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SENATE BILL 5413

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Prentice, Pelz, Fraser, Spanel, Niemi, McAuliffe and Talmadge

Read first time 01/27/93. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to expanding the legislative purpose of the laws  
2 against discrimination and lowering the size of an employer subject to  
3 the law against discrimination; amending RCW 49.60.010; reenacting and  
4 amending RCW 49.60.040; providing an effective date; and declaring an  
5 emergency.

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

7 **Sec. 1.** RCW 49.60.010 and 1985 c 185 s 1 are each amended to read  
8 as follows:

9 This chapter shall be known as the "law against discrimination".  
10 It is an exercise of the police power of the state for the protection  
11 of the public welfare, health, and peace of the people of this state,  
12 and in fulfillment of the provisions of the Constitution of this state  
13 concerning civil rights. The legislature hereby finds and declares  
14 that practices of discrimination against any of its inhabitants because  
15 of race, creed, color, national origin, sex, marital status, age, or  
16 the presence of any sensory, mental, or physical ((handicap))  
17 disability are a matter of state concern, that such discrimination  
18 threatens not only the rights and proper privileges of its inhabitants  
19 but menaces the institutions and foundation of a free democratic state.

1 A state agency is herein created with powers with respect to  
2 elimination and prevention of discrimination in employment, in credit  
3 and insurance transactions, in places of public resort, accommodation,  
4 or amusement, and in real property transactions because of race, creed,  
5 color, national origin, sex, marital status, age, or the presence of  
6 any sensory, mental, or physical (~~handicap~~) disability; and the  
7 commission established hereunder is hereby given general jurisdiction  
8 and power for such purposes.

9 Creating and maintaining employment environments which are free of  
10 discrimination is of vital concern to the people of this state are  
11 entitled to a workplace that is free from discrimination. The  
12 legislature finds there are significant economic and social costs to  
13 the people of this state resulting from employment discrimination. The  
14 legislature finds that a workplace free from discrimination is of  
15 significant benefit to employers and that educating and training  
16 employers and employees about the types of actions which constitute  
17 discrimination continues to be important.

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

20 As used in this chapter:

21 "Person" includes one or more individuals, partnerships,  
22 associations, organizations, corporations, cooperatives, legal  
23 representatives, trustees and receivers, or any group of persons; it  
24 includes any owner, lessee, proprietor, manager, agent, or employee,  
25 whether one or more natural persons; and further includes any political  
26 or civil subdivisions of the state and any agency or instrumentality of  
27 the state or of any political or civil subdivision thereof;

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

29 "Employer" includes any person acting in the interest of an  
30 employer, directly or indirectly, who employs (~~eight~~) one or more  
31 persons, and does not include any religious or sectarian organization  
32 not organized for private profit;

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

35 "Labor organization" includes any organization which exists for the  
36 purpose, in whole or in part, of dealing with employers concerning  
37 grievances or terms or conditions of employment, or for other mutual  
38 aid or protection in connection with employment;

1 "Employment agency" includes any person undertaking with or without  
2 compensation to recruit, procure, refer, or place employees for an  
3 employer;

4 "National origin" includes "ancestry";

5 "Full enjoyment of" includes the right to purchase any service,  
6 commodity, or article of personal property offered or sold on, or by,  
7 any establishment to the public, and the admission of any person to  
8 accommodations, advantages, facilities, or privileges of any place of  
9 public resort, accommodation, assemblage, or amusement, without acts  
10 directly or indirectly causing persons of any particular race, creed,  
11 color, sex, or with any sensory, mental, or physical handicap, or a  
12 blind or deaf person using a trained dog guide, to be treated as not  
13 welcome, accepted, desired, or solicited;

14 "Any place of public resort, accommodation, assemblage, or  
15 amusement" includes, but is not limited to, any place, licensed or  
16 unlicensed, kept for gain, hire, or reward, or where charges are made  
17 for admission, service, occupancy, or use of any property or  
18 facilities, whether conducted for the entertainment, housing, or  
19 lodging of transient guests, or for the benefit, use, or accommodation  
20 of those seeking health, recreation, or rest, or for the burial or  
21 other disposition of human remains, or for the sale of goods,  
22 merchandise, services, or personal property, or for the rendering of  
23 personal services, or for public conveyance or transportation on land,  
24 water, or in the air, including the stations and terminals thereof and  
25 the garaging of vehicles, or where food or beverages of any kind are  
26 sold for consumption on the premises, or where public amusement,  
27 entertainment, sports, or recreation of any kind is offered with or  
28 without charge, or where medical service or care is made available, or  
29 where the public gathers, congregates, or assembles for amusement,  
30 recreation, or public purposes, or public halls, public elevators, and  
31 public washrooms of buildings and structures occupied by two or more  
32 tenants, or by the owner and one or more tenants, or any public library  
33 or educational institution, or schools of special instruction, or  
34 nursery schools, or day care centers or children's camps: PROVIDED,  
35 That nothing contained in this definition shall be construed to include  
36 or apply to any institute, bona fide club, or place of accommodation,  
37 which is by its nature distinctly private, including fraternal  
38 organizations, though where public use is permitted that use shall be  
39 covered by this chapter; nor shall anything contained in this

1 definition apply to any educational facility, columbarium, crematory,  
2 mausoleum, or cemetery operated or maintained by a bona fide religious  
3 or sectarian institution;

4 "Real property" includes buildings, structures, real estate, lands,  
5 tenements, leaseholds, interests in real estate cooperatives,  
6 condominiums, and hereditaments, corporeal and incorporeal, or any  
7 interest therein;

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

10 "Sex" means gender.

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

23 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
24 preservation of the public peace, health, or safety, or support of the  
25 state government and its existing public institutions, and shall take  
26 effect July 1, 1993.

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