
SENATE BILL 6441

State of Washington

53rd Legislature

1994 Regular Session

By Senator A. Smith

Read first time 01/24/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to the definition of "any place of public resort,
2 accommodation, assemblage, or amusement" regarding discrimination; and
3 reenacting and amending RCW 49.60.040.

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

5 **Sec. 1.** RCW 49.60.040 and 1993 c 510 s 4 and 1993 c 69 s 3 are
6 each reenacted and amended to read as follows:

7 As used in this chapter:

8 (1) "Person" includes one or more individuals, partnerships,
9 associations, organizations, corporations, cooperatives, legal
10 representatives, trustees and receivers, or any group of persons; it
11 includes any owner, lessee, proprietor, manager, agent, or employee,
12 whether one or more natural persons; and further includes any political
13 or civil subdivisions of the state and any agency or instrumentality of
14 the state or of any political or civil subdivision thereof;

15 (2) "Commission" means the Washington state human rights
16 commission;

17 (3) "Employer" includes any person acting in the interest of an
18 employer, directly or indirectly, who employs eight or more persons,

1 and does not include any religious or sectarian organization not
2 organized for private profit;

3 (4) "Employee" does not include any individual employed by his or
4 her parents, spouse, or child, or in the domestic service of any
5 person;

6 (5) "Labor organization" includes any organization which exists for
7 the purpose, in whole or in part, of dealing with employers concerning
8 grievances or terms or conditions of employment, or for other mutual
9 aid or protection in connection with employment;

10 (6) "Employment agency" includes any person undertaking with or
11 without compensation to recruit, procure, refer, or place employees
12 for an employer;

13 (7) "Marital status" means the legal status of being married,
14 single, separated, divorced, or widowed;

15 (8) "National origin" includes "ancestry";

16 (9) "Full enjoyment of" includes the right to purchase any service,
17 commodity, or article of personal property offered or sold on, or by,
18 any establishment to the public, and the admission of any person to
19 accommodations, advantages, facilities, or privileges of any place of
20 public resort, accommodation, assemblage, or amusement, without acts
21 directly or indirectly causing persons of any particular race, creed,
22 color, sex, national origin, or with any sensory, mental, or physical
23 disability, or the use of a trained guide dog or service dog by a
24 disabled person, to be treated as not welcome, accepted, desired, or
25 solicited;

26 (10) "Any place of public resort, accommodation, assemblage, or
27 amusement" includes, but is not limited to, any place, licensed or
28 unlicensed, kept for gain, hire, or reward, or where charges are made
29 for admission, service, occupancy, or use of any property or
30 facilities, whether conducted for the entertainment, housing, or
31 lodging of transient guests, or for the benefit, use, or accommodation
32 of those seeking health, recreation, or rest, or for the burial or
33 other disposition of human remains, or for the sale of goods,
34 merchandise, services, or personal property, or for the rendering of
35 personal services, or for public conveyance or transportation on land,
36 water, or in the air, including the stations and terminals thereof and
37 the garaging of vehicles, or where food or beverages of any kind are
38 sold for consumption on the premises, or where public amusement,
39 entertainment, sports, or recreation of any kind is offered with or

1 without charge, or where medical service or care is made available, or
2 where the public gathers, congregates, or assembles for amusement,
3 recreation, or public purposes, or public halls, public elevators, and
4 public washrooms of buildings and structures occupied by two or more
5 tenants, or by the owner and one or more tenants, or any public library
6 or educational institution, or schools of special instruction, or
7 nursery schools, or day care centers or children's camps: PROVIDED,
8 That nothing contained in this definition shall be construed to include
9 or apply to any institute, bona fide club, or place of accommodation,
10 which is by its nature distinctly private, including fraternal
11 organizations, though where public use is permitted that use shall be
12 covered by this chapter; nor shall anything contained in this
13 definition apply to any educational facility, columbarium, crematory,
14 mausoleum, or cemetery operated or maintained by a bona fide religious
15 or sectarian institution; nor shall anything contained in this
16 definition apply to any newspaper or other advertising media when
17 selling or publishing advertisements;

18 (11) "Real property" includes buildings, structures, dwellings,
19 real estate, lands, tenements, leaseholds, interests in real estate
20 cooperatives, condominiums, and hereditaments, corporeal and
21 incorporeal, or any interest therein;

22 (12) "Real estate transaction" includes the sale, appraisal,
23 brokering, exchange, purchase, rental, or lease of real property,
24 transacting or applying for a real estate loan, or the provision of
25 brokerage services;

26 (13) "Dwelling" means any building, structure, or portion thereof
27 that is occupied as, or designed or intended for occupancy as, a
28 residence by one or more families, and any vacant land that is offered
29 for sale or lease for the construction or location thereon of any such
30 building, structure, or portion thereof;

31 (14) "Sex" means gender;

32 (15) "Aggrieved person" means any person who: (a) Claims to have
33 been injured by an unfair practice in a real estate transaction; or (b)
34 believes that he or she will be injured by an unfair practice in a real
35 estate transaction that is about to occur;

36 (16) "Complainant" means the person who files a complaint in a real
37 estate transaction;

38 (17) "Credit transaction" includes any open or closed end credit
39 transaction, whether in the nature of a loan, retail installment

1 transaction, credit card issue or charge, or otherwise, and whether for
2 personal or for business purposes, in which a service, finance, or
3 interest charge is imposed, or which provides for repayment in
4 scheduled payments, when such credit is extended in the regular course
5 of any trade or commerce, including but not limited to transactions by
6 banks, savings and loan associations or other financial lending
7 institutions of whatever nature, stock brokers, or by a merchant or
8 mercantile establishment which as part of its ordinary business permits
9 or provides that payment for purchases of property or service therefrom
10 may be deferred;

11 (18) "Families with children status" means when one or more
12 individuals who have not attained the age of eighteen years is
13 domiciled with a parent or another person having legal custody of such
14 individual or individuals, or with the designee of such parent or other
15 person having such legal custody, with the written permission of such
16 parent or other person. Families with children status also applies to
17 any person who is pregnant or is in the process of securing legal
18 custody or guardianship of any individual who has not attained the age
19 of eighteen years.

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