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SENATE BILL 5859

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State of Washington

60th Legislature

2007 Regular Session

By Senators Kohl-Welles, Prentice, Clements and Murray; by request of  
Liquor Control Board

Read first time 02/05/2007. Referred to Committee on Labor,  
Commerce, Research & Development.

1 AN ACT Relating to retail liquor licenses; amending RCW 66.24.010,  
2 66.24.440, 66.08.180, 66.08.220, 66.20.310, 66.40.030, and 66.40.130;  
3 reenacting and amending RCW 68.50.107, 66.24.420, and 66.24.420; adding  
4 a new section to chapter 66.24 RCW; providing an effective date;  
5 providing an expiration date; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 66.24 RCW  
8 to read as follows:

9 (1) There shall be a license to be designated as a spirits, beer,  
10 and wine nightlife license. This license allows the holder to sell  
11 spirituous liquor by the drink, beer, and wine at retail, for  
12 consumption upon the licensed premises.

13 (2) This license may be issued only to persons whose business  
14 includes the sale and service of alcohol to its customers, has food  
15 sales and service incidental to the sale and service of alcohol, and  
16 has the following characteristics:

17 (a) The primary business hours are between nine o'clock in the  
18 evening and two o'clock in the morning; and

1 (b) The occupancy load of the business premises is greater than the  
2 seating provided.

3 (3) A licensee must maintain minimum food service as determined by  
4 the board at all times when alcohol is available.

5 (4) Minors may be allowed on the licensed premises but only in the  
6 areas where no alcohol is served.

7 (5) The annual fee for this license is two thousand dollars. This  
8 fee amount may be reviewed periodically by the board and adjusted to  
9 reflect a change in the amount of resources necessary to regulate and  
10 enforce this license type.

11 (6) The board shall refuse a spirits, beer, and wine nightlife  
12 license to any applicant if the board determines that the spirits,  
13 beer, and wine nightlife licenses already granted for the particular  
14 locality are adequate for the reasonable needs of the community.

15 (7) The board may adopt rules to implement this section.

16 **Sec. 2.** RCW 66.24.010 and 2006 c 359 s 1 are each amended to read  
17 as follows:

18 (1) Every license shall be issued in the name of the applicant, and  
19 the holder thereof shall not allow any other person to use the license.

20 (2) For the purpose of considering any application for a license,  
21 the board may cause an inspection of the premises to be made, and may  
22 inquire into all matters in connection with the construction and  
23 operation of the premises. For the purpose of reviewing any  
24 application for a license and for considering the denial, suspension or  
25 revocation of any license, the liquor control board may consider any  
26 prior criminal conduct of the applicant including a criminal history  
27 record information check. The board may submit the criminal history  
28 record information check to the Washington state patrol and to the  
29 identification division of the federal bureau of investigation in order  
30 that these agencies may search their records for prior arrests and  
31 convictions of the individual or individuals who filled out the forms.  
32 The board shall require fingerprinting of any applicant whose criminal  
33 history record information check is submitted to the federal bureau of  
34 investigation. The provisions of RCW 9.95.240 and of chapter 9.96A RCW  
35 shall not apply to such cases. The board may, in its discretion, grant  
36 or refuse the license applied for. Authority to approve an uncontested  
37 or unopposed license may be granted by the board to any staff member

1 the board designates in writing. Conditions for granting such  
2 authority shall be adopted by rule. No retail license of any kind may  
3 be issued to:

4 (a) A person doing business as a sole proprietor who has not  
5 resided in the state for at least one month prior to receiving a  
6 license, except in cases of licenses issued to dining places on  
7 railroads, boats, or aircraft;

8 (b) A copartnership, unless all of the members thereof are  
9 qualified to obtain a license, as provided in this section;

10 (c) A person whose place of business is conducted by a manager or  
11 agent, unless such manager or agent possesses the same qualifications  
12 required of the licensee;

13 (d) A corporation or a limited liability company, unless it was  
14 created under the laws of the state of Washington or holds a  
15 certificate of authority to transact business in the state of  
16 Washington.

17 (3)(a) The board may, in its discretion, subject to the provisions  
18 of RCW 66.08.150, suspend or cancel any license; and all rights of the  
19 licensee to keep or sell liquor thereunder shall be suspended or  
20 terminated, as the case may be.

21 (b) The board shall immediately suspend the license or certificate  
22 of a person who has been certified pursuant to RCW 74.20A.320 by the  
23 department of social and health services as a person who is not in  
24 compliance with a support order. If the person has continued to meet  
25 all other requirements for reinstatement during the suspension,  
26 reissuance of the license or certificate shall be automatic upon the  
27 board's receipt of a release issued by the department of social and  
28 health services stating that the licensee is in compliance with the  
29 order.

30 (c) The board may request the appointment of administrative law  
31 judges under chapter 34.12 RCW who shall have power to administer  
32 oaths, issue subpoenas for the attendance of witnesses and the  
33 production of papers, books, accounts, documents, and testimony,  
34 examine witnesses, and to receive testimony in any inquiry,  
35 investigation, hearing, or proceeding in any part of the state, under  
36 such rules and regulations as the board may adopt.

