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HOUSE BILL 1491

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Cody, Cooke, Tokuda, Dyer, Murray, Ogden and Costa

Read first time 01/28/97. Referred to Committee on Children & Family Services.

1 AN ACT Relating to dog guides and service animals; amending RCW  
2 49.60.010, 49.60.030, 49.60.040, 49.60.130, 49.60.174, 49.60.175,  
3 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215,  
4 49.60.222, 49.60.224, 49.60.225, 70.84.020, 70.84.021, 70.84.040,  
5 70.84.050, 70.84.060, 70.84.100, 70.84.110, and 70.84.120; reenacting  
6 and amending RCW 49.60.120 and 49.60.223; adding new sections to  
7 chapter 49.60 RCW; creating a new section; recodifying RCW 70.84.100,  
8 70.84.110, and 70.84.120; and repealing RCW 70.84.030.

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

10 **Sec. 1.** RCW 49.60.010 and 1995 c 259 s 1 are each amended to read  
11 as follows:

12 This chapter shall be known as the "law against discrimination".  
13 It is an exercise of the police power of the state for the protection  
14 of the public welfare, health, and peace of the people of this state,  
15 and in fulfillment of the provisions of the Constitution of this state  
16 concerning civil rights. The legislature hereby finds and declares  
17 that practices of discrimination against any of its inhabitants because  
18 of race, creed, color, national origin, families with children, sex,  
19 marital status, age, or the presence of any sensory, mental, or

1 physical disability or the use of a trained dog guide ((~~dog~~)) or  
2 service ((~~dog~~)) animal by a disabled person are a matter of state  
3 concern, that such discrimination threatens not only the rights and  
4 proper privileges of its inhabitants but menaces the institutions and  
5 foundation of a free democratic state. A state agency is herein  
6 created with powers with respect to elimination and prevention of  
7 discrimination in employment, in credit and insurance transactions, in  
8 places of public resort, accommodation, or amusement, and in real  
9 property transactions because of race, creed, color, national origin,  
10 families with children, sex, marital status, age, or the presence of  
11 any sensory, mental, or physical disability or the use of a trained dog  
12 guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person; and the  
13 commission established hereunder is hereby given general jurisdiction  
14 and power for such purposes.

15 **Sec. 2.** RCW 49.60.030 and 1995 c 135 s 3 are each amended to read  
16 as follows:

17 (1) The right to be free from discrimination because of race,  
18 creed, color, national origin, sex, or the presence of any sensory,  
19 mental, or physical disability or the use of a trained dog guide  
20 ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person is recognized as  
21 and declared to be a civil right. This right shall include, but not be  
22 limited to:

23 (a) The right to obtain and hold employment without discrimination;

24 (b) The right to the full enjoyment of any of the accommodations,  
25 advantages, facilities, or privileges of any place of public resort,  
26 accommodation, assemblage, or amusement;

27 (c) The right to engage in real estate transactions without  
28 discrimination, including discrimination against families with  
29 children;

30 (d) The right to engage in credit transactions without  
31 discrimination;

32 (e) The right to engage in insurance transactions or transactions  
33 with health maintenance organizations without discrimination:  
34 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,  
35 48.44.220, or 48.46.370 does not constitute an unfair practice for the  
36 purposes of this subparagraph; and

37 (f) The right to engage in commerce free from any discriminatory  
38 boycotts or blacklists. Discriminatory boycotts or blacklists for

1 purposes of this section shall be defined as the formation or execution  
2 of any express or implied agreement, understanding, policy or  
3 contractual arrangement for economic benefit between any persons which  
4 is not specifically authorized by the laws of the United States and  
5 which is required or imposed, either directly or indirectly, overtly or  
6 covertly, by a foreign government or foreign person in order to  
7 restrict, condition, prohibit, or interfere with or in order to exclude  
8 any person or persons from any business relationship on the basis of  
9 race, color, creed, religion, sex, the presence of any sensory, mental,  
10 or physical disability, or the use of a trained dog guide ((~~dog~~)) or  
11 service ((~~dog~~)) animal by a disabled person, or national origin or  
12 lawful business relationship: PROVIDED HOWEVER, That nothing herein  
13 contained shall prohibit the use of boycotts as authorized by law  
14 pertaining to labor disputes and unfair labor practices.

15 (2) Any person deeming himself or herself injured by any act in  
16 violation of this chapter shall have a civil action in a court of  
17 competent jurisdiction to enjoin further violations, or to recover the  
18 actual damages sustained by the person, or both, together with the cost  
19 of suit including reasonable attorneys' fees or any other appropriate  
20 remedy authorized by this chapter or the United States Civil Rights Act  
21 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988  
22 (42 U.S.C. Sec. 3601 et seq.).

