

**SB 5340-S - DIGEST**

(DIGEST AS ENACTED)

Finds that the supreme court, in its opinion in *McClarty v. Totem Electric*, 157 Wn.2d 214, 137 P.3d 844 (2006), was incorrect, in that it failed to recognize that the law against discrimination affords to Washington residents protections that are wholly independent of those afforded by the federal Americans with Disabilities Act of 1990, and that the law against discrimination has provided such protections for many years prior to passage of the federal act.

Declares that "disability" means the presence of a sensory, mental, or physical impairment that:

- (1) Is medically cognizable or diagnosable; or

- (2) Exists as a record or history; or

- (3) Is perceived to exist whether or not it exists in fact.

Declares that this act is remedial and retroactive, and applies to all causes of action occurring before July 6, 2006, and to all causes of action occurring on or after the effective date of this act.