



Notice of Rule Change – Explanatory Statement WAC 314-36 Liquor Importers, Public Storage Warehouses and Importation of Liquor

This explanatory statement concerns the **Washington State Liquor Control Board's adoption of changes to rules regarding Liquor Importers, Public Storage Warehouses and Importation of Liquor.**

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 October 30, 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?

As part of the Board's ongoing regulatory improvement efforts, this chapter of rules is being reviewed for relevance, clarity, and accuracy.

What changes are being made?

The Board adopted these rule changes September 29, 2010. The rules will be filed on September 29, 2010 and will be effective on October 30, 2010.

Summary of all public comments received on this rule proposal.

One comment was received on this rule proposal:

David E. Wojnar – Distilled Spirits Council of the United States

Concise Explanatory Statement
Liquor Importers, Public Storage Warehouses

9/29/10

Comment on 314-36-040: In lieu of keeping these records at a principal office within the state, importers should be allowed to house their records in a central location (such as their corporate headquarters). The board should also allow electronic records.

Response: There is no prohibition for records to be kept electronically or off-site as long as they are made available to the board if requested.

Testimony at Public Hearing – September 22, 2010 Olympia, WA

No one testified at the public hearing.

WAC Changes

AMENDATORY SECTION (Amending Order 238, Resolution No. 247, filed 3/9/88)

WAC 314-36-010 Sales between ((~~liquor~~)) importers. One licensed ((~~liquor~~)) importer may sell to, or purchase from, or exchange with, another licensed ((~~liquor~~)) importer, ((~~intoxicating~~)) liquor for purposes of export only.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-010, filed 3/9/88; Rule 88, filed 6/13/63.]

AMENDATORY SECTION (Amending Order 238, Resolution No. 247, filed 3/9/88)

WAC 314-36-020 Liquor importation--General. (1) No liquor shall be imported into this state unless ((~~such~~)):

(a) Liquor (~~(be)~~) is consigned to the Washington state liquor control board; (~~or unless such~~)

(b) Liquor (~~(be)~~) is consigned to a holder of a liquor, beer or wine importer's license and delivered at a public storage warehouse authorized by the Washington state liquor control board to store liquor(~~(, or at)~~); or

(c) Liquor is consigned to the warehouse of the holder of the liquor, beer or wine importer's license in those cases where the board has authorized storage at such warehouse.

"Consigned" as used in this section means to turn over to another's control.

(2) No carrier shall accept or deliver liquor except in accordance with this regulation.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-020, filed 3/9/88. Statutory Authority: RCW 66.08.030 (1) and (2). 87-07-008 (Order 214, Resolution No. 223), § 314-36-020, filed 3/10/87; Order 5, § 314-36-020, filed 8/7/69, effective 9/8/69; Rule 89, filed 6/13/63.]

AMENDATORY SECTION (Amending Order 238, Resolution No. 247, filed 3/9/88)

WAC 314-36-040 Principal office--Record. (1) Each liquor, beer or wine importer shall establish and maintain a principal office within the state (~~(at which shall be kept)~~) where full and complete records are kept for three years of:

(a) All importations(~~(τ)~~);

(b) All storage(~~(τ)~~);

(c) All removals(~~(τ)~~); and

(d) All exportations of liquor(~~(τ -such)~~).

(2) Records are to be kept in such manner and in such form as (~~(the board shall from time to time prescribe)~~) required by the board.

(3) Each liquor, beer or wine importer shall keep the board informed at all times of the location of such principal office.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-040, filed 3/9/88; Rule 91, filed 6/13/63.]

AMENDATORY SECTION (Amending Order 238, Resolution No. 247, filed 3/9/88)

WAC 314-36-060 Public storage warehouses. (1) No public storage warehouse shall accept, receive, or store or otherwise handle any liquor, including beer or wine, without first obtaining from the Washington state liquor control board a letter of authorization (~~se to do~~).

