

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1491

Chapter 271, Laws of 1997

55th Legislature
1997 Regular Session

DOG GUIDES AND SERVICE ANIMALS--CHANGING TERMINOLOGY

EFFECTIVE DATE: 7/27/97

Passed by the House April 19, 1997
Yeas 92 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate April 9, 1997
Yeas 46 Nays 0

BRAD OWEN
President of the Senate

Approved May 6, 1997

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1491** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

May 6, 1997 - 4:07 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1491

Passed Legislature - 1997 Regular Session

AS AMENDED BY THE SENATE

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Children & Family Services (originally sponsored by Representatives Cody, Cooke, Tokuda, Dyer, Murray, Ogden and Costa)

Read first time 02/14/97.

1 AN ACT Relating to dog guides and service animals; amending RCW
2 49.60.010, 49.60.030, 49.60.040, 49.60.130, 49.60.174, 49.60.175,
3 49.60.176, 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.215,
4 49.60.222, 49.60.224, 49.60.225, 70.84.020, 70.84.021, 70.84.040,
5 70.84.050, 70.84.060, 70.84.100, and 70.84.120; reenacting and amending
6 RCW 49.60.120 and 49.60.223; adding new sections to chapter 49.60 RCW;
7 creating a new section; recodifying RCW 70.84.090, 70.84.100, and
8 70.84.120; and repealing RCW 70.84.030 and 70.84.110.

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

10 **Sec. 1.** RCW 49.60.010 and 1995 c 259 s 1 are each amended to read
11 as follows:

12 This chapter shall be known as the "law against discrimination".
13 It is an exercise of the police power of the state for the protection
14 of the public welfare, health, and peace of the people of this state,
15 and in fulfillment of the provisions of the Constitution of this state
16 concerning civil rights. The legislature hereby finds and declares
17 that practices of discrimination against any of its inhabitants because
18 of race, creed, color, national origin, families with children, sex,
19 marital status, age, or the presence of any sensory, mental, or

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

15 **Sec. 2.** RCW 49.60.030 and 1995 c 135 s 3 are each amended to read
16 as follows:

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

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

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

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

30 (d) The right to engage in credit transactions without
31 discrimination;

32 (e) The right to engage in insurance transactions or transactions
33 with health maintenance organizations without discrimination:
34 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,
35 48.44.220, or 48.46.370 does not constitute an unfair practice for the
36 purposes of this subparagraph; and

37 (f) The right to engage in commerce free from any discriminatory
38 boycotts or blacklists. Discriminatory boycotts or blacklists for

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

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

23 (3) Except for any unfair practice committed by an employer against
24 an employee or a prospective employee, or any unfair practice in a real
25 estate transaction which is the basis for relief specified in the
26 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any
27 unfair practice prohibited by this chapter which is committed in the
28 course of trade or commerce as defined in the Consumer Protection Act,
29 chapter 19.86 RCW, is, for the purpose of applying that chapter, a
30 matter affecting the public interest, is not reasonable in relation to
31 the development and preservation of business, and is an unfair or
32 deceptive act in trade or commerce.

33 **Sec. 3.** RCW 49.60.040 and 1995 c 259 s 2 are each amended to read
34 as follows:

35 As used in this chapter:

36 (1) "Person" includes one or more individuals, partnerships,
37 associations, organizations, corporations, cooperatives, legal
38 representatives, trustees and receivers, or any group of persons; it

1 includes any owner, lessee, proprietor, manager, agent, or employee,
2 whether one or more natural persons; and further includes any political
3 or civil subdivisions of the state and any agency or instrumentality of
4 the state or of any political or civil subdivision thereof;

5 (2) "Commission" means the Washington state human rights
6 commission;

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

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

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

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

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

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

24 (9) "Full enjoyment of" includes the right to purchase any service,
25 commodity, or article of personal property offered or sold on, or by,
26 any establishment to the public, and the admission of any person to
27 accommodations, advantages, facilities, or privileges of any place of
28 public resort, accommodation, assemblage, or amusement, without acts
29 directly or indirectly causing persons of any particular race, creed,
30 color, sex, national origin, or with any sensory, mental, or physical
31 disability, or the use of a trained dog guide ((~~dog~~)) or service
32 ((~~dog~~)) animal by a disabled person, to be treated as not welcome,
33 accepted, desired, or solicited;

