

Joint Select Regulation Committee on Beer and Wine

Wine.com Recommendations

Updated 12/17/2008

1 AN ACT Relating to allowing out-of-state online wine retailers to
2 ship to consumers in the state; amending RCW 66.20.375 and 66.20.390;
3 and adding a new section to chapter 66.20 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 66.20 RCW
6 to read as follows:

7 (1) Before wine may be shipped by an out-of-state online retailer
8 to a person who is a resident of Washington, the out-of-state online
9 retailer must obtain a retailer wine shipper's permit under procedures
10 prescribed by the board by rule and pay a fee established by the board.

11 (2) An applicant for a retailer wine shipper's permit must:

12 (a) Certify that it holds all state and federal licenses and
13 permits necessary to operate as a wine retailer including, but not
14 limited to, off-premises sales licenses issued by the board;

15 (b) Comply with the requirements of RCW 66.20.375 through
16 66.20.390; and

17 (c) Register with the department of revenue under RCW 82.32.030.

18 (3) Holders of a retailer wine shipper's permit under this section
19 must:

1 (a) Pay the tax under RCW 66.24.210 for sales of wine to Washington
2 state residents; and

3 (b) Collect and remit to the department of revenue all applicable
4 state and local sales and use taxes imposed by or under the authority
5 of chapters 81.104, 82.08, 82.12, and 82.14 RCW on all sales of wine
6 delivered to buyers in this state, regardless of whether the permit
7 holder has a physical presence in this state.

8 **Sec. 2.** RCW 66.20.375 and 2006 c 49 s 4 are each amended to read
9 as follows:

10 (1) A domestic winery, a retailer wine shipper, or a wine shipper's
11 permit holder must clearly label all wine cases or outside shipping
12 packages of wine sent into or out of this state under chapter 49, Laws
13 of 2006 to indicate that the package cannot be delivered to a person
14 under twenty-one years of age or to an intoxicated person.

15 (2) A domestic winery, a retailer wine shipper, or a wine shipper's
16 permit holder must ensure that the private carrier used to deliver wine
17 (a) obtains the signature of the person who receives the wine upon
18 delivery, (b) verifies the age of the recipient, and (c) verifies that
19 the recipient does not appear intoxicated at the time of delivery.

20 (3) A retailer wine shipper's permit holder under section 1 of this
21 act must be limited to ship not more than a total of two cases of wine
22 or cider containing not more than nine liters per case per month to a
23 resident of Washington who is at least twenty-one years of age.

24 **Sec. 3.** RCW 66.20.390 and 2006 c 49 s 7 are each amended to read
25 as follows:

26 (1) Holders of a wine shipper's permit are deemed to have consented
27 to the jurisdiction of Washington concerning enforcement of chapter 49,
28 Laws of 2006 and all laws ~~((7))~~ and rules ~~((7-and-regulations))~~
29 to the shipment of wine from wine manufacturers directly to consumers.

30 (2)(a) A permit issued under chapter 49, Laws of 2006 to a wine
31 manufacturer located outside this state who fails to comply with the
32 provisions of chapter 49, Laws of 2006 shall be suspended or revoked.

33 (b) The privilege to ship wine directly to Washington consumers
34 under a domestic winery license shall be suspended or revoked if the
35 domestic winery fails to comply with the provisions of chapter 49, Laws
36 of 2006.

1 (3) Holders of a retailer wine shipper's permit under section 1 of
2 this act are deemed to have consented to the jurisdiction of Washington
3 concerning enforcement of chapter 49, Laws of 2006 and all laws and
4 rules related to the shipment of wine from out-of-state online
5 retailers directly to consumers.

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