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HOUSE BILL 1108

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State of Washington

64th Legislature

2015 Regular Session

By Representative Reykdal

Prefiled 01/09/15.

1 AN ACT Relating to creating a food truck beer and/or wine  
2 license; reenacting and amending RCW 66.20.300 and 66.20.310; and  
3 adding a new section to chapter 66.24 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 66.24  
6 RCW to read as follows:

7 (1) There shall be a food truck beer and/or wine license to sell  
8 beer, including strong beer, or wine, or both at retail for  
9 consumption on the premises. This license is available to entities  
10 providing minimum food service to patrons in an outdoor or partially  
11 enclosed area that do not provide indoor food, beer, or wine service  
12 or operate from a permanent structure or entities qualifying to sell  
13 beer and/or wine under RCW 66.24.320. The annual fee for this license  
14 is four hundred dollars.

15 (2) The board may issue or renew a license under this section  
16 only if the following conditions are met:

17 (a) Local ordinance allows outdoor sales, service, and  
18 consumption of beer and/or wine;

19 (b) The outdoor premises on which beer and/or wine is to be  
20 served are clearly defined;

1 (c) The premises on which beer and/or wine is to be served are  
2 not already licensed; and

3 (d) The applicant or applicants prove to the board that such  
4 applicant or applicants have a legal right to use the premises and  
5 the owner of the premises or entity controlling the premises allows  
6 the service, sale, and consumption of alcohol on the premises.

7 (3) Licensees under this section may:

8 (a) Share a license for the designated premises with colicensees;  
9 and

10 (b) Permit guest colicensees to share the designated premises for  
11 no more than sixty days if the guest colicensee secures approval of  
12 the board and, if not already party to another license, pays a guest  
13 license fee of one hundred dollars.

14 (4) Licensees under this section must require the purchase of  
15 food with each purchase of beer and/or wine.

16 (5) The board may inspect a structure or vehicle from which beer  
17 and/or wine is sold whether or not the structure or vehicle is on the  
18 designated premises at the time of inspection.

19 (6) The board must adopt rules to implement this section.

20 **Sec. 2.** RCW 66.20.300 and 2014 c 78 s 2 and 2014 c 29 s 2 are  
21 each reenacted and amended to read as follows:

22 The definitions in this section apply throughout RCW 66.20.310  
23 through 66.20.350 unless the context clearly requires otherwise.

24 (1) "Alcohol" has the same meaning as "liquor" in RCW 66.04.010.

25 (2) "Alcohol server" means any person who as part of his or her  
26 employment participates in the sale or service of alcoholic beverages  
27 for on-premises ~~((on-premises))~~ consumption at a retail licensed  
28 premise as a regular requirement of his or her employment, and  
29 includes those persons eighteen years of age or older permitted by  
30 the liquor laws of this state to serve alcoholic beverages with  
31 meals.

32 (3) "Board" means the Washington state liquor control board.

33 (4) "Retail licensed premises" means any:

34 (a) Premises licensed to sell alcohol by the glass or by the  
35 drink, or in original containers primarily for consumption on the  
36 premises as authorized by this section and RCW 66.20.310, 66.24.320,  
37 66.24.330, 66.24.350, 66.24.400, 66.24.425, ~~((66.24.690,))~~ 66.24.450,  
38 66.24.570, 66.24.610, 66.24.650, ~~((and))~~ 66.24.655, 66.24.680,  
39 66.24.690, and section 1 of this act;

1 (b) Distillery licensed pursuant to RCW 66.24.140 that is  
2 authorized to serve samples of its own production;

3 (c) Facility established by a domestic winery for serving and  
4 selling wine pursuant to RCW 66.24.170(4); and

5 (d) Grocery store licensed under RCW 66.24.360, but only with  
6 respect to employees whose duties include serving during tasting  
7 activities under RCW 66.24.363.

8 (5) "Training entity" means any liquor licensee associations,  
9 independent contractors, private persons, and private or public  
10 schools, that have been certified by the board.

11 **Sec. 3.** RCW 66.20.310 and 2014 c 78 s 3 and 2014 c 29 s 3 are  
12 each reenacted and amended to read as follows:

13 (1)(a) There is an alcohol server permit, known as a class 12  
14 permit, for a manager or bartender selling or mixing alcohol,  
15 spirits, wines, or beer for consumption at an on-premises licensed  
16 facility.

17 (b) There is an alcohol server permit, known as a class 13  
18 permit, for a person who only serves alcohol, spirits, wines, or beer  
19 for consumption at an on-premises licensed facility.

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

23 (2)(a) Effective January 1, 1997, except as provided in (d) of  
24 this subsection, every alcohol server employed, under contract or  
25 otherwise, at a retail licensed premise must be issued a class 12 or  
26 class 13 permit.

27 (b) Every class 12 and class 13 permit issued must be issued in  
28 the name of the applicant and no other person may use the permit of  
29 another permit holder. The holder must present the permit upon  
30 request to inspection by a representative of the board or a peace  
31 officer. The class 12 or class 13 permit is valid for employment at  
32 any retail licensed premises described in (a) of this subsection.

33 (c) Except as provided in (d) of this subsection, no licensee  
34 holding a license as authorized by this section and RCW 66.20.300,  
35 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, (~~66.24.690,~~)  
36 66.24.450, 66.24.570, 66.24.600, 66.24.610, 66.24.650, (~~and~~)  
37 66.24.655, 66.24.680, 66.24.690, and section 1 of this act may employ  
38 or accept the services of any person without the person first having  
39 a valid class 12 or class 13 permit.

1 (d) Within sixty days of initial employment, every person whose  
2 duties include the compounding, sale, service, or handling of liquor  
3 must have a class 12 or class 13 permit.

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

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

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

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

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

18 (5) The suspension or revocation of a permit under this section  
19 does not relieve a licensee from responsibility for any act of the  
20 employee or agent while employed upon the retail licensed premises.  
21 The board may, as appropriate, revoke or suspend either the permit of  
22 the employee who committed the violation or the license of the  
23 licensee upon whose premises the violation occurred, or both the  
24 permit and the license.

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

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

33 (7) Grocery stores licensed under RCW 66.24.360, the primary  
34 commercial activity of which is the sale of grocery products and for  
35 which the sale and service of beer and wine for on-premises  
36 consumption with food is incidental to the primary business, and  
37 employees of such establishments, are exempt from RCW 66.20.300

1 through 66.20.350, except for employees whose duties include serving  
2 during tasting activities under RCW 66.24.363.

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