314-60-110 Review of denials of public records requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the board chairman, or in his absence, a member of the board. The board chairman or member, as the case may be, shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the board as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the receipt of the request for review of the original denial.

(3) Administrative remedies shall not be considered exhausted until the board has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever first occurs.

[Statutory Authority: RCW 66.08.030. 94-03-060, § 314-60-110, filed 1/14/94, effective 2/14/94; Order 22, § 314-60-110, filed 4/17/73, effective 5/18/73.]

WAC 314-60-120 Protection of public records. The public records officer shall:

(1) Implement whatever procedures are necessary to assure the retention and integrity of the board's records.

(2) Establish reasonable measures to provide that the board's records are not lost, stolen, altered, defaced or destroyed when such records are made available for inspection and/or copying.

(3) Records of the board made available for inspection or copying pursuant to these rules shall not be removed from the main office of the board.

[Order 22, § 314-60-120, filed 4/17/73, effective 5/18/73.]

WAC 314-60-130 Records index. (1) Index. The board is in the process of compiling and will have available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency.

(c) Administrative staff manuals and instructions to staff that affect a member of the public.

(d) Planning policies and goals, and interim and final planning decisions.

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others.

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) Availability. The current index as and when promulgated by the board shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 22, § 314-60-130, filed 4/17/73, effective 5/18/73.]

WAC 314-60-140 Communications and submissions relating to public records. All communications with the board including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW and these rules; requests for copies of the board's decisions and other matters, shall be addressed as follows: Washington State Liquor Control Board, c/o Public Records Officer, Capital Plaza Building, 1025 East Union Avenue, Olympia, Washington 98504.

[Order 56, § 314-60-140, filed 5/31/77, effective 7/1/77; Order 22, § 314-60-140, filed 4/17/73, effective 5/18/73.]

**Chapter 314-62 WAC
LIQUOR LAW PAMPHLETS AND ANNUAL
REPORTS**

WAC

314-62-010 Liquor law pamphlets.
314-62-020 Annual reports.

WAC 314-62-010 Liquor law pamphlets. Pursuant to RCW 66.08.030 as amended by section 1, chapter 115, Laws of 1977 ex. sess., pamphlets containing the liquor laws (Title 66 RCW and other liquor related statutes) and the revised rules and regulations of the board shall be made available through the board's Central Office Services Division, 1025 East Union Avenue, Olympia, Washington 98504, for distribution, upon request, to any member of the public. An updating service covering amendments to the Liquor Act and the revised rules and regulations of the board shall also be available for such distribution. Charges shall be made for these items as directed by the board from time to time to cover the costs of printing and handling.

Provided, however, That copies of the liquor laws and regulations and the update service shall be provided without charge as follows: (1) To the secretary of the senate for use of senate committees, fifteen copies; (2) to the chief clerk of the house for use of house committees, twenty copies; (3) to the state library, two copies; (4) to the state law library, two copies; (5) to licensees of the board, one copy each; (6) to recognized news reporting services maintaining permanent

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offices at the capitol, one copy each. One copy shall also be provided without charge, upon request, to legislators, governmental and nonprofit organizations, academic research students, libraries, and alcoholism information and treatment centers.

[Statutory Authority: RCW 66.08.030 and 66.98.070. 81-19-116 (Order 81, Resolution No. 90), § 314-62-010, filed 9/23/81; 78-02-039 (Order 63), § 314-62-010, filed 1/17/78.]

WAC 314-62-020 Annual reports. Pursuant to RCW 66.08.028, the board makes annual reports to the governor covering the administration and enforcement of the Liquor Act during the preceding fiscal year. Copies of this report shall be available through the board's Central Office Services Division, 1025 East Union Avenue, Olympia, Washington 98504, for distribution, upon request, to any member of the public. A charge as directed by the board from time to time to cover the costs of printing and handling shall be made for each copy of this report: Provided, however, That copies of the annual report shall be provided without charge as follows: (1) To the secretary of the senate for use of senate committees, fifteen copies; (2) to the chief clerk of the house for use of house committees, twenty copies; (3) to the state library, two copies; (4) to the state law library, two copies; (5) to licensed agents of suppliers of liquor with whom the board does business, one copy each; (6) to recognized news reporting services maintaining permanent offices at the capitol, one copy each. One copy of the annual report shall also be provided without charge, upon request, to legislators, governmental and nonprofit organizations, academic research students, libraries, and alcoholism information and treatment centers.