37 (d) Witnesses shall be allowed fees and mileage each way to and  
38 from any such inquiry, investigation, hearing, or proceeding at the

1 rate authorized by RCW 34.05.446(~~(, as now or hereafter amended)~~).  
2 Fees need not be paid in advance of appearance of witnesses to testify  
3 or to produce books, records, or other legal evidence.

4 (e) In case of disobedience of any person to comply with the order  
5 of the board or a subpoena issued by the board, or any of its members,  
6 or administrative law judges, or on the refusal of a witness to testify  
7 to any matter regarding which he or she may be lawfully interrogated,  
8 the judge of the superior court of the county in which the person  
9 resides, on application of any member of the board or administrative  
10 law judge, shall compel obedience by contempt proceedings, as in the  
11 case of disobedience of the requirements of a subpoena issued from said  
12 court or a refusal to testify therein.

13 (4) Upon receipt of notice of the suspension or cancellation of a  
14 license, the licensee shall forthwith deliver up the license to the  
15 board. Where the license has been suspended only, the board shall  
16 return the license to the licensee at the expiration or termination of  
17 the period of suspension. The board shall notify all vendors in the  
18 city or place where the licensee has its premises of the suspension or  
19 cancellation of the license; and no employee may allow or cause any  
20 liquor to be delivered to or for any person at the premises of that  
21 licensee.

22 (5)(a) At the time of the original issuance of a spirits, beer, and  
23 wine restaurant license, the board shall prorate the license fee  
24 charged to the new licensee according to the number of calendar  
25 quarters, or portion thereof, remaining until the first renewal of that  
26 license is required.

27 (b) Unless sooner canceled, every license issued by the board shall  
28 expire at midnight of the thirtieth day of June of the fiscal year for  
29 which it was issued. However, if the board deems it feasible and  
30 desirable to do so, it may establish, by rule pursuant to chapter 34.05  
31 RCW, a system for staggering the annual renewal dates for any and all  
32 licenses authorized by this chapter. If such a system of staggered  
33 annual renewal dates is established by the board, the license fees  
34 provided by this chapter shall be appropriately prorated during the  
35 first year that the system is in effect.

36 (6) Every license issued under this section shall be subject to all  
37 conditions and restrictions imposed by this title or by rules adopted  
38 by the board. All conditions and restrictions imposed by the board in

1 the issuance of an individual license shall be listed on the face of  
2 the individual license along with the trade name, address, and  
3 expiration date.

4 (7) Every licensee shall post and keep posted its license, or  
5 licenses, in a conspicuous place on the premises.

6 (8)(a) Unless (b) of this subsection applies, before the board  
7 issues a license to an applicant it shall give notice of such  
8 application to the chief executive officer of the incorporated city or  
9 town, if the application is for a license within an incorporated city  
10 or town, or to the county legislative authority, if the application is  
11 for a license outside the boundaries of incorporated cities or towns.

12 (b) If the application for a special occasion license is for an  
13 event held during a county, district, or area fair as defined by RCW  
14 15.76.120, and the county, district, or area fair is located on  
15 property owned by the county but located within an incorporated city or  
16 town, the county legislative authority shall be the entity notified by  
17 the board under (a) of this subsection. The board shall send a  
18 duplicate notice to the incorporated city or town within which the fair  
19 is located.

20 (c) The incorporated city or town through the official or employee  
21 selected by it, or the county legislative authority or the official or  
22 employee selected by it, shall have the right to file with the board  
23 within twenty days after date of transmittal of such notice, written  
24 objections against the applicant or against the premises for which the  
25 license is asked. The board may extend the time period for submitting  
26 written objections.

27 (d) The written objections shall include a statement of all facts  
28 upon which such objections are based, and in case written objections  
29 are filed, may request and the liquor control board may in its  
30 discretion hold a hearing subject to the applicable provisions of Title  
31 34 RCW.

32 (e) Upon the granting of a license under this title the board shall  
33 send written notification to the chief executive officer of the  
34 incorporated city or town in which the license is granted, or to the  
35 county legislative authority if the license is granted outside the  
36 boundaries of incorporated cities or towns. When the license is for a  
37 special occasion license for an event held during a county, district,  
38 or area fair as defined by RCW 15.76.120, and the county, district, or

1 area fair is located on county-owned property but located within an  
2 incorporated city or town, the written notification shall be sent to  
3 both the incorporated city or town and the county legislative  
4 authority.

