

CHAPTER 178
[Engrossed Senate Bill No. 341]
INTOXICATING LIQUOR

AN ACT Relating to intoxicating liquor; amending section 69, chapter 62, Laws of 1933 ex. sess., as last amended by section 3, chapter 239, Laws of 1963, and RCW 66.08.050; amending section 5, chapter 67, Laws of 1949, as amended by section 8, chapter 111, Laws of 1959, and RCW 66.20.200; amending section 27, chapter 62, Laws of 1933 ex. sess., as last amended by section 1, chapter 144, Laws of 1947, and RCW 66.24.010; amending section 23F added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.270; amending section 23S added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.380; amending section 23S-3 added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 5, Laws of 1949, as amended by section 3, chapter 143, Laws of 1965 ex. sess., and RCW 66.24.420; amending section 1, chapter 55, Laws of 1967 and RCW 66.24.490; amending section 90A added to chapter 62, Laws of 1933, ex. sess. by section 2, chapter 48, Laws of 1945 and RCW 66.28.020; amending section 27A added to chapter 62, Laws of 1933, ex. sess. by section 3, chapter 217, Laws of 1937, as amended by section 7, chapter 5, Laws of 1949, and RCW 66.28.080; adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW; adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.44 RCW; repealing section 243, chapter 249, Laws of 1909 and RCW 66.44.220; and prescribing penalties.

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

Section 1. Section 69, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 239, Laws of 1963, and RCW 66.08-.050 are each amended to read as follows:

The board, subject to the provisions of this title and the regulations, shall

- (1) determine the localities within which state liquor stores

shall be established throughout the state, and the number and situation of the stores within each locality;

(2) ~~((to))~~ appoint in ~~((inseparated))~~ cities and towns and other communities, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the board and be authorized to sell liquor to such persons, firms or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules and regulations consistent with this title as the board may require;

(3) establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;

(4) provide for the leasing for periods not to exceed five years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board;

(5) determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title;

(6) execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

(7) pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board;

(8) require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

(9) perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatso-

ever, subject only to audit by the state auditor.

Sec. 2. Section 5, chapter 67, Laws of 1949, as amended by section 8, chapter 111, Laws of 1959 and RCW 66.20.200 are each amended to read as follows:

It shall be unlawful for the owner of a card of identification to transfer the card to any other person for the purpose of aiding such person to procure alcoholic beverages from any licensee. Any person who shall permit his card of identification to be used by another or transfer such card to another for the purpose of aiding such transferee to obtain alcoholic beverages from a licensee, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both. Any person not entitled thereto who unlawfully procures or has issued or transferred to him a card of identification, and any person who possesses a card of identification not issued to him by the board, and any person who makes any false statement on any card required by RCW 66.20.190, as now or hereafter amended (~~by this act (1959-e-111-§-7)~~), to be signed by him, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine of not more than one hundred dollars or imprisonment for not more than thirty days or both.

Sec. 3. Section 27, chapter 62, Laws of 1933 ex. sess., as last amended by section 1, chapter 144, Laws of 1947 and RCW 66.24.010 are each amended to read as follows:

(1) Every license shall be issued in the name of the applicant and no license shall be transferable, nor shall the holder thereof allow any other person to use the license.

(2) For the purpose of considering any application for a license, the board may cause an inspection of the premises to be made, and may inquire into all matters in connection with the construction and operation of the premises. The board may, in its discretion, grant or refuse the license applied for. No retail license of any kind shall be issued to:

(a) A person who is not a citizen of the United States, except when the privilege is granted by treaty;

(b) A person who has not resided in the state for at least one year prior to making application, except in cases of licenses issued to dining places on railroads, boats, or aircraft;

(c) A person who has been convicted of a felony within five years prior to filing his application;

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

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

~~((f))--A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession, or sale of alcoholic liquor within the last preceding five years, or has forfeited his bond to appear in court within the last preceding five years to answer charges for any such violation;~~

~~(g))~~ (f) A corporation, unless all of the officers thereof are citizens of the United States.

