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**ENGROSSED SUBSTITUTE HOUSE BILL 1445**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

**By** House Committee on Commerce & Labor (originally sponsored by Representatives J. Kohl, Brough, Wineberry, Romero, Veloria, Ogden, G. Cole, Thibaudeau, Anderson, Sheldon, Leonard, Shin, Wang and Heavey)

Read first time 02/24/93.

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

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

6       **Sec. 1.** RCW 49.60.010 and 1985 c 185 s 1 are each amended to read  
7 as follows:

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

1 elimination and prevention of discrimination in employment, in credit  
2 and insurance transactions, in places of public resort, accommodation,  
3 or amusement, and in real property transactions because of race, creed,  
4 color, national origin, sex, marital status, age, or the presence of  
5 any sensory, mental, or physical ((handicap)) disability; and the  
6 commission established hereunder is hereby given general jurisdiction  
7 and power for such purposes.

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

17 **Sec. 2.** RCW 49.60.040 and 1985 c 203 s 2 and 1985 c 185 s 2 are  
18 each reenacted and amended to read as follows:

19 As used in this chapter:

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

27 "Commission" means the Washington state human rights commission;

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

36 "Employee" does not include any individual employed by his or her  
37 parents, spouse, or child, or in the domestic service of any person;

1        "Labor organization" includes any organization which exists for the  
2 purpose, in whole or in part, of dealing with employers concerning  
3 grievances or terms or conditions of employment, or for other mutual  
4 aid or protection in connection with employment;

5        "Employment agency" includes any person undertaking with or without  
6 compensation to recruit, procure, refer, or place employees for an  
7 employer;

8        "National origin" includes "ancestry";

9        "Full enjoyment of" includes the right to purchase any service,  
10 commodity, or article of personal property offered or sold on, or by,  
11 any establishment to the public, and the admission of any person to  
12 accommodations, advantages, facilities, or privileges of any place of  
13 public resort, accommodation, assemblage, or amusement, without acts  
14 directly or indirectly causing persons of any particular race, creed,  
15 color, sex, or with any sensory, mental, or physical handicap, or a  
16 blind or deaf person using a trained dog guide, to be treated as not  
17 welcome, accepted, desired, or solicited;

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

1 or apply to any institute, bona fide club, or place of accommodation,  
2 which is by its nature distinctly private, including fraternal  
3 organizations, though where public use is permitted that use shall be  
4 covered by this chapter; nor shall anything contained in this  
5 definition apply to any educational facility, columbarium, crematory,  
6 mausoleum, or cemetery operated or maintained by a bona fide religious  
7 or sectarian institution;

8 "Real property" includes buildings, structures, real estate, lands,  
9 tenements, leaseholds, interests in real estate cooperatives,  
10 condominiums, and hereditaments, corporeal and incorporeal, or any  
11 interest therein;

12 "Real estate transaction" includes the sale, exchange, purchase,  
13 rental, or lease of real property;

14 "Sex" means gender.

15 "Credit transaction" includes any open or closed end credit  
16 transaction, whether in the nature of a loan, retail installment  
17 transaction, credit card issue or charge, or otherwise, and whether for  
18 personal or for business purposes, in which a service, finance, or  
19 interest charge is imposed, or which provides for repayment in  
20 scheduled payments, when such credit is extended in the regular course  
21 of any trade or commerce, including but not limited to transactions by  
22 banks, savings and loan associations or other financial lending  
23 institutions of whatever nature, stock brokers, or by a merchant or  
24 mercantile establishment which as part of its ordinary business permits  
25 or provides that payment for purchases of property or service therefrom  
26 may be deferred.

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

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

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

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

5       NEW SECTION.   **Sec. 4.** This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and shall take  
8 effect July 1, 1993. However, if specific funding for this act,  
9 referencing this act by bill number, is not provided by June 30, 1993,  
10 in the omnibus appropriations act, the human rights commission may not  
11 consider a complaint against an employer having fewer than eight  
12 employees until after June 30, 1995, and the commission shall dismiss  
13 any such complaint filed after June 30, 1995, if the unfair practices  
14 have not been conducted after June 30, 1995. This postponed effective  
15 date does not apply to civil actions filed in court under RCW  
16 49.60.030(2).

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