[Statutory Authority: RCW 66.08.030 and 66.98.070. 81-19-116 (Order 81, Resolution No. 90), § 314-62-020, filed 9/23/81; 78-05-003 (Order 65, Resolution No. 74), § 314-62-020, filed 4/6/78; 78-02-039 (Order 63), § 314-62-020, filed 1/17/78.]

**Chapter 314-64 WAC
LIQUOR SAMPLES**

WAC

314-64-010 Purpose.
314-64-020 Definitions.
314-64-040 Procedures for board samples.
314-64-050 Accounting for board samples.
314-64-070 Definition.
314-64-080 Procedures.
314-64-08001 Procedures for providing spirit samples to authorized retail licensees for the purpose of negotiating a sale.
314-64-090 Accounting.

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

314-64-030 Procedures for chemical analysis. [Statutory Authority: RCW 66.08.030. 88-14-001 (Order 252, Resolution No. 261), § 314-64-030, filed 6/23/88. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-04-035 (Order 95, Resolution No. 104), § 314-64-030, filed 1/28/82; Order 57, § 314-64-030, filed 7/28/77, effective 9/1/77; Order 40, § 314-64-030, filed 8/21/75.] Repealed by 91-19-070, filed 9/16/91, effective 10/17/91. Statutory Authority: RCW 66.08.030.
314-64-060 Purpose. [Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070. 81-23-038 (Order 84, Resolution No. 93), § 314-64-060, filed 11/18/81.] Repealed by 94-14-021, filed 6/27/94, effective 7/28/94. Statutory Authority: RCW 66.08.030.

WAC 314-64-010 Purpose. The purpose of this chapter is to comply with and implement provisions of section 9, chapter 175 [173], Laws of 1975 1st ex. sess., and RCW 66.28.035 [66.28.045], and section 10, chapter 175 [173], Laws of 1975 1st ex. sess., and RCW 66.28.040.

[Order 40, § 314-64-010, Rule 129, filed 8/21/75.]

WAC 314-64-020 Definitions. Samples shall mean:

(1) Beer and/or containers submitted to the board for chemical analysis of the beer, as required by WAC 314-20-020 (2)(b).

(2) Wine and/or containers submitted to the board for chemical analysis of the wine, as required by WAC 314-24-040 (1)(b).

(3) Malt liquor, wine, spirits and/or containers submitted to the board for the purpose of negotiating the sale of liquor to the state liquor control board as provided in RCW 66.28.040.

[Order 40, § 314-64-020, Rule 130, filed 8/21/75.]

WAC 314-64-040 Procedures for board samples. Procedures for submitting samples to the board for the purpose of negotiating the sale of liquor to the board are as follows:

(1) Quantity. Samples shall not exceed in quantity that authorized by the U.S. Bureau of Alcohol, Tobacco and Firearms.

(2) Identification. Suppliers shall identify the items on the cartons and shipping documents as "samples for the board."

(3) Shipping instructions. Suppliers shall deliver or ship samples prepaid to the Washington State Liquor Control Board, Attention Liquor Purchasing Agent, 1025 East Union Avenue, Olympia, Washington 98504.

(4) In those instances where it becomes necessary for the board to incur some costs in receiving the samples, such costs shall be recovered from the supplier.

(5) Use and disposition of samples. Samples furnished for the purpose of negotiating the sale of liquor to the board shall be examined and tested by members of the board, or their designees, and/or the liquor purchasing agent, or his designee, for appearance, aroma and taste, and to determine their probable customer acceptability. After such examination and testing, any remaining portion of said samples shall be disposed of by members of the board, or their designees who examined and tested said samples, or by the purchasing agent, or his designee who examined and tested said samples.

