
SENATE BILL 5056

State of Washington

52nd Legislature

1991 Regular Session

By Senators Sutherland and Bauer.

Read first time January 17, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to age discrimination; amending RCW 49.44.090; and
2 repealing RCW 49.60.205.

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

4 **Sec. 1.** RCW 49.44.090 and 1985 c 185 s 30 are each amended to read
5 as follows:

6 It shall be an unfair practice:

7 (1) For an employer or licensing agency, because of the age of an
8 individual (~~is between the ages of forty and seventy~~), to refuse to
9 hire or employ or license or to bar or to terminate from employment
10 such individual, or to discriminate against such individual in
11 promotion, compensation or in terms, conditions or privileges of
12 employment: PROVIDED, That employers or licensing agencies may
13 establish reasonable minimum and/or maximum age limits with respect to
14 candidates for positions of employment, which positions are of such a

1 nature as to require extraordinary physical effort, endurance,
2 condition or training, subject to the approval of the executive
3 secretary of the Washington state human rights commission or the
4 director of labor and industries through the division of industrial
5 relations.

6 (2) For any employer, licensing agency or employment agency to
7 print or circulate or cause to be printed or circulated any statement,
8 advertisement, or publication, or to use any form of application for
9 employment or to make any inquiry in connection with prospective
10 employment, which expresses any limitation, specification or
11 discrimination respecting the age of individuals (~~between the ages of~~
12 ~~forty and seventy~~): PROVIDED, That nothing herein shall forbid a
13 requirement of disclosure of birth date upon any form of application
14 for employment or by the production of a birth certificate or other
15 sufficient evidence of the applicant's true age.

16 Nothing contained in this section or in RCW 49.60.180 as to age
17 shall be construed to prevent the termination of the employment of any
18 person who is physically unable to perform his or her duties or to
19 affect the retirement policy or system of any employer where such
20 policy or system is not merely a subterfuge to evade the purposes of
21 this section; nor shall anything in this section or in RCW 49.60.180 be
22 deemed to preclude the varying of insurance coverages according to an
23 employee's age; nor shall this section be construed as applying to any
24 state, county, or city law enforcement agencies, or as superseding any
25 law fixing or authorizing the establishment of reasonable minimum or
26 maximum age limits with respect to candidates for certain positions in
27 public employment which are of such a nature as to require
28 extraordinary physical effort, or which for other reasons warrant
29 consideration of age factors.

1 NEW SECTION. **Sec. 2.** RCW 49.60.205 and 1985 c 185 s 28 are
2 each repealed.