(2) No consumption of liquor, including beer or wine, is allowed at public storage warehouses.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-060, filed 3/9/88; Order 5, § 314-36-060, filed 8/7/69, effective 9/8/69; Rule 93, filed 6/13/63.]

AMENDATORY SECTION (Amending Order 238, Resolution No. 247,
filed 3/9/88)

WAC 314-36-080 Authorization for private liquor storage warehouse. (~~Any~~) A holder of a liquor, beer or wine importer's license, who maintains a storage warehouse (~~(exclusively for the storage of goods, wares or merchandise belonging to such holder,~~) and who desires to store liquor imported under such liquor, beer or wine importer's license, shall apply to the board for a letter of authorization (~~(so to do. Such authorization shall be granted only upon such terms and conditions as the board shall from time to time prescribe)~~). If (~~such~~) authorization (~~be~~) is granted, (~~such~~) the warehouse shall (~~thereafter~~) be known as a private liquor storage warehouse.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-080, filed 3/9/88; Rule 95, filed 6/13/63.]

AMENDATORY SECTION (Amending Order 238, Resolution No. 247, filed 3/9/88)

WAC 314-36-090 Liquor shall be stored in original packages. No shipments of liquor shall be accepted or stored in ~~((a private or public))~~ an approved storage warehouse except in original packages or combinations of original packages as authorized by the board.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-090, filed 3/9/88; Order 5, § 314-36-090, filed 8/7/69, effective 9/8/69; Rule 96, filed 6/13/63.]

AMENDATORY SECTION (Amending Order 238, Resolution No. 247, filed 3/9/88)

WAC 314-36-100 Removal of liquor. (1) No liquor importer or public storage warehouse shall ~~((be removed))~~ remove liquor from any storage warehouse, ~~((either public or private,))~~ except:

(a) For sale and delivery to the board ~~((or))~~ ;

(b) For export from the state ~~((or))~~ ;

(c) For delivery to persons, firms or corporations authorized by Title 66 RCW to receive such liquor products(~~(÷ Provided, however, That)~~); or

(d) Liquor may be removed from an authorized private liquor storage warehouse to ~~((a))~~ an authorized public storage warehouse(~~(, or may be removed from one authorized public storage warehouse to another authorized public storage warehouse, or may be removed from an authorized public storage warehouse to the authorized private liquor storage warehouse of the owner of the liquor. Liquor, beer or wine importers may remove liquor for sample purposes only, but only after permission thereto has been specifically granted by the board or its accredited representatives))~~).

(2) Any and all removals of liquor must be made in full compliance with the Washington state liquor laws(~~(, Title 66 RCW (Alcoholic beverage control),)~~) and the rules (~~and regulations~~) of the board.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-100, filed 3/9/88. Statutory Authority: RCW 66.08.030 (1) and (2). 87-07-008 (Order 214, Resolution No. 223), § 314-36-100, filed 3/10/87; Order 5, § 314-36-100, filed 8/7/69, effective 9/8/69; Rule 97, filed 6/13/63.]

AMENDATORY SECTION (Amending Order 238, Resolution No. 247, filed 3/9/88)

WAC 314-36-130 Complete records kept. (1) Each public storage warehouse shall keep full and complete records showing:

(a) All liquor received for storage (~~(, together with)~~); and

(b) All removals and exportations (~~(thereof, such records to be kept in such manner and in such form as the board shall prescribe, and in case of removal, releases or shipments, shall)~~).

(2) Records shall preserve for ~~((two))~~ three years, ~~((subject to the order of the board,))~~ all bills of lading or certified copies thereof, and all authorizations of the board for withdrawals of samples.

[Statutory Authority: RCW 66.08.030. 88-07-025 (Order 238, Resolution No. 247), § 314-36-130, filed 3/9/88; Rule 100, filed 6/13/63.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 314-36-030	Importation by licensed liquor importer.
WAC 314-36-050	Customs bonded locker.
WAC 314-36-070	Storage of liquor.
WAC 314-36-110	Release of liquor.
WAC 314-36-150	Special importation permit.