(6) Reports. Members of the board, or their designees, and/or the liquor purchasing agent, or his designee, shall report their findings and recommendations on appropriate forms to the liquor purchasing agent for consolidation and report to the board. The board shall consider such findings and recommendations, along with other documents furnished by the supplier, in determining whether the items represented by the samples shall be purchased by the board for resale through state liquor stores.

(7) Excess. Samples received in excess of the quantity authorized in WAC 314-64-040 for the purpose of negotiating the sale of liquor to the board will be held by the liquor board purchasing agent until the supplier has been notified of

the overshipment and given fifteen days in which to respond as to whether he wants the excess returned to him at his expense. Failure of the supplier to respond within the time limitation, or notification from the supplier that he does not want the excess returned to him, will result in the excess item or items being destroyed by a liquor control board auditor in the presence of the liquor purchasing agent, or his designee, after which a destruction notice will be prepared by the auditor and be certified by the liquor board purchasing agent or his designee who witnessed the destruction. Copies of such destruct notices shall be distributed to members of the board, the liquor purchasing agent, and the liquor control board controller.

(8) Containers. Containers submitted to the board for the purpose of negotiating the sale of liquor shall, after examination by the board and/or the liquor purchasing agent, be disposed of as follows:

(a) Figurines, decanters, or other decorative containers may be retained for public display in the board offices in Olympia. After such display, the containers shall be disposed of as provided in (b) of this subsection.

(b) Figurines, decanters, or other decorative containers will be held by the liquor purchasing agent until the supplier has been notified that the containers have been examined by the board, and the supplier will be given fifteen days in which to respond as to whether he wants the containers returned to him at his expense. Failure of the supplier to respond within the time limitation, or notification from the supplier that he does not want the containers returned to him, will result in the containers being disposed of as surplus property, pursuant to RCW 43.19.1919, if the anticipated revenue to be derived from the sale of the containers as surplus property is deemed to exceed the anticipated costs attributable to the sale.

(c) Containers whose anticipated revenue to be derived from their sale as surplus property is deemed not to exceed the anticipated costs attributable to the sale shall be disposed of by members of the board, or their designees who examined and tested said samples, or by the liquor purchasing agent, or his designee who examined and tested said samples.

[Statutory Authority: RCW 66.28.045, 86-21-117 (Order 200, Resolution No. 209), § 314-64-040, filed 10/21/86. Statutory Authority: RCW 66.08.030 and 66.98.070, 82-04-035 (Order 95, Resolution No. 104), § 314-64-040, filed 1/28/82; Order 40, § 314-64-040, filed 8/21/75.]

WAC 314-64-050 Accounting for board samples. Samples shall be accounted for as follows:

(1) Malt liquor, wine or spirits submitted to the board for the purpose of negotiating the sale of liquor to the board.

(a) Upon receipt of the samples by the liquor purchasing agent in Olympia, the liquor purchasing agent, or his designee, shall prepare a multiple-copy receiving and disposition report for said samples, clearly identifying them as "samples for the purpose of negotiating the sale of liquor to the board."

(b) If more than the amount authorized in WAC 314-64-040 is received, the liquor purchasing agent, or his designee, shall prepare a separate receiving report for the excess samples and dispose of them as provided in WAC 314-64-040(7).

(c) The liquor purchasing agent, or his designee, shall sign the multiple-copy receiving and disposition report in the applicable section, indicating his receipt of the samples.

(d) The liquor purchasing agent, or his designee, shall distribute the signed multiple-copies of the receiving and disposition reports as follows: The original to be retained by the liquor purchasing agent, one copy to each member of the board, and one copy to the liquor control board controller.

(e) The purchasing agent, or his designee, shall provide an analysis report form, as required in WAC 314-64-040(6) for each sample. The receiving and disposition reports and analysis report forms shall be numbered consecutively, and shall correspond one with the other.

(f) The liquor purchasing agent shall deliver a copy of the receiving and disposition report and the analysis report forms with the samples, to members of the board, or their designees, and/or to the liquor purchasing agent, or his designee, for examination, testing and reporting as provided in WAC 314-64-040 (4), (5) and (6).

(g) Members of the board, or their designees, and/or the liquor purchasing agent, or his designee, shall sign the receiving and disposition report in the applicable section, indicating receipt of the samples.