23 (3) Except for any unfair practice committed by an employer against  
24 an employee or a prospective employee, or any unfair practice in a real  
25 estate transaction which is the basis for relief specified in the  
26 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any  
27 unfair practice prohibited by this chapter which is committed in the  
28 course of trade or commerce as defined in the Consumer Protection Act,  
29 chapter 19.86 RCW, is, for the purpose of applying that chapter, a  
30 matter affecting the public interest, is not reasonable in relation to  
31 the development and preservation of business, and is an unfair or  
32 deceptive act in trade or commerce.

33 **Sec. 3.** RCW 49.60.040 and 1995 c 259 s 2 are each amended to read  
34 as follows:

35 As used in this chapter:

36 (1) "Person" includes one or more individuals, partnerships,  
37 associations, organizations, corporations, cooperatives, legal  
38 representatives, trustees and receivers, or any group of persons; it

1 includes any owner, lessee, proprietor, manager, agent, or employee,  
2 whether one or more natural persons; and further includes any political  
3 or civil subdivisions of the state and any agency or instrumentality of  
4 the state or of any political or civil subdivision thereof;

5 (2) "Commission" means the Washington state human rights  
6 commission;

7 (3) "Employer" includes any person acting in the interest of an  
8 employer, directly or indirectly, who employs eight or more persons,  
9 and does not include any religious or sectarian organization not  
10 organized for private profit;

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

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

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

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

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

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

34 (10) "Any place of public resort, accommodation, assemblage, or  
35 amusement" includes, but is not limited to, any place, licensed or  
36 unlicensed, kept for gain, hire, or reward, or where charges are made  
37 for admission, service, occupancy, or use of any property or  
38 facilities, whether conducted for the entertainment, housing, or  
39 lodging of transient guests, or for the benefit, use, or accommodation

1 of those seeking health, recreation, or rest, or for the burial or  
2 other disposition of human remains, or for the sale of goods,  
3 merchandise, services, or personal property, or for the rendering of  
4 personal services, or for public conveyance or transportation on land,  
5 water, or in the air, including the stations and terminals thereof and  
6 the garaging of vehicles, or where food or beverages of any kind are  
7 sold for consumption on the premises, or where public amusement,  
8 entertainment, sports, or recreation of any kind is offered with or  
9 without charge, or where medical service or care is made available, or  
10 where the public gathers, congregates, or assembles for amusement,  
11 recreation, or public purposes, or public halls, public elevators, and  
12 public washrooms of buildings and structures occupied by two or more  
13 tenants, or by the owner and one or more tenants, or any public library  
14 or educational institution, or schools of special instruction, or  
15 nursery schools, or day care centers or children's camps: PROVIDED,  
16 That nothing contained in this definition shall be construed to include  
17 or apply to any institute, bona fide club, or place of accommodation,  
18 which is by its nature distinctly private, including fraternal  
19 organizations, though where public use is permitted that use shall be  
20 covered by this chapter; nor shall anything contained in this  
21 definition apply to any educational facility, columbarium, crematory,  
22 mausoleum, or cemetery operated or maintained by a bona fide religious  
23 or sectarian institution;

24 (11) "Real property" includes buildings, structures, dwellings,  
25 real estate, lands, tenements, leaseholds, interests in real estate  
26 cooperatives, condominiums, and hereditaments, corporeal and  
27 incorporeal, or any interest therein;

28 (12) "Real estate transaction" includes the sale, appraisal,  
29 brokering, exchange, purchase, rental, or lease of real property,  
30 transacting or applying for a real estate loan, or the provision of  
31 brokerage services;

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

37 (14) "Sex" means gender;

38 (15) "Aggrieved person" means any person who: (a) Claims to have  
39 been injured by an unfair practice in a real estate transaction; or (b)

1 believes that he or she will be injured by an unfair practice in a real  
2 estate transaction that is about to occur;

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

5 (17) "Respondent" means any person accused in a complaint or  
6 amended complaint of an unfair practice in a real estate transaction;

7 (18) "Credit transaction" includes any open or closed end credit  
8 transaction, whether in the nature of a loan, retail installment  
9 transaction, credit card issue or charge, or otherwise, and whether for  
10 personal or for business purposes, in which a service, finance, or  
11 interest charge is imposed, or which provides for repayment in  
12 scheduled payments, when such credit is extended in the regular course  
13 of any trade or commerce, including but not limited to transactions by  
14 banks, savings and loan associations or other financial lending  
15 institutions of whatever nature, stock brokers, or by a merchant or  
16 mercantile establishment which as part of its ordinary business permits  
17 or provides that payment for purchases of property or service therefrom  
18 may be deferred;

19 (19) "Families with children status" means one or more individuals  
20 who have not attained the age of eighteen years being domiciled with a  
21 parent or another person having legal custody of such individual or  
22 individuals, or with the designee of such parent or other person having  
23 such legal custody, with the written permission of such parent or other  
24 person. Families with children status also applies to any person who  
25 is pregnant or is in the process of securing legal custody of any  
26 individual who has not attained the age of eighteen years;