5 (9)(a) Before the board issues any license to any applicant, it  
6 shall give (i) due consideration to the location of the business to be  
7 conducted under such license with respect to the proximity of churches,  
8 schools, and public institutions and (ii) written notice, with receipt  
9 verification, of the application to public institutions identified by  
10 the board as appropriate to receive such notice, churches, and schools  
11 within five hundred feet of the premises to be licensed. The board  
12 shall issue no ~~((beer retailer))~~ liquor license for either on-premises  
13 or off-premises consumption ~~((or wine retailer license for either on-~~  
14 ~~premises or off premises consumption or spirits, beer, and wine~~  
15 ~~restaurant license))~~ covering any premises not now licensed, if such  
16 premises ~~((are))~~ is within five hundred feet of the premises of any  
17 tax-supported public elementary or secondary school measured along the  
18 most direct route over or across established public walks, streets, or  
19 other public passageway from the main entrance of the school to the  
20 nearest public entrance of the premises proposed for license, and if,  
21 after receipt by the school of the notice as provided in this  
22 subsection, the board receives written objection, within twenty days  
23 after receiving such notice, from an official representative or  
24 representatives of the school within five hundred feet of said proposed  
25 licensed premises, indicating to the board that there is an objection  
26 to the issuance of such license because of proximity to a school. The  
27 board may extend the time period for submitting objections. For the  
28 purpose of this section, church shall mean a building erected for and  
29 used exclusively for religious worship and schooling or other activity  
30 in connection therewith. ~~((For the purpose of this section, public~~  
31 ~~institution shall mean institutions of higher education, parks,~~  
32 ~~community centers, libraries, and transit centers.))~~

33 (b) No liquor license may be issued or reissued by the board to any  
34 motor sports facility or licensee operating within the motor sports  
35 facility unless the motor sports facility enforces a program reasonably  
36 calculated to prevent alcohol or alcoholic beverages not purchased  
37 within the facility from entering the facility and such program is  
38 approved by local law enforcement agencies.

1 (c) It is the intent under this subsection (9) that a retail  
2 license shall not be issued by the board where doing so would, in the  
3 judgment of the board, adversely affect a private school meeting the  
4 requirements for private schools under Title 28A RCW, which school is  
5 within five hundred feet of the proposed licensee. The board shall  
6 fully consider and give substantial weight to objections filed by  
7 private schools. If a license is issued despite the proximity of a  
8 private school, the board shall state in a letter addressed to the  
9 private school the board's reasons for issuing the license.

10 (10) The restrictions set forth in subsection (9) of this section  
11 shall not prohibit the board from authorizing the assumption of  
12 existing licenses now located within the restricted area by other  
13 persons or licenses or relocations of existing licensed premises within  
14 the restricted area. In no case may the licensed premises be moved  
15 closer to a church or school than it was before the assumption or  
16 relocation.

17 (11)(a) Nothing in this section prohibits the board, in its  
18 discretion, from issuing a temporary retail or distributor license to  
19 an applicant to operate the retail or distributor premises during the  
20 period the application for the license is pending. The board may  
21 establish a fee for a temporary license by rule.

22 (b) A temporary license issued by the board under this section  
23 shall be for a period not to exceed sixty days. A temporary license  
24 may be extended at the discretion of the board for additional periods  
25 of sixty days upon payment of an additional fee and upon compliance  
26 with all conditions required in this section.

27 (c) Refusal by the board to issue or extend a temporary license  
28 shall not entitle the applicant to request a hearing. A temporary  
29 license may be canceled or suspended summarily at any time if the board  
30 determines that good cause for cancellation or suspension exists. RCW  
31 66.08.130 applies to temporary licenses.

32 (d) Application for a temporary license shall be on such form as  
33 the board shall prescribe. If an application for a temporary license  
34 is withdrawn before issuance or is refused by the board, the fee which  
35 accompanied such application shall be refunded in full.

36 **Sec. 3.** RCW 66.24.440 and 1998 c 126 s 8 are each amended to read  
37 as follows:

1 Each spirits, beer, and wine restaurant, spirits, beer, and wine  
2 private club, spirits, beer, and wine nightlife, and sports  
3 entertainment facility licensee shall be entitled to purchase any  
4 spirituous liquor items salable under such license from the board at a  
5 discount of not less than fifteen percent from the retail price fixed  
6 by the board, together with all taxes.

7 **Sec. 4.** RCW 66.08.180 and 2000 c 192 s 1 are each amended to read  
8 as follows:

9 Except as provided in RCW 66.24.290(1), moneys in the liquor  
10 revolving fund shall be distributed by the board at least once every  
11 three months in accordance with RCW 66.08.190, 66.08.200 and 66.08.210:  
12 PROVIDED, That the board shall reserve from distribution such amount  
13 not exceeding five hundred thousand dollars as may be necessary for the  
14 proper administration of this title.

