
HOUSE BILL 1727

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Rodne and Frockt

Read first time 02/01/11. Referred to Committee on Judiciary.

1 AN ACT Relating to adopting the federal definition of service
2 animal; amending RCW 9.91.170, 70.84.021, 28A.642.005, 28A.642.010,
3 49.60.010, 49.60.030, 49.60.120, 49.60.130, 49.60.174, 49.60.175,
4 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215,
5 49.60.222, 49.60.223, 49.60.224, 49.60.225, 49.60.370, 49.60.380,
6 64.38.028, 70.84.040, 70.84.050, and 70.84.060; reenacting and amending
7 RCW 49.60.040; and repealing RCW 70.84.020.

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

9 **Sec. 1.** RCW 9.91.170 and 2003 c 53 s 52 are each amended to read
10 as follows:

11 (1)(a) Any person who has received notice that his or her behavior
12 is interfering with the use of a ((~~dog guide or~~)) service animal who
13 continues with reckless disregard to interfere with the use of a ((~~dog~~
14 ~~guide or~~)) service animal by obstructing, intimidating, or otherwise
15 jeopardizing the safety of the ((~~dog guide or~~)) service animal user or
16 his or her ((~~dog guide or~~)) service animal is guilty of a misdemeanor,
17 except as provided in (b) of this subsection.

18 (b) A second or subsequent violation of this subsection is a gross
19 misdemeanor.

1 (2)(a) Any person who, with reckless disregard, allows his or her
2 dog to interfere with the use of a ((~~dog guide or~~)) service animal by
3 obstructing, intimidating, or otherwise jeopardizing the safety of the
4 ((~~dog guide or~~)) service animal user or his or her ((~~dog guide or~~))
5 service animal is guilty of a misdemeanor, except as provided in (b) of
6 this subsection.

7 (b) A second or subsequent violation of this subsection is a gross
8 misdemeanor.

9 (3) Any person who, with reckless disregard, injures, disables, or
10 causes the death of a ((~~dog guide or~~)) service animal is guilty of a
11 gross misdemeanor.

12 (4) Any person who, with reckless disregard, allows his or her dog
13 to injure, disable, or cause the death of a ((~~dog guide or~~)) service
14 animal is guilty of a gross misdemeanor.

15 (5) Any person who intentionally injures, disables, or causes the
16 death of a ((~~dog guide or~~)) service animal is guilty of a class C
17 felony punishable according to chapter 9A.20 RCW.

18 (6) Any person who wrongfully obtains or exerts unauthorized
19 control over a ((~~dog guide or~~)) service animal with the intent to
20 deprive the ((~~dog guide or~~)) service animal user of his or her ((~~dog
21 guide or~~)) service animal is guilty of theft in the first degree, RCW
22 9A.56.030.

23 (7)(a) In any case in which the defendant is convicted of a
24 violation of this section, he or she shall also be ordered to make full
25 restitution for all damages, including incidental and consequential
26 expenses incurred by the ((~~dog guide or~~)) service animal user and the
27 ((~~dog guide or~~)) service animal which arise out of or are related to
28 the criminal offense.

29 (b) Restitution for a conviction under this section shall include,
30 but is not limited to:

31 (i) The value of the replacement of an incapacitated or deceased
32 ((~~dog guide or~~)) service animal, the training of a replacement ((~~dog
33 guide or~~)) service animal, or retraining of the affected ((~~dog guide
34 or~~)) service animal and all related veterinary and care expenses; and

35 (ii) Medical expenses of the ((~~dog guide or~~)) service animal user,
36 training of the ((~~dog guide or~~)) service animal user, and compensation
37 for wages or earned income lost by the ((~~dog guide or~~)) service animal
38 user.

1 (8) Nothing in this section shall affect any civil remedies
2 available for violation of this section.

3 (9) For purposes of this section, the following definitions apply:

4 (a) (~~"Dog guide" means a dog that is trained for the purpose of~~
5 ~~guiding blind persons or a dog trained for the purpose of assisting~~
6 ~~hearing impaired persons.~~

7 ~~(b))~~ "Service animal" means (~~an animal that is trained for the~~
8 ~~purposes of assisting or accommodating a disabled person's sensory,~~
9 ~~mental, or physical disability)) any dog that is individually trained
10 to do work or perform tasks for the benefit of an individual with a
11 disability, including a physical, sensory, psychiatric, intellectual,
12 or other mental disability. Other species of animals, whether wild or
13 domestic, trained or untrained, are not service animals. The work or
14 tasks performed by a service animal must be directly related to the
15 individual's disability. Examples of work or tasks include, but are
16 not limited to, assisting individuals who are blind or have low vision
17 with navigation and other tasks, alerting individuals who are deaf or
18 hard of hearing to the presence of people or sounds, providing
19 nonviolent protection or rescue work, pulling a wheelchair, assisting
20 an individual during a seizure, alerting individuals to the presence of
21 allergens, retrieving items such as medicine or the telephone,
22 providing physical support and assistance with balance and stability to
23 individuals with mobility disabilities, and helping persons with
24 psychiatric and neurological disabilities by preventing or interrupting
25 impulsive or destructive behaviors. The crime deterrent effects of an
26 animal's presence and the provision of emotional support, well-being,
27 comfort, or companionship do not constitute work or tasks.~~

28 ~~((e))~~ (b) "Notice" means a verbal or otherwise communicated
29 warning prescribing the behavior of another person and a request that
30 the person stop their behavior.

31 ~~((d))~~ (c) "Value" means the value to the (~~dog guide or~~) service
32 animal user and does not refer to cost or fair market value.