34 (10) "Any place of public resort, accommodation, assemblage, or
35 amusement" includes, but is not limited to, any place, licensed or
36 unlicensed, kept for gain, hire, or reward, or where charges are made
37 for admission, service, occupancy, or use of any property or
38 facilities, whether conducted for the entertainment, housing, or
39 lodging of transient guests, or for the benefit, use, or accommodation

1 of those seeking health, recreation, or rest, or for the burial or
2 other disposition of human remains, or for the sale of goods,
3 merchandise, services, or personal property, or for the rendering of
4 personal services, or for public conveyance or transportation on land,
5 water, or in the air, including the stations and terminals thereof and
6 the garaging of vehicles, or where food or beverages of any kind are
7 sold for consumption on the premises, or where public amusement,
8 entertainment, sports, or recreation of any kind is offered with or
9 without charge, or where medical service or care is made available, or
10 where the public gathers, congregates, or assembles for amusement,
11 recreation, or public purposes, or public halls, public elevators, and
12 public washrooms of buildings and structures occupied by two or more
13 tenants, or by the owner and one or more tenants, or any public library
14 or educational institution, or schools of special instruction, or
15 nursery schools, or day care centers or children's camps: PROVIDED,
16 That nothing contained in this definition shall be construed to include
17 or apply to any institute, bona fide club, or place of accommodation,
18 which is by its nature distinctly private, including fraternal
19 organizations, though where public use is permitted that use shall be
20 covered by this chapter; nor shall anything contained in this
21 definition apply to any educational facility, columbarium, crematory,
22 mausoleum, or cemetery operated or maintained by a bona fide religious
23 or sectarian institution;

24 (11) "Real property" includes buildings, structures, dwellings,
25 real estate, lands, tenements, leaseholds, interests in real estate
26 cooperatives, condominiums, and hereditaments, corporeal and
27 incorporeal, or any interest therein;

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

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

37 (14) "Sex" means gender;

38 (15) "Aggrieved person" means any person who: (a) Claims to have
39 been injured by an unfair practice in a real estate transaction; or (b)

1 believes that he or she will be injured by an unfair practice in a real
2 estate transaction that is about to occur;

3 (16) "Complainant" means the person who files a complaint in a real
4 estate transaction;

5 (17) "Respondent" means any person accused in a complaint or
6 amended complaint of an unfair practice in a real estate transaction;

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

19 (19) "Families with children status" means one or more individuals
20 who have not attained the age of eighteen years being domiciled with a
21 parent or another person having legal custody of such individual or
22 individuals, or with the designee of such parent or other person having
23 such legal custody, with the written permission of such parent or other
24 person. Families with children status also applies to any person who
25 is pregnant or is in the process of securing legal custody of any
26 individual who has not attained the age of eighteen years;

27 (20) "Covered multifamily dwelling" means: (a) Buildings
28 consisting of four or more dwelling units if such buildings have one or
29 more elevators; and (b) ground floor dwelling units in other buildings
30 consisting of four or more dwelling units;

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

34 (22) "Dog guide" means a dog that is trained for the purpose of
35 guiding blind persons or a dog that is trained for the purpose of
36 assisting hearing impaired persons;

37 (23) "Service animal" means an animal that is trained for the
38 purpose of assisting or accommodating a disabled person's sensory,
39 mental, or physical disability.

1 **Sec. 4.** 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, age, or the presence of any
19 sensory, mental, or physical disability, or the use of a trained dog
20 guide ((~~dog~~)) or service ((~~dog~~)) animal 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. 5.** 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, age, or the presence of any sensory, mental, or
10 physical disability or the use of a trained dog guide ((~~dog~~)) or
11 service ((~~dog~~)) animal by a disabled person; to foster through
12 community effort or otherwise good will, cooperation, and conciliation
13 among the groups and elements of the population of the state, and to
14 make recommendations to the commission for the development of policies
15 and procedures in general and in specific instances, and for programs
16 of formal and informal education which the commission may recommend to
17 the appropriate state agency.

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

26 **Sec. 6.** RCW 49.60.174 and 1993 c 510 s 8 are each amended to read
27 as follows:

28 (1) For the purposes of determining whether an unfair practice
29 under this chapter has occurred, claims of discrimination based on
30 actual or perceived HIV infection shall be evaluated in the same manner
31 as other claims of discrimination based on sensory, mental, or physical
32 disability; or the use of a trained dog guide ((~~dog~~)) or service
33 ((~~dog~~)) animal by a disabled person.