27 (20) "Covered multifamily dwelling" means: (a) Buildings  
28 consisting of four or more dwelling units if such buildings have one or  
29 more elevators; and (b) ground floor dwelling units in other buildings  
30 consisting of four or more dwelling units;

31 (21) "Premises" means the interior or exterior spaces, parts,  
32 components, or elements of a building, including individual dwelling  
33 units and the public and common use areas of a building;

34 (22) "Dog guide" means a dog that is trained or being trained for  
35 the purpose of guiding blind persons or a dog that is trained or in  
36 training for the purpose of assisting hearing impaired persons;

37 (23) "Service animal" means an animal that is trained or being  
38 trained for the purpose of assisting or accommodating a physically  
39 disabled person related to the person's physical disability.

1       **Sec. 4.** RCW 49.60.120 and 1993 c 510 s 6 and 1993 c 69 s 4 are  
2 each reenacted and amended to read as follows:

3       The commission shall have the functions, powers and duties:

4       (1) To appoint an executive director and chief examiner, and such  
5 investigators, examiners, clerks, and other employees and agents as it  
6 may deem necessary, fix their compensation within the limitations  
7 provided by law, and prescribe their duties.

8       (2) To obtain upon request and utilize the services of all  
9 governmental departments and agencies.

10       (3) To adopt, promulgate, amend, and rescind suitable rules and  
11 regulations to carry out the provisions of this chapter, and the  
12 policies and practices of the commission in connection therewith.

13       (4) To receive, impartially investigate, and pass upon complaints  
14 alleging unfair practices as defined in this chapter.

15       (5) To issue such publications and such results of investigations  
16 and research as in its judgment will tend to promote good will and  
17 minimize or eliminate discrimination because of sex, race, creed,  
18 color, national origin, marital status, age, or the presence of any  
19 sensory, mental, or physical disability, or the use of a trained dog  
20 guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person.

21       (6) To make such technical studies as are appropriate to effectuate  
22 the purposes and policies of this chapter and to publish and distribute  
23 the reports of such studies.

24       (7) To cooperate and act jointly or by division of labor with the  
25 United States or other states, with other Washington state agencies,  
26 commissions, and other government entities, and with political  
27 subdivisions of the state of Washington and their respective human  
28 rights agencies to carry out the purposes of this chapter. However,  
29 the powers which may be exercised by the commission under this  
30 subsection permit investigations and complaint dispositions only if the  
31 investigations are designed to reveal, or the complaint deals only  
32 with, allegations which, if proven, would constitute unfair practices  
33 under this chapter. The commission may perform such services for these  
34 agencies and be reimbursed therefor.

35       (8) To foster good relations between minority and majority  
36 population groups of the state through seminars, conferences,  
37 educational programs, and other intergroup relations activities.

1       **Sec. 5.** RCW 49.60.130 and 1993 c 510 s 7 are each amended to read  
2 as follows:

3       The commission has power to create such advisory agencies and  
4 conciliation councils, local, regional, or state-wide, as in its  
5 judgment will aid in effectuating the purposes of this chapter. The  
6 commission may empower them to study the problems of discrimination in  
7 all or specific fields of human relationships or in specific instances  
8 of discrimination because of sex, race, creed, color, national origin,  
9 marital status, age, or the presence of any sensory, mental, or  
10 physical disability or the use of a trained dog guide ((~~dog~~)) or  
11 service ((~~dog~~)) animal by a disabled person; to foster through  
12 community effort or otherwise good will, cooperation, and conciliation  
13 among the groups and elements of the population of the state, and to  
14 make recommendations to the commission for the development of policies  
15 and procedures in general and in specific instances, and for programs  
16 of formal and informal education which the commission may recommend to  
17 the appropriate state agency.

18       Such advisory agencies and conciliation councils shall be composed  
19 of representative citizens, serving without pay, but with reimbursement  
20 for travel expenses in accordance with RCW 43.03.050 and 43.03.060 as  
21 now existing or hereafter amended, and the commission may make  
22 provision for technical and clerical assistance to such agencies and  
23 councils and for the expenses of such assistance. The commission may  
24 use organizations specifically experienced in dealing with questions of  
25 discrimination.

26       **Sec. 6.** RCW 49.60.174 and 1993 c 510 s 8 are each amended to read  
27 as follows:

28       (1) For the purposes of determining whether an unfair practice  
29 under this chapter has occurred, claims of discrimination based on  
30 actual or perceived HIV infection shall be evaluated in the same manner  
31 as other claims of discrimination based on sensory, mental, or physical  
32 disability; or the use of a trained dog guide ((~~dog~~)) or service  
33 ((~~dog~~)) animal by a disabled person.

