
SUBSTITUTE HOUSE BILL 1443

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on State Government (originally sponsored by Representatives Anderson, Locke, Reams, Wang, Wolfe, Brough, King, Wineberry, Thibaudeau, Ballasiotes, Leonard, Appelwick, Romero, Brown, J. Kohl, Jacobsen, Riley, Ogden, Dellwo, Veloria, G. Cole, L. Johnson and Miller)

Read first time 03/03/93.

1 AN ACT Relating to the jurisdiction of the Washington state human
2 rights commission with respect to the elimination and prevention of
3 discrimination in employment, housing, public accommodations, credit,
4 insurance, and commercial transactions; amending RCW 49.60.010,
5 49.60.020, 49.60.030, 49.60.120, 49.60.130, 49.60.175, 49.60.176,
6 49.60.178, 49.60.180, 49.60.190, 49.60.200, 49.60.222, 49.60.223,
7 49.60.224, 49.60.225, and 48.30.300; and reenacting and amending RCW
8 49.60.040 and 49.60.215.

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

10 **Sec. 1.** RCW 49.60.010 and 1985 c 185 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, sex, marital status, sexual
19 orientation, age, or the presence of any sensory, mental, or physical

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

12 **Sec. 2.** RCW 49.60.020 and 1973 c 214 s 2 are each amended to read
13 as follows:

14 The provisions of this chapter shall be construed liberally for the
15 accomplishment of the purposes thereof. Nothing contained in this
16 chapter shall be deemed to repeal any of the provisions of any other
17 law of this state relating to discrimination because of race, color,
18 creed, national origin, sex, marital status, sexual orientation, age,
19 or the presence of any sensory, mental, or physical handicap, other
20 than a law which purports to require or permit doing any act which is
21 an unfair practice under this chapter. Nor shall anything herein
22 contained be construed to deny the right to any person to institute any
23 action or pursue any civil or criminal remedy based upon an alleged
24 violation of his civil rights.

25 **Sec. 3.** RCW 49.60.030 and 1984 c 32 s 2 are each amended to read
26 as follows:

27 (1) The right to be free from discrimination because of race,
28 creed, color, national origin, sex, sexual orientation, or the presence
29 of any sensory, mental, or physical handicap is recognized as and
30 declared to be a civil right. This right shall include, but not be
31 limited to:

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

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

36 (c) The right to engage in real estate transactions without
37 discrimination;

1 (d) The right to engage in credit transactions without
2 discrimination;

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

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

22 (2) Any person deeming himself injured by any act in violation of
23 this chapter shall have a civil action in a court of competent
24 jurisdiction to enjoin further violations, to recover the actual
25 damages sustained by him, or both, together with the cost of suit
26 including a reasonable attorney's fees or any other remedy authorized
27 by this chapter or the United States Civil Rights Act of 1964; and

28 (3) Notwithstanding any other provisions of this chapter, any act
29 prohibited by this chapter related to sex discrimination or
30 discriminatory boycotts or blacklists which is committed in the course
31 of trade or commerce in the state of Washington as defined in the
32 Consumer Protection Act, chapter 19.86 RCW, shall be deemed an unfair
33 practice within the meaning of RCW 19.86.020 and 19.86.030 and subject
34 to all the provisions of chapter 19.86 RCW as now or hereafter amended.

35 **Sec. 4.** RCW 49.60.040 and 1985 c 203 s 2 and 1985 c 185 s 2 are
36 each reenacted and amended to read as follows:

37 As used in this chapter:

1 "Person" includes one or more individuals, partnerships,
2 associations, organizations, corporations, cooperatives, legal
3 representatives, trustees and receivers, or any group of persons; it
4 includes any owner, lessee, proprietor, manager, agent, or employee,
5 whether one or more natural persons; and further includes any political
6 or civil subdivisions of the state and any agency or instrumentality of
7 the state or of any political or civil subdivision thereof;

8 "Commission" means the Washington state human rights commission;

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

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

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

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

22 "National origin" includes "ancestry";

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

32 "Any place of public resort, accommodation, assemblage, or
33 amusement" includes, but is not limited to, any place, licensed or
34 unlicensed, kept for gain, hire, or reward, or where charges are made
35 for admission, service, occupancy, or use of any property or
36 facilities, whether conducted for the entertainment, housing, or
37 lodging of transient guests, or for the benefit, use, or accommodation
38 of those seeking health, recreation, or rest, or for the burial or
39 other disposition of human remains, or for the sale of goods,

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

22 "Real property" includes buildings, structures, real estate, lands,
23 tenements, leaseholds, interests in real estate cooperatives,
24 condominiums, and hereditaments, corporeal and incorporeal, or any
25 interest therein;

26 "Real estate transaction" includes the sale, exchange, purchase,
27 rental, or lease of real property;

28 "Sex" means gender;

29 "Sexual orientation" includes heterosexuality, homosexuality, and
30 bisexuality.