33 **Sec. 2.** RCW 49.60.040 and 2009 c 187 s 3 are each reenacted and
34 amended to read as follows:

35 The definitions in this section apply throughout this chapter
36 unless the context clearly requires otherwise.

1 (1) "Aggrieved person" means any person who: (a) Claims to have
2 been injured by an unfair practice in a real estate transaction; or (b)
3 believes that he or she will be injured by an unfair practice in a real
4 estate transaction that is about to occur.

5 (2) "Any place of public resort, accommodation, assemblage, or
6 amusement" includes, but is not limited to, any place, licensed or
7 unlicensed, kept for gain, hire, or reward, or where charges are made
8 for admission, service, occupancy, or use of any property or
9 facilities, whether conducted for the entertainment, housing, or
10 lodging of transient guests, or for the benefit, use, or accommodation
11 of those seeking health, recreation, or rest, or for the burial or
12 other disposition of human remains, or for the sale of goods,
13 merchandise, services, or personal property, or for the rendering of
14 personal services, or for public conveyance or transportation on land,
15 water, or in the air, including the stations and terminals thereof and
16 the garaging of vehicles, or where food or beverages of any kind are
17 sold for consumption on the premises, or where public amusement,
18 entertainment, sports, or recreation of any kind is offered with or
19 without charge, or where medical service or care is made available, or
20 where the public gathers, congregates, or assembles for amusement,
21 recreation, or public purposes, or public halls, public elevators, and
22 public washrooms of buildings and structures occupied by two or more
23 tenants, or by the owner and one or more tenants, or any public library
24 or educational institution, or schools of special instruction, or
25 nursery schools, or day care centers or children's camps: PROVIDED,
26 That nothing contained in this definition shall be construed to include
27 or apply to any institute, bona fide club, or place of accommodation,
28 which is by its nature distinctly private, including fraternal
29 organizations, though where public use is permitted that use shall be
30 covered by this chapter; nor shall anything contained in this
31 definition apply to any educational facility, columbarium, crematory,
32 mausoleum, or cemetery operated or maintained by a bona fide religious
33 or sectarian institution.

34 (3) "Commission" means the Washington state human rights
35 commission.

36 (4) "Complainant" means the person who files a complaint in a real
37 estate transaction.

1 (5) "Covered multifamily dwelling" means: (a) Buildings consisting
2 of four or more dwelling units if such buildings have one or more
3 elevators; and (b) ground floor dwelling units in other buildings
4 consisting of four or more dwelling units.

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

17 (7)(a) "Disability" means the presence of a sensory, mental, or
18 physical impairment that:

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

22 (b) A disability exists whether it is temporary or permanent,
23 common or uncommon, mitigated or unmitigated, or whether or not it
24 limits the ability to work generally or work at a particular job or
25 whether or not it limits any other activity within the scope of this
26 chapter.

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

29 (i) Any physiological disorder, or condition, cosmetic
30 disfigurement, or anatomical loss affecting one or more of the
31 following body systems: Neurological, musculoskeletal, special sense
32 organs, respiratory, including speech organs, cardiovascular,
33 reproductive, digestive, genitor-urinary, hemic and lymphatic, skin,
34 and endocrine; or

35 (ii) Any mental, developmental, traumatic, or psychological
36 disorder, including but not limited to cognitive limitation, organic
37 brain syndrome, emotional or mental illness, and specific learning
38 disabilities.

1 (d) Only for the purposes of qualifying for reasonable
2 accommodation in employment, an impairment must be known or shown
3 through an interactive process to exist in fact and:

4 (i) The impairment must have a substantially limiting effect upon
5 the individual's ability to perform his or her job, the individual's
6 ability to apply or be considered for a job, or the individual's access
7 to equal benefits, privileges, or terms or conditions of employment; or

8 (ii) The employee must have put the employer on notice of the
9 existence of an impairment, and medical documentation must establish a
10 reasonable likelihood that engaging in job functions without an
11 accommodation would aggravate the impairment to the extent that it
12 would create a substantially limiting effect.

13 (e) For purposes of (d) of this subsection, a limitation is not
14 substantial if it has only a trivial effect.

15 ~~(8) ("Dog guide" means a dog that is trained for the purpose of~~
16 ~~guiding blind persons or a dog that is trained for the purpose of~~
17 ~~assisting hearing impaired persons.~~

18 ~~(9))~~ "Dwelling" means any building, structure, or portion thereof
19 that is occupied as, or designed or intended for occupancy as, a
20 residence by one or more families, and any vacant land that is offered
21 for sale or lease for the construction or location thereon of any such
22 building, structure, or portion thereof.

23 ~~((10))~~ (9) "Employee" does not include any individual employed by
24 his or her parents, spouse, or child, or in the domestic service of any
25 person.

26 ~~((11))~~ (10) "Employer" includes any person acting in the interest
27 of an employer, directly or indirectly, who employs eight or more
28 persons, and does not include any religious or sectarian organization
29 not organized for private profit.

30 ~~((12))~~ (11) "Employment agency" includes any person undertaking
31 with or without compensation to recruit, procure, refer, or place
32 employees for an employer.

33 ~~((13))~~ (12) "Families with children status" means one or more
34 individuals who have not attained the age of eighteen years being
35 domiciled with a parent or another person having legal custody of such
36 individual or individuals, or with the designee of such parent or other
37 person having such legal custody, with the written permission of such
38 parent or other person. Families with children status also applies to

1 any person who is pregnant or is in the process of securing legal
2 custody of any individual who has not attained the age of eighteen
3 years.

