
HOUSE BILL 2461

State of Washington 59th Legislature 2006 Regular Session

By Representatives Takko, Blake and Haler

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Committee on State Government Operations & Accountability.

1 AN ACT Relating to dog guides and service animals; amending RCW
2 49.60.040, 49.60.215, 70.84.020, 70.84.021, and 70.84.060; and adding
3 a new section to chapter 49.60 RCW.

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

5 **Sec. 1.** RCW 49.60.040 and 1997 c 271 s 3 are each amended to read
6 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 for
12 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 dog guide or service animal 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,

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

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

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

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

30 (14) "Sex" means gender;

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

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

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

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

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

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

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

28 (22) "Dog guide" means a dog that is trained or in training for the
29 purpose of guiding blind persons or a dog that is trained or in
30 training for the purpose of assisting hearing impaired persons;

31 (23) "Service animal" means an animal that is trained or in
32 training for the purpose of assisting or accommodating a disabled
33 person's sensory, mental, or physical disability.

34 **Sec. 2.** RCW 49.60.215 and 1997 c 271 s 13 are each amended to read
35 as follows:

36 It shall be an unfair practice for any person or the person's agent
37 or employee to commit an act which directly or indirectly results in

1 any distinction, restriction, or discrimination, or the requiring of
2 any person to pay a larger sum than the uniform rates charged other
3 persons, or the refusing or withholding from any person the admission,
4 patronage, custom, presence, frequenting, dwelling, staying, or lodging
5 in any place of public resort, accommodation, assemblage, or amusement,
6 except for conditions and limitations established by law and applicable
7 to all persons, regardless of race, creed, color, national origin, sex,
8 the presence of any sensory, mental, or physical disability, or the use
9 of a trained dog guide or service animal by a disabled person, or the
10 use of a dog guide in training or service animal in training by a
11 trainer: PROVIDED, That this section shall not be construed to require
12 structural changes, modifications, or additions to make any place
13 accessible to a disabled person except as otherwise required by law:
14 PROVIDED, That behavior or actions constituting a risk to property or
15 other persons can be grounds for refusal and shall not constitute an
16 unfair practice.

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

19 A person using or training a dog guide or service animal in a place
20 of public accommodation is liable for any damages caused by the dog
21 guide or service animal to the place of public accommodation.

22 **Sec. 4.** RCW 70.84.020 and 1997 c 271 s 18 are each amended to read
23 as follows:

24 For the purpose of this chapter, the term "dog guide" means a dog
25 that is trained or in training for the purpose of guiding blind persons
26 or a dog trained or in training for the purpose of assisting hearing
27 impaired persons.

28 **Sec. 5.** RCW 70.84.021 and 1997 c 271 s 19 are each amended to read
29 as follows:

30 For the purpose of this chapter, "service animal" means an animal
31 that is trained or in training for the purposes of assisting or
32 accommodating a disabled person's sensory, mental, or physical
33 disability.

1 **Sec. 6.** RCW 70.84.060 and 1997 c 271 s 22 are each amended to read
2 as follows:

3 It shall be unlawful for any pedestrian who is not totally or
4 partially blind to use a white cane or any pedestrian who is not
5 totally or partially blind or is not hearing impaired, other than a dog
6 guide trainer, to use a dog guide or any pedestrian who is not
7 otherwise physically disabled, other than a service animal trainer, to
8 use a service animal in any of the places, accommodations, or
9 conveyances listed in RCW 70.84.010 for the purpose of securing the
10 rights and privileges accorded by the chapter to totally or partially
11 blind, hearing impaired, or otherwise physically disabled people.

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