

AMENDATORY SECTION (Amending WSR 01-06-016, filed 2/26/01, effective 3/29/01)

**WAC 314-01-005 Definitions.** The following definitions apply to Title 314 WAC. Additional definitions are in RCW 66.04.010.

(1) "Licensed premises" or "premises" means all areas of a premises under the legal control of the licensee and available to or used by customers and/or employees in the conduct of business operations. Specific alcohol consumption areas of a licensed premises shall be approved by the board.

(2) "Card of identification" means the forms of identification that are acceptable to verify a person's age per ((~~RCW 66.16.040~~)) WAC 314-11-025.

(3) "Employee" means any person performing services on a licensed premises for the benefit of the licensee.

(4) "Liquor enforcement officers" means any individual designated as a liquor enforcement officer by the board, and any peace officer as defined by RCW 9A.04.110(15) as it now exists or may later be amended.

(5) "Liquor" means beer, wine, or spirits ((~~per RCW 66.04.010(19) - Definitions~~)) as defined in RCW 66.04.010.

**WAC 314-11-025 What are the acceptable forms of identification?**

(1) Acceptable forms of identification to verify a person's age for the purpose of selling, serving, or allowing a person to possess or consume alcohol must include:

- (a) The identification holder's photo;
- (b) The identification holder's date of birth; and
- (c) The identification holder's signature, except on federally issued identification where a visible signature is not required.

(2) If the identification has an expiration date, it cannot be used to verify age after the expiration date.

(3) Acceptable forms of identification include, but are not limited to:

(a) A driver's license, instruction permit, or identification card ~~((of))~~ or document of the U.S. government, any state, ((provincie of Canada,)) U.S. territory, ~~((of))~~ the District of Columbia, or foreign government, including an "identocard" issued by the Washington state department of licensing per RCW 46.20.117;

(b) A United States armed forces identification card issued to active duty, reserve, and retired personnel and the personnel's dependents;

(c) A passport, passport card, or NEXUS card;

(d) A Merchant Marine identification card issued by the United States Coast Guard; or

(e) An enrollment card issued by the governing authority of a federally recognized Indian tribe, if the enrollment card incorporates reasonable security features sufficient to deter counterfeiting, which may include features similar to those used by the department of licensing for standard Washington driver's licenses.

(i) An enrollment card must be approved by the board's enforcement division prior to use as an acceptable form of identification. The tribe may request approval by submitting the following for review and inspection:

(A) A letter requesting approval and describing the security features of the enrollment card;

(B) A physical sample of an enrollment card; and

(C) For tribes located outside of Washington, a contact phone number where enforcement officers may call at any time to verify the validity of the enrollment card.

(ii) After review and inspection, the board's designee will send a letter approving or denying the enrollment card as an acceptable form of identification.

(iii) The board may rescind approval if the enrollment card no longer meets the requirements of this section.

AMENDATORY SECTION (Amending WSR 10-12-124, filed 6/2/10, effective 7/3/10)

**WAC 314-17-025** (~~(Does a)~~) **Requirement for permit holders** (~~(have)~~) **to carry** (~~(his or her)~~) **their class 12 or 13 permit**(~~(?)~~).

(1) Any time a licensee or an employee performs the duties outlined in WAC 314-17-015 at a retail licensed premises, a licensee or an employee must have:

(a) (~~(His or her)~~) Their class 12 or 13 permit on the retail licensed premises; and

(b) One form of identification (see (~~(RCW 66.16.040)~~) WAC 314-11-025 for acceptable forms of identification).

(2) Both a class 12 or 13 permit and a form of identification must be available for inspection by any representative of the board, peace officer or law enforcement officer.

(3) A person shall be in violation if (~~(he or she falsifies)~~) they falsify a class 12 or 13 permit or keeps or possesses a class 12 or 13 permit contrary to the provisions of this title.

(4) The name and personal identifying characteristics on a class 12 or 13 permit must match with those on a permit holder's form of identification.

AMENDATORY SECTION (Amending WSR 10-12-124, filed 6/2/10, effective 7/3/10)

**WAC 314-17-110** (~~(May the board impose)~~) **Sanctions or penalties** (~~(other than)~~) **beyond those described in WAC 314-17-105**(~~(?)~~).

(1) Based on aggravating or mitigating circumstances, the board may impose a different penalty or suspension than the standard penalties and suspensions described in WAC 314-17-105.

(2) Examples of aggravating and mitigating circumstances include, but are not limited to:

(a) Examples of aggravating circumstances that may cause a more severe penalty:	(b) Examples of mitigating circumstances that may allow a less severe penalty:
<ul style="list-style-type: none"><li>• Patron's identification not checked;</li><li>• Noncooperation with or obstruction of any law enforcement officer;</li><li>• Permit holder did not call law enforcement officer when requested by a customer or a board employee.</li></ul>	<ul style="list-style-type: none"><li>• Permit holder checked one of the acceptable forms of identification (see (<del>(RCW 66.16.040)</del>) <u>WAC 314-11-025</u>);</li><li>• Cooperation with law enforcement officer(s);</li><li>• Permit holder used a licensee certification card (see RCW 66.20.190).</li></ul>