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SENATE BILL 5600

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State of Washington                      54th Legislature                      1995 Regular Session

By Senators C. Anderson, Fairley, Rinehart, Kohl, Heavey and Prentice

Read first time 01/27/95. Referred to Committee on Law & Justice.

1            AN ACT Relating to the jurisdiction of the Washington human rights  
2 commission; amending RCW 49.60.010, 49.60.020, 49.60.130, 49.60.175,  
3 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215,  
4 49.60.224, and 48.30.300; and reenacting and amending RCW 49.60.030,  
5 49.60.040, 49.60.120, 49.60.222, 49.60.223, and 49.60.225.

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

7            **Sec. 1.** RCW 49.60.010 and 1993 c 510 s 1 are each amended to read  
8 as follows:

9            This chapter shall be known as the "law against discrimination".  
10 It is an exercise of the police power of the state for the protection  
11 of the public welfare, health, and peace of the people of this state,  
12 and in fulfillment of the provisions of the Constitution of this state  
13 concerning civil rights. The legislature hereby finds and declares  
14 that practices of discrimination against any of its inhabitants because  
15 of race, creed, color, national origin, sex, marital status, sexual  
16 orientation, age, or the presence of any sensory, mental, or physical  
17 disability or the use of a trained guide dog or service dog by a  
18 disabled person are a matter of state concern, that such discrimination  
19 threatens not only the rights and proper privileges of its inhabitants

1 but menaces the institutions and foundation of a free democratic state.  
2 A state agency is herein created with powers with respect to  
3 elimination and prevention of discrimination in employment, in credit  
4 and insurance transactions, in places of public resort, accommodation,  
5 or amusement, and in real property transactions because of race, creed,  
6 color, national origin, sex, marital status, sexual orientation, age,  
7 or the presence of any sensory, mental, or physical disability or the  
8 use of a trained guide dog or service dog by a disabled person; and the  
9 commission established hereunder is hereby given general jurisdiction  
10 and power for such purposes.

11 **Sec. 2.** RCW 49.60.020 and 1993 c 510 s 2 are each amended to read  
12 as follows:

13 The provisions of this chapter shall be construed liberally for the  
14 accomplishment of the purposes thereof. Nothing contained in this  
15 chapter shall be deemed to repeal any of the provisions of any other  
16 law of this state relating to discrimination because of race, color,  
17 creed, national origin, sex, marital status, sexual orientation, age,  
18 or the presence of any sensory, mental, or physical disability, other  
19 than a law which purports to require or permit doing any act which is  
20 an unfair practice under this chapter. Nor shall anything herein  
21 contained be construed to deny the right to any person to institute any  
22 action or pursue any civil or criminal remedy based upon an alleged  
23 violation of his or her civil rights. This chapter shall not be  
24 construed to endorse any specific belief, practice, behavior, or  
25 orientation.

26 **Sec. 3.** RCW 49.60.030 and 1993 c 510 s 3 and 1993 c 69 s 1 are  
27 each reenacted and amended to read as follows:

28 (1) The right to be free from discrimination because of race,  
29 creed, color, national origin, sex, sexual orientation, or the presence  
30 of any sensory, mental, or physical disability or the use of a trained  
31 guide dog or service dog by a disabled person is recognized as and  
32 declared to be a civil right. This right shall include, but not be  
33 limited to:

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

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

1 (c) The right to engage in real estate transactions without  
2 discrimination, including discrimination against families with  
3 children;

4 (d) The right to engage in credit transactions without  
5 discrimination;

6 (e) The right to engage in insurance transactions or transactions  
7 with health maintenance organizations without discrimination:  
8 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,  
9 48.44.220, or 48.46.370 does not constitute an unfair practice for the  
10 purposes of this subparagraph; and

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

27 (2) Any person deeming himself or herself injured by any act in  
28 violation of this chapter shall have a civil action in a court of  
29 competent jurisdiction to enjoin further violations, or to recover the  
30 actual damages sustained by the person, or both, together with the cost  
31 of suit including reasonable attorneys' fees or any other appropriate  
32 remedy authorized by this chapter or the United States Civil Rights Act  
33 of 1964 as amended, or the federal fair housing amendments act of 1988  
34 (42 U.S.C. Sec. 3601 et seq.)~~((and))~~.