34 (2) Subsection (1) of this section shall not apply to transactions
35 with insurance entities, health service contractors, or health
36 maintenance organizations subject to RCW 49.60.030(1)(e) or 49.60.178
37 to prohibit fair discrimination on the basis of actual HIV infection

1 status when bona fide statistical differences in risk or exposure have
2 been substantiated.

3 (3) For the purposes of this chapter, "HIV" means the human
4 immunodeficiency virus, and includes all HIV and HIV-related viruses
5 which damage the cellular branch of the human immune system and leave
6 the infected person immunodeficient.

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

9 It shall be an unfair practice to use the sex, race, creed, color,
10 national origin, marital status, or the presence of any sensory,
11 mental, or physical disability of any person, or the use of a trained
12 dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person,
13 concerning an application for credit in any credit transaction to
14 determine the credit worthiness of an applicant.

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

17 (1) It is an unfair practice for any person whether acting for
18 himself, herself, or another in connection with any credit transaction
19 because of race, creed, color, national origin, sex, marital status, or
20 the presence of any sensory, mental, or physical disability or the use
21 of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled
22 person:

23 (a) To deny credit to any person;

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

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

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

31 (2) Nothing in this section shall prohibit any party to a credit
32 transaction from considering the credit history of any individual
33 applicant.

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

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

3 It is an unfair practice for any person whether acting for himself,
4 herself, or another in connection with an insurance transaction or
5 transaction with a health maintenance organization to cancel or fail or
6 refuse to issue or renew insurance or a health maintenance agreement to
7 any person because of sex, marital status, race, creed, color, national
8 origin, or the presence of any sensory, mental, or physical disability
9 or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by
10 a disabled person: PROVIDED, That a practice which is not unlawful
11 under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an
12 unfair practice for the purposes of this section. For the purposes of
13 this section, "insurance transaction" is defined in RCW 48.01.060,
14 health maintenance agreement is defined in RCW 48.46.020, and "health
15 maintenance organization" is defined in RCW 48.46.020.

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

19 The insurance commissioner, under RCW 48.30.300, and the human
20 rights commission, under chapter 49.60 RCW, shall have concurrent
21 jurisdiction under this section and shall enter into a working
22 agreement as to procedure to be followed in complaints under this
23 section.

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

26 It is an unfair practice for any employer:

27 (1) To refuse to hire any person because of age, sex, marital
28 status, race, creed, color, national origin, or the presence of any
29 sensory, mental, or physical disability or the use of a trained dog
30 guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person, unless
31 based upon a bona fide occupational qualification: PROVIDED, That the
32 prohibition against discrimination because of such disability shall not
33 apply if the particular disability prevents the proper performance of
34 the particular worker involved.

35 (2) To discharge or bar any person from employment because of age,
36 sex, marital status, race, creed, color, national origin, or the
37 presence of any sensory, mental, or physical disability or the use of

1 a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled
2 person.

3 (3) To discriminate against any person in compensation or in other
4 terms or conditions of employment because of age, sex, marital status,
5 race, creed, color, national origin, or the presence of any sensory,
6 mental, or physical disability or the use of a trained dog guide
7 ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person: PROVIDED, That
8 it shall not be an unfair practice for an employer to segregate
9 washrooms or locker facilities on the basis of sex, or to base other
10 terms and conditions of employment on the sex of employees where the
11 commission by regulation or ruling in a particular instance has found
12 the employment practice to be appropriate for the practical realization
13 of equality of opportunity between the sexes.

14 (4) To print, or circulate, or cause to be printed or circulated
15 any statement, advertisement, or publication, or to use any form of
16 application for employment, or to make any inquiry in connection with
17 prospective employment, which expresses any limitation, specification,
18 or discrimination as to age, sex, marital status, race, creed, color,
19 national origin, or the presence of any sensory, mental, or physical
20 disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~))
21 animal by a disabled person, or any intent to make any such limitation,
22 specification, or discrimination, unless based upon a bona fide
23 occupational qualification: PROVIDED, Nothing contained herein shall
24 prohibit advertising in a foreign language.

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

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

28 (1) To deny membership and full membership rights and privileges to
29 any person because of age, sex, marital status, race, creed, color,
30 national origin, or the presence of any sensory, mental, or physical
31 disability or the use of a trained dog guide ((~~dog~~)) or service ((~~dog~~))
32 animal by a disabled person.