(h) The purchasing agent shall distribute the signed receiving and disposition report as follows: The original to the member of the board, or his designee, or the liquor purchasing agent, or his designee, to whom the sample was delivered; one copy to the liquor control board controller, and one copy to be retained by the liquor purchasing agent.

(i) Members of the board, or their designees, and/or the liquor purchasing agent, or his designee, shall examine, test and report on the sample, as provided in WAC 314-64-040 (4), (5), and (6), complete the analysis report form, and distribute the form as follows: The original to the liquor purchasing agent, one copy to the liquor control board controller, and one copy to be retained by the member of the board, or his designee, and/or the liquor purchasing agent, or his designee who examined and tested the sample.

(j) The liquor control board controller shall maintain the official copies of the receiving and disposition reports, together with the matching analysis report forms, and, where applicable, the destruction notices.

[Statutory Authority: RCW 66.08.030, 91-19-070, § 314-64-050, filed 9/16/91, effective 10/17/91; 88-14-001 (Order 252, Resolution No. 261), § 314-64-050, filed 6/23/88. Statutory Authority: RCW 66.08.030 and 66.98.070, 82-04-035 (Order 95, Resolution No. 104), § 314-64-050, filed 1/28/82; Order 40, § 314-64-050, filed 8/21/75.]

WAC 314-64-070 Definition. Samples for the purpose of this section shall mean beer and wine and/or containers furnished to licensees for the purpose of negotiating a sale as provided in RCW 66.28.040.

[Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070, 81-23-038 (Order 84, Resolution No. 93), § 314-64-070, filed 11/18/81.]

WAC 314-64-080 Procedures. Procedures for furnishing samples of beer and wine to licensees for the purpose of negotiating a sale are as follows:

(1) Quantity. Except as provided in (d) of this subsection, samples may be furnished only in their original packages or containers as produced by the manufacturer or bottler, as follows:

(a) Wholesaler or importer. A brewer, winery or importer may furnish a sample of beer or wine to a wholesaler or importer who has not previously purchased the brand and type or vintage year from the supplier furnishing the sample. For each wholesaler or importer, the brewer, winery or importer may give not more than seventy-two ounces of any brand and type of beer, and not more than one liter of any brand and type of wine.

(b) Retailer. A brewer, winery, importer or wholesaler may except as hereinafter provided furnish a sample of beer or wine to a retail licensee who has not previously purchased the brand and type or vintage year from the supplier furnishing the sample. For each retail licensee, the brewer, winery, importer or wholesaler may give not more than seventy-two ounces of any brand and type of beer, and not more than one liter of any brand and type of wine. If a particular product is not available in a size within the quantity limitations of this section, a brewer, winery, importer or wholesaler may furnish the next largest size.

(c) Out-of-state brewers and wineries who hold a certificate of approval to ship their products into this state who provide samples to retailers as outlined in (b) of this subsection shall be responsible for reporting monthly to the board any shipments of samples to retailers in Washington state and shall also be responsible for paying the taxes due on such beer and wine samples provided to retailers as provided for in WAC 314-20-010 and 314-24-110 as if they were a domestic brewer or a domestic winery.

(d) Samples in other than the original packages or containers may, subject to the conditions and limitations stated in (a), (b), and (c) of this subsection, be furnished as follows:

(i) A brewery, winery, importer, or wholesaler, either directly or through their licensed agents, may furnish to authorized licensees at their licensed premises or business office samples of beer and wine from an opened container carried by a licensed agent, provided such samples are furnished only in single-serving samples not to exceed two ounces of wine or twelve ounces of beer.

(ii) A brewery, winery, importer, or wholesaler, either directly or through their licensed agents, may furnish samples of beer or wine to authorized licensees at the premises of a retail licensee.

(iii) A licensed importer or licensed wholesaler may furnish samples to authorized licensees on the licensed premises of the importer or wholesaler.

(2) Identification. Brewers, wineries, importers or wholesalers shall identify the samples on the containers, cartons and shipping documents as "Samples for licensees."

(3) Shipping instructions. Brewers, wineries, importers or wholesalers shall, except as provided in subsection (1)(d) of this section, deliver or ship samples to licensees at their licensed premises or business office.