15 (1) All license fees, penalties and forfeitures derived under  
16 chapter 13, Laws of 1935 from spirits, beer, and wine restaurant  
17 licenses; spirits, beer, and wine private club(~~(+)~~) licenses; spirits,  
18 beer, and wine nightlife licenses; and sports entertainment facility  
19 licenses (~~(or spirits, beer, and wine restaurant; spirits, beer, and~~  
20 ~~wine private club; and sports entertainment facility licensees)~~) shall  
21 every three months be disbursed by the board as follows:

22 (a) Three hundred thousand dollars per biennium, to the death  
23 investigations account for the state toxicology program pursuant to RCW  
24 68.50.107; and

25 (b) Of the remaining funds:

26 (i) 6.06 percent to the University of Washington and 4.04 percent  
27 to Washington State University for alcoholism and drug abuse research  
28 and for the dissemination of such research; and

29 (ii) 89.9 percent to the general fund to be used by the department  
30 of social and health services solely to carry out the purposes of RCW  
31 70.96A.050;

32 (2) The first fifty-five dollars per license fee provided in RCW  
33 66.24.320 and 66.24.330 up to a maximum of one hundred fifty thousand  
34 dollars annually shall be disbursed every three months by the board to  
35 the general fund to be used for juvenile alcohol and drug prevention  
36 programs for kindergarten through third grade to be administered by the  
37 superintendent of public instruction;

1 (3) Twenty percent of the remaining total amount derived from  
2 license fees pursuant to RCW 66.24.320, 66.24.330, 66.24.350, and  
3 66.24.360, shall be transferred to the general fund to be used by the  
4 department of social and health services solely to carry out the  
5 purposes of RCW 70.96A.050; and

6 (4) One-fourth cent per liter of the tax imposed by RCW 66.24.210  
7 shall every three months be disbursed by the board to Washington State  
8 University solely for wine and wine grape research, extension programs  
9 related to wine and wine grape research, and resident instruction in  
10 both wine grape production and the processing aspects of the wine  
11 industry in accordance with RCW 28B.30.068. The director of financial  
12 management shall prescribe suitable accounting procedures to ensure  
13 that the funds transferred to the general fund to be used by the  
14 department of social and health services and appropriated are  
15 separately accounted for.

16 **Sec. 5.** RCW 66.08.220 and 1999 c 281 s 2 are each amended to read  
17 as follows:

18 The board shall set aside in a separate account in the liquor  
19 revolving fund an amount equal to ten percent of its gross sales of  
20 liquor to spirits, beer, and wine restaurant; spirits, beer, and wine  
21 private club; spirits, beer, and wine nightlife; and sports  
22 entertainment facility licensees collected from these licensees  
23 pursuant to the provisions of RCW 82.08.150, less the fifteen percent  
24 discount provided for in RCW 66.24.440; and the moneys in said separate  
25 account shall be distributed in accordance with the provisions of RCW  
26 66.08.190, 66.08.200 and 66.08.210: PROVIDED, HOWEVER, That no  
27 election unit in which the sale of liquor under spirits, beer, and wine  
28 restaurant; spirits, beer, and wine private club; spirits, beer, and  
29 wine nightlife; and sports entertainment facility licenses is unlawful  
30 shall be entitled to share in the distribution of moneys from such  
31 separate account.

32 **Sec. 6.** RCW 66.20.310 and 1997 c 321 s 45 are each amended to read  
33 as follows:

34 (1)(a) There shall be an alcohol server permit, known as a class 12  
35 permit, for a manager or bartender selling or mixing alcohol, spirits,  
36 wines, or beer for consumption at an on-premises licensed facility.

1 (b) There shall be an alcohol server permit, known as a class 13  
2 permit, for a person who only serves alcohol, spirits, wines, or beer  
3 for consumption at an on-premises licensed facility.

4 (c) As provided by rule by the board, a class 13 permit holder may  
5 be allowed to act as a bartender without holding a class 12 permit.

6 (2)(a) Effective January 1, 1997, except as provided in (d) of this  
7 subsection, every person employed, under contract or otherwise, by an  
8 annual retail liquor licensee holding a license as authorized by RCW  
9 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450,  
10 section 1 of this act, or 66.24.570, who as part of his or her  
11 employment participates in any manner in the sale or service of  
12 alcoholic beverages shall have issued to them a class 12 or class 13  
13 permit.

14 (b) Every class 12 and class 13 permit issued shall be issued in  
15 the name of the applicant and no other person may use the permit of  
16 another permit holder. The holder shall present the permit upon  
17 request to inspection by a representative of the board or a peace  
18 officer. The class 12 or class 13 permit shall be valid for employment  
19 at any retail licensed premises described in (a) of this subsection.

20 (c) No licensee described in (a) of this subsection, except as  
21 provided in (d) of this subsection, may employ or accept the services  
22 of any person without the person first having a valid class 12 or class  
23 13 permit.

24 (d) Within sixty days of initial employment, every person whose  
25 duties include the compounding, sale, service, or handling of liquor  
26 shall have a class 12 or class 13 permit.

27 (e) No person may perform duties that include the sale or service  
28 of alcoholic beverages on a retail licensed premises without possessing  
29 a valid alcohol server permit.

30 (3) A permit issued by a training entity under this section is  
31 valid for employment at any retail licensed premises described in  
32 subsection (2)(a) of this section for a period of five years unless  
33 suspended by the board.