31 "Credit transaction" includes any open or closed end credit
32 transaction, whether in the nature of a loan, retail installment
33 transaction, credit card issue or charge, or otherwise, and whether for
34 personal or for business purposes, in which a service, finance, or
35 interest charge is imposed, or which provides for repayment in
36 scheduled payments, when such credit is extended in the regular course
37 of any trade or commerce, including but not limited to transactions by
38 banks, savings and loan associations or other financial lending
39 institutions of whatever nature, stock brokers, or by a merchant or

1 mercantile establishment which as part of its ordinary business permits
2 or provides that payment for purchases of property or service therefrom
3 may be deferred.

4 **Sec. 5.** RCW 49.60.120 and 1985 c 185 s 10 are each amended to read
5 as follows:

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

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

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

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

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

18 (5) To issue such publications and such results of investigations
19 and research as in its judgment will tend to promote good will and
20 minimize or eliminate discrimination because of sex, race, creed,
21 color, national origin, marital status, sexual orientation, age, or the
22 presence of any sensory, mental, or physical handicap.

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

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

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

1 **Sec. 6.** RCW 49.60.130 and 1985 c 185 s 11 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 handicap; to foster through community
11 effort or otherwise good will, cooperation, and conciliation among the
12 groups and elements of the population of the state, and to make
13 recommendations to the commission for the development of policies and
14 procedures in general and in specific instances, and for programs of
15 formal and informal education which the commission may recommend to the
16 appropriate state agency.

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

25 **Sec. 7.** RCW 49.60.175 and 1979 c 127 s 4 are each amended to read
26 as follows:

27 It shall be an unfair practice to use the sex, race, creed, color,
28 national origin, marital status, sexual orientation, or the presence of
29 any sensory, mental, or physical handicap of any person concerning an
30 application for credit in any credit transaction to determine the
31 credit worthiness of an applicant.

32 **Sec. 8.** RCW 49.60.176 and 1979 c 127 s 5 are each amended to read
33 as follows:

34 (1) It is an unfair practice for any person whether acting for
35 himself or another in connection with any credit transaction because of
36 race, creed, color, national origin, sex, marital status, sexual

1 orientation, or the presence of any sensory, mental, or physical
2 handicap:

3 (a) To deny credit to any person;

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

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

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

11 (2) Nothing in this section shall prohibit any party to a credit
12 transaction from considering the credit history of any individual
13 applicant.

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

18 **Sec. 9.** RCW 49.60.178 and 1984 c 32 s 1 are each amended to read
19 as follows:

20 It is an unfair practice for any person whether acting for himself
21 or another in connection with an insurance transaction or transaction
22 with a health maintenance organization to cancel or fail or refuse to
23 issue or renew insurance or a health maintenance agreement to any
24 person because of sex, marital status, sexual orientation, race,
25 creed, color, national origin, or the presence of any sensory, mental,
26 or physical handicap: PROVIDED, That a practice which is not unlawful
27 under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an
28 unfair practice for the purposes of this section. For the purposes of
29 this section, "insurance transaction" is defined in RCW 48.01.060,
30 health maintenance agreement is defined in RCW 48.46.020, and "health
31 maintenance organization" is defined in RCW 48.46.020.

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

35 The insurance commissioner, under RCW 48.30.300, and the human
36 rights commission, under chapter 49.60 RCW, shall have concurrent
37 jurisdiction under this section and shall enter into a working

1 agreement as to procedure to be followed in complaints under this
2 section.

3 **Sec. 10.** RCW 49.60.180 and 1985 c 185 s 16 are each amended to
4 read as follows:

5 It is an unfair practice for any employer:

6 (1) To refuse to hire any person because of age, sex, marital
7 status, sexual orientation, race, creed, color, national origin, or the
8 presence of any sensory, mental, or physical handicap, unless based
9 upon a bona fide occupational qualification: PROVIDED, That the
10 prohibition against discrimination because of such handicap shall not
11 apply if the particular disability prevents the proper performance of
12 the particular worker involved: PROVIDED, That this section shall not
13 be construed to require an employer to establish employment goals or
14 quotas based on sexual orientation or on any other basis.