(4) Use and disposition of samples. Samples may be furnished for the purpose of negotiating a sale of beer or wine to a wholesaler, importer, or retail licensee.

[Statutory Authority: RCW 66.08.030, 94-14-022, § 314-64-080, filed 6/27/94, effective 7/28/94; 86-11-015 (Order 185, Resolution No. 194), § 314-64-080, filed 5/13/86. Statutory Authority: RCW 66.08.030 and 66.98.070, 82-04-035 (Order 95, Resolution No. 104), § 314-64-080, filed 1/28/82. Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070, 81-23-038 (Order 84, Resolution No. 93), § 314-64-080, filed 11/18/81.]

WAC 314-64-08001 Procedures for providing spirit samples to authorized retail licensees for the purpose of negotiating a sale. A distiller or their agent may, for the purpose of product promotion, provide without charge single samples to retail licensees authorized to sell spirits and their employees.

1. Samples are limited to 1.7 ounces (50 ml) and no more than one sample of each product may be provided to any one licensed business.

2. All spirit samples must be purchased at retail from the board from existing stocks or by special order.

3. Only products not previously purchased or existing products with a change in alcohol proof or formula may be sampled.

4. Both the retailer and distiller must retain records of sampling for a period of two years. The records shall include the brand and type of sample and the date of sampling.

[Statutory Authority: RCW 66.08.030, 98-08-041, § 314-64-08001, filed 3/25/98, effective 4/25/98.]

WAC 314-64-090 Accounting. (1) Each brewer, winery, importer or wholesaler who furnishes samples of beer or wine to licensees shall keep at his place of business a complete record of the disposition of such samples, which record shall show (a) the name and address of the importer, wholesaler or retail licensee to whom the samples were furnished, (b) the brand name and type, (c) the quantities furnished to each importer, wholesaler or retail licensee, and (d) the date the samples were furnished.

(2) Each importer or wholesaler who receives samples of beer or wine shall keep at his place of business a complete current record of all such samples received, showing (a) the name and address of the brewer, winery, importer or wholesaler from whom the samples were received, (b) the brand name and type, (c) the quantities received, and (d) the date the samples were received.

(3) Each retail licensee who receives samples of beer or wine shall keep at his place of business a complete current record of all such samples received, showing (a) the name and address of the brewer, winery, importer or wholesaler from whom the samples were received, (b) the brand name and type, (c) the quantities received, and (d) the date the samples were received.

(4) All records and documents prescribed by this section shall be retained by the person required to keep the documents for a period of not less than two years, and during this period shall be available, during business hours, for inspection and copying by members of the board or their accredited representatives.

(5) All beer or wine samples received or furnished by licensees shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210.

[Statutory Authority: RCW 66.08.030, 66.08.060 and 66.98.070, 81-23-038 (Order 84, Resolution No. 93), § 314-64-090, filed 11/18/81.]

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Chapter 314-68 WAC

IMPORTATION OF ALCOHOLIC BEVERAGES FOR PERSONAL OR HOUSEHOLD USE

WAC

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

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

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

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

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

(3) "Personal or household use" means:

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

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

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

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

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

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

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

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

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

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

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

- (1) Compute the state taxes and markup using the chart on the form.
- (2) Sign the form.
- (3) Keep a copy for your records and give a copy to the United States Customs Service.
- (4) Send a copy of the form with payment within ten days to the Washington State Liquor Control Board, Purchasing Division, Olympia, Washington.
- (5) The board will mail a receipt to the individual who signed the form, authorizing use of the alcoholic beverages for personal or household use.

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

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

- (2) To obtain approval if you know the quantity of alcoholic beverages you will bring into the state:
 - (a) Mail a list of the items to be brought into the state to the Washington State Liquor Control Board, Purchasing Division, Olympia, Washington.
 - (b) The liquor purchasing agent will compute the tax and markup.

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

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

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

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

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

- (i) Fill out the declaration form.
- (ii) Compute the state taxes and markup using the chart on the form.
- (iii) Sign the form.
- (iv) Keep a copy for your records.
- (v) Mail a copy of the form with payment within ten days to the Washington State Liquor Control Board, Purchasing Division, Olympia, Washington.

