

# HOUSE BILL REPORT

## HB 1255

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*As Reported By House Committee on:  
Judiciary*

**Title:** An act relating to discrimination.

**Brief Description:** Pertaining to discrimination.

**Sponsor(s):** Representatives Appelwick, Padden, Inslee, Locke, Riley, Miller, Forner, Heavey, Paris, Wang, R. Meyers, Jacobsen, Phillips, Orr, G. Fisher and Belcher; by request of Human Rights Commission.

**Brief History:**

Reported by House Committee on:  
Judiciary, February 8, 1991, DPS.

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**HOUSE COMMITTEE ON  
JUDICIARY**

**Majority Report:** *That Substitute House Bill No. 1255 be substituted therefor, and the substitute bill do pass.*  
Signed by 19 members: Representatives Appelwick, Chair; Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; Locke; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; Vance; and Wineberry.

**Staff:** Jill Teutsch (786-7623).

**Background:** Both state and federal laws prohibit various forms of discrimination. The state law against discrimination is more inclusive than federal law, covering some small employers left uncovered by the federal law. The state law against discrimination prohibits discrimination in employment, financial and real estate transactions, insurance and public places because of race, creed, color, national origin, sex, any sensory, mental, or physical handicap or age.

The age discrimination portion of the state law applies to individuals between 40 and 70 years of age. Federal age discrimination law, however, provides no upper limit and applies to individuals at least 40 years of age.

The state law explicitly declares some discriminatory acts done in the course of trade or commerce to be violations of

the unfair practice prohibition of the consumer protection act. Discriminatory acts covered by this provision are acts of sex discrimination and discriminatory boycotts or blacklists.

The human rights commission investigates complaints from aggrieved individuals and, in the event conciliation is unsuccessful, appoints an administrative law judge to hear the individual's complaint. The administrative law judge has the authority to order the offending party to cease and desist from the unlawful practice, as well as order affirmative action. Damages for humiliation and suffering are limited to \$1,000.

**Summary of Substitute Bill:** The upper age limit for age discrimination provisions, 70 years, is removed so that the provisions apply to individuals 40 years and older. Discriminatory practices deemed unfair practices under the consumer protection act are broadened from sex discrimination, discriminatory boycotts and blacklists, to include all discriminatory practices committed in the course of trade or commerce. The limit on damages for humiliation and suffering is increased equating the ceiling with the monetary limit for district court jurisdiction in civil actions, which is currently \$10,000. Additional technical and grammatical changes are made.

**Substitute Bill Compared to Original Bill:** The \$35,000 ceiling on non-economic damages for humiliation and emotional suffering is replaced with a damages ceiling equivalent to the monetary limit for district court jurisdiction.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Increase in the non-economic damages ceiling would encourage use of the Human Rights Commission's grievance procedure and prevent claimants from favoring the courts as the forum for their complaints.

**Testimony Against:** None.

**Witnesses:** Katherine Friedt, Executive Director, Human Rights Commission (in favor); Tony Orange and Bill Hilliard, Seattle Human Rights Department (in favor); and Lonnie Davis, Civil Rights Committee, Washington State Bar Association (in favor).