34       (2) Subsection (1) of this section shall not apply to transactions  
35 with insurance entities, health service contractors, or health  
36 maintenance organizations subject to RCW 49.60.030(1)(e) or 49.60.178  
37 to prohibit fair discrimination on the basis of actual HIV infection



1 status when bona fide statistical differences in risk or exposure have  
2 been substantiated.

3 (3) For the purposes of this chapter, "HIV" means the human  
4 immunodeficiency virus, and includes all HIV and HIV-related viruses  
5 which damage the cellular branch of the human immune system and leave  
6 the infected person immunodeficient.

7 **Sec. 7.** RCW 49.60.175 and 1993 c 510 s 9 are each amended to read  
8 as follows:

9 It shall be an unfair practice to use the sex, race, creed, color,  
10 national origin, marital status, or the presence of any sensory,  
11 mental, or physical disability of any person, or the use of a trained  
12 dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person,  
13 concerning an application for credit in any credit transaction to  
14 determine the credit worthiness of an applicant.

15 **Sec. 8.** RCW 49.60.176 and 1993 c 510 s 10 are each amended to read  
16 as follows:

17 (1) It is an unfair practice for any person whether acting for  
18 himself, herself, or another in connection with any credit transaction  
19 because of race, creed, color, national origin, sex, marital status, or  
20 the presence of any sensory, mental, or physical disability or the use  
21 of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled  
22 person:

23 (a) To deny credit to any person;

24 (b) To increase the charges or fees for or collateral required to  
25 secure any credit extended to any person;

26 (c) To restrict the amount or use of credit extended or to impose  
27 different terms or conditions with respect to the credit extended to  
28 any person or any item or service related thereto;

29 (d) To attempt to do any of the unfair practices defined in this  
30 section.

31 (2) Nothing in this section shall prohibit any party to a credit  
32 transaction from considering the credit history of any individual  
33 applicant.

34 (3) Further, nothing in this section shall prohibit any party to a  
35 credit transaction from considering the application of the community  
36 property law to the individual case or from taking reasonable action  
37 thereon.

1       **Sec. 9.** RCW 49.60.178 and 1993 c 510 s 11 are each amended to read  
2 as follows:

3       It is an unfair practice for any person whether acting for himself,  
4 herself, or another in connection with an insurance transaction or  
5 transaction with a health maintenance organization to cancel or fail or  
6 refuse to issue or renew insurance or a health maintenance agreement to  
7 any person because of sex, marital status, race, creed, color, national  
8 origin, or the presence of any sensory, mental, or physical disability  
9 or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by  
10 a disabled person: PROVIDED, That a practice which is not unlawful  
11 under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an  
12 unfair practice for the purposes of this section. For the purposes of  
13 this section, "insurance transaction" is defined in RCW 48.01.060,  
14 health maintenance agreement is defined in RCW 48.46.020, and "health  
15 maintenance organization" is defined in RCW 48.46.020.

16       The fact that such unfair practice may also be a violation of  
17 chapter 48.30, 48.44, or 48.46 RCW does not constitute a defense to an  
18 action brought under this section.

19       The insurance commissioner, under RCW 48.30.300, and the human  
20 rights commission, under chapter 49.60 RCW, shall have concurrent  
21 jurisdiction under this section and shall enter into a working  
22 agreement as to procedure to be followed in complaints under this  
23 section.

24       **Sec. 10.** RCW 49.60.180 and 1993 c 510 s 12 are each amended to  
25 read as follows:

26       It is an unfair practice for any employer:

27       (1) To refuse to hire any person because of age, sex, marital  
28 status, race, creed, color, national origin, or the presence of any  
29 sensory, mental, or physical disability or the use of a trained dog  
30 guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person, unless  
31 based upon a bona fide occupational qualification: PROVIDED, That the  
32 prohibition against discrimination because of such disability shall not  
33 apply if the particular disability prevents the proper performance of  
34 the particular worker involved.

35       (2) To discharge or bar any person from employment because of age,  
36 sex, marital status, race, creed, color, national origin, or the  
37 presence of any sensory, mental, or physical disability or the use of

1 a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled  
2 person.

3 (3) To discriminate against any person in compensation or in other  
4 terms or conditions of employment because of age, sex, marital status,  
5 race, creed, color, national origin, or the presence of any sensory,  
6 mental, or physical disability or the use of a trained dog guide  
7 ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person: PROVIDED, That  
8 it shall not be an unfair practice for an employer to segregate  
9 washrooms or locker facilities on the basis of sex, or to base other  
10 terms and conditions of employment on the sex of employees where the  
11 commission by regulation or ruling in a particular instance has found  
12 the employment practice to be appropriate for the practical realization  
13 of equality of opportunity between the sexes.