34 (4) The board may suspend or revoke an existing permit if any of  
35 the following occur:

36 (a) The applicant or permittee has been convicted of violating any  
37 of the state or local intoxicating liquor laws of this state or has  
38 been convicted at any time of a felony; or

1 (b) The permittee has performed or permitted any act that  
2 constitutes a violation of this title or of any rule of the board.

3 (5) The suspension or revocation of a permit under this section  
4 does not relieve a licensee from responsibility for any act of the  
5 employee or agent while employed upon the retail licensed premises.  
6 The board may, as appropriate, revoke or suspend either the permit of  
7 the employee who committed the violation or the license of the licensee  
8 upon whose premises the violation occurred, or both the permit and the  
9 license.

10 (6)(a) After January 1, 1997, it is a violation of this title for  
11 any retail licensee or agent of a retail licensee as described in  
12 subsection (2)(a) of this section to employ in the sale or service of  
13 alcoholic beverages, any person who does not have a valid alcohol  
14 server permit or whose permit has been revoked, suspended, or denied.

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

18 (7) Grocery stores licensed under RCW 66.24.360, the primary  
19 commercial activity of which is the sale of grocery products and for  
20 which the sale and service of beer and wine for on-premises consumption  
21 with food is incidental to the primary business, and employees of such  
22 establishments, are exempt from RCW 66.20.300 through 66.20.350.

23 **Sec. 7.** RCW 66.40.030 and 1999 c 281 s 8 are each amended to read  
24 as follows:

25 Within any unit referred to in RCW 66.40.010, there may be held a  
26 separate election upon the question of whether the sale of liquor under  
27 spirits, beer, and wine restaurant; spirits, beer, and wine private  
28 club; spirits, beer, and wine nightlife; and sports entertainment  
29 facility licenses, shall be permitted within such unit. The conditions  
30 and procedure for holding such election shall be those prescribed by  
31 RCW 66.40.020, 66.40.040, 66.40.100, 66.40.110 and 66.40.120. Whenever  
32 a majority of qualified voters voting upon said question in any such  
33 unit shall have voted "against the sale of liquor under spirits, beer,  
34 and wine restaurant; spirits, beer, and wine private club; spirits,  
35 beer, and wine nightlife; and sports entertainment facility licenses",  
36 the county auditor shall file with the liquor control board a  
37 certificate showing the result of the canvass at such election; and

1 after ninety days from and after the date of the canvass, it shall not  
2 be lawful for licensees to maintain and operate premises within the  
3 election unit licensed under spirits, beer, and wine restaurant;  
4 spirits, beer, and wine private club; spirits, beer, and wine  
5 nightlife; and sports entertainment facility licenses. The addition  
6 after an election under this section of new territory to a city, town,  
7 or county, by annexation, disincorporation, or otherwise, shall not  
8 extend the prohibition against the sale of liquor under spirits, beer,  
9 and wine restaurant; spirits, beer, and wine private club; spirits,  
10 beer, and wine nightlife; and sports entertainment facility licenses to  
11 the new territory. Elections held under RCW 66.40.010, 66.40.020,  
12 66.40.040, 66.40.100, 66.40.110, 66.40.120 and 66.40.140, shall be  
13 limited to the question of whether the sale of liquor by means other  
14 than under spirits, beer, and wine restaurant; spirits, beer, and wine  
15 private club; spirits, beer, and wine nightlife; and sports  
16 entertainment facility licenses shall be permitted within such election  
17 unit.

18 **Sec. 8.** RCW 66.40.130 and 1999 c 281 s 9 are each amended to read  
19 as follows:

20 Ninety days after December 2, 1948, spirits, beer, and wine  
21 restaurant; spirits, beer, and wine private club; spirits, beer, and  
22 wine nightlife; and sports entertainment facility licenses may be  
23 issued in any election unit in which the sale of liquor is then lawful.  
24 No spirits, beer, and wine restaurant; spirits, beer, and wine private  
25 club; spirits, beer, and wine nightlife; and sports entertainment  
26 facility license shall be issued in any election unit in which the sale  
27 of liquor is forbidden as the result of an election held under RCW  
28 66.40.010, 66.40.020, 66.40.040, 66.40.100, 66.40.110, 66.40.120 and  
29 66.40.140, unless a majority of the qualified electors in such election  
30 unit voting upon this initiative at the general election in November,  
31 1948, vote in favor of this initiative, or unless at a subsequent  
32 general election in which the question of whether the sale of liquor  
33 under spirits, beer, and wine restaurant; spirits, beer, and wine  
34 private club; spirits, beer, and wine nightlife; and sports  
35 entertainment facility licenses shall be permitted within such unit is  
36 submitted to the electorate, as provided in RCW 66.40.030, a majority  
37 of the qualified electors voting upon such question vote "for the sale

1 of liquor under spirits, beer, and wine restaurant; spirits, beer, and  
2 wine private club; spirits, beer, and wine nightlife; and sports  
3 entertainment facility licenses."