35 (3) Except for any unfair practice committed by an employer against  
36 an employee or a prospective employee, or any unfair practice in a real  
37 estate transaction which is the basis for relief specified in the  
38 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any  
39 unfair practice prohibited by this chapter which is committed in the

1 course of trade or commerce as defined in the Consumer Protection Act,  
2 chapter 19.86 RCW, is, for the purpose of applying that chapter, a  
3 matter affecting the public interest, is not reasonable in relation to  
4 the development and preservation of business, and is an unfair or  
5 deceptive act in trade or commerce.

6 **Sec. 4.** RCW 49.60.040 and 1993 c 510 s 4 and 1993 c 69 s 3 are  
7 each reenacted and amended to read as follows:

8 As used in this chapter:

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

16 (2) "Commission" means the Washington state human rights  
17 commission;

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

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

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

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

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

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

35 (9) "Full enjoyment of" includes the right to purchase any service,  
36 commodity, or article of personal property offered or sold on, or by,  
37 any establishment to the public, and the admission of any person to  
38 accommodations, advantages, facilities, or privileges of any place of

1 public resort, accommodation, assemblage, or amusement, without acts  
2 directly or indirectly causing persons of any particular race, creed,  
3 color, sex, sexual orientation, national origin, or with any sensory,  
4 mental, or physical disability, or the use of a trained guide dog or  
5 service dog by a disabled person, to be treated as not welcome,  
6 accepted, desired, or solicited;

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

36 (11) "Real property" includes buildings, structures, dwellings,  
37 real estate, lands, tenements, leaseholds, interests in real estate  
38 cooperatives, condominiums, and hereditaments, corporeal and  
39 incorporeal, or any interest therein;

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

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

10 (14) "Sex" means gender;

11 (15) "Sexual orientation" means heterosexuality, homosexuality, and  
12 bisexuality;

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

17 (~~(16)~~) (17) "Complainant" means the person who files a complaint  
18 in a real estate transaction;

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

31 (~~(18)~~) (19) "Families with children status" means when one or  
32 more individuals who have not attained the age of eighteen years is  
33 domiciled with a parent or another person having legal custody of such  
34 individual or individuals, or with the designee of such parent or other  
35 person having such legal custody, with the written permission of such  
36 parent or other person. Families with children status also applies to  
37 any person who is pregnant or is in the process of securing legal  
38 custody or guardianship of any individual who has not attained the age  
39 of eighteen years.

1       **Sec. 5.** RCW 49.60.120 and 1993 c 510 s 6 and 1993 c 69 s 4 are  
2 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

1       **Sec. 6.** RCW 49.60.130 and 1993 c 510 s 7 are each amended to read  
2 as follows:

3       The commission has power to create such advisory agencies and  
4 conciliation councils, local, regional, or state-wide, as in its  
5 judgment will aid in effectuating the purposes of this chapter. The  
6 commission may empower them to study the problems of discrimination in  
7 all or specific fields of human relationships or in specific instances  
8 of discrimination because of sex, race, creed, color, national origin,  
9 marital status, sexual orientation, age, or the presence of any  
10 sensory, mental, or physical disability or the use of a trained guide  
11 dog or service dog by a disabled person; to foster through community  
12 effort or otherwise good will, cooperation, and conciliation among the  
13 groups and elements of the population of the state, and to make  
14 recommendations to the commission for the development of policies and  
15 procedures in general and in specific instances, and for programs of  
16 formal and informal education which the commission may recommend to the  
17 appropriate state agency. Nothing in chapter . . . , Laws of 1995 (this  
18 act) authorizes formal or informal education promoting sexual  
19 orientation in common schools as defined in RCW 28A.150.020 or in  
20 institutions of higher education as defined in RCW 28B.10.016.

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

29       **Sec. 7.** RCW 49.60.175 and 1993 c 510 s 9 are each amended to read  
30 as follows:

31       It shall be an unfair practice to use the sex, race, creed, color,  
32 national origin, marital status, sexual orientation, or the presence of  
33 any sensory, mental, or physical disability of any person, or the use  
34 of a trained guide dog or service dog by a disabled person, concerning  
35 an application for credit in any credit transaction to determine the  
36 credit worthiness of an applicant.