14 (4) To print, or circulate, or cause to be printed or circulated  
15 any statement, advertisement, or publication, or to use any form of  
16 application for employment, or to make any inquiry in connection with  
17 prospective employment, which expresses any limitation, specification,  
18 or discrimination as to age, sex, marital status, race, creed, color,  
19 national origin, or the presence of any sensory, mental, or physical  
20 disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~))  
21 animal by a disabled person, or any intent to make any such limitation,  
22 specification, or discrimination, unless based upon a bona fide  
23 occupational qualification: PROVIDED, Nothing contained herein shall  
24 prohibit advertising in a foreign language.

25 **Sec. 11.** RCW 49.60.190 and 1993 c 510 s 13 are each amended to  
26 read as follows:

27 It is an unfair practice for any labor union or labor organization:

28 (1) To deny membership and full membership rights and privileges to  
29 any person because of age, sex, marital status, race, creed, color,  
30 national origin, or the presence of any sensory, mental, or physical  
31 disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~))  
32 animal by a disabled person.

33 (2) To expel from membership any person because of age, sex,  
34 marital status, race, creed, color, national origin, or the presence of  
35 any sensory, mental, or physical disability or the use of a trained dog  
36 guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person.

37 (3) To discriminate against any member, employer, employee, or  
38 other person to whom a duty of representation is owed because of age,

1 sex, marital status, race, creed, color, national origin, or the  
2 presence of any sensory, mental, or physical disability or the use of  
3 a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled  
4 person.

5 **Sec. 12.** RCW 49.60.200 and 1993 c 510 s 14 are each amended to  
6 read as follows:

7 It is an unfair practice for any employment agency to fail or  
8 refuse to classify properly or refer for employment, or otherwise to  
9 discriminate against, an individual because of age, sex, marital  
10 status, race, creed, color, national origin, or the presence of any  
11 sensory, mental, or physical disability or the use of a trained dog  
12 guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person, or to  
13 print or circulate, or cause to be printed or circulated any statement,  
14 advertisement, or publication, or to use any form of application for  
15 employment, or to make any inquiry in connection with prospective  
16 employment, which expresses any limitation, specification or  
17 discrimination as to age, sex, race, creed, color, or national origin,  
18 or the presence of any sensory, mental, or physical disability or the  
19 use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a  
20 disabled person, or any intent to make any such limitation,  
21 specification, or discrimination, unless based upon a bona fide  
22 occupational qualification: PROVIDED, Nothing contained herein shall  
23 prohibit advertising in a foreign language.

24 **Sec. 13.** RCW 49.60.215 and 1993 c 510 s 16 are each amended to  
25 read as follows:

26 It shall be an unfair practice for any person or the person's agent  
27 or employee to commit an act which directly or indirectly results in  
28 any distinction, restriction, or discrimination, or the requiring of  
29 any person to pay a larger sum than the uniform rates charged other  
30 persons, or the refusing or withholding from any person the admission,  
31 patronage, custom, presence, frequenting, dwelling, staying, or lodging  
32 in any place of public resort, accommodation, assemblage, or amusement,  
33 except for conditions and limitations established by law and applicable  
34 to all persons, regardless of race, creed, color, national origin, sex,  
35 the presence of any sensory, mental, or physical disability, or the use  
36 of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled  
37 person: PROVIDED, That this section shall not be construed to require

1 structural changes, modifications, or additions to make any place  
2 accessible to a disabled person except as otherwise required by law:  
3 PROVIDED, That behavior or actions constituting a risk to property or  
4 other persons can be grounds for refusal and shall not constitute an  
5 unfair practice.

6 **Sec. 14.** RCW 49.60.222 and 1995 c 259 s 3 are each amended to read  
7 as follows:

8 (1) It is an unfair practice for any person, whether acting for  
9 himself, herself, or another, because of sex, marital status, race,  
10 creed, color, national origin, families with children status, the  
11 presence of any sensory, mental, or physical disability, or the use of  
12 a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled  
13 person:

14 (a) To refuse to engage in a real estate transaction with a person;

15 (b) To discriminate against a person in the terms, conditions, or  
16 privileges of a real estate transaction or in the furnishing of  
17 facilities or services in connection therewith;

18 (c) To refuse to receive or to fail to transmit a bona fide offer  
19 to engage in a real estate transaction from a person;

20 (d) To refuse to negotiate for a real estate transaction with a  
21 person;

22 (e) To represent to a person that real property is not available  
23 for inspection, sale, rental, or lease when in fact it is so available,  
24 or to fail to bring a property listing to his or her attention, or to  
25 refuse to permit the person to inspect real property;

26 (f) To discriminate in the sale or rental, or to otherwise make  
27 unavailable or deny a dwelling, to any person; or to a person residing  
28 in or intending to reside in that dwelling after it is sold, rented, or  
29 made available; or to any person associated with the person buying or  
30 renting;

31 (g) To make, print, circulate, post, or mail, or cause to be so  
32 made or published a statement, advertisement, or sign, or to use a form  
33 of application for a real estate transaction, or to make a record or  
34 inquiry in connection with a prospective real estate transaction, which  
35 indicates, directly or indirectly, an intent to make a limitation,  
36 specification, or discrimination with respect thereto;

