



Notice of Rule Change – Explanatory Statement

What method of payment can a retailer use to purchase spirituous liquor from the board?

This explanatory statement concerns the **Washington State Liquor Control Board's adoption of changes to WAC 314-13-030.**

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rule making.

Once persons who gave comment during this rule making have had a chance to receive this document, the Liquor Control Board will file the amended rules with the Office of the Code Reviser. These rule changes will become effective 31 days after filing (approximately September 5, 2010).

The Liquor Control Board appreciates your involvement in this rule making process. If you have any questions, please contact Karen McCall, Rules Coordinator, at (360) 664-1631 or e-mail at rules@liq.wa.gov.

What are the agency's reasons for revising these rules?

RCW 66.16.041 allows the liquor control board to accept bank credit and debit cards for purchases in state liquor stores. This rule was revised to implement this law and reflect current practice.

What changes are being made?

The Board adopted these rule changes August 4, 2010. The rules will be filed on August 4, 2010 and will be effective on September 5, 2010.

Summary of all public comments received on this rule proposal.

No public comment was received.

Testimony at Public Hearing – July 28, 2010 Olympia, WA

None

WAC Changes

AMENDATORY SECTION (Amending WSR 01-06-015, filed 2/26/01, effective 3/29/01)

WAC 314-13-030 What method of payment can a retailer use to purchase spirituous liquor from the board? (1) Per RCW 66.16.040, retailers ~~((must))~~ may pay ~~((cash))~~ for spirituous liquor purchased from the board with any of the following:

(a) Cash;

(b) Establishment owner's personal or business check as long as checks are honored by the bank when presented and are not used as a device for obtaining or extending credit;

(c) Corporate credit card; or

(d) Licensee or establishment owner's bank debit card.

~~(2) ((For the purposes of this section, a check will be considered cash as long as the check is immediately made good when presented and is not used as a device for obtaining or extending credit. Therefore, state-run liquor stores will take certified checks from retailers for the purchase of spirituous liquor, and will take personal or company checks under the following conditions:~~

~~(a) Persons or entities that have held a liquor license for less than two years must supply the board a letter of credit from the bank in which the account is held.~~

~~(b) Persons or entities that have held a liquor license for two years or longer must either:~~

~~(i) Apply and be approved for a check acceptance agreement with the board, on a form provided by the board; or~~

~~(ii) Supply the board a letter of credit from the bank in which the account is held.~~

~~(3) Contract liquor stores may adopt the check acceptance policy outlined in this rule))~~ State liquor stores will accept corporate credit cards or licensee or establishment owner's bank debit cards under the following conditions:

(a) Licensees will provide the store with a current list of employees who have signature rights on a corporate credit card purchase. It is the licensee's responsibility to ensure the list is current.

(b) The credit card sales draft must be signed by a person on the signature rights list.

(c) The signature on the sales draft must match the signature on the signature rights list. If the signature does not match, photo identification will be requested. If the identity of the cardholder cannot be verified, the sale cannot be made unless another form of payment is used.

(d) The credit card sales draft must be signed in the liquor store.

[Statutory Authority: RCW 66.08.030, 66.08.010, 66.16.040. 01-06-015, § 314-13-030, filed 2/26/01, effective 3/29/01.]