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

Chapter 314-70 WAC

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

WAC

314-70-010	Sale by spirit, beer and wine restaurant licensee of liquor stock after discontinuance of business.
314-70-020	Disposition by a governmental agency of lawfully seized liquors, except those which are required to be delivered to the board under RCW 66.32.090.
314-70-030	Purchases by spirit, beer and wine restaurant licensee of certain liquor stocks.
314-70-040	Procedures for board purchase of liquor from governmental agencies.
314-70-050	Destruction of liquor by liquor enforcement officers.

WAC 314-70-010 Sale by spirit, beer and wine restaurant licensee of liquor stock after discontinuance of business. Notwithstanding any other provision of Title 66 RCW or Title 314 WAC, a spirit, beer and wine restaurant licensee who permanently discontinues business for any reason shall dispose of the salable unopened liquor remaining in stock by sale to the board of the items originally purchased from the board. The board will pay the total amount listed in the official price list then in effect, less the spirit, beer and wine restaurant discount and tax exemption expressed as a percent of the total price and the percent of total expenses assigned to the merchandise division to gross sales as reported on the profit and loss statement in the last published annual report of the board. Combined percentages will be rounded up to a whole percent: Provided, however, That in the case of a sale of business with a spirit, beer and wine restaurant licensee, after obtaining the approval of the board and under the supervision of a representative of the board, may sell the entire inventory of liquor to the incoming licensee at a negotiated price.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-70-010, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.025. 96-03-004, § 314-70-010, filed 1/4/96, effective 2/4/96. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-022 (Order 109, Resolution No. 118), § 314-70-010, filed 8/9/82.]

WAC 314-70-020 Disposition by a governmental agency of lawfully seized liquors, except those which are required to be delivered to the board under RCW 66.32.090. Notwithstanding any other provision of Title 66 RCW or Title 314 WAC, governmental agencies may, after obtaining the approval of the board and under the supervision of the board, dispose of lawfully seized liquors (except those which are required to be delivered to the board under RCW 66.32.090) as follows:

(1) The governmental agency may sell spirituous unopened salable liquor, and/or wine and beer previously purchased from the board, to the board as per procedure in WAC 314-70-040.

(2) The governmental agency may sell opened containers of liquor back to the spirit, beer and wine restaurant licensee from whom seized, if the licensee is going out of business, for the personal use of the licensee at a negotiated price after payment by the licensee to the board of an amount to be determined by the board in lieu of the spirit, beer and wine restaurant discount and tax exemption in effect at that time: Provided, That if the licensee has not so purchased the opened bottles of liquor within the period of redemption, they shall be destroyed.

(3) The governmental agency may sell unopened beer and/or wine to the distributor selling the same as per procedure in WAC 314-24-210 and 314-20-070 at a negotiated price. Copies of inventory and bill of sale shall be furnished the board.

(4) The governmental agency may sell unopened salable wine and/or beer to appropriately licensed retailers at a negotiated price. Beer purchased under this subsection shall meet the quality standards set forth by its manufacturer. Copies of the inventory and bill of sale shall be furnished the board.

(5) The governmental agency may ship the liquor out of the state of Washington.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-70-020, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 88-16-040 (Order 260, Resolution No. 269), § 314-70-020, filed 7/29/88. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-022 (Order 109, Resolution No. 118), § 314-70-020, filed 8/9/82.]

WAC 314-70-030 Purchases by spirit, beer and wine restaurant licensee of certain liquor stocks. Notwithstand-

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ing any other provision of Title 66 RCW or Title 314 WAC, a spirit, beer and wine restaurant licensee in conjunction with the purchase of a licensed business may purchase, and place into its regular stock, salable liquor as provided in WAC 314-70-010. Such liquor shall be treated for purposes of Title 66 RCW and Title 314 WAC as if it had been purchased from the board pursuant to RCW 66.24.440.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-70-030, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030, 66.24.010 and 66.24.025. 96-03-004, § 314-70-030, filed 1/4/96, effective 2/4/96. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-022 (Order 109, Resolution No. 118), § 314-70-030, filed 8/9/82.]