4 **Sec. 9.** RCW 68.50.107 and 1999 c 281 s 13 and 1999 c 40 s 8 are  
5 each reenacted and amended to read as follows:

6 There shall be established in conjunction with the chief of the  
7 Washington state patrol and under the authority of the state forensic  
8 investigations council a state toxicological laboratory under the  
9 direction of the state toxicologist whose duty it will be to perform  
10 all necessary toxicologic procedures requested by all coroners, medical  
11 examiners, and prosecuting attorneys. The state forensic  
12 investigations council, after consulting with the chief of the  
13 Washington state patrol and director of the bureau of forensic  
14 laboratory services, shall appoint a toxicologist as state  
15 toxicologist, who shall report to the director of the bureau of  
16 forensic laboratory services and the office of the chief of the  
17 Washington state patrol. Toxicological services shall be funded by  
18 disbursement from the spirits, beer, and wine restaurant; spirits,  
19 beer, and wine private club; spirits, beer, and wine nightlife; and  
20 sports entertainment facility license fees as provided in RCW 66.08.180  
21 and by appropriation from the death investigations account as provided  
22 in RCW 43.79.445.

23 **Sec. 10.** RCW 66.24.420 and 2006 c 101 s 3 and 2006 c 85 s 1 are  
24 each reenacted and amended to read as follows:

25 (1) The spirits, beer, and wine restaurant license shall be issued  
26 in accordance with the following schedule of annual fees:

27 (a) The annual fee for a spirits, beer, and wine restaurant license  
28 shall be graduated according to the dedicated dining area and type of  
29 service provided as follows:

30	Less than 50% dedicated dining area	\$2,000
31	50% or more dedicated dining area	\$1,600
32	Service bar only	\$1,000

33 (b) The annual fee for the license when issued to any other  
34 spirits, beer, and wine restaurant licensee outside of incorporated

1 cities and towns shall be prorated according to the calendar quarters,  
2 or portion thereof, during which the licensee is open for business,  
3 except in case of suspension or revocation of the license.

4 (c) Where the license shall be issued to any corporation,  
5 association or person operating a bona fide restaurant in an airport  
6 terminal facility providing service to transient passengers with more  
7 than one place where liquor is to be dispensed and sold, such license  
8 shall be issued upon the payment of the annual fee, which shall be a  
9 master license and shall permit such sale within and from one such  
10 place. Such license may be extended to additional places on the  
11 premises at the discretion of the board and a duplicate license may be  
12 issued for each such additional place. The holder of a master license  
13 for a restaurant in an airport terminal facility must maintain in a  
14 substantial manner at least one place on the premises for preparing,  
15 cooking, and serving of complete meals, and such food service shall be  
16 available on request in other licensed places on the premises. An  
17 additional license fee of twenty-five percent of the annual master  
18 license fee shall be required for such duplicate licenses.

19 (d) Where the license shall be issued to any corporation,  
20 association, or person operating dining places at a publicly or  
21 privately owned civic or convention center with facilities for sports,  
22 entertainment, or conventions, or a combination thereof, with more than  
23 one place where liquor is to be dispensed and sold, such license shall  
24 be issued upon the payment of the annual fee, which shall be a master  
25 license and shall permit such sale within and from one such place.  
26 Such license may be extended to additional places on the premises at  
27 the discretion of the board and a duplicate license may be issued for  
28 each such additional place. The holder of a master license for a  
29 dining place at such a publicly or privately owned civic or convention  
30 center must maintain in a substantial manner at least one place on the  
31 premises for preparing, cooking, and serving of complete meals, and  
32 food service shall be available on request in other licensed places on  
33 the premises. An additional license fee of ten dollars shall be  
34 required for such duplicate licenses.

35 (e) Where the license shall be issued to any corporation,  
36 association or person operating more than one building containing  
37 dining places at privately owned facilities which are open to the  
38 public and where there is a continuity of ownership of all adjacent

1 property, such license shall be issued upon the payment of an annual  
2 fee which shall be a master license and shall permit such sale within  
3 and from one such place. Such license may be extended to the  
4 additional dining places on the property or, in the case of a spirits,  
5 beer, and wine restaurant licensed hotel, property owned or controlled  
6 by leasehold interest by that hotel for use as a conference or  
7 convention center or banquet facility open to the general public for  
8 special events in the same metropolitan area, at the discretion of the  
9 board and a duplicate license may be issued for each additional place.  
10 The holder of the master license for the dining place shall not offer  
11 alcoholic beverages for sale, service, and consumption at the  
12 additional place unless food service is available at both the location  
13 of the master license and the duplicate license. An additional license  
14 fee of twenty dollars shall be required for such duplicate licenses.

15 (2) The board, so far as in its judgment is reasonably possible,  
16 shall confine spirits, beer, and wine restaurant licenses to the  
17 business districts of cities and towns and other communities, and not  
18 grant such licenses in residential districts, nor within the immediate  
19 vicinity of schools, without being limited in the administration of  
20 this subsection to any specific distance requirements.