(3) The board may, in its discretion, ~~((with or without hearing))~~ subject to the provisions of RCW 66.08.150, suspend or cancel any license; and all rights of the licensee to keep or sell ~~((beer or other liquors))~~ liquor thereunder shall be suspended or terminated, as the case may be. ~~((In any case where the board in its discretion grants a hearing, said hearing shall be summary and upon oral or written testimony.))~~ The board may appoint examiners who shall have power to administer oaths, issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents, and testimony, examine witnesses, and to receive testimony in any inquiry, investigation, hearing, or proceeding in any part of the state, under such rules and regulations as the board may adopt.

Witnesses ~~((may, in the discretion of the board,))~~ shall be allowed fees at the rate of ~~((two))~~ four dollars per day, plus ~~((five))~~

ten cents per mile each way. Fees need not be paid in advance of appearance of witnesses to testify or to produce books, records, or other legal evidence.

In case of disobedience of any person to comply with the order of the board or a subpoena issued by the board, or any of its members, or examiners, or on the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the judge of the superior court of the county in which the person resides, on application of any member of the board or examiner, shall compel obedience by contempt proceedings, as in the case of disobedience of the requirements of a subpoena issued from said court or a refusal to testify therein.

(4) Upon receipt of notice of the suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the board. Where the license has been suspended only, the board shall return the license to the licensee at the expiration or termination of the period of suspension, with a memorandum of the suspension written or stamped upon the face thereof in red ink. The board shall notify all vendors in the city or place where the licensee has its premises of the suspension or cancellation of the license; and no employee shall allow or cause any liquor to be delivered to or for any person at the premises of that licensee.

(5) Unless sooner canceled, every license issued by the board shall expire at midnight of the thirtieth day of June of the fiscal year for which it was issued (~~(7-except-that-licenses-presently-held-by-licensees-or-issued-hereafter-for-use-in-the-present-licensing-period-shall-expire-on-the-thirtieth-day-of-September-of-1955-~~

~~In-issuing-licenses-for-use-subsequent-to-September-30,-1955, the-board-shall-issue-the-same-for-a-fee-of-three-fourths-the-annual-license-fee-and-such-license-so-issued-shall-expire-on-the-thirtieth-day-of-June-of-1956,-and-thereafter-every-license-shall-be-issued-on-an-annual-basis-and-shall-expire-on-the-thirtieth-day-of-June-succeeding-such-issuance)).~~

(6) Every license issued under this section shall be subject to all conditions and restrictions imposed by this title or by the regulations in force from time to time.

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

(8) Before the board shall issue a license to an applicant it shall give notice of such application to the chief executive officer of the incorporated city or town, if the application be for a license within an incorporated city or town, or to the board of county commissioners, if the application be for a license outside the boundaries of incorporated cities or towns; and such incorporated city or town, through the official or employee selected by it, or the board of county commissioners or the official or employee, selected by it, shall have the right to file with the board within ten days after date of transmittal of such notice, written objections against the applicant or against the premises for which the license is asked, and shall include with such objections a statement of all facts upon which such objections are based, and in case written objections are filed, may make oral argument in support of such objections at the time fixed by the board, after the board shall have given to the applicant written notice of such oral argument at least five days prior thereto. Upon the granting of a license under this title the board shall cause a duplicate of the license to be transmitted to the chief executive officer of the incorporated city or town in which the license is granted, or to the board of county commissioners if the license is granted outside the boundaries of incorporated cities or towns.