1       **Sec. 8.** RCW 49.60.176 and 1993 c 510 s 10 are each amended to read  
2 as follows:

3       (1) It is an unfair practice for any person whether acting for  
4 himself, herself, or another in connection with any credit transaction  
5 because of race, creed, color, national origin, sex, marital status,  
6 sexual orientation, or the presence of any sensory, mental, or physical  
7 disability or the use of a trained guide dog or service dog by a  
8 disabled person:

9       (a) To deny credit to any person;

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

12       (c) To restrict the amount or use of credit extended or to impose  
13 different terms or conditions with respect to the credit extended to  
14 any person or any item or service related thereto;

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

17       (2) Nothing in this section shall prohibit any party to a credit  
18 transaction from considering the credit history of any individual  
19 applicant.

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

24       **Sec. 9.** RCW 49.60.178 and 1993 c 510 s 11 are each amended to read  
25 as follows:

26       It is an unfair practice for any person whether acting for himself,  
27 herself, or another in connection with an insurance transaction or  
28 transaction with a health maintenance organization to cancel or fail or  
29 refuse to issue or renew insurance or a health maintenance agreement to  
30 any person because of sex, marital status, sexual orientation, race,  
31 creed, color, national origin, or the presence of any sensory, mental,  
32 or physical disability or the use of a trained guide dog or service dog  
33 by a disabled person: PROVIDED, That a practice which is not unlawful  
34 under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an  
35 unfair practice for the purposes of this section. For the purposes of  
36 this section, "insurance transaction" is defined in RCW 48.01.060,  
37 health maintenance agreement is defined in RCW 48.46.020, and "health  
38 maintenance organization" is defined in RCW 48.46.020.

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

4 The insurance commissioner, under RCW 48.30.300, and the human  
5 rights commission, under chapter 49.60 RCW, shall have concurrent  
6 jurisdiction under this section and shall enter into a working  
7 agreement as to procedure to be followed in complaints under this  
8 section.

9 **Sec. 10.** RCW 49.60.180 and 1993 c 510 s 12 are each amended to  
10 read as follows:

11 (1) It is an unfair practice for any employer:

12 ~~((1))~~ (a) To refuse to hire any person because of age, sex,  
13 marital status, sexual orientation, race, creed, color, national  
14 origin, or the presence of any sensory, mental, or physical disability  
15 or the use of a trained guide dog or service dog by a disabled person,  
16 unless based upon a bona fide occupational qualification: PROVIDED,  
17 That the prohibition against discrimination because of such disability  
18 shall not apply if the particular disability prevents the proper  
19 performance of the particular worker involved.

20 ~~((2))~~ (b) To discharge or bar any person from employment because  
21 of age, sex, marital status, sexual orientation, race, creed, color,  
22 national origin, or the presence of any sensory, mental, or physical  
23 disability or the use of a trained guide dog or service dog by a  
24 disabled person.

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

36 ~~((4))~~ (d) To print, or circulate, or cause to be printed or  
37 circulated any statement, advertisement, or publication, or to use any  
38 form of application for employment, or to make any inquiry in

1 connection with prospective employment, which expresses any limitation,  
2 specification, or discrimination as to age, sex, marital status, sexual  
3 orientation, race, creed, color, national origin, or the presence of  
4 any sensory, mental, or physical disability or the use of a trained  
5 guide dog or service dog by a disabled person, or any intent to make  
6 any such limitation, specification, or discrimination, unless based  
7 upon a bona fide occupational qualification: PROVIDED, Nothing  
8 contained herein shall prohibit advertising in a foreign language.

9 (2) This section shall not be construed to require an employer to  
10 establish employment goals or quotas based on sexual orientation or on  
11 any other basis.

12 **Sec. 11.** RCW 49.60.190 and 1993 c 510 s 13 are each amended to  
13 read as follows:

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

15 (1) To deny membership and full membership rights and privileges to  
16 any person because of age, sex, marital status, sexual orientation,  
17 race, creed, color, national origin, or the presence of any sensory,  
18 mental, or physical disability or the use of a trained guide dog or  
19 service dog by a disabled person.

20 (2) To expel from membership any person because of age, sex,  
21 marital status, sexual orientation, race, creed, color, national  
22 origin, or the presence of any sensory, mental, or physical disability  
23 or the use of a trained guide dog or service dog by a disabled person.