4 ~~((+14))~~ (13) "Full enjoyment of" includes the right to purchase
5 any service, commodity, or article of personal property offered or sold
6 on, or by, any establishment to the public, and the admission of any
7 person to accommodations, advantages, facilities, or privileges of any
8 place of public resort, accommodation, assemblage, or amusement,
9 without acts directly or indirectly causing persons of any particular
10 race, creed, color, sex, sexual orientation, national origin, or with
11 any sensory, mental, or physical disability, or the use of a trained
12 ~~((dog guide or))~~ service animal by a person with a disability, to be
13 treated as not welcome, accepted, desired, or solicited.

14 ~~((+15))~~ (14) "Honorably discharged veteran or military status"
15 means a person who is:

16 (a) A veteran, as defined in RCW 41.04.007; or

17 (b) An active or reserve member in any branch of the armed forces
18 of the United States, including the national guard, coast guard, and
19 armed forces reserves.

20 ~~((+16))~~ (15) "Labor organization" includes any organization which
21 exists for the purpose, in whole or in part, of dealing with employers
22 concerning grievances or terms or conditions of employment, or for
23 other mutual aid or protection in connection with employment.

24 ~~((+17))~~ (16) "Marital status" means the legal status of being
25 married, single, separated, divorced, or widowed.

26 ~~((+18))~~ (17) "National origin" includes "ancestry."

27 ~~((+19))~~ (18) "Person" includes one or more individuals,
28 partnerships, associations, organizations, corporations, cooperatives,
29 legal representatives, trustees and receivers, or any group of persons;
30 it includes any owner, lessee, proprietor, manager, agent, or employee,
31 whether one or more natural persons; and further includes any political
32 or civil subdivisions of the state and any agency or instrumentality of
33 the state or of any political or civil subdivision thereof.

34 ~~((+20))~~ (19) "Premises" means the interior or exterior spaces,
35 parts, components, or elements of a building, including individual
36 dwelling units and the public and common use areas of a building.

37 ~~((+21))~~ (20) "Real estate transaction" includes the sale,

1 appraisal, brokering, exchange, purchase, rental, or lease of real
2 property, transacting or applying for a real estate loan, or the
3 provision of brokerage services.

4 ~~((+22+))~~ (21) "Real property" includes buildings, structures,
5 dwellings, real estate, lands, tenements, leaseholds, interests in real
6 estate cooperatives, condominiums, and hereditaments, corporeal and
7 incorporeal, or any interest therein.

8 ~~((+23+))~~ (22) "Respondent" means any person accused in a complaint
9 or amended complaint of an unfair practice in a real estate
10 transaction.

11 ~~((+24+))~~ (23) "Service animal" means ~~((an animal that is trained
12 for the purpose of assisting or accommodating a sensory, mental, or
13 physical disability of a person with a disability))~~ any dog that is
14 individually trained to do work or perform tasks for the benefit of an
15 individual with a disability, including a physical, sensory,
16 psychiatric, intellectual, or other mental disability. Other species
17 of animals, whether wild or domestic, trained or untrained, are not
18 service animals. The work or tasks performed by a service animal must
19 be directly related to the individual's disability. Examples of work
20 or tasks include, but are not limited to, assisting individuals who are
21 blind or have low vision with navigation and other tasks, alerting
22 individuals who are deaf or hard of hearing to the presence of people
23 or sounds, providing nonviolent protection or rescue work, pulling a
24 wheelchair, assisting an individual during a seizure, alerting
25 individuals to the presence of allergens, retrieving items such as
26 medicine or the telephone, providing physical support and assistance
27 with balance and stability to individuals with mobility disabilities,
28 and helping persons with psychiatric and neurological disabilities by
29 preventing or interrupting impulsive or destructive behaviors. The
30 crime deterrent effects of an animal's presence and the provision of
31 emotional support, well-being, comfort, or companionship do not
32 constitute work or tasks.

33 ~~((+25+))~~ (24) "Sex" means gender.

34 ~~((+26+))~~ (25) "Sexual orientation" means heterosexuality,
35 homosexuality, bisexuality, and gender expression or identity. As used
36 in this definition, "gender expression or identity" means having or
37 being perceived as having a gender identity, self-image, appearance,

1 behavior, or expression, whether or not that gender identity, self-
2 image, appearance, behavior, or expression is different from that
3 traditionally associated with the sex assigned to that person at birth.

4 **Sec. 3.** RCW 70.84.021 and 1997 c 271 s 19 are each amended to read
5 as follows:

6 For the purpose of this chapter, "service animal" means (~~(an animal~~
7 ~~that is trained for the purposes of assisting or accommodating a~~
8 ~~disabled person's sensory, mental, or physical disability)) any dog
9 that is individually trained to do work or perform tasks for the
10 benefit of an individual with a disability, including a physical,
11 sensory, psychiatric, intellectual, or other mental disability. Other
12 species of animals, whether wild or domestic, trained or untrained, are
13 not service animals. The work or tasks performed by a service animal
14 must be directly related to the individual's disability. Examples of
15 work or tasks include, but are not limited to, assisting individuals
16 who are blind or have low vision with navigation and other tasks,
17 alerting individuals who are deaf or hard of hearing to the presence of
18 people or sounds, providing nonviolent protection or rescue work,
19 pulling a wheelchair, assisting an individual during a seizure,
20 alerting individuals to the presence of allergens, retrieving items
21 such as medicine or the telephone, providing physical support and
22 assistance with balance and stability to individuals with mobility
23 disabilities, and helping persons with psychiatric and neurological
24 disabilities by preventing or interrupting impulsive or destructive
25 behaviors. The crime deterrent effects of an animal's presence and the
26 provision of emotional support, well-being, comfort, or companionship
27 do not constitute work or tasks.~~