WAC 314-70-040 Procedures for board purchase of liquor from governmental agencies. The board may purchase from governmental agencies lawfully seized salable unopened liquor. Such purchases are subject to the following conditions:

(1) The governmental agency shall provide the board with a listing of the liquor and shall make the liquor available for examination and review.

(2) The board will issue a purchase order for the liquor.

(3) When the governmental agency is from within the state of Washington and the liquor was originally purchased from the board, the board will pay the total amount listed in the official board price list then in effect, less the discount and tax exemption expressed as a percent of the total price and the percent of total expenses assigned to the merchandise division to gross sales as reported on the profit and loss statement in the last published annual report of the board. Combined percentages will be rounded up to a whole percent.

(4) When the governmental agency is a federal agency, or when the governmental agency is from within the state of Washington but the liquor was not originally purchased from the board, or the liquor is no longer handled by the board, the board will pay a negotiated amount not to exceed ninety percent of the original approximate cost price from the distillery or manufacturer including federal tax and duty.

(5) After receipt of the board purchase order, the governmental agency who is selling the liquor will invoice the board as per the prices listed on the purchase order.

[Statutory Authority: RCW 66.08.030, 15.88.030, 19.126.020, 66.04.010, 66.08.180, 66.16.100, 66.20.010, 66.20.300, 66.20.310, 66.24.150, 66.24.170, 66.24.185, 66.24.200, 66.24.206, 66.24.210, 66.24.230, 66.24.240, 66.24.244, 66.24.250, 66.24.375, 66.24.380, 66.24.395, 66.24.400, 66.24.420, 66.24.425, 66.24.440, 66.24.450, 66.24.455, 66.24.495, 66.24.540, 66.28.010, 66.28.040, 66.28.050, 66.28.170, 66.28.180, 66.28.190, 66.28.200, 66.28.310, 66.44.190, 66.44.310, 66.98.060 and 82.08.150. 98-18-097, § 314-70-040, filed 9/2/98, effective 10/3/98. Statutory Authority: RCW 66.08.030 and 66.98.070. 82-17-022 (Order 109, Resolution No. 118), § 314-70-040, filed 8/9/82.]

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, destroy or otherwise dispose of any liquor manufac-

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tured, 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, 95-04-044, § 314-70-050, filed 1/25/95, effective 2/25/95; 93-11-028, § 314-70-050, filed 5/10/93, effective 6/10/93.]

Chapter 314-72 WAC

AGENCY GUIDELINES—STATE ENVIRONMENTAL POLICY

WAC

- 314-72-010 Purpose.
- 314-72-020 Application.

WAC 314-72-010 Purpose. The purpose of this chapter is to comply with and implement RCW 43.21C.120 directing every state agency to adopt rules pertaining to the integration of the policies and procedures of the State Environmental Protection Act into the various programs under their jurisdiction for implementation.

[Order 44, § 314-72-010, Rule 140, filed 5/4/76.]

WAC 314-72-020 Application. Pursuant to WAC 197-10-800, the liquor control board has reviewed its authorized activities and found them to be exempt under the provisions of chapter 197-10 WAC.

[Order 44, § 314-72-020, Rule 141, filed 5/4/76.]

(2001 Ed.)

**Chapter 314-76 WAC
SPECIAL ORDERS**

WAC

- 314-76-010 Special order of liquor by customers.

WAC 314-76-010 Special order of liquor by customers. Pursuant to RCW 66.08.070 and 66.08.090, upon the request of any eligible person, the board will special order any spirituous liquor, wine or malt beverage over four percent alcohol by weight that is not listed for sale in state liquor stores. Special order request forms may be obtained in any liquor store and should be mailed directly to the Purchasing Division, Washington State Liquor Control Board, Olympia, Washington 98504. Special order requests will be accepted for case lots only. When the special order liquor is received at the liquor store specified on the customer request, the manager will notify the customer. The customer shall pay for and pick up the liquor within seven days of such notice. Any special order liquor which is not picked up within this time period will be disposed of as directed by the board.

[Order 55, § 314-76-010, Rule 145, filed 5/31/77, effective 7/1/77.]