21 (3) The board shall have discretion to issue spirits, beer, and  
22 wine restaurant licenses outside of cities and towns in the state of  
23 Washington. The purpose of this subsection is to enable the board, in  
24 its discretion, to license in areas outside of cities and towns and  
25 other communities, establishments which are operated and maintained  
26 primarily for the benefit of tourists, vacationers and travelers, and  
27 also golf and country clubs, and common carriers operating dining, club  
28 and buffet cars, or boats.

29 ~~(4) ((The total number of spirits, beer, and wine restaurant~~  
30 ~~licenses issued in the state of Washington by the board, not including~~  
31 ~~spirits, beer, and wine private club licenses, shall not in the~~  
32 ~~aggregate at any time exceed one license for each one thousand four~~  
33 ~~hundred fifty of population in the state, determined according to the~~  
34 ~~yearly population determination developed by the office of financial~~  
35 ~~management pursuant to RCW 43.62.030.~~

36 ~~(5) Notwithstanding the provisions of subsection (4) of this~~  
37 ~~section,))~~ The board shall refuse a spirits, beer, and wine restaurant

1 license to any applicant if in the opinion of the board the spirits,  
2 beer, and wine restaurant licenses already granted for the particular  
3 locality are adequate for the reasonable needs of the community.

4 ~~((6))~~ (5)(a) The board may issue a caterer's endorsement to this  
5 license to allow the licensee to remove the liquor stocks at the  
6 licensed premises, for use as liquor for sale and service at event  
7 locations at a specified date and, except as provided in subsection  
8 ~~((7))~~ (6) of this section, place not currently licensed by the board.  
9 If the event is open to the public, it must be sponsored by a society  
10 or organization as defined by RCW 66.24.375. If attendance at the  
11 event is limited to members or invited guests of the sponsoring  
12 individual, society, or organization, the requirement that the sponsor  
13 must be a society or organization as defined by RCW 66.24.375 is  
14 waived. Cost of the endorsement is three hundred fifty dollars.

15 (b) The holder of this license with catering endorsement shall, if  
16 requested by the board, notify the board or its designee of the date,  
17 time, place, and location of any catered event. Upon request, the  
18 licensee shall provide to the board all necessary or requested  
19 information concerning the society or organization that will be holding  
20 the function at which the endorsed license will be utilized.

21 ~~((7))~~ (6) Licensees under this section that hold a caterer's  
22 endorsement are allowed to use this endorsement on a domestic winery  
23 premises or on the premises of a passenger vessel under the following  
24 conditions:

25 (a) Agreements between the domestic winery or passenger vessel, as  
26 the case may be, and the retail licensee shall be in writing, contain  
27 no exclusivity clauses regarding the alcohol beverages to be served,  
28 and be filed with the board; and

29 (b) The domestic winery or passenger vessel, as the case may be,  
30 and the retail licensee shall be separately contracted and compensated  
31 by the persons sponsoring the event for their respective services.

32 **Sec. 11.** RCW 66.24.420 and 2006 c 101 s 3 and 2006 c 85 s 1 are  
33 each reenacted and amended to read as follows:

34 (1) The spirits, beer, and wine restaurant license shall be issued  
35 in accordance with the following schedule of annual fees:

36 (a) The annual fee for a spirits, beer, and wine restaurant license

1 shall be graduated according to the dedicated dining area and type of  
2 service provided as follows:

3		
4	Less than 50% dedicated dining area	\$2,000
5	50% or more dedicated dining area	\$1,600
6	Service bar only	\$1,000

7 (b) The annual fee for the license when issued to any other  
8 spirits, beer, and wine restaurant licensee outside of incorporated  
9 cities and towns shall be prorated according to the calendar quarters,  
10 or portion thereof, during which the licensee is open for business,  
11 except in case of suspension or revocation of the license.

12 (c) Where the license shall be issued to any corporation,  
13 association or person operating a bona fide restaurant in an airport  
14 terminal facility providing service to transient passengers with more  
15 than one place where liquor is to be dispensed and sold, such license  
16 shall be issued upon the payment of the annual fee, which shall be a  
17 master license and shall permit such sale within and from one such  
18 place. Such license may be extended to additional places on the  
19 premises at the discretion of the board and a duplicate license may be  
20 issued for each such additional place. The holder of a master license  
21 for a restaurant in an airport terminal facility must maintain in a  
22 substantial manner at least one place on the premises for preparing,  
23 cooking, and serving of complete meals, and such food service shall be  
24 available on request in other licensed places on the premises. An  
25 additional license fee of twenty-five percent of the annual master  
26 license fee shall be required for such duplicate licenses.