28 **Sec. 4.** RCW 28A.642.005 and 2010 c 240 s 1 are each amended to
29 read as follows:

30 The legislature finds that in 1975 legislation was adopted,
31 codified as chapter 28A.640 RCW, recognizing the deleterious effect of
32 discrimination on the basis of sex, specifically prohibiting such
33 discrimination in Washington public schools, and requiring the office
34 of the superintendent of public instruction to monitor and enforce
35 compliance. The legislature further finds that, while numerous state
36 and federal laws prohibit discrimination on other bases in addition to

1 sex, the common school provisions in this title (~~(28A-RCW)~~) do not
2 include specific acknowledgment of the right to be free from
3 discrimination because of race, creed, color, national origin,
4 honorably discharged veteran or military status, sexual orientation,
5 the presence of any sensory, mental, or physical disability, or the use
6 of a trained (~~(dog guide or)~~) service animal by a person with a
7 disability, nor do any common school provisions specifically direct the
8 office of the superintendent of public instruction to monitor and
9 enforce compliance with these laws. The legislature finds that one of
10 the recommendations made to the legislature by the achievement gap
11 oversight and accountability committee created in chapter 468, Laws of
12 2009, was that the office of the superintendent of public instruction
13 should be specifically authorized to take affirmative steps to ensure
14 that school districts comply with all civil rights laws, similar to
15 what has already been authorized in chapter 28A.640 RCW with respect to
16 discrimination on the basis of sex.

17 **Sec. 5.** RCW 28A.642.010 and 2010 c 240 s 2 are each amended to
18 read as follows:

19 Discrimination in Washington public schools on the basis of race,
20 creed, religion, color, national origin, honorably discharged veteran
21 or military status, sexual orientation including gender expression or
22 identity, the presence of any sensory, mental, or physical disability,
23 or the use of a trained (~~(dog guide or)~~) service animal by a person
24 with a disability is prohibited. The definitions given these terms in
25 chapter 49.60 RCW apply throughout this chapter unless the context
26 clearly requires otherwise.

27 **Sec. 6.** RCW 49.60.010 and 2007 c 187 s 1 are each amended to read
28 as follows:

29 This chapter shall be known as the "law against discrimination."
30 It is an exercise of the police power of the state for the protection
31 of the public welfare, health, and peace of the people of this state,
32 and in fulfillment of the provisions of the Constitution of this state
33 concerning civil rights. The legislature hereby finds and declares
34 that practices of discrimination against any of its inhabitants because
35 of race, creed, color, national origin, families with children, sex,
36 marital status, sexual orientation, age, honorably discharged veteran

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

16 **Sec. 7.** RCW 49.60.030 and 2009 c 164 s 1 are each amended to read
17 as follows:

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

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

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

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

32 (d) The right to engage in credit transactions without
33 discrimination;

34 (e) The right to engage in insurance transactions or transactions
35 with health maintenance organizations without discrimination:
36 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,

1 48.44.220, or 48.46.370 does not constitute an unfair practice for the
2 purposes of this subparagraph;

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

20 (g) The right of a mother to breastfeed her child in any place of
21 public resort, accommodation, assemblage, or amusement.

22 (2) Any person deeming himself or herself injured by any act in
23 violation of this chapter shall have a civil action in a court of
24 competent jurisdiction to enjoin further violations, or to recover the
25 actual damages sustained by the person, or both, together with the cost
26 of suit including reasonable attorneys' fees or any other appropriate
27 remedy authorized by this chapter or the United States Civil Rights Act
28 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988
29 (42 U.S.C. Sec. 3601 et seq.).

30 (3) Except for any unfair practice committed by an employer against
31 an employee or a prospective employee, or any unfair practice in a real
32 estate transaction which is the basis for relief specified in the
33 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any
34 unfair practice prohibited by this chapter which is committed in the
35 course of trade or commerce as defined in the Consumer Protection Act,
36 chapter 19.86 RCW, is, for the purpose of applying that chapter, a
37 matter affecting the public interest, is not reasonable in relation to

1 the development and preservation of business, and is an unfair or
2 deceptive act in trade or commerce.

3 **Sec. 8.** RCW 49.60.120 and 2007 c 187 s 5 are each amended to read
4 as follows:

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

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

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

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

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

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

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

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

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

4 **Sec. 9.** RCW 49.60.130 and 2007 c 187 s 6 are each amended to read
5 as follows:

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

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

30 **Sec. 10.** RCW 49.60.174 and 2003 c 273 s 3 are each amended to read
31 as follows:

32 (1) For the purposes of determining whether an unfair practice
33 under this chapter has occurred, claims of discrimination based on
34 actual or perceived HIV or hepatitis C infection shall be evaluated in
35 the same manner as other claims of discrimination based on sensory,

1 mental, or physical disability; or the use of a trained (~~dog guide~~
2 ~~or~~) service animal by a (~~disabled~~) person with a disability.

3 (2) Subsection (1) of this section shall not apply to transactions
4 with insurance entities, health service contractors, or health
5 maintenance organizations subject to RCW 49.60.030(1)(e) or 49.60.178
6 to prohibit fair discrimination on the basis of actual HIV or actual
7 hepatitis C infection status when bona fide statistical differences in
8 risk or exposure have been substantiated.

