
SENATE BILL 6595

State of Washington

53rd Legislature

1994 Regular Session

By Senators Moyer and Bluechel

Read first time 02/04/94. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to blacklisting; and amending RCW 49.44.010.

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

3 **Sec. 1.** RCW 49.44.010 and 1899 c 23 s 1 are each amended to read
4 as follows:

5 (1) Every person in this state who shall willfully and maliciously,
6 send or deliver, or make or cause to be made, for the purpose of being
7 delivered or sent or part with the possession of any paper, letter or
8 writing, with or without name signed thereto, or signed with a
9 fictitious name, or with any letter, mark or other designation, or
10 publish or cause to be published any statement for the purpose of
11 preventing any other person from obtaining employment in this state or
12 elsewhere, and every person who shall willfully and maliciously
13 "blacklist" or cause to be "blacklisted" any person or persons, by
14 writing, printing or publishing, or causing the same to be done, the
15 name, or mark, or designation representing the name of any person in
16 any paper, pamphlet, circular or book, together with any statement
17 concerning persons so named, or publish or cause to be published that
18 any person is a member of any secret organization, for the purpose of
19 preventing such person from securing employment, or who shall willfully

1 and maliciously make or issue any statement or paper that will tend to
2 influence or prejudice the mind of any employer against the person of
3 such person seeking employment, or any person who shall do any of the
4 things mentioned in this section for the purpose of causing the
5 discharge of any person employed by any railroad or other company,
6 corporation, individual or individuals, shall, on conviction thereof,
7 be adjudged guilty of misdemeanor and punished by a fine of not less
8 than one hundred dollars nor more than one thousand dollars, or by
9 imprisonment in the county jail for not less than ninety days nor more
10 than one year, or by both such fine and imprisonment.

11 (2) This section does not prevent a former employer of an employee
12 from imparting a fair and unbiased opinion of the employee's
13 qualifications if solicited to give an opinion by a later or
14 prospective employer of the employee. This section does not prevent a
15 merchant or professional person, or any association of merchants or
16 professional persons, from maintaining or publishing a list concerning
17 the credit or financial responsibility of a person dealing with them on
18 credit.

19 (3) An employer that, upon request by a prospective employer or a
20 current or former employee, provides fair and unbiased information
21 about a current or former employee's job performance, as provided in
22 subsection (2) of this section, is presumed to be acting in good faith
23 and is immune from civil liability for the disclosure and the
24 consequences of the disclosure. For the purposes of this subsection
25 only, the presumption of good faith may be rebutted upon a showing by
26 a preponderance of evidence that the information disclosed was
27 knowingly false, deliberately misleading, disclosed for a malicious
28 purpose, or violative of a civil right of the employee, as protected
29 under chapter 49.60 RCW.

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