

CHAPTER 172.

[H. B. 172.]

INTOXICATING LIQUORS.

AN ACT relating to intoxicating liquors; providing for the control and regulation of the traffic therein; prescribing licenses and license fees; providing for the abatement of certain nuisances; providing for certain officers and defining their powers and duties; defining crimes and providing penalties therefor; and amending chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935 and chapters 62 and 217, Laws of 1937, the same being sections 7306-1 to 7306-97, both inclusive, Remington's Revised Statutes; and declaring that this act shall take effect immediately.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 23-C of chapter 62, Laws of 1933, Extraordinary Session, as enacted in and by section 1, chapter 217, Laws of 1937, the same being section 7306-23C, Remington's Revised Statutes, be amended to read as follows:

Amends
§ 7306-23C,
Rem. Rev.
Stat.

Section 23-C. 1. There shall be a license to domestic wineries; fee to be computed only on the gallonage manufactured: Twenty-five hundred gallons or less per year, \$15.00 per year; over twenty-five hundred gallons to ten thousand gallons per year, \$30.00 per year; over ten thousand gallons to twenty-five thousand gallons per year, \$50.00 per year; over twenty-five thousand gallons to fifty thousand gallons per year, \$75.00 per year; over fifty thousand gallons to one hundred thousand gallons per year, \$125 per year; over one hundred thousand gallons to two hundred thousand gallons per year, \$200 per year; over two hundred thousand gallons to five hundred thousand gallons per year, \$250 per year; for each five hundred thousand gallons or fraction thereof over five hundred thousand gallons, an additional \$150 per year.

License fee,
domestic
wineries.

Any applicant for a domestic winery license shall, at the time of filing application for license, accom-

pany such application with a license fee based upon a reasonable estimate of the amount of wine gal-lonage to be manufactured by such applicant. Per-sons holding domestic winery licenses shall report annually at the end of each fiscal year, at such time and in such manner as the board may prescribe, the amount of wine manufactured by them during the fiscal year. If the total amount of wine manu-factured during the year exceeds the amount per-mitted annually by the license fee already paid the board, the licensee shall pay such additional license fee as may be unpaid in accordance with the schedule provided in this section.

Other than
domestic
wineries.

2. There shall be a license to wineries, other than domestic wineries, fee to be computed and paid upon the same basis and subject to the same require-ments as domestic wineries.

Amends
§ 7306-23I,
Rem. Rev.
Stat.

SEC. 2. That section 23-I of chapter 62, Laws of 1933, Extraordinary Session, as enacted in and by section 1, chapter 217, Laws of 1937, the same being section 7306-23I, Remington's Revised Statutes, be amended to read as follows:

Agent for
beer
wholesaler,
brewer or
domestic
winery.

Section 23-I. 1. No person shall canvass for, so-licit, receive or take orders for the purchase or sale of beer or domestic wine at wholesale, nor contact any retail licensees of the board in goodwill activi-ties, unless such person shall be the accredited rep-resentative of a person, firm or corporation holding a beer wholesaler's license, a brewer's license, or a beer importer's license, or a domestic winery license, or a domestic wine wholesaler's license within the State of Washington, and shall have applied for and received an agent's license: *Provided, however,* That the provisions of this section shall not apply to drivers who deliver beer or wine;

License.

2. Every agent's license issued under this act shall be subject to all conditions and restrictions im-

posed by this act or by the rules and regulations of the board;

3. Every application for an agent's license must be approved by a licensed beer wholesaler or a licensed brewer, or a licensed beer importer, or a licensed domestic winery, or a licensed domestic wine wholesaler, as the rules and regulations of the board shall require; Approval.

4. The fee for an agent's license shall be two dollars (\$2.00) per annum. Fee.

SEC. 3. That section 24-A of chapter 62, Laws of 1933, Extraordinary Session, as enacted in and by section 3, chapter 158, Laws of 1935, the same being section 7306-24A, Remington's Revised Statutes, be amended to read as follows: Amends
§ 7306-24A
Rem. Rev.
Stat.

Section 24-A. 1. Within the meaning of this act the term "domestic wines" shall mean wines manufactured or produced within the State of Washington in a licensed domestic winery from fruits or fruit products grown exclusively and entirely within the State of Washington. "Domestic
wines."

2. All wines manufactured or produced in domestic wineries may be sold by the manufacturer or producer thereof direct to persons holding licenses entitling them to sell wine at retail under the provisions of this act, or to licensed domestic wine wholesalers or to licensed domestic wineries. There is hereby imposed upon all wines manufactured or produced in domestic wineries and sold to retail licensees within the state a tax of ten cents per wine gallon: *Provided, however,* That wine sold or shipped in bulk from one domestic winery to another domestic winery shall not be subject to such gallonage tax. The tax herein provided for shall be collected by means of stamps to be furnished by the board. Every person selling wine under the provisions of this section shall report all sales to the board in such manner, at such times and upon such Sale of
wines.

Gallonage
tax.

Tax, how
collected.