9 (3) For the purposes of this chapter:

10 (a) "HIV" means the human immunodeficiency virus, and includes all
11 HIV and HIV-related viruses which damage the cellular branch of the
12 human immune system and leave the infected person immunodeficient; and

13 (b) "Hepatitis C" means the hepatitis C virus of any genotype.

14 **Sec. 11.** RCW 49.60.175 and 2007 c 187 s 7 are each amended to read
15 as follows:

16 It shall be an unfair practice to use the sex, race, creed, color,
17 national origin, marital status, honorably discharged veteran or
18 military status, sexual orientation, or the presence of any sensory,
19 mental, or physical disability of any person, or the use of a trained
20 (~~dog guide or~~) service animal by a person with a disability,
21 concerning an application for credit in any credit transaction to
22 determine the credit worthiness of an applicant.

23 **Sec. 12.** RCW 49.60.176 and 2007 c 187 s 8 are each amended to read
24 as follows:

25 (1) It is an unfair practice for any person whether acting for
26 himself, herself, or another in connection with any credit transaction
27 because of race, creed, color, national origin, sex, marital status,
28 honorably discharged veteran or military status, sexual orientation, or
29 the presence of any sensory, mental, or physical disability or the use
30 of a trained (~~dog guide or~~) service animal by a person with a
31 disability:

32 (a) To deny credit to any person;

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

35 (c) To restrict the amount or use of credit extended or to impose

1 different terms or conditions with respect to the credit extended to
2 any person or any item or service related thereto;

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

5 (2) Nothing in this section shall prohibit any party to a credit
6 transaction from considering the credit history of any individual
7 applicant.

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

12 **Sec. 13.** RCW 49.60.178 and 2006 c 4 s 9 are each amended to read
13 as follows:

14 It is an unfair practice for any person whether acting for himself,
15 herself, or another in connection with an insurance transaction or
16 transaction with a health maintenance organization to cancel or fail or
17 refuse to issue or renew insurance or a health maintenance agreement to
18 any person because of sex, marital status, sexual orientation, race,
19 creed, color, national origin, or the presence of any sensory, mental,
20 or physical disability or the use of a trained (~~dog guide or~~) service
21 animal by a (~~disabled~~) person with a disability: PROVIDED, That a
22 practice which is not unlawful under RCW 48.30.300, 48.44.220, or
23 48.46.370 does not constitute an unfair practice for the purposes of
24 this section. For the purposes of this section, "insurance
25 transaction" is defined in RCW 48.01.060, health maintenance agreement
26 is defined in RCW 48.46.020, and "health maintenance organization" is
27 defined in RCW 48.46.020.

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

31 The insurance commissioner, under RCW 48.30.300, and the human
32 rights commission, under chapter 49.60 RCW, shall have concurrent
33 jurisdiction under this section and shall enter into a working
34 agreement as to procedure to be followed in complaints under this
35 section.

1 **Sec. 14.** RCW 49.60.180 and 2007 c 187 s 9 are each amended to read
2 as follows:

3 It is an unfair practice for any employer:

4 (1) To refuse to hire any person because of age, sex, marital
5 status, sexual orientation, race, creed, color, national origin,
6 honorably discharged veteran or military status, or the presence of any
7 sensory, mental, or physical disability or the use of a trained (~~dog~~
8 ~~guide or~~) service animal by a person with a disability, unless based
9 upon a bona fide occupational qualification: PROVIDED, That the
10 prohibition against discrimination because of such disability shall not
11 apply if the particular disability prevents the proper performance of
12 the particular worker involved: PROVIDED, That this section shall not
13 be construed to require an employer to establish employment goals or
14 quotas based on sexual orientation.

15 (2) To discharge or bar any person from employment because of age,
16 sex, marital status, sexual orientation, race, creed, color, national
17 origin, honorably discharged veteran or military status, or the
18 presence of any sensory, mental, or physical disability or the use of
19 a trained (~~dog guide or~~) service animal by a person with a
20 disability.

21 (3) To discriminate against any person in compensation or in other
22 terms or conditions of employment because of age, sex, marital status,
23 sexual orientation, race, creed, color, national origin, honorably
24 discharged veteran or military status, or the presence of any sensory,
25 mental, or physical disability or the use of a trained (~~dog guide or~~)
26 service animal by a person with a disability: PROVIDED, That it shall
27 not be an unfair practice for an employer to segregate washrooms or
28 locker facilities on the basis of sex, or to base other terms and
29 conditions of employment on the sex of employees where the commission
30 by regulation or ruling in a particular instance has found the
31 employment practice to be appropriate for the practical realization of
32 equality of opportunity between the sexes.

33 (4) To print, or circulate, or cause to be printed or circulated
34 any statement, advertisement, or publication, or to use any form of
35 application for employment, or to make any inquiry in connection with
36 prospective employment, which expresses any limitation, specification,
37 or discrimination as to age, sex, marital status, sexual orientation,
38 race, creed, color, national origin, honorably discharged veteran or

1 military status, or the presence of any sensory, mental, or physical
2 disability or the use of a trained ((~~dog guide or~~)) service animal by
3 a person with a disability, or any intent to make any such limitation,
4 specification, or discrimination, unless based upon a bona fide
5 occupational qualification: PROVIDED, Nothing contained herein shall
6 prohibit advertising in a foreign language.

7 **Sec. 15.** RCW 49.60.190 and 2007 c 187 s 10 are each amended to
8 read as follows:

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

10 (1) To deny membership and full membership rights and privileges to
11 any person because of age, sex, marital status, sexual orientation,
12 race, creed, color, national origin, honorably discharged veteran or
13 military status, or the presence of any sensory, mental, or physical
14 disability or the use of a trained ((~~dog guide or~~)) service animal by
15 a person with a disability.