33 (2) To expel from membership any person because of age, sex,
34 marital status, race, creed, color, national origin, or the presence of
35 any sensory, mental, or physical disability or the use of a trained dog
36 guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person.

37 (3) To discriminate against any member, employer, employee, or
38 other person to whom a duty of representation is owed because of age,

1 sex, marital status, race, creed, color, national origin, or the
2 presence of any sensory, mental, or physical disability or the use of
3 a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled
4 person.

5 **Sec. 12.** RCW 49.60.200 and 1993 c 510 s 14 are each amended to
6 read as follows:

7 It is an unfair practice for any employment agency to fail or
8 refuse to classify properly or refer for employment, or otherwise to
9 discriminate against, an individual because of age, sex, marital
10 status, race, creed, color, national origin, or the presence of any
11 sensory, mental, or physical disability or the use of a trained dog
12 guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled person, or to
13 print or circulate, or cause to be printed or circulated any statement,
14 advertisement, or publication, or to use any form of application for
15 employment, or to make any inquiry in connection with prospective
16 employment, which expresses any limitation, specification or
17 discrimination as to age, sex, race, creed, color, or national origin,
18 or the presence of any sensory, mental, or physical disability or the
19 use of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a
20 disabled person, or any intent to make any such limitation,
21 specification, or discrimination, unless based upon a bona fide
22 occupational qualification: PROVIDED, Nothing contained herein shall
23 prohibit advertising in a foreign language.

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

26 It shall be an unfair practice for any person or the person's agent
27 or employee to commit an act which directly or indirectly results in
28 any distinction, restriction, or discrimination, or the requiring of
29 any person to pay a larger sum than the uniform rates charged other
30 persons, or the refusing or withholding from any person the admission,
31 patronage, custom, presence, frequenting, dwelling, staying, or lodging
32 in any place of public resort, accommodation, assemblage, or amusement,
33 except for conditions and limitations established by law and applicable
34 to all persons, regardless of race, creed, color, national origin, sex,
35 the presence of any sensory, mental, or physical disability, or the use
36 of a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled
37 person: PROVIDED, That this section shall not be construed to require

1 structural changes, modifications, or additions to make any place
2 accessible to a disabled person except as otherwise required by law:
3 PROVIDED, That behavior or actions constituting a risk to property or
4 other persons can be grounds for refusal and shall not constitute an
5 unfair practice.

6 **Sec. 14.** RCW 49.60.222 and 1995 c 259 s 3 are each amended to read
7 as follows:

8 (1) It is an unfair practice for any person, whether acting for
9 himself, herself, or another, because of sex, marital status, race,
10 creed, color, national origin, families with children status, the
11 presence of any sensory, mental, or physical disability, or the use of
12 a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a disabled
13 person:

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

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

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

20 (d) To refuse to negotiate for a real estate transaction with a
21 person;

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

26 (f) To discriminate in the sale or rental, or to otherwise make
27 unavailable or deny a dwelling, to any person; or to a person residing
28 in or intending to reside in that dwelling after it is sold, rented, or
29 made available; or to any person associated with the person buying or
30 renting;

31 (g) To make, print, circulate, post, or mail, or cause to be so
32 made or published a statement, advertisement, or sign, or to use a form
33 of application for a real estate transaction, or to make a record or
34 inquiry in connection with a prospective real estate transaction, which
35 indicates, directly or indirectly, an intent to make a limitation,
36 specification, or discrimination with respect thereto;

37 (h) To offer, solicit, accept, use, or retain a listing of real
38 property with the understanding that a person may be discriminated

1 against in a real estate transaction or in the furnishing of facilities
2 or services in connection therewith;

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

4 (j) To discriminate in the course of negotiating, executing, or
5 financing a real estate transaction whether by mortgage, deed of trust,
6 contract, or other instrument imposing a lien or other security in real
7 property, or in negotiating or executing any item or service related
8 thereto including issuance of title insurance, mortgage insurance, loan
9 guarantee, or other aspect of the transaction. Nothing in this section
10 shall limit the effect of RCW 49.60.176 relating to unfair practices in
11 credit transactions; or

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

14 (2) For the purposes of this chapter discrimination based on the
15 presence of any sensory, mental, or physical disability or the use of
16 a trained dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a blind, deaf,
17 or physically disabled person includes:

