

SSB 5340 - H AMD 587

By Representative Rodne

FAILED 04/10/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 49.60.040 and 2006 c 4 s 4 are each amended to read
4 as follows:

5 The definitions in this section apply throughout this chapter
6 unless the context clearly requires otherwise.

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

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

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

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

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

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

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

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

4 (9) "Full enjoyment of" includes the right to purchase any service,
5 commodity, or article of personal property offered or sold on, or by,
6 any establishment to the public, and the admission of any person to
7 accommodations, advantages, facilities, or privileges of any place of
8 public resort, accommodation, assemblage, or amusement, without acts
9 directly or indirectly causing persons of any particular race, creed,
10 color, sex, sexual orientation, national origin, or with any sensory,
11 mental, or physical disability, or the use of a trained dog guide or
12 service animal by a (~~disabled~~) person with a disability, to be
13 treated as not welcome, accepted, desired, or solicited;

14 (10) "Any place of public resort, accommodation, assemblage, or
15 amusement" includes, but is not limited to, any place, licensed or
16 unlicensed, kept for gain, hire, or reward, or where charges are made
17 for admission, service, occupancy, or use of any property or
18 facilities, whether conducted for the entertainment, housing, or
19 lodging of transient guests, or for the benefit, use, or accommodation
20 of those seeking health, recreation, or rest, or for the burial or
21 other disposition of human remains, or for the sale of goods,
22 merchandise, services, or personal property, or for the rendering of
23 personal services, or for public conveyance or transportation on land,
24 water, or in the air, including the stations and terminals thereof and
25 the garaging of vehicles, or where food or beverages of any kind are
26 sold for consumption on the premises, or where public amusement,
27 entertainment, sports, or recreation of any kind is offered with or
28 without charge, or where medical service or care is made available, or
29 where the public gathers, congregates, or assembles for amusement,
30 recreation, or public purposes, or public halls, public elevators, and
31 public washrooms of buildings and structures occupied by two or more
32 tenants, or by the owner and one or more tenants, or any public library
33 or educational institution, or schools of special instruction, or
34 nursery schools, or day care centers or children's camps: PROVIDED,
35 That nothing contained in this definition shall be construed to include
36 or apply to any institute, bona fide club, or place of accommodation,
37 which is by its nature distinctly private, including fraternal
38 organizations, though where public use is permitted that use shall be

1 covered by this chapter; nor shall anything contained in this
2 definition apply to any educational facility, columbarium, crematory,
3 mausoleum, or cemetery operated or maintained by a bona fide religious
4 or sectarian institution;

5 (11) "Real property" includes buildings, structures, dwellings,
6 real estate, lands, tenements, leaseholds, interests in real estate
7 cooperatives, condominiums, and hereditaments, corporeal and
8 incorporeal, or any interest therein;

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

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

18 (14) "Sex" means gender;

19 (15) "Sexual orientation" means heterosexuality, homosexuality,
20 bisexuality, and gender expression or identity. As used in this
21 definition, "gender expression or identity" means having or being
22 perceived as having a gender identity, self-image, appearance,
23 behavior, or expression, whether or not that gender identity, self-
24 image, appearance, behavior, or expression is different from that
25 traditionally associated with the sex assigned to that person at birth;

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

30 (17) "Complainant" means the person who files a complaint in a real
31 estate transaction;

32 (18) "Respondent" means any person accused in a complaint or
33 amended complaint of an unfair practice in a real estate transaction;

34 (19) "Credit transaction" includes any open or closed end credit
35 transaction, whether in the nature of a loan, retail installment
36 transaction, credit card issue or charge, or otherwise, and whether for
37 personal or for business purposes, in which a service, finance, or
38 interest charge is imposed, or which provides for repayment in

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

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

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

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

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

26 (24) "Service animal" means an animal that is trained for the
27 purpose of assisting or accommodating a (~~disabled person's~~) sensory,
28 mental, or physical disability of a person with a disability;

29 (25)(a) "Disability" means the presence of a sensory, mental, or
30 physical impairment that:

- 31 (i) Is medically cognizable or diagnosable; or
- 32 (ii) Exists as a record or history; or
- 33 (iii) Is perceived to exist whether or not it exists in fact.

34 (b) A disability exists whether it is temporary or permanent,
35 common or uncommon.

36 (c) For purposes of this definition, "impairment" includes, but is
37 not limited to:

1 (i) Any physiological disorder, or condition, cosmetic
2 disfigurement, or anatomical loss affecting one or more of the
3 following body systems: Neurological, musculoskeletal, special sense
4 organs, respiratory, including speech organs, cardiovascular,
5 reproductive, digestive, genitor-urinary, hemic and lymphatic, skin,
6 and endocrine; or

7 (ii) Any mental, developmental, traumatic, or psychological
8 disorder, including but not limited to cognitive limitation, organic
9 brain syndrome, emotional or mental illness, and specific learning
10 disabilities.

11 (d) An impairment must have a substantially limiting effect upon
12 the individual's ability to perform his or her job, or the individual's
13 ability to apply or be considered for a job."

14 Correct the title.

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