16 (2) To expel from membership any person because of age, sex,
17 marital status, sexual orientation, race, creed, color, national
18 origin, honorably discharged veteran or military status, or the
19 presence of any sensory, mental, or physical disability or the use of
20 a trained ((~~dog guide or~~)) service animal by a person with a
21 disability.

22 (3) To discriminate against any member, employer, employee, or
23 other person to whom a duty of representation is owed because of age,
24 sex, marital status, sexual orientation, race, creed, color, national
25 origin, honorably discharged veteran or military status, or the
26 presence of any sensory, mental, or physical disability or the use of
27 a trained ((~~dog guide or~~)) service animal by a person with a
28 disability.

29 **Sec. 16.** RCW 49.60.200 and 2007 c 187 s 11 are each amended to
30 read as follows:

31 It is an unfair practice for any employment agency to fail or
32 refuse to classify properly or refer for employment, or otherwise to
33 discriminate against, an individual because of age, sex, marital
34 status, sexual orientation, race, creed, color, national origin,
35 honorably discharged veteran or military status, or the presence of any
36 sensory, mental, or physical disability or the use of a trained ((~~dog~~

1 ~~guide or~~) service animal by a person with a disability, or to print or
2 circulate, or cause to be printed or circulated any statement,
3 advertisement, or publication, or to use any form of application for
4 employment, or to make any inquiry in connection with prospective
5 employment, which expresses any limitation, specification or
6 discrimination as to age, sex, race, sexual orientation, creed, color,
7 or national origin, honorably discharged veteran or military status, or
8 the presence of any sensory, mental, or physical disability or the use
9 of a trained (~~dog guide or~~) service animal by a person with a
10 disability, or any intent to make any such limitation, specification,
11 or discrimination, unless based upon a bona fide occupational
12 qualification: PROVIDED, Nothing contained herein shall prohibit
13 advertising in a foreign language.

14 **Sec. 17.** RCW 49.60.215 and 2009 c 164 s 2 are each amended to read
15 as follows:

16 It shall be an unfair practice for any person or the person's agent
17 or employee to commit an act which directly or indirectly results in
18 any distinction, restriction, or discrimination, or the requiring of
19 any person to pay a larger sum than the uniform rates charged other
20 persons, or the refusing or withholding from any person the admission,
21 patronage, custom, presence, frequenting, dwelling, staying, or lodging
22 in any place of public resort, accommodation, assemblage, or amusement,
23 except for conditions and limitations established by law and applicable
24 to all persons, regardless of race, creed, color, national origin,
25 sexual orientation, sex, honorably discharged veteran or military
26 status, status as a mother breastfeeding her child, the presence of any
27 sensory, mental, or physical disability, or the use of a trained (~~dog
28 guide or~~) service animal by a person with a disability: PROVIDED,
29 That this section shall not be construed to require structural changes,
30 modifications, or additions to make any place accessible to a person
31 with a disability except as otherwise required by law: PROVIDED, That
32 behavior or actions constituting a risk to property or other persons
33 can be grounds for refusal and shall not constitute an unfair practice.

34 **Sec. 18.** RCW 49.60.222 and 2007 c 187 s 13 are each amended to
35 read as follows:

36 (1) It is an unfair practice for any person, whether acting for

1 himself, herself, or another, because of sex, marital status, sexual
2 orientation, race, creed, color, national origin, families with
3 children status, honorably discharged veteran or military status, the
4 presence of any sensory, mental, or physical disability, or the use of
5 a trained ((~~dog guide or~~)) service animal by a person with a
6 disability:

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

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

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

13 (d) To refuse to negotiate for a real estate transaction with a
14 person;

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

19 (f) To discriminate in the sale or rental, or to otherwise make
20 unavailable or deny a dwelling, to any person; or to a person residing
21 in or intending to reside in that dwelling after it is sold, rented, or
22 made available; or to any person associated with the person buying or
23 renting;

24 (g) To make, print, circulate, post, or mail, or cause to be so
25 made or published a statement, advertisement, or sign, or to use a form
26 of application for a real estate transaction, or to make a record or
27 inquiry in connection with a prospective real estate transaction, which
28 indicates, directly or indirectly, an intent to make a limitation,
29 specification, or discrimination with respect thereto;

30 (h) To offer, solicit, accept, use, or retain a listing of real
31 property with the understanding that a person may be discriminated
32 against in a real estate transaction or in the furnishing of facilities
33 or services in connection therewith;

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

35 (j) To discriminate in the course of negotiating, executing, or
36 financing a real estate transaction whether by mortgage, deed of trust,
37 contract, or other instrument imposing a lien or other security in real
38 property, or in negotiating or executing any item or service related

1 thereto including issuance of title insurance, mortgage insurance, loan
2 guarantee, or other aspect of the transaction. Nothing in this section
3 shall limit the effect of RCW 49.60.176 relating to unfair practices in
4 credit transactions; or

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

7 (2) For the purposes of this chapter discrimination based on the
8 presence of any sensory, mental, or physical disability or the use of
9 a trained ((~~dog guide or~~)) service animal by a person who is blind,
10 deaf, or physically disabled includes:

11 (a) A refusal to permit, at the expense of the person with a
12 disability, reasonable modifications of existing premises occupied or
13 to be occupied by such person if such modifications may be necessary to
14 afford such person full enjoyment of the dwelling, except that, in the
15 case of a rental, the landlord may, where it is reasonable to do so,
16 condition permission for a modification on the renter agreeing to
17 restore the interior of the dwelling to the condition that existed
18 before the modification, reasonable wear and tear excepted;

