
SENATE BILL 5130

State of Washington

56th Legislature

1999 Regular Session

By Senators Kohl-Welles, Heavey, Thibaudeau, Brown, Spanel, Snyder, Prentice, Kline, McAuliffe and Costa

Read first time 01/13/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to expanding the state law against discrimination;
2 amending RCW 49.60.010 and 49.60.040; adding a new section to chapter
3 49.60 RCW; providing an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 49.60.010 and 1997 c 271 s 1 are each amended to read
6 as follows:

7 This chapter shall be known as the "law against discrimination".
8 It is an exercise of the police power of the state for the protection
9 of the public welfare, health, and peace of the people of this state,
10 and in fulfillment of the provisions of the Constitution of this state
11 concerning civil rights. The legislature hereby finds and declares
12 that practices of discrimination against any of its inhabitants because
13 of race, creed, color, national origin, families with children, sex,
14 marital status, age, or the presence of any sensory, mental, or
15 physical disability or the use of a trained dog guide or service animal
16 by a disabled person are a matter of state concern, that such
17 discrimination threatens not only the rights and proper privileges of
18 its inhabitants but menaces the institutions and foundation of a free
19 democratic state. A state agency is herein created with powers with

1 respect to elimination and prevention of discrimination in employment,
2 in credit and insurance transactions, in places of public resort,
3 accommodation, or amusement, and in real property transactions because
4 of race, creed, color, national origin, families with children, sex,
5 marital status, age, or the presence of any sensory, mental, or
6 physical disability or the use of a trained dog guide or service animal
7 by a disabled person; and the commission established hereunder is
8 hereby given general jurisdiction and power for such purposes.

9 Creating and maintaining employment environments that are free of
10 discrimination is of vital concern to the people of this state. The
11 legislature finds and declares that all employees are entitled to a
12 workplace that is free from discrimination. The legislature finds
13 there are significant economic and social costs resulting from
14 employment discrimination. The legislature finds that a workplace free
15 from discrimination is of significant benefit to employers and that
16 educating and training employers and employees about the types of
17 actions that constitute discrimination continues to be important.

18 **Sec. 2.** RCW 49.60.040 and 1997 c 271 s 3 are each amended to read
19 as follows:

20 As used in this chapter:

21 (1) "Person" includes one or more individuals, partnerships,
22 associations, organizations, corporations, cooperatives, legal
23 representatives, trustees and receivers, or any group of persons; it
24 includes any owner, lessee, proprietor, manager, agent, or employee,
25 whether one or more natural persons; and further includes any political
26 or civil subdivisions of the state and any agency or instrumentality of
27 the state or of any political or civil subdivision thereof;

28 (2) "Commission" means the Washington state human rights
29 commission;

30 (3) "Employer" includes any person acting in the interest of an
31 employer, directly or indirectly, who employs ((eight)) one or more
32 persons, and does not include any religious ((or sectarian organization
33 not organized for private profit)) corporation, association,
34 educational institution, or society only with respect to the employment
35 of individuals of a particular religion to perform work connected with
36 the carrying on by such corporation, association, educational
37 institution, or society of its activities;

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

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

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

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

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

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

24 (10) "Any place of public resort, accommodation, assemblage, or
25 amusement" includes, but is not limited to, any place, licensed or
26 unlicensed, kept for gain, hire, or reward, or where charges are made
27 for admission, service, occupancy, or use of any property or
28 facilities, whether conducted for the entertainment, housing, or
29 lodging of transient guests, or for the benefit, use, or accommodation
30 of those seeking health, recreation, or rest, or for the burial or
31 other disposition of human remains, or for the sale of goods,
32 merchandise, services, or personal property, or for the rendering of
33 personal services, or for public conveyance or transportation on land,
34 water, or in the air, including the stations and terminals thereof and
35 the garaging of vehicles, or where food or beverages of any kind are
36 sold for consumption on the premises, or where public amusement,
37 entertainment, sports, or recreation of any kind is offered with or
38 without charge, or where medical service or care is made available, or
39 where the public gathers, congregates, or assembles for amusement,

1 recreation, or public purposes, or public halls, public elevators, and
2 public washrooms of buildings and structures occupied by two or more
3 tenants, or by the owner and one or more tenants, or any public library
4 or educational institution, or schools of special instruction, or
5 nursery schools, or day care centers or children's camps: PROVIDED,
6 That nothing contained in this definition shall be construed to include
7 or apply to any institute, bona fide club, or place of accommodation,
8 which is by its nature distinctly private, including fraternal
9 organizations, though where public use is permitted that use shall be
10 covered by this chapter; nor shall anything contained in this
11 definition apply to any educational facility, columbarium, crematory,
12 mausoleum, or cemetery operated or maintained by a bona fide religious
13 or sectarian institution;

14 (11) "Real property" includes buildings, structures, dwellings,
15 real estate, lands, tenements, leaseholds, interests in real estate
16 cooperatives, condominiums, and hereditaments, corporeal and
17 incorporeal, or any interest therein;

18 (12) "Real estate transaction" includes the sale, appraisal,
19 brokering, exchange, purchase, rental, or lease of real property,
20 transacting or applying for a real estate loan, or the provision of
21 brokerage services;

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

27 (14) "Sex" means gender;

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

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

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

36 (18) "Credit transaction" includes any open or closed end credit
37 transaction, whether in the nature of a loan, retail installment
38 transaction, credit card issue or charge, or otherwise, and whether for
39 personal or for business purposes, in which a service, finance, or

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

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

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

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

24 (22) "Dog guide" means a dog that is trained for the purpose of
25 guiding blind persons or a dog that is trained for the purpose of
26 assisting hearing impaired persons;

27 (23) "Service animal" means an animal that is trained for the
28 purpose of assisting or accommodating a disabled person's sensory,
29 mental, or physical disability.

30 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.60 RCW
31 to read as follows:

32 (1) The commission shall make available an informational brochure
33 designed to help employers engage in employment without discrimination.
34 The commission may utilize existing informational materials with any
35 changes necessary to reflect the policies embodied in chapter . . . ,
36 Laws of 1999 (this act). The commission is encouraged to consult with
37 representatives of small business to ensure that the brochure is useful
38 and practical to employers of seven or fewer employees.

1 (2) The commission shall hold educational seminars throughout the
2 state to explain to interested employers how to engage in employment
3 without discrimination.

4 (3) The commission may charge fees to participants for the services
5 required to be provided under this section. The fees shall be
6 sufficient to cover the costs of the programs and materials offered.

7 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 July 1, 1999.

--- END ---