Revenue stamps.

forms as may be prescribed by the board in accordance with section 25. Every such person shall procure from the board revenue stamps representing the tax in such form as the board shall prescribe and shall affix the same to the package or container in such manner and in such denomination as required by the board and shall cancel the same prior to the delivery of the package or container containing the wine to the purchaser, and any person who shall sell, or attempt to sell wine not produced exclusively and entirely from products grown in the state under this section shall be guilty of a violation of this act, and his license shall be summarily cancelled by the board.

Penalty.

Amends
§ 7306-45
Rem. Rev.
Stat.

SEC. 4. That section 45 of chapter 62, Laws of 1933, Extraordinary Session, the same being section 7306-45, Remington's Revised Statutes, be amended to read as follows:

Wine labels.

Section 45. Every person producing, manufacturing, bottling or distributing wine shall put upon all packages a distinctive label such as will provide the consumer with adequate information as to the identity and quality of the product, the alcoholic content thereof, the net contents of the package, the name of the producer, manufacturer or bottler thereof and such other information as the board may by regulation prescribe.

Amends
§ 7306-70.
Rem. Rev.
Stat.

SEC. 5. That section 70 of chapter 62, Laws of 1933, Extraordinary Session, as amended by section 11, chapter 174, Laws of 1935, the same being section 7306-70, Remington's Revised Statutes, be amended to read as follows:

Investigation and prosecution of violations.

Section 70. 1. All county and municipal peace officers are hereby charged with the duty of investigating and prosecuting all violations of this act, and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and all fines imposed for

violations of this act and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor shall belong to the county, city or town wherein the court imposing the fine is located, and shall be placed in the general fund for payment of the salaries of those engaged in the enforcement of the provisions of this act and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. Fines.

2. In addition to any and all other powers granted, the board shall have the power to enforce the penal provisions of this act and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. The board may appoint and employ, assign to duty and fix the compensation of, officers to be designated as liquor enforcement officers. Such liquor enforcement officers shall have the power, under the supervision of the board, to enforce the penal provisions of this act and the penal laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. They shall have the power and authority to serve and execute all warrants and process of law issued by the courts in enforcing the penal provisions of this act or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. They shall have the power to arrest without a warrant any person or persons found in the act of violating any of the penal provisions of this act or of any penal law of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. Powers of board.

Liquor enforcement officers, powers.

SEC. 6. That section 92 of chapter 62, Laws of 1933, Extraordinary Session, as amended by section 15 of chapter 174, Laws of 1935, the same being Amends
§ 7306-92,
Rem. Rev.
Stat.

section 7306-92, Remington's Revised Statutes, be amended to read as follows:

Penalties
for violations
of act.

Section 92. 1. Every person who violates the provisions of section 28 shall be guilty of a gross misdemeanor.

2. Every person who shall sell by the drink or bottle, any liquor other than beer and wines as defined in this act, shall be guilty of a gross misdemeanor.

3. Except as otherwise provided in this act, every person who shall sell any liquor, including beer and/or wine manufactured under section 32 hereof or who shall own or operate any still shall be guilty of a gross misdemeanor.

4. If any person shall, in this state, buy alcoholic beverages from any person other than the board, a state liquor store or some person authorized under the provisions of this act to sell the same, he shall be guilty of a misdemeanor.

5. Except as otherwise provided in this act, any person who shall have or keep alcoholic beverages other than that purchased from the board, a state liquor store, or some person authorized under the provisions of this act to sell the same, shall be guilty of a gross misdemeanor.

Adds § 27-C
to ch. 62,
Laws 1933
Ex. Sess.

SEC. 7. That chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935 and chapters 62 and 217, Laws of 1937, the same being sections 7306-1 to 7306-97, both inclusive, Remington's Revised Statutes, be amended by adding thereto a new section to be known as section 27-C to read as follows:

Suspension
vacated upon
payment of
monetary
penalty.

Section 27-C. The board in suspending any license may further provide in the order of suspension that such suspension shall be vacated upon payment to the board by the licensee of a monetary penalty in an amount then fixed by the board, not exceeding a

sum equal to the aggregate annual license fees of all licenses then held by such licensee.

SEC. 8. That chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935 and chapters 62 and 217, Laws of 1937, the same being sections 7306-1 to 7306-97, both inclusive, Remington's Revised Statutes, be amended by adding thereto a new section to be known as section 27-D to read as follows:

Adds § 27-D
to ch. 62,
Laws 1933
Ex. Sess.

Section 27-D. Every licensed brewer, domestic winery and licensed beer importer shall be responsible for the conduct of any licensed beer wholesaler in selling, or contracting to sell, to retail licensees, beer or wine manufactured by such brewer, domestic winery or imported by such beer importer. Where the board finds that any licensed beer or wine wholesaler has violated any of the provisions of this act or of the regulations of the board in selling or contracting to sell beer or wine to retail licensees, the board may, in addition to any punishment inflicted or imposed upon such wholesaler, prohibit the sale of the brand or brands of beer or wine involved in such violation to any or all retail licensees within the trade territory usually served by such wholesaler for such period of time as the board may fix, irrespective of whether the brewer manufacturing such beer or the beer importer importing such beer actually participated in such violation.