(9) Before the board issues any license to any applicant, it shall give due consideration to the location of the business to be conducted under such license with respect to the proximity of churches, schools and public institutions: PROVIDED, That on and after the effective date of this act, the board shall issue no beer retailer license class A, B, or D or wine retailer license class C covering any premises not now licensed, if such premises are within five hun-

dred feet of the premises of any church, parochial or tax-supported public elementary or secondary school measured along the most direct route over or across established public walks, streets or other public passageway from the outer property line of the church or school grounds to the nearest public entrance of the premises proposed for license, unless the board shall receive written notice from an official representative or representatives of the schools and/or churches within five hundred feet of said proposed licensed premises, indicating to the board that there is no objection to the issuance of such license because of proximity to a school or church. For the purpose of this section, church shall mean a building erected for and used exclusively for religious worship and schooling or other activity in connection therewith.

(10) The restrictions set forth in the preceding subsection shall not prohibit the board from authorizing the transfer of existing licenses now located within the restricted area to other persons or locations within the restricted area: PROVIDED, Such transfer shall in no case result in establishing the licensed premises closer to a church or school than it was before the transfer.

Sec. 4. Section 23F added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.270 are each amended to read as follows:

(1) Every person, firm or corporation, holding a license to manufacture malt liquors within the state of Washington, shall, on or before the tenth day of each month, furnish to the Washington state liquor control board, on a form to be prescribed by the board, a statement showing the quantity of malt liquors sold for resale during the preceding calendar month to each beer wholesaler within the state of Washington;

(2) No beer wholesaler nor beer importer shall purchase any beer not manufactured within the state of Washington by a brewer holding a license as a manufacturer of malt liquors from the state of Washington, and/or transport or cause the same to be transported into

the state of Washington for resale therein, unless the brewer or manufacturer of such beer or the licensed importer of beer produced outside the United States has obtained from the Washington state liquor control board a certificate of approval, as hereinafter provided. The certificate of approval herein provided for shall not be granted unless and until such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States shall have made a written agreement with the board to furnish to the board, on or before the tenth day of each month, a report under oath, on a form to be prescribed by the board, showing the quantity of beer sold or delivered to each licensed beer importer or imported by the licensed importer of beer produced outside the United States during the preceding month, and shall further have agreed with the board, that such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States and all general sales corporations or agencies maintained by ((~~it~~)) such brewers or manufacturers or importers, and all trade representatives or agents of such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States, and of such general sales corporations and agencies, shall and will faithfully comply with all laws of the state of Washington pertaining to the sale of intoxicating liquors and all rules and regulations of the Washington state liquor control board. If any such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States shall, after obtaining such certificate, fail to submit such report, or if such brewer or manufacturer of malt liquors or the licensed importer of beer produced outside the United States or general sales corporation or agency maintained by ((~~it~~)) such brewers or manufacturers or importers, or any representative or agent thereof, shall violate the terms of such agreement, the board shall, in its discretion, revoke such certificate;

(3) The fee for the certificate of approval, issued pursuant to the provisions of this title, shall be fifty dollars per annum,

which sum shall accompany the application for such certificate.

Sec. 5. Section 23S added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.380 are each amended to read as follows:

There shall be a beer retailer's license to be designated as class G; a special license to a society or organization to sell beer at picnics or other special occasions at a specified date and place; fee ((~~five~~)) ten dollars per day.

Sec. 6. Section 23S-3 added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 5, Laws of 1949, as amended by section 3, chapter 143, Laws of 1965 ex. sess. and RCW 66.24.420 are each amended to read as follows:

(1) The class H license shall be issued in accordance with the following schedule of annual fees:

(a) The annual fee for said license, if issued to a club, whether inside or outside of incorporated cities and towns, shall be three hundred thirty dollars.

(b) The annual fee for said license, if issued to any other class H licensee in incorporated cities and towns, shall be graduated according to the population thereof as follows:

Incorporated cities and towns of less than 10,000 population; fee \$550.00;

Incorporated cities and towns of 10,000 and less than 100,000 population; fee \$825.00;

Incorporated cities and towns of 100,000 population and over; fee \$1,100.00.

(c) The annual fee for said license when issued to any other class H licensee outside of incorporated cities and towns shall be: one thousand one hundred dollars; this fee shall be prorated according to the calendar months, or major portion thereof, during which the licensee is open for business, except in case of suspension or revocation of the license.