15 (2) To discharge or bar any person from employment because of age,
16 sex, marital status, sexual orientation, race, creed, color, national
17 origin, or the presence of any sensory, mental, or physical handicap.

18 (3) To discriminate against any person in compensation or in other
19 terms or conditions of employment because of age, sex, marital status,
20 sexual orientation, race, creed, color, national origin, or the
21 presence of any sensory, mental, or physical handicap: PROVIDED, That
22 it shall not be an unfair practice for an employer to segregate
23 washrooms or locker facilities on the basis of sex, or to base other
24 terms and conditions of employment on the sex of employees where the
25 commission by regulation or ruling in a particular instance has found
26 the employment practice to be appropriate for the practical realization
27 of equality of opportunity between the sexes.

28 (4) To print, or circulate, or cause to be printed or circulated
29 any statement, advertisement, or publication, or to use any form of
30 application for employment, or to make any inquiry in connection with
31 prospective employment, which expresses any limitation, specification,
32 or discrimination as to age, sex, marital status, sexual orientation,
33 race, creed, color, national origin, or the presence of any sensory,
34 mental, or physical handicap, or any intent to make any such
35 limitation, specification, or discrimination, unless based upon a bona
36 fide occupational qualification: PROVIDED, Nothing contained herein
37 shall prohibit advertising in a foreign language.

1 **Sec. 11.** RCW 49.60.190 and 1985 c 185 s 17 are each amended to
2 read as follows:

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

4 (1) To deny membership and full membership rights and privileges to
5 any person because of age, sex, marital status, sexual orientation,
6 race, creed, color, national origin, or the presence of any sensory,
7 mental, or physical handicap.

8 (2) To expel from membership any person because of age, sex,
9 marital status, sexual orientation, race, creed, color, national
10 origin, or the presence of any sensory, mental, or physical handicap.

11 (3) To discriminate against any member, employer, employee, or
12 other person to whom a duty of representation is owed because of age,
13 sex, marital status, sexual orientation, race, creed, color, national
14 origin, or the presence of any sensory, mental, or physical handicap.

15 **Sec. 12.** RCW 49.60.200 and 1973 1st ex.s. c 214 s 9 are each
16 amended to read as follows:

17 It is an unfair practice for any employment agency to fail or
18 refuse to classify properly or refer for employment, or otherwise to
19 discriminate against, an individual because of age, sex, marital
20 status, sexual orientation, race, creed, color, national origin, or the
21 presence of any sensory, mental, or physical handicap, or to print or
22 circulate, or cause to be printed or circulated any statement,
23 advertisement, or publication, or to use any form of application for
24 employment, or to make any inquiry in connection with prospective
25 employment, which expresses any limitation, specification or
26 discrimination as to age, sex, race, creed, color, ((or)) national
27 origin, or sexual orientation, or the presence of any sensory, mental,
28 or physical handicap, or any intent to make any such limitation,
29 specification, or discrimination, unless based upon a bona fide
30 occupational qualification: PROVIDED, Nothing contained herein shall
31 prohibit advertising in a foreign language.

32 **Sec. 13.** RCW 49.60.215 and 1985 c 203 s 1 and 1985 c 90 s 6 are
33 each reenacted and amended to read as follows:

34 It shall be an unfair practice for any person or his agent or
35 employee to commit an act which directly or indirectly results in any
36 distinction, restriction, or discrimination, or the requiring of any
37 person to pay a larger sum than the uniform rates charged other

1 persons, or the refusing or withholding from any person the admission,
2 patronage, custom, presence, frequenting, dwelling, staying, or lodging
3 in any place of public resort, accommodation, assemblage, or amusement,
4 except for conditions and limitations established by law and applicable
5 to all persons, regardless of race, creed, color, national origin,
6 sexual orientation, sex, the presence of any sensory, mental, or
7 physical handicap, or the use of a trained dog guide by a blind, deaf,
8 or physically disabled person: PROVIDED, That this section shall not
9 be construed to require structural changes, modifications, or additions
10 to make any place accessible to a handicapped person except as
11 otherwise required by law: PROVIDED, That behavior or actions
12 constituting a risk to property or other persons can be grounds for
13 refusal and shall not constitute an unfair practice.