18 (a) A refusal to permit, at the expense of the disabled person,
19 reasonable modifications of existing premises occupied or to be
20 occupied by such person if such modifications may be necessary to
21 afford such person full enjoyment of the dwelling, except that, in the
22 case of a rental, the landlord may, where it is reasonable to do so,
23 condition permission for a modification on the renter agreeing to
24 restore the interior of the dwelling to the condition that existed
25 before the modification, reasonable wear and tear excepted;

26 (b) To refuse to make reasonable accommodation in rules, policies,
27 practices, or services when such accommodations may be necessary to
28 afford a person with the presence of any sensory, mental, or physical
29 disability and/or the use of a trained dog guide ((~~dog~~)) or service
30 ((~~dog~~)) animal by a blind, deaf, or physically disabled person equal
31 opportunity to use and enjoy a dwelling; or

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

1 accessibility for persons with any sensory, mental, or physical
2 disability shall govern.

3 Nothing in (a) or (b) of this subsection shall apply to: (i) A
4 single-family house rented or leased by the owner if the owner does not
5 own or have an interest in the proceeds of the rental or lease of more
6 than three such single-family houses at one time, the rental or lease
7 occurred without the use of a real estate broker or salesperson, as
8 defined in RCW 18.85.010, and the rental or lease occurred without the
9 publication, posting, or mailing of any advertisement, sign, or
10 statement in violation of subsection (1)(g) of this section; or (ii)
11 rooms or units in dwellings containing living quarters occupied or
12 intended to be occupied by no more than four families living
13 independently of each other if the owner maintains and occupies one of
14 the rooms or units as his or her residence.

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

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

34 (5) Notwithstanding any other provision of this chapter, it shall
35 not be an unfair practice for any public establishment providing for
36 accommodations offered for the full enjoyment of transient guests as
37 defined by RCW 9.91.010(1)(c) to make distinctions on the basis of
38 families with children status. Nothing in this section shall limit the

1 effect of RCW 49.60.215 relating to unfair practices in places of
2 public accommodation.

3 (6) Nothing in this chapter prohibiting discrimination based on
4 families with children status applies to housing for older persons as
5 defined by the federal fair housing amendments act of 1988, 42 U.S.C.
6 Sec. 3607(b)(1) through (3). Nothing in this chapter authorizes
7 requirements for housing for older persons different than the
8 requirements in the federal fair housing amendments act of 1988, 42
9 U.S.C. Sec 3607(b)(1) through (3).

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

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

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

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

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

4 **Sec. 17.** RCW 49.60.225 and 1995 c 259 s 4 are each amended to read
5 as follows:

6 (1) When a reasonable cause determination has been made under RCW
7 49.60.240 that an unfair practice in a real estate transaction has been
8 committed and a finding has been made that the respondent has engaged
9 in any unfair practice under RCW 49.60.250, the administrative law
10 judge shall promptly issue an order for such relief suffered by the
11 aggrieved person as may be appropriate, which may include actual
12 damages as provided by the federal fair housing amendments act of 1988
13 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable
14 relief. Such order may, to further the public interest, assess a civil
15 penalty against the respondent:

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

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

23 (c) In an amount up to fifty thousand dollars if the respondent has
24 been determined to have committed two or more unfair practices in a
25 real estate transaction during the seven-year period ending on the date
26 of the filing of this charge, for loss of the right secured by RCW
27 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as
28 now or hereafter amended, to be free from discrimination in real
29 property transactions because of sex, marital status, race, creed,
30 color, national origin, families with children status, or the presence
31 of any sensory, mental, or physical disability or the use of a trained
32 dog guide ((~~dog~~)) or service ((~~dog~~)) animal by a blind, deaf, or
33 physically disabled person. Enforcement of the order and appeal
34 therefrom by the complainant or respondent may be made as provided in
35 RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice
36 in a real estate transaction that is the object of the charge are
37 determined to have been committed by the same natural person who has
38 been previously determined to have committed acts constituting an

1 unfair practice in a real estate transaction, then the civil penalty of
2 up to fifty thousand dollars may be imposed without regard to the
3 period of time within which any subsequent unfair practice in a real
4 estate transaction occurred. All civil penalties assessed under this
5 section shall be paid into the state treasury and credited to the
6 general fund.