(d) The fee for any dining, club or buffet car, or any boat

or airplane shall be as provided in subsection (4) of this section.

(2) The board, so far as in its judgment is reasonably possible, shall confine class H licenses to the business districts of (~~incorporated~~) cities and towns and other communities, and not grant such licenses in residential districts, nor within the immediate vicinity of schools, without being limited in the administration of this subsection to any specific distance requirements.

(3) The board shall have discretion to issue class H licenses outside of (~~incorporated~~) cities and towns in the state of Washington. The purpose of this subsection is to enable the board, in its discretion, to license in areas outside of (~~incorporated~~) cities and towns and other communities, establishments which are operated and maintained primarily for the benefit of tourists, vacationers and travelers, and also golf and country clubs, and common carriers operating dining, club and buffet cars, or boats.

(4) Where the license shall be issued to any corporation, association or person operating as a common carrier for hire any dining, club and buffet car or any boat or airplane, such license shall be issued upon the payment of a fee of one hundred sixty-five dollars per annum, which shall be a master license and shall permit such sale upon one such car or boat or airplane, and upon payment of an additional sum of five dollars per car or per boat or airplane per annum, such license shall extend to additional cars or boats or airplanes operated by the same licensee within the state, and a duplicate license for each such additional car and boat and airplane shall be issued: PROVIDED, That such licensee may make such sales upon cars or boats or airplanes in emergency for not more than five consecutive days without such license: AND PROVIDED FURTHER, That such license shall be valid only while such cars or boats or airplanes are actively operated as common carriers for hire and not while they are out of common carrier service.

(5) The total number of class H licenses issued in the state of Washington by the board shall not in the aggregate at any time

exceed one license for each fifteen hundred of population in the state, determined according to the last available federal census.

(6) Notwithstanding the provisions of subsection (5) of this section, the board shall refuse a class H license to any applicant if in the opinion of the board the class H licenses already granted for the particular locality are adequate for the reasonable needs of the community.

Sec. 7. Section 1, chapter 55, Laws of 1967 and RCW 66.24.490 are each amended to read as follows:

There shall be a retailer's license to be designated as a class I license; this shall be a special occasion license to be issued to the holder of a class H license to extend his privilege of selling and serving beer, wine and spirituous liquor by the individual glass, and beer and wine by the opened bottle, at retail, for consumption on the premises, to ~~((persons-attending-a-national,-or-state,-or-region-al-(out-of-state)-convention-or-meeting-when-events))~~ members and guests of a society or organization on special occasions at a specified date and place when such special occasions of such groups are held on premises other than a class H licensed premises and for consumption on the premises of such outside location. The holder of such special occasion license shall be allowed to remove from his liquor stocks at his licensed class H premises, liquor for sale and service at such ~~((convention-or-meeting))~~ special occasion locations: PROVIDED, That such special license shall be issued only when the facilities of class H licensees in the particular city or county are not suitable and adequate to accommodate the number of persons attending such ~~((conventions-or-meetings))~~ special occasion: AND PROVIDED FURTHER, That the Washington state liquor control board may issue banquet permits when such groups prefer to provide their own liquor under such a permit rather than avail themselves of sale and service of liquor by the holder of a class I license. Such special class I license shall be issued for a specified date and place and upon payment of a fee of twenty-five dollars per day.

Sec. 8. Section 27A added to chapter 62, Laws of 1933 ex. sess. by section 3, chapter 217, Laws of 1937, as amended by section 7, chapter 5, Laws of 1949 and RCW 66.28.080 are each amended to read as follows:

It shall be unlawful for any person, firm or corporation holding any retailer's license to permit or allow upon the premises licensed any music, dancing, or entertainment whatsoever, unless and until permission thereto is specifically granted by appropriate license or permit of the proper authorities of the city or town in which such licensed premises are situated, or the board of county commissioners, if the same be situated outside an incorporated city or town: PROVIDED, That the words "music and entertainment," as herein used, shall not apply to radios or mechanical musical devices.