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

29 **Sec. 12.** RCW 49.60.200 and 1993 c 510 s 14 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, or the  
35 presence of any sensory, mental, or physical disability or the use of  
36 a trained guide dog or service dog by a disabled person, or to print or  
37 circulate, or cause to be printed or circulated any statement,

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

11 **Sec. 13.** RCW 49.60.215 and 1993 c 510 s 16 are each amended to  
12 read as follows:

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

30 **Sec. 14.** RCW 49.60.222 and 1993 c 510 s 17 and 1993 c 69 s 5 are  
31 each reenacted and amended to read as follows:

32 (1) It is an unfair practice for any person, whether acting for  
33 himself, herself, or another, because of sex, marital status, sexual  
34 orientation, race, creed, color, national origin, families with  
35 children status, the presence of any sensory, mental, or physical  
36 disability, or the use of a trained guide dog or service dog by a  
37 disabled person:

1 (a) To refuse to engage in a real estate transaction with a person;  
2 (b) To discriminate against a person in the terms, conditions, or  
3 privileges of a real estate transaction or in the furnishing of  
4 facilities or services in connection therewith;  
5 (c) To refuse to receive or to fail to transmit a bona fide offer  
6 to engage in a real estate transaction from a person;  
7 (d) To refuse to negotiate for a real estate transaction with a  
8 person;  
9 (e) To represent to a person that real property is not available  
10 for inspection, sale, rental, or lease when in fact it is so available,  
11 or to fail to bring a property listing to his or her attention, or to  
12 refuse to permit the person to inspect real property;  
13 (f) To discriminate in the sale or rental, or to otherwise make  
14 unavailable or deny a dwelling to any person because of a disability of  
15 that person, or a person residing in or intending to reside in that  
16 dwelling after it is sold, rented, or made unavailable; or any person  
17 associated with the person buying or renting;  
18 (g) To make, print, circulate, post, or mail, or cause to be so  
19 made or published a statement, advertisement, or sign, or to use a form  
20 of application for a real estate transaction, or to make a record or  
21 inquiry in connection with a prospective real estate transaction, which  
22 indicates, directly or indirectly, an intent to make a limitation,  
23 specification, or discrimination with respect thereto;  
24 (h) To offer, solicit, accept, use, or retain a listing of real  
25 property with the understanding that a person may be discriminated  
26 against in a real estate transaction or in the furnishing of facilities  
27 or services in connection therewith;  
28 (i) To expel a person from occupancy of real property;  
29 (j) To discriminate in the course of negotiating, executing, or  
30 financing a real estate transaction whether by mortgage, deed of trust,  
31 contract, or other instrument imposing a lien or other security in real  
32 property, or in negotiating or executing any item or service related  
33 thereto including issuance of title insurance, mortgage insurance, loan  
34 guarantee, or other aspect of the transaction. Nothing in this section  
35 shall limit the effect of RCW 49.60.176 relating to unfair practices in  
36 credit transactions; or  
37 (k) To attempt to do any of the unfair practices defined in this  
38 section.

1 (2) For the purposes of this chapter discrimination based on the  
2 presence of any sensory, mental, or physical disability or the use of  
3 a trained guide dog or service dog by a blind, deaf, or physically  
4 disabled person includes:

5 (a) A refusal to permit, at the expense of the disabled person,  
6 reasonable modifications of existing dwelling occupied or to be  
7 occupied by such person if such modifications may be necessary to  
8 afford such person full enjoyment of the dwelling, except that, in the  
9 case of a rental, the landlord may, where it is reasonable to do so,  
10 condition permission for a modification on the renter agreeing to  
11 restore the interior of the dwelling to the condition that existed  
12 before the modification, reasonable wear and tear excepted;

13 (b) To refuse to make reasonable accommodation in rules, policies,  
14 practices, or services when such accommodations may be necessary to  
15 afford a person with the presence of any sensory, mental, or physical  
16 disability and/or the use of a trained guide dog or service dog by a  
17 blind, deaf, or physically disabled person equal opportunity to use and  
18 enjoy a dwelling; or

19 (c) To fail to design and construct dwellings in conformance with  
20 the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et  
21 seq.) and all other applicable laws or regulations pertaining to access  
22 by persons with any sensory, mental, or physical disability or use of  
23 a trained guide dog or service dog. Whenever the requirements of  
24 applicable laws or regulations differ, the requirements which require  
25 greater accessibility for persons with any sensory, mental, or physical  
26 disability shall govern.