27 (d) Where the license shall be issued to any corporation,  
28 association, or person operating dining places at a publicly or  
29 privately owned civic or convention center with facilities for sports,  
30 entertainment, or conventions, or a combination thereof, with more than  
31 one place where liquor is to be dispensed and sold, such license shall  
32 be issued upon the payment of the annual fee, which shall be a master  
33 license and shall permit such sale within and from one such place.  
34 Such license may be extended to additional places on the premises at  
35 the discretion of the board and a duplicate license may be issued for  
36 each such additional place. The holder of a master license for a  
37 dining place at such a publicly or privately owned civic or convention

1 center must maintain in a substantial manner at least one place on the  
2 premises for preparing, cooking, and serving of complete meals, and  
3 food service shall be available on request in other licensed places on  
4 the premises. An additional license fee of ten dollars shall be  
5 required for such duplicate licenses.

6 (e) Where the license shall be issued to any corporation,  
7 association or person operating more than one building containing  
8 dining places at privately owned facilities which are open to the  
9 public and where there is a continuity of ownership of all adjacent  
10 property, such license shall be issued upon the payment of an annual  
11 fee which shall be a master license and shall permit such sale within  
12 and from one such place. Such license may be extended to the  
13 additional dining places on the property or, in the case of a spirits,  
14 beer, and wine restaurant licensed hotel, property owned or controlled  
15 by leasehold interest by that hotel for use as a conference or  
16 convention center or banquet facility open to the general public for  
17 special events in the same metropolitan area, at the discretion of the  
18 board and a duplicate license may be issued for each additional place.  
19 The holder of the master license for the dining place shall not offer  
20 alcoholic beverages for sale, service, and consumption at the  
21 additional place unless food service is available at both the location  
22 of the master license and the duplicate license. An additional license  
23 fee of twenty dollars shall be required for such duplicate licenses.

24 (2) The board, so far as in its judgment is reasonably possible,  
25 shall confine spirits, beer, and wine restaurant licenses to the  
26 business districts of cities and towns and other communities, and not  
27 grant such licenses in residential districts, nor within the immediate  
28 vicinity of schools, without being limited in the administration of  
29 this subsection to any specific distance requirements.

30 (3) The board shall have discretion to issue spirits, beer, and  
31 wine restaurant licenses outside of cities and towns in the state of  
32 Washington. The purpose of this subsection is to enable the board, in  
33 its discretion, to license in areas outside of cities and towns and  
34 other communities, establishments which are operated and maintained  
35 primarily for the benefit of tourists, vacationers and travelers, and  
36 also golf and country clubs, and common carriers operating dining, club  
37 and buffet cars, or boats.

1 (4) The total number of spirits, beer, and wine restaurant licenses  
2 issued in the state of Washington by the board, not including spirits,  
3 beer, and wine private club licenses, shall not in the aggregate at any  
4 time exceed one license for each one thousand (~~four~~) three hundred  
5 fifty of population in the state, determined according to the yearly  
6 population determination developed by the office of financial  
7 management pursuant to RCW 43.62.030.

8 (5) Notwithstanding the provisions of subsection (4) of this  
9 section, the board shall refuse a spirits, beer, and wine restaurant  
10 license to any applicant if in the opinion of the board the spirits,  
11 beer, and wine restaurant licenses already granted for the particular  
12 locality are adequate for the reasonable needs of the community.

13 (6)(a) The board may issue a caterer's endorsement to this license  
14 to allow the licensee to remove the liquor stocks at the licensed  
15 premises, for use as liquor for sale and service at event locations at  
16 a specified date and, except as provided in subsection (7) of this  
17 section, place not currently licensed by the board. If the event is  
18 open to the public, it must be sponsored by a society or organization  
19 as defined by RCW 66.24.375. If attendance at the event is limited to  
20 members or invited guests of the sponsoring individual, society, or  
21 organization, the requirement that the sponsor must be a society or  
22 organization as defined by RCW 66.24.375 is waived. Cost of the  
23 endorsement is three hundred fifty dollars.

24 (b) The holder of this license with catering endorsement shall, if  
25 requested by the board, notify the board or its designee of the date,  
26 time, place, and location of any catered event. Upon request, the  
27 licensee shall provide to the board all necessary or requested  
28 information concerning the society or organization that will be holding  
29 the function at which the endorsed license will be utilized.

30 (7) Licensees under this section that hold a caterer's endorsement  
31 are allowed to use this endorsement on a domestic winery premises or on  
32 the premises of a passenger vessel under the following conditions:

33 (a) Agreements between the domestic winery or passenger vessel, as  
34 the case may be, and the retail licensee shall be in writing, contain  
35 no exclusivity clauses regarding the alcohol beverages to be served,  
36 and be filed with the board; and

37 (b) The domestic winery or passenger vessel, as the case may be,

1 and the retail licensee shall be separately contracted and compensated  
2 by the persons sponsoring the event for their respective services.

3 NEW SECTION. **Sec. 12.** Section 11 of this act is necessary for the  
4 immediate preservation of the public peace, health, or safety, or  
5 support of the state government and its existing public institutions,  
6 and takes effect immediately.

7 NEW SECTION. **Sec. 13.** Section 11 of this act expires July 1,  
8 2008.

9 NEW SECTION. **Sec. 14.** Sections 1 through 10 of this act take  
10 effect July 1, 2008.

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