NEW SECTION. Sec. 9. There is added to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW a new section to read as follows:

There shall be a wine retailer's license to be designated as class J; a special license to a society or organization to sell wine at special occasions at a specified date and place; fee ten dollars per day.

NEW SECTION. Sec. 10. Section 243, chapter 249, Laws of 1909 and RCW 66.44.220 are each repealed.

NEW SECTION. Sec. 11. Any resident of the state of Washington while outside the territorial boundaries of the state may purchase wine outside the boundaries of the state and may import such wine for his personal use and not for resale, in accordance with the provisions of this section.

Sec. 12. Section 90A added to chapter 62, Laws of 1933 ex. sess. by section 2, chapter 48, Laws of 1945 and RCW 66.28.020 are each amended to read as follows:

No manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits, or person financially interested, directly or indirectly, in such business, whether resident or nonresident, shall

have any financial interest, direct or indirect, in the business of any (~~licensed-brewer-or~~) licensed wine importer or wine wholesaler or licensed beer importer or beer wholesaler, nor shall any manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person under any arrangement whatsoever, conduct his business upon property in which any manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits has any interest, nor shall any manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits advance money or moneys' worth to any such licensed person under any arrangement whatsoever, nor shall any such licensed person receive, under any arrangement whatsoever, any such advance of money or moneys' worth. No manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits shall be eligible or receive or hold a license as a (~~brewer-or~~) wine importer or wine wholesaler or beer importer or beer wholesaler under this title: PROVIDED, That this section shall not be construed to require the divesting of any interest held by any person as of April 1, 1945, in the business of any manufacturer or wholesaler of distilled spirits or the business of any licensed brewer or beer wholesaler: PROVIDED FURTHER, That the provisions of this section shall not apply to any domestic winery or licensed brewery which is, as of the date of passage of this act, a licensed wine or beer wholesaler respectively: PROVIDED FURTHER, That in the event of the sale of such winery or brewery to a manufacturer or wholesaler of, or person otherwise dealing in, distilled spirits, or person financially interested, directly or indirectly, in such business, the exclusion of the foregoing proviso shall not apply.

Passed the Senate April 16, 1969.

Passed the House April 10, 1969.

Approved by the Governor April 25, 1969, with the exception of section 11 which is vetoed.

Filed in office of Secretary of State April 25, 1969.

NOTE: Governor's explanation of partial veto is as follows:
"...This is the Liquor Board omnibus bill.

Section 11 of the bill provides:

Any resident of the state of Washington while outside the territorial boundaries of the state may purchase wine outside the boundaries of the state and may import such wine for his personal use and not for resale, in accordance with the provisions of this section.

There are no other "provisions" of the section governing the importation of wine, nor are there limitations on the blanket authority to import wine for personal use under section 11. Presumably, the section permits one to step across the state line and then to ship unlimited quantities of wine into the state. The only limitation is that it be for personal use, at best an elusive standard. None of the controls consistent with Washington State liquor laws would attach to wine imported under this section.

Without any controls, there is greater opportunity to move wine imported under the provisions of this section into commercial channels in contravention of the law. There is a distinct possibility of substantial revenue loss to the state.

For these reasons, I have vetoed section 11. The remainder of Engrossed Senate Bill No. 341 is approved."

CHAPTER 179
[Engrossed Substitute House Bill No. 158]
EYE PROTECTION

AN ACT Relating to the protection of eyes; and adding a new chapter to Title 70 RCW.

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

NEW SECTION. Section 1. As used in this chapter:

"Eye protection areas" means areas within vocational or industrial arts shops, science or other school laboratories, or schools within state institutional facilities as designated by the state superintendent of public instruction in which activities take place involving:

- (1) Hot molten metals or other molten materials;
- (2) Milling, sawing, turning, shaping, cutting, grinding, or stamping of any solid materials;
- (3) Heat treatment, tempering or kiln firing of any metal or other materials;