27 For purposes of this subsection (2), "dwelling" means any building,  
28 structure, or portion thereof that is occupied as, or designed or  
29 intended for occupancy as, a residence by four or more families, and  
30 any vacant land that is offered for sale or lease for the construction  
31 or location thereon of any such building, structure, or portion  
32 thereof.

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

1 (4) Except pursuant to subsection (2)(a) of this section, this  
2 section shall not be construed to require structural changes,  
3 modifications, or additions to make facilities accessible to a disabled  
4 person except as otherwise required by law. Nothing in this section  
5 affects the rights, responsibilities, and remedies of landlords and  
6 tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to  
7 post and enforce reasonable rules of conduct and safety for all tenants  
8 and their guests, provided that chapters 59.18 and 59.20 RCW are only  
9 affected to the extent they are inconsistent with the nondiscrimination  
10 requirements of this chapter. Nothing in this section limits the  
11 applicability of any reasonable federal, state, or local restrictions  
12 regarding the maximum number of occupants permitted to occupy a  
13 dwelling.

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

21 (6) Nothing in this chapter prohibiting discrimination based on  
22 families with children status applies to housing for older persons as  
23 defined by the federal fair housing amendments act of 1988, 42 U.S.C.  
24 Sec. 3607(b)(1) through (3). Nothing in this chapter authorizes  
25 requirements for housing for older persons different than the  
26 requirements in the federal fair housing amendments act of 1988, 42  
27 U.S.C. Sec 3607(b)(1) through (3).

28 **Sec. 15.** RCW 49.60.223 and 1993 c 510 s 18 and 1993 c 69 s 6 are  
29 each reenacted and amended to read as follows:

30 It is an unfair practice for any person, for profit, to induce or  
31 attempt to induce any person to sell or rent any real property by  
32 representations regarding the entry or prospective entry into the  
33 neighborhood of a person or persons of a particular race, creed, color,  
34 sex, national origin, sexual orientation, families with children  
35 status, or with any sensory, mental, or physical disability and/or the  
36 use of a trained guide dog or service dog by a blind, deaf, or  
37 physically disabled person.

1       **Sec. 16.** RCW 49.60.224 and 1993 c 69 s 8 are each amended to read  
2 as follows:

3       (1) Every provision in a written instrument relating to real  
4 property which purports to forbid or restrict the conveyance,  
5 encumbrance, occupancy, or lease thereof to individuals of a specified  
6 race, creed, color, sex, national origin, sexual orientation, families  
7 with children status, or with any sensory, mental, or physical  
8 disability or the use of a trained guide dog or service dog by a blind,  
9 deaf, or physically disabled person, and every condition, restriction,  
10 or prohibition, including a right of entry or possibility of reverter,  
11 which directly or indirectly limits the use or occupancy of real  
12 property on the basis of race, creed, color, sex, national origin,  
13 sexual orientation, families with children status, or the presence of  
14 any sensory, mental, or physical disability or the use of a trained  
15 guide dog or service dog by a blind, deaf, or physically disabled  
16 person is void.

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

20       **Sec. 17.** RCW 49.60.225 and 1993 c 510 s 20 and 1993 c 69 s 9 are  
21 each reenacted and amended to read as follows:

22       (1) When a reasonable cause determination has been made under RCW  
23 49.60.240 that an unfair practice in a real estate transaction has been  
24 committed and a finding has been made that the respondent has engaged  
25 in any unfair practice under RCW 49.60.250, the administrative law  
26 judge shall promptly issue an order for such relief suffered by the  
27 aggrieved person as may be appropriate, which may include actual  
28 damages as provided by Title VIII of the United States civil rights act  
29 of 1964, as amended, and the federal fair housing amendments act of  
30 1988 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable  
31 relief. Such order may, to further the public interest, assess a civil  
32 penalty against the respondent:

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

36       (b) In an amount up to twenty-five thousand dollars if the  
37 respondent has been determined to have committed one other unfair