37 (h) To offer, solicit, accept, use, or retain a listing of real  
38 property with the understanding that a person may be discriminated

1 against in a real estate transaction or in the furnishing of facilities  
2 or services in connection therewith;

3 (i) To expel a person from occupancy of real property;

4 (j) To discriminate in the course of negotiating, executing, or  
5 financing a real estate transaction whether by mortgage, deed of trust,  
6 contract, or other instrument imposing a lien or other security in real  
7 property, or in negotiating or executing any item or service related  
8 thereto including issuance of title insurance, mortgage insurance, loan  
9 guarantee, or other aspect of the transaction. Nothing in this section  
10 shall limit the effect of RCW 49.60.176 relating to unfair practices in  
11 credit transactions; or

12 (k) To attempt to do any of the unfair practices defined in this  
13 section.

14 (2) For the purposes of this chapter discrimination based on the  
15 presence of any sensory, mental, or physical disability or the use of  
16 a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a blind, deaf,  
17 or physically disabled person includes:

18 (a) A refusal to permit, at the expense of the disabled person,  
19 reasonable modifications of existing premises occupied or to be  
20 occupied by such person if such modifications may be necessary to  
21 afford such person full enjoyment of the dwelling, except that, in the  
22 case of a rental, the landlord may, where it is reasonable to do so,  
23 condition permission for a modification on the renter agreeing to  
24 restore the interior of the dwelling to the condition that existed  
25 before the modification, reasonable wear and tear excepted;

26 (b) To refuse to make reasonable accommodation in rules, policies,  
27 practices, or services when such accommodations may be necessary to  
28 afford a person with the presence of any sensory, mental, or physical  
29 disability and/or the use of a trained dog guide ((~~dog~~)) or service  
30 ((~~dog~~)) animal by a blind, deaf, or physically disabled person equal  
31 opportunity to use and enjoy a dwelling; or

32 (c) To fail to design and construct covered multifamily dwellings  
33 and premises in conformance with the federal fair housing amendments  
34 act of 1988 (42 U.S.C. Sec. 3601 et seq.) and all other applicable laws  
35 or regulations pertaining to access by persons with any sensory,  
36 mental, or physical disability or use of a trained dog guide ((~~dog~~)) or  
37 service ((~~dog~~)) animal. Whenever the requirements of applicable laws  
38 or regulations differ, the requirements which require greater

1 accessibility for persons with any sensory, mental, or physical  
2 disability shall govern.

3 Nothing in (a) or (b) of this subsection shall apply to: (i) A  
4 single-family house rented or leased by the owner if the owner does not  
5 own or have an interest in the proceeds of the rental or lease of more  
6 than three such single-family houses at one time, the rental or lease  
7 occurred without the use of a real estate broker or salesperson, as  
8 defined in RCW 18.85.010, and the rental or lease occurred without the  
9 publication, posting, or mailing of any advertisement, sign, or  
10 statement in violation of subsection (1)(g) of this section; or (ii)  
11 rooms or units in dwellings containing living quarters occupied or  
12 intended to be occupied by no more than four families living  
13 independently of each other if the owner maintains and occupies one of  
14 the rooms or units as his or her residence.

15 (3) Notwithstanding any other provision of this chapter, it shall  
16 not be an unfair practice or a denial of civil rights for any public or  
17 private educational institution to separate the sexes or give  
18 preference to or limit use of dormitories, residence halls, or other  
19 student housing to persons of one sex or to make distinctions on the  
20 basis of marital or families with children status.

21 (4) Except pursuant to subsection (2)(a) of this section, this  
22 section shall not be construed to require structural changes,  
23 modifications, or additions to make facilities accessible to a disabled  
24 person except as otherwise required by law. Nothing in this section  
25 affects the rights, responsibilities, and remedies of landlords and  
26 tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to  
27 post and enforce reasonable rules of conduct and safety for all tenants  
28 and their guests, provided that chapters 59.18 and 59.20 RCW are only  
29 affected to the extent they are inconsistent with the nondiscrimination  
30 requirements of this chapter. Nothing in this section limits the  
31 applicability of any reasonable federal, state, or local restrictions  
32 regarding the maximum number of occupants permitted to occupy a  
33 dwelling.

34 (5) Notwithstanding any other provision of this chapter, it shall  
35 not be an unfair practice for any public establishment providing for  
36 accommodations offered for the full enjoyment of transient guests as  
37 defined by RCW 9.91.010(1)(c) to make distinctions on the basis of  
38 families with children status. Nothing in this section shall limit the

1 effect of RCW 49.60.215 relating to unfair practices in places of  
2 public accommodation.