19 (b) To refuse to make reasonable accommodation in rules, policies,
20 practices, or services when such accommodations may be necessary to
21 afford a person with the presence of any sensory, mental, or physical
22 disability and/or the use of a trained ((~~dog guide or~~)) service animal
23 by a person who is blind, deaf, or physically disabled equal
24 opportunity to use and enjoy a dwelling; or

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

34 Nothing in (a) or (b) of this subsection shall apply to: (i) A
35 single-family house rented or leased by the owner if the owner does not
36 own or have an interest in the proceeds of the rental or lease of more
37 than three such single-family houses at one time, the rental or lease
38 occurred without the use of a ((~~real estate~~)) broker, designated

1 broker, or (~~salesperson~~) managing broker, as defined in RCW
2 (~~18.85.010~~) 18.85.011, and the rental or lease occurred without the
3 publication, posting, or mailing of any advertisement, sign, or
4 statement in violation of subsection (1)(g) of this section; or (ii)
5 rooms or units in dwellings containing living quarters occupied or
6 intended to be occupied by no more than four families living
7 independently of each other if the owner maintains and occupies one of
8 the rooms or units as his or her residence.

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

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

28 (5) Notwithstanding any other provision of this chapter, it shall
29 not be an unfair practice for any public establishment providing for
30 accommodations offered for the full enjoyment of transient guests as
31 defined by RCW 9.91.010(1)(c) to make distinctions on the basis of
32 families with children status. Nothing in this section shall limit the
33 effect of RCW 49.60.215 relating to unfair practices in places of
34 public accommodation.

35 (6) Nothing in this chapter prohibiting discrimination based on
36 families with children status applies to housing for older persons as
37 defined by the federal fair housing amendments act of 1988, 42 U.S.C.
38 Sec. 3607(b)(1) through (3), as amended by the housing for older

1 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.
2 Nothing in this chapter authorizes requirements for housing for older
3 persons different than the requirements in the federal fair housing
4 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as
5 amended by the housing for older persons act of 1995, P.L. 104-76, as
6 enacted on December 28, 1995.

7 (7) Nothing in this chapter shall apply to real estate transactions
8 involving the sharing of a dwelling unit, or rental or sublease of a
9 portion of a dwelling unit, when the dwelling unit is to be occupied by
10 the owner or sublessor. For purposes of this section, "dwelling unit"
11 has the same meaning as in RCW 59.18.030.

12 **Sec. 19.** RCW 49.60.223 and 2007 c 187 s 14 are each amended to
13 read as follows:

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

23 **Sec. 20.** RCW 49.60.224 and 2007 c 187 s 15 are each amended to
24 read as follows:

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

1 veteran or military status, or the presence of any sensory, mental, or
2 physical disability or the use of a trained ((~~dog guide or~~)) service
3 animal by a person who is blind, deaf, or physically disabled is void.

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

7 **Sec. 21.** RCW 49.60.225 and 2007 c 187 s 16 are each amended to
8 read as follows:

9 (1) When a reasonable cause determination has been made under RCW
10 49.60.240 that an unfair practice in a real estate transaction has been
11 committed and a finding has been made that the respondent has engaged
12 in any unfair practice under RCW 49.60.250, the administrative law
13 judge shall promptly issue an order for such relief suffered by the
14 aggrieved person as may be appropriate, which may include actual
15 damages as provided by the federal fair housing amendments act of 1988
16 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable
17 relief. Such order may, to further the public interest, assess a civil
18 penalty against the respondent:

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

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

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

1 therefrom by the complainant or respondent may be made as provided in
2 RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice
3 in a real estate transaction that is the object of the charge are
4 determined to have been committed by the same natural person who has
5 been previously determined to have committed acts constituting an
6 unfair practice in a real estate transaction, then the civil penalty of
7 up to fifty thousand dollars may be imposed without regard to the
8 period of time within which any subsequent unfair practice in a real
9 estate transaction occurred. All civil penalties assessed under this
10 section shall be paid into the state treasury and credited to the
11 general fund.

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

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

19 **Sec. 22.** RCW 49.60.370 and 1997 c 271 s 23 are each amended to
20 read as follows:

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

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

30 (3) The commission has no duty to investigate any negligent or
31 malicious acts referred to under this section.

32 **Sec. 23.** RCW 49.60.380 and 1997 c 271 s 24 are each amended to
33 read as follows:

34 A county, city, or town shall honor a request by a (~~blind~~) person
35 (~~or hearing impaired person not to be charged a fee to license his or~~

1 ~~her dog guide, or a request by a physically disabled person)~~ with a
2 disability not to be charged a fee to license his or her service
3 animal.

4 **Sec. 24.** RCW 64.38.028 and 2006 c 58 s 2 are each amended to read
5 as follows:

6 (1) The association, acting through a simple majority vote of its
7 board, may amend the association's governing documents for the purpose
8 of removing:

9 (a) Every covenant, condition, or restriction that purports to
10 forbid or restrict the conveyance, encumbrance, occupancy, or lease
11 thereof to individuals of a specified race, creed, color, sex, or
12 national origin; families with children status; individuals with any
13 sensory, mental, or physical disability; or individuals who use a
14 trained (~~dog guide or~~) service animal because they are blind or deaf
15 or have a physical disability; and

16 (b) Every covenant, condition, restriction, or prohibition,
17 including a right of entry or possibility of reverter, that directly or
18 indirectly limits the use or occupancy of real property on the basis of
19 race, creed, color, sex, national origin; families with children
20 status; the presence of any sensory, mental, or physical disability; or
21 the use of a trained (~~dog guide or~~) service animal by a person with
22 a physical disability or who is blind or deaf.