1 practice in a real estate transaction during the five-year period  
2 ending on the date of the filing of this charge; or

3 (c) In an amount up to fifty thousand dollars if the respondent has  
4 been determined to have committed two or more unfair practices in a  
5 real estate transaction during the seven-year period ending on the date  
6 of the filing of this charge, for loss of the right secured by RCW  
7 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as  
8 now or hereafter amended, to be free from discrimination in real  
9 property transactions because of sex, marital status, race, creed,  
10 color, national origin, sexual orientation, families with children  
11 status, or the presence of any sensory, mental, or physical disability  
12 or the use of a trained guide dog or service dog by a blind, deaf, or  
13 physically disabled person. Enforcement of the order and appeal  
14 therefrom by the complainant or respondent may be made as provided in  
15 RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice  
16 in a real estate transaction that is the object of the charge are  
17 determined to have been committed by the same natural person who has  
18 been previously determined to have committed acts constituting an  
19 unfair practice in a real estate transaction, then the civil penalty of  
20 up to fifty thousand dollars may be imposed without regard to the  
21 period of time within which any subsequent unfair practice in a real  
22 estate transaction occurred. All civil penalties assessed under this  
23 section shall be paid into the state treasury and credited to the  
24 general fund.

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

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

32 **Sec. 18.** RCW 48.30.300 and 1993 c 492 s 287 are each amended to  
33 read as follows:

34 Notwithstanding any provision contained in Title 48 RCW to the  
35 contrary:

36 (1) No person or entity engaged in the business of insurance in  
37 this state shall refuse to issue any contract of insurance or cancel or  
38 decline to renew such contract because of the sex ((or)), marital

1 status, or sexual orientation as defined in RCW 49.60.040, or the  
2 presence of any sensory, mental, or physical handicap of the insured or  
3 prospective insured. The amount of benefits payable, or any term,  
4 rate, condition, or type of coverage shall not be restricted, modified,  
5 excluded, increased or reduced on the basis of the sex ((or)), marital  
6 status, or sexual orientation, or be restricted, modified, excluded or  
7 reduced on the basis of the presence of any sensory, mental, or  
8 physical handicap of the insured or prospective insured. Subject to  
9 the provisions of subsection (2) of this section these provisions shall  
10 not prohibit fair discrimination on the basis of sex, or marital  
11 status, or the presence of any sensory, mental, or physical handicap  
12 when bona fide statistical differences in risk or exposure have been  
13 substantiated.

14 (2) With respect to disability policies issued or renewed on and  
15 after July 1, 1994, that provide coverage against loss arising from  
16 medical, surgical, hospital, or emergency care services:

17 (a) Policies shall guarantee continuity of coverage. Such  
18 provision, which shall be included in every policy, shall provide that:

19 (i) The policy may be canceled or nonrenewed without the prior  
20 written approval of the commissioner only for nonpayment of premium or  
21 as permitted under RCW 48.18.090; and

22 (ii) The policy may be canceled or nonrenewed because of a change  
23 in the physical or mental condition or health of a covered person only  
24 with the prior written approval of the commissioner. Such approval  
25 shall be granted only when the insurer has discharged its obligation to  
26 continue coverage for such person by obtaining coverage with another  
27 insurer, health care service contractor, or health maintenance  
28 organization, which coverage is comparable in terms of premiums and  
29 benefits as defined by rule of the commissioner.

30 (b) It is an unfair practice for a disability insurer to modify the  
31 coverage provided or rates applying to an in-force disability insurance  
32 policy and to fail to make such modification in all such issued and  
33 outstanding policies.

34 (c) Subject to rules adopted by the commissioner, it is an unfair  
35 practice for a disability insurer to:

36 (i) Cease the sale of a policy form unless it has received prior  
37 written authorization from the commissioner and has offered all  
38 policyholders covered under such discontinued policy the opportunity to  
39 purchase comparable coverage without health screening; or

1       (ii) Engage in a practice that subjects policyholders to rate  
2 increases on discontinued policy forms unless such policyholders are  
3 offered the opportunity to purchase comparable coverage without health  
4 screening.

5       The insurer may limit an offer of comparable coverage without  
6 health screening to a period not less than thirty days from the date  
7 the offer is first made.

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