14 **Sec. 14.** RCW 49.60.222 and 1989 c 61 s 1 are each amended to read
15 as follows:

16 It is an unfair practice for any person, whether acting for himself
17 or another, because of sex, marital status, sexual orientation, race,
18 creed, color, national origin, the presence of any sensory, mental, or
19 physical handicap, or the use of a trained guide dog or service dog by
20 a blind, deaf, or physically disabled person:

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

22 (2) To discriminate against a person in the terms, conditions, or
23 privileges of a real estate transaction or in the furnishing of
24 facilities or services in connection therewith;

25 (3) To refuse to receive or to fail to transmit a bona fide offer
26 to engage in a real estate transaction from a person;

27 (4) To refuse to negotiate for a real estate transaction with a
28 person;

29 (5) To represent to a person that real property is not available
30 for inspection, sale, rental, or lease when in fact it is so available,
31 or to fail to bring a property listing to his attention, or to refuse
32 to permit him to inspect real property;

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

1 (7) To offer, solicit, accept, use, or retain a listing of real
2 property with the understanding that a person may be discriminated
3 against in a real estate transaction or in the furnishing of facilities
4 or services in connection therewith;

5 (8) To expel a person from occupancy of real property;

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

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

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

22 This section shall not be construed to require structural changes,
23 modifications, or additions to make facilities accessible to a
24 handicapped person except as otherwise required by law. Nothing in
25 this section affects the rights and responsibilities of landlords and
26 tenants pursuant to chapter 59.18 RCW.

27 **Sec. 15.** RCW 49.60.223 and 1979 c 127 s 9 are each amended to read
28 as follows:

29 It is an unfair practice for any person, for profit, to induce or
30 attempt to induce any person to sell or rent any real property by
31 representations regarding the entry or prospective entry into the
32 neighborhood of a person or persons of a particular race, creed, color,
33 national origin, sexual orientation, or with any sensory, mental, or
34 physical handicap.

35 **Sec. 16.** RCW 49.60.224 and 1979 c 127 s 10 are each amended to
36 read as follows:

1 (1) Every provision in a written instrument relating to real
2 property which purports to forbid or restrict the conveyance,
3 encumbrance, occupancy, or lease thereof to individuals of a specified
4 race, creed, color, national origin, sexual orientation, or with any
5 sensory, mental, or physical handicap, and every condition,
6 restriction, or prohibition, including a right of entry or possibility
7 of reverter, which directly or indirectly limits the use or occupancy
8 of real property on the basis of race, creed, color, national origin,
9 sexual orientation, or the presence of any sensory, mental, or physical
10 handicap is void.

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

14 **Sec. 17.** RCW 49.60.225 and 1985 c 185 s 19 are each amended to
15 read as follows:

16 When a determination has been made under RCW 49.60.250 that an
17 unfair practice involving real property has been committed, the
18 commission may, in addition to other relief authorized by RCW
19 49.60.250, award the complainant up to one thousand dollars for loss of
20 the right secured by RCW 49.60.010, 49.60.030, 49.60.040, and 49.60.222
21 through 49.60.226, as now or hereafter amended, to be free from
22 discrimination in real property transactions because of sex, marital
23 status, race, creed, color, national origin, sexual orientation, or the
24 presence of any sensory, mental, or physical handicap. Enforcement of
25 the order and appeal therefrom by the complainant or respondent shall
26 be made as provided in RCW 49.60.260 and 49.60.270.

27 **Sec. 18.** RCW 48.30.300 and 1975-'76 2nd ex.s. c 119 s 7 are each
28 amended to read as follows:

29 No person or entity engaged in the business of insurance in this
30 state shall refuse to issue any contract of insurance or cancel or
31 decline to renew such contract because of the sex ((~~or~~)), marital
32 status, or sexual orientation as defined in RCW 49.60.040, or the
33 presence of any sensory, mental, or physical handicap of the insured or
34 prospective insured. The amount of benefits payable, or any term,
35 rate, condition, or type of coverage shall not be restricted, modified,
36 excluded, increased or reduced on the basis of the sex ((~~or~~)), marital
37 status, or sexual orientation, or be restricted, modified, excluded or

1 reduced on the basis of the presence of any sensory, mental, or
2 physical handicap of the insured or prospective insured. These
3 provisions shall not prohibit fair discrimination on the basis of sex,
4 or marital status, or the presence of any sensory, mental, or physical
5 handicap when bona fide statistical differences in risk or exposure
6 have been substantiated.

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