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

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

14 **Sec. 18.** RCW 70.84.020 and 1980 c 109 s 2 are each amended to read
15 as follows:

16 For the purpose of this chapter, the term "dog guide ((dog))"
17 ~~((shall mean a dog which is in working harness and))~~ means a dog that
18 is trained ((or approved by an accredited school engaged in training
19 dogs)) for the purpose of guiding blind persons or a dog ~~((which is))~~
20 trained ((or approved by an accredited school engaged in training
21 dogs)) for the purpose of assisting hearing impaired persons.

22 **Sec. 19.** RCW 70.84.021 and 1985 c 90 s 1 are each amended to read
23 as follows:

24 For the purpose of this chapter, "service ((dog)) animal" means ~~((a~~
25 ~~dog))~~ an animal that is trained ~~((or approved by an accredited school,~~
26 ~~or state institution of higher education, engaged in training dogs))~~
27 for the purposes of assisting or accommodating a ~~((physically))~~
28 disabled ((person related to the)) person's sensory, mental, or
29 physical disability.

30 **Sec. 20.** RCW 70.84.040 and 1985 c 90 s 3 are each amended to read
31 as follows:

32 The driver of a vehicle approaching a totally or partially blind
33 pedestrian who is carrying a cane predominantly white in color (with or
34 without a red tip), a totally or partially blind or hearing impaired
35 pedestrian using a dog guide ((dog)), or an otherwise physically
36 disabled person using a service ((dog)) animal shall take all necessary

1 precautions to avoid injury to such pedestrian. Any driver who fails
2 to take such precaution shall be liable in damages for any injury
3 caused such pedestrian. It shall be unlawful for the operator of any
4 vehicle to drive into or upon any crosswalk while there is on such
5 crosswalk, such pedestrian, crossing or attempting to cross the
6 roadway, if such pedestrian (~~indicates his intention to cross or of~~
7 ~~continuing on, with a timely warning by holding up or waving~~) is using
8 a white cane, using a dog guide (~~dog~~), or using a service (~~dog~~)
9 animal. The failure of any such pedestrian so to signal shall not
10 deprive him of the right of way accorded him by other laws.

11 **Sec. 21.** RCW 70.84.050 and 1980 c 109 s 5 are each amended to read
12 as follows:

13 A totally or partially blind pedestrian not carrying a white cane
14 or a totally or partially blind or hearing impaired pedestrian not
15 using a dog guide (~~dog~~) in any of the places, accommodations, or
16 conveyances listed in RCW 70.84.010, shall have all of the rights and
17 privileges conferred by law on other persons.

18 **Sec. 22.** RCW 70.84.060 and 1985 c 90 s 4 are each amended to read
19 as follows:

20 It shall be unlawful for any pedestrian who is not totally or
21 partially blind to use a white cane or any pedestrian who is not
22 totally or partially blind or is not hearing impaired to use a dog
23 guide (~~dog~~) or any pedestrian who is not otherwise physically
24 disabled to use a service (~~dog~~) animal in any of the places,
25 accommodations, or conveyances listed in RCW 70.84.010 for the purpose
26 of securing the rights and privileges accorded by the chapter to
27 totally or partially blind, hearing impaired, or otherwise physically
28 disabled people.

29 **Sec. 23.** RCW 70.84.100 and 1988 c 89 s 1 are each amended to read
30 as follows:

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

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

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

7 **Sec. 24.** RCW 70.84.120 and 1989 c 41 s 1 are each amended to read
8 as follows:

9 A county, city, or town shall honor a request by a blind person or
10 hearing impaired person not to be charged a fee to license his or her
11 dog guide ((~~dog~~)), or a request by a physically disabled person not to
12 be charged a fee to license his or her service ((~~dog~~)) animal.

13 NEW SECTION. **Sec. 25.** The Washington state human rights
14 commission shall adopt rules implementing this act no later than March
15 1, 1998.

16 NEW SECTION. **Sec. 26.** The following acts or parts of acts are
17 each repealed:

18 (1) RCW 70.84.030 and 1985 c 90 s 2, 1980 c 109 s 3, & 1969 c 141
19 s 3; and

20 (2) RCW 70.84.110 and 1988 c 89 s 2.

21 NEW SECTION. **Sec. 27.** RCW 70.84.090, 70.84.100, and 70.84.120 are
22 each recodified as new sections in chapter 49.60 RCW.

Passed the House April 19, 1997.

Passed the Senate April 9, 1997.

Approved by the Governor May 6, 1997.

Filed in Office of Secretary of State May 6, 1997.