23 (2) Upon the board's receipt of a written request by a member of
24 the association that the board exercise its amending authority granted
25 under subsection (1) of this section, the board must, within a
26 reasonable time, amend the governing documents, as provided under this
27 section.

28 (3) Amendments under subsection (1) of this section may be executed
29 by any board officer.

30 (4) Amendments made under subsection (1) of this section must be
31 recorded in the public records and state the following:

32 "This amendment strikes from these covenants,
33 conditions, and restrictions those provisions that are void
34 under RCW 49.60.224. Specifically, this amendment strikes:

35 (a) Those provisions that forbid or restrict use,
36 occupancy, conveyance, encumbrance, or lease of real property
37 to individuals of a specified race, creed, color, sex, or

1 national origin; families with children status; individuals
2 with any sensory, mental, or physical disability; or
3 individuals who use a trained (~~dog guide or~~) service animal
4 because they are blind or deaf or have a physical disability;
5 and

6 (b) Every covenant, condition, restriction, or
7 prohibition, including a right of entry or possibility of
8 reverter, that directly or indirectly limits the use or
9 occupancy of real property on the basis of race, creed, color,
10 sex, national origin; families with children status; the
11 presence of any sensory, mental, or physical disability; or the
12 use of a trained (~~dog guide or~~) service animal by a person
13 with a physical disability or who is blind or deaf."

14 (5) Board action under this section does not require the vote or
15 approval of the owners.

16 (6) As provided in RCW 49.60.227, any owner, occupant, or tenant in
17 the association or board may bring an action in superior court to have
18 any provision of a written instrument that is void pursuant to RCW
19 49.60.224 stricken from the public records.

20 (7) Nothing in this section prohibiting discrimination based on
21 families with children status applies to housing for older persons as
22 defined by the federal fair housing amendments act of 1988, 42 U.S.C.
23 Sec. 3607(b)(1) through (3), as amended by the housing for older
24 persons act of 1995, P.L. 104-76, as enacted on December 28, 1995.
25 Nothing in this section authorizes requirements for housing for older
26 persons different than the requirements in the federal fair housing
27 amendments act of 1988, 42 U.S.C. Sec. 3607(b)(1) through (3), as
28 amended by the housing for older persons act of 1995, P.L. 104-76, as
29 enacted on December 28, 1995.

30 (8) Except as otherwise provided in subsection (2) of this section,
31 (a) nothing in this section creates a duty on the part of owners,
32 occupants, tenants, associations, or boards to amend the governing
33 documents as provided in this section, or to bring an action as
34 authorized under this section and RCW 49.60.227; and (b) an owner,
35 occupant, tenant, association, or board is not liable for failing to
36 amend the governing documents or to pursue an action in court as
37 authorized under this section and RCW 49.60.227.

1 **Sec. 25.** RCW 70.84.040 and 2010 c 184 s 1 are each amended to read
2 as follows:

3 The driver of a vehicle approaching a totally or partially blind
4 pedestrian who is carrying a cane predominantly white in color (with or
5 without a red tip), a (~~totally or partially blind or hearing impaired~~
6 ~~pedestrian using a dog guide, a~~) person with (~~physical disabilities~~)
7 a disability using a service animal, or a person with a disability
8 using a wheelchair or a power wheelchair as defined in RCW 46.04.415
9 shall take all necessary precautions to avoid injury to such pedestrian
10 or wheelchair user. Any driver who fails to take such precaution shall
11 be liable in damages for any injury caused such pedestrian or
12 wheelchair user. It shall be unlawful for the operator of any vehicle
13 to drive into or upon any crosswalk while there is on such crosswalk
14 such pedestrian or wheelchair user crossing or attempting to cross the
15 roadway, if such pedestrian or wheelchair user is using a white cane,
16 (~~using a dog guide,~~) using a service animal, or using a wheelchair or
17 a power wheelchair as defined in RCW 46.04.415. The failure of any
18 such pedestrian or wheelchair user so to signal shall not deprive him
19 or her of the right-of-way accorded him or her by other laws.

20 **Sec. 26.** RCW 70.84.050 and 1997 c 271 s 21 are each amended to
21 read as follows:

22 A totally or partially blind pedestrian not carrying a white cane
23 or a totally or partially blind or hearing impaired pedestrian not
24 using a (~~dog guide~~) service animal in any of the places,
25 accommodations, or conveyances listed in RCW 70.84.010, shall have all
26 of the rights and privileges conferred by law on other persons.

27 **Sec. 27.** RCW 70.84.060 and 1997 c 271 s 22 are each amended to
28 read as follows:

29 It shall be unlawful for any pedestrian who is not totally or
30 partially blind to use a white cane or any pedestrian who is not
31 totally or partially blind or is not hearing impaired to use a (~~dog~~
32 ~~guide~~) service animal or any pedestrian who is not otherwise
33 physically disabled to use a service animal in any of the places,
34 accommodations, or conveyances listed in RCW 70.84.010 for the purpose
35 of securing the rights and privileges accorded by the chapter to

1 totally or partially blind, hearing impaired, or otherwise physically
2 disabled people.

3 NEW SECTION. **Sec. 28.** RCW 70.84.020 ("Dog guide" defined) and
4 1997 c 271 s 18, 1980 c 109 s 2, & 1969 c 141 s 2 are each repealed.

--- END ---