3 (6) Nothing in this chapter prohibiting discrimination based on  
4 families with children status applies to housing for older persons as  
5 defined by the federal fair housing amendments act of 1988, 42 U.S.C.  
6 Sec. 3607(b)(1) through (3). Nothing in this chapter authorizes  
7 requirements for housing for older persons different than the  
8 requirements in the federal fair housing amendments act of 1988, 42  
9 U.S.C. Sec 3607(b)(1) through (3).

10 **Sec. 15.** RCW 49.60.223 and 1993 c 510 s 18 and 1993 c 69 s 6 are  
11 each reenacted and amended to read as follows:

12 It is an unfair practice for any person, for profit, to induce or  
13 attempt to induce any person to sell or rent any real property by  
14 representations regarding the entry or prospective entry into the  
15 neighborhood of a person or persons of a particular race, creed, color,  
16 sex, national origin, families with children status, or with any  
17 sensory, mental, or physical disability and/or the use of a trained dog  
18 guide ((~~dog~~)) or service ((~~dog~~)) animal by a blind, deaf, or physically  
19 disabled person.

20 **Sec. 16.** RCW 49.60.224 and 1993 c 69 s 8 are each amended to read  
21 as follows:

22 (1) Every provision in a written instrument relating to real  
23 property which purports to forbid or restrict the conveyance,  
24 encumbrance, occupancy, or lease thereof to individuals of a specified  
25 race, creed, color, sex, national origin, families with children  
26 status, or with any sensory, mental, or physical disability or the use  
27 of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a blind,  
28 deaf, or physically disabled person, and every condition, restriction,  
29 or prohibition, including a right of entry or possibility of reverter,  
30 which directly or indirectly limits the use or occupancy of real  
31 property on the basis of race, creed, color, sex, national origin,  
32 families with children status, or the presence of any sensory, mental,  
33 or physical disability or the use of a trained dog guide ((~~dog~~)) or  
34 service ((~~dog~~)) animal by a blind, deaf, or physically disabled person  
35 is void.



1 (2) It is an unfair practice to insert in a written instrument  
2 relating to real property a provision that is void under this section  
3 or to honor or attempt to honor such a provision in the chain of title.

4 **Sec. 17.** RCW 49.60.225 and 1995 c 259 s 4 are each amended to read  
5 as follows:

6 (1) When a reasonable cause determination has been made under RCW  
7 49.60.240 that an unfair practice in a real estate transaction has been  
8 committed and a finding has been made that the respondent has engaged  
9 in any unfair practice under RCW 49.60.250, the administrative law  
10 judge shall promptly issue an order for such relief suffered by the  
11 aggrieved person as may be appropriate, which may include actual  
12 damages as provided by the federal fair housing amendments act of 1988  
13 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable  
14 relief. Such order may, to further the public interest, assess a civil  
15 penalty against the respondent:

16 (a) In an amount up to ten thousand dollars if the respondent has  
17 not been determined to have committed any prior unfair practice in a  
18 real estate transaction;

19 (b) In an amount up to twenty-five thousand dollars if the  
20 respondent has been determined to have committed one other unfair  
21 practice in a real estate transaction during the five-year period  
22 ending on the date of the filing of this charge; or

23 (c) In an amount up to fifty thousand dollars if the respondent has  
24 been determined to have committed two or more unfair practices in a  
25 real estate transaction during the seven-year period ending on the date  
26 of the filing of this charge, for loss of the right secured by RCW  
27 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as  
28 now or hereafter amended, to be free from discrimination in real  
29 property transactions because of sex, marital status, race, creed,  
30 color, national origin, families with children status, or the presence  
31 of any sensory, mental, or physical disability or the use of a trained  
32 dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a blind, deaf, or  
33 physically disabled person. Enforcement of the order and appeal  
34 therefrom by the complainant or respondent may be made as provided in  
35 RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice  
36 in a real estate transaction that is the object of the charge are  
37 determined to have been committed by the same natural person who has  
38 been previously determined to have committed acts constituting an

1 unfair practice in a real estate transaction, then the civil penalty of  
2 up to fifty thousand dollars may be imposed without regard to the  
3 period of time within which any subsequent unfair practice in a real  
4 estate transaction occurred. All civil penalties assessed under this  
5 section shall be paid into the state treasury and credited to the  
6 general fund.

7 (2) Such order shall not affect any contract, sale, conveyance,  
8 encumbrance, or lease consummated before the issuance of an order that  
9 involves a bona fide purchaser, encumbrancer, or tenant who does not  
10 have actual notice of the charge filed under this chapter.

11 (3) Notwithstanding any other provision of this chapter, persons  
12 awarded damages under this section may not receive additional damages  
13 pursuant to RCW 49.60.250.