Responsibility for
conduct of
beer or wine
wholesalers.

SEC. 9. That chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935 and chapters 62 and 217, Laws of 1937, the same being sections 7306-1 to 7306-97, both inclusive, Remington's Revised Statutes, be amended by adding thereto a new section to be known as section 33-A to read as follows:

Adds § 33A
to ch. 62,
Laws 1933
Ex. Sess.

Section 33-A. Any room, house, building, boat, vehicle, structure or place, except premises licensed under this act, where liquor, as defined in this act,

is manufactured, kept, sold, bartered, exchanged, given away, furnished or otherwise disposed of in violation of the provisions of this act or of the laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and all property kept in and used in maintaining such a place, are hereby declared to be a common nuisance. The Prosecuting Attorney of the county in which such nuisance is situated shall institute and maintain an action in the Superior Court of such county in the name of the State of Washington to abate and perpetually enjoin such nuisance. The plaintiff shall not be required to give bond in such action, and restraining orders, temporary injunctions and permanent injunctions may be granted in said cause as in other injunction proceedings, and upon final judgment against the defendant, such court may also order that said room, house, building, boat, vehicle, structure or place, shall be closed for a period of one year; or until the owner, lessee, tenant or occupant thereof shall give bond with sufficient surety, to be approved by the court making the order, in the penal sum of not less than one thousand dollars (\$1,000) payable to the State of Washington, and conditioned that liquor will not thereafter be manufactured, kept, sold, bartered, exchanged, given away, furnished or otherwise disposed of thereon or therein in violation of the provisions of this act or of the laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor, and that he will pay all fines, costs and damages assessed against him for any violation of this act or of the laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor. If any condition of such bond be violated, the whole amount may be recovered as a penalty for the use of the county wherein the premises are situated.

Common
nuisance.

Prosecuting
attorney
to abate.

Proceedings.

Judgment.

Penalty.

In all cases where any person has been convicted of a violation of this act or the laws of this state relating to the manufacture, importation, transportation, possession, distribution and sale of liquor an action may be brought in the Superior Court of the county in which the premises are situated, to abate as a nuisance any real estate or other property involved in the commission of said offense, and in any such action a certified copy of the record of such conviction shall be admissible in evidence and *prima facie* evidence that the room, house, building, boat, vehicle, structure or place against which such action is brought is a public nuisance.

SEC. 10. That section 4 of chapter 62, Laws of 1933, Extraordinary Session, as amended by section 1, chapter 62, Laws of 1937, the same being section 7306-4 Remington's Revised Statutes, be amended to read as follows:

Amends
§ 7306-4
Rem. Rev.
Stat.

Section 4. 1. There shall be established at such places throughout the state as the liquor control board, constituted under this act, shall deem advisable, stores to be known as "state liquor stores," for the sale of liquor in accordance with the provisions of this act and the regulations: *Provided*, That the prices of all liquor shall be fixed by the board from time to time so that the net annual revenue received by the board therefrom shall not exceed thirty-five per cent.

State liquor
stores.

Net revenue.

2. The liquor control board may, from time to time, fix the special price at which pure ethyl alcohol may be sold to physicians and dentists and institutions regularly conducted as hospitals, for use or consumption only in such hospitals; and may also fix the special price at which pure ethyl alcohol may be sold to schools, colleges and universities within the state for use for scientific purposes. Regularly conducted hospitals may have right to purchase pure ethyl alcohol on a Federal permit.

Pure ethyl
alcohol.

3. The Liquor Control Board may also fix the special price at which pure ethyl alcohol may be sold to any department, branch or institution of the State of Washington, Federal Government, or to any person engaged in a manufacturing or industrial business or in scientific pursuits requiring alcohol for use therein.

4. The Liquor Control Board may also fix a special price at which pure ethyl alcohol may be sold to any private individual, and shall make regulations governing such sale of alcohol to private individuals as shall promote, as nearly as may be, the minimum purchase of such alcohol by such persons.

Effective immediately.

Holder of prior license.

Compliance with act.

SEC. 11. This act is necessary for the support of the state government and its existing public institutions and shall take effect immediately: *Provided, however,* That any person, who shall at the time this act takes effect be the *bona fide* holder of a license duly issued under chapter 62, Laws of 1933, Extraordinary Session, as amended by chapters 13, 80, 158 and 174, Laws of 1935 and chapters 62 and 217, Laws of 1937, shall be entitled to exercise the rights and privileges granted by such license until the 30th day of September, 1939: *And provided further,* That all persons lawfully engaged in activities not required to be licensed prior to the taking effect of this act but which are required to be licensed under the provisions of this act shall have thirty (30) days from and after the taking effect of this act in which to comply with the same.

Passed the House February 28, 1939.

Passed the Senate March 8, 1939.

Approved by the Governor March 16, 1939.