14 **Sec. 18.** RCW 70.84.020 and 1980 c 109 s 2 are each amended to read  
15 as follows:

16 For the purpose of this chapter, the term "dog guide ((dog))"  
17 ~~((shall mean a dog which is in working harness and))~~ means a dog that  
18 is trained or ((approved by an accredited school engaged in training  
19 dogs)) being trained for the purpose of guiding blind persons or a dog  
20 ~~((which is)) trained or ((approved by an accredited school engaged in~~  
21 ~~training dogs)) being trained for the purpose of assisting hearing~~  
22 impaired persons.

23 **Sec. 19.** RCW 70.84.021 and 1985 c 90 s 1 are each amended to read  
24 as follows:

25 For the purpose of this chapter, "service ((dog)) animal" means ((a  
26 dog)) an animal that is trained or ~~((approved by an accredited school,~~  
27 ~~or state institution of higher education, engaged in training dogs))~~  
28 being trained for the purposes of assisting or accommodating a  
29 physically disabled person related to the person's physical disability.

30 **Sec. 20.** RCW 70.84.040 and 1985 c 90 s 3 are each amended to read  
31 as follows:

32 The driver of a vehicle approaching a totally or partially blind  
33 pedestrian who is carrying a cane predominantly white in color (with or  
34 without a red tip), a totally or partially blind or hearing impaired  
35 pedestrian using a dog guide ((dog)), or an otherwise physically  
36 disabled person using a service ((dog)) animal shall take all necessary

1 precautions to avoid injury to such pedestrian. Any driver who fails  
2 to take such precaution shall be liable in damages for any injury  
3 caused such pedestrian. It shall be unlawful for the operator of any  
4 vehicle to drive into or upon any crosswalk while there is on such  
5 crosswalk, such pedestrian, crossing or attempting to cross the  
6 roadway, if such pedestrian (~~indicates his intention to cross or of~~  
7 ~~continuing on, with a timely warning by holding up or waving~~) is using  
8 a white cane, using a dog guide (~~dog~~), or using a service (~~dog~~)  
9 animal. The failure of any such pedestrian so to signal shall not  
10 deprive him of the right of way accorded him by other laws.

11 **Sec. 21.** RCW 70.84.050 and 1980 c 109 s 5 are each amended to read  
12 as follows:

13 A totally or partially blind pedestrian not carrying a white cane  
14 or a totally or partially blind or hearing impaired pedestrian not  
15 using a dog guide (~~dog~~) in any of the places, accommodations, or  
16 conveyances listed in RCW 70.84.010, shall have all of the rights and  
17 privileges conferred by law on other persons.

18 **Sec. 22.** RCW 70.84.060 and 1985 c 90 s 4 are each amended to read  
19 as follows:

20 It shall be unlawful for any pedestrian who is not totally or  
21 partially blind to use a white cane or any pedestrian who is not  
22 totally or partially blind or is not hearing impaired to use a dog  
23 guide (~~dog~~) or any pedestrian who is not otherwise physically  
24 disabled to use a service (~~dog~~) animal in any of the places,  
25 accommodations, or conveyances listed in RCW 70.84.010 for the purpose  
26 of securing the rights and privileges accorded by the chapter to  
27 totally or partially blind, hearing impaired, or otherwise physically  
28 disabled people.

29 **Sec. 23.** RCW 70.84.100 and 1988 c 89 s 1 are each amended to read  
30 as follows:

31 A person who negligently or maliciously kills or injures a dog  
32 guide or service (~~dog~~) animal is liable for a penalty of one thousand  
33 dollars, to be paid to the user of the (~~dog~~) animal. The penalty  
34 shall be in addition to and not in lieu of any other remedies or  
35 penalties, civil or criminal, provided by law.

1       **Sec. 24.** RCW 70.84.110 and 1988 c 89 s 2 are each amended to read  
2 as follows:

3       A user or owner of a dog guide or service ((~~dog~~)) animal, whose  
4 ((~~dog~~)) animal is negligently or maliciously injured or killed, is  
5 entitled to recover reasonable attorneys' fees and costs incurred in  
6 pursuing any civil remedy.

7       **Sec. 25.** RCW 70.84.120 and 1989 c 41 s 1 are each amended to read  
8 as follows:

9       A county, city, or town shall honor a request by a blind person or  
10 hearing impaired person not to be charged a fee to license his or her  
11 dog guide ((~~dog~~)), or a request by a physically disabled person not to  
12 be charged a fee to license his or her service ((~~dog~~)) animal.

13       NEW SECTION.   **Sec. 26.**   The Washington state human rights  
14 commission shall submit proposed rules implementing this act to the  
15 appropriate committees of the senate and house of representatives for  
16 their review no later than October 1, 1997.

17       NEW SECTION.   **Sec. 27.** RCW 70.84.030 and 1985 c 90 s 2, 1980 c 109  
18 s 3, & 1969 c 141 s 3 are each repealed.

19       NEW SECTION.   **Sec. 28.** RCW 70.84.100, 70.84.110, and 70.84.120 are  
20 each recodified as new sections in chapter 49.60 RCW.

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