

---

SENATE BILL 5059

---

State of Washington                      58th Legislature                      2003 Regular Session

By Senators Franklin, Fairley, Kline, Esser and Kohl-Welles

Read first time 01/13/2003. Referred to Committee on Judiciary.

1            AN ACT Relating to freedom from discrimination because of genetic  
2 information; and amending RCW 49.60.030 and 49.60.040.

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

4            **Sec. 1.** RCW 49.60.030 and 1997 c 271 s 2 are each amended to read  
5 as follows:

6            (1) The right to be free from discrimination because of race,  
7 creed, color, national origin, sex, genetic information, or the  
8 presence of any sensory, mental, or physical disability or the use of  
9 a trained dog guide or service animal by a disabled person is  
10 recognized as and declared to be a civil right. This right shall  
11 include, but not be limited to:

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

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

16            (c) The right to engage in real estate transactions without  
17 discrimination, including discrimination against families with  
18 children;

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, the presence of any sensory, mental,  
19 or physical disability, or the use of a trained dog guide or service  
20 animal by a disabled person, or national origin or lawful business  
21 relationship: PROVIDED HOWEVER, That nothing herein contained shall  
22 prohibit the use of boycotts as authorized by law pertaining to labor  
23 disputes and unfair labor practices.

24 (2) Any person deeming himself or herself injured by any act in  
25 violation of this chapter shall have a civil action in a court of  
26 competent jurisdiction to enjoin further violations, or to recover the  
27 actual damages sustained by the person, or both, together with the cost  
28 of suit including reasonable attorneys' fees or any other appropriate  
29 remedy authorized by this chapter or the United States Civil Rights Act  
30 of 1964 as amended, or the Federal Fair Housing Amendments Act of 1988  
31 (42 U.S.C. Sec. 3601 et seq.).

32 (3) Except for any unfair practice committed by an employer against  
33 an employee or a prospective employee, or any unfair practice in a real  
34 estate transaction which is the basis for relief specified in the  
35 amendments to RCW 49.60.225 contained in chapter 69, Laws of 1993, any  
36 unfair practice prohibited by this chapter which is committed in the  
37 course of trade or commerce as defined in the Consumer Protection Act,  
38 chapter 19.86 RCW, is, for the purpose of applying that chapter, a

1 matter affecting the public interest, is not reasonable in relation to  
2 the development and preservation of business, and is an unfair or  
3 deceptive act in trade or commerce.

4 **Sec. 2.** RCW 49.60.040 and 1997 c 271 s 3 are each amended to read  
5 as follows:

6 As used in this chapter:

7 (1) "Person" includes one or more individuals, partnerships,  
8 associations, organizations, corporations, cooperatives, legal  
9 representatives, trustees and receivers, or any group of persons; it  
10 includes any owner, lessee, proprietor, manager, agent, or employee,  
11 whether one or more natural persons; and further includes any political  
12 or civil subdivisions of the state and any agency or instrumentality of  
13 the state or of any political or civil subdivision thereof;

14 (2) "Commission" means the Washington state human rights  
15 commission;

16 (3) "Employer" includes any person acting in the interest of an  
17 employer, directly or indirectly, who employs eight or more persons,  
18 and does not include any religious or sectarian organization not  
19 organized for private profit;

20 (4) "Employee" does not include any individual employed by his or  
21 her parents, spouse, or child, or in the domestic service of any  
22 person;

23 (5) "Genetic information" is information about inherited  
24 characteristics which can be derived from a DNA-based or other  
25 laboratory test, family history, or medical examination.

26 (6) "Labor organization" includes any organization which exists for  
27 the purpose, in whole or in part, of dealing with employers concerning  
28 grievances or terms or conditions of employment, or for other mutual  
29 aid or protection in connection with employment;

30 ~~((+6))~~ (7) "Employment agency" includes any person undertaking  
31 with or without compensation to recruit, procure, refer, or place  
32 employees for an employer;

33 ~~((+7))~~ (8) "Marital status" means the legal status of being  
34 married, single, separated, divorced, or widowed;

35 ~~((+8))~~ (9) "National origin" includes "ancestry";

36 ~~((+9))~~ (10) "Full enjoyment of" includes the right to purchase any  
37 service, commodity, or article of personal property offered or sold on,

1 or by, any establishment to the public, and the admission of any person  
2 to accommodations, advantages, facilities, or privileges of any place  
3 of public resort, accommodation, assemblage, or amusement, without acts  
4 directly or indirectly causing persons of any particular race, creed,  
5 color, sex, national origin, or with any sensory, mental, or physical  
6 disability, or the use of a trained dog guide or service animal by a  
7 disabled person, to be treated as not welcome, accepted, desired, or  
8 solicited;

9 ((+10+)) (11) "Any place of public resort, accommodation,  
10 assemblage, or amusement" includes, but is not limited to, any place,  
11 licensed or unlicensed, kept for gain, hire, or reward, or where  
12 charges are made for admission, service, occupancy, or use of any  
13 property or facilities, whether conducted for the entertainment,  
14 housing, or lodging of transient guests, or for the benefit, use, or  
15 accommodation of those seeking health, recreation, or rest, or for the  
16 burial or other disposition of human remains, or for the sale of goods,  
17 merchandise, services, or personal property, or for the rendering of  
18 personal services, or for public conveyance or transportation on land,  
19 water, or in the air, including the stations and terminals thereof and  
20 the garaging of vehicles, or where food or beverages of any kind are  
21 sold for consumption on the premises, or where public amusement,  
22 entertainment, sports, or recreation of any kind is offered with or  
23 without charge, or where medical service or care is made available, or  
24 where the public gathers, congregates, or assembles for amusement,  
25 recreation, or public purposes, or public halls, public elevators, and  
26 public washrooms of buildings and structures occupied by two or more  
27 tenants, or by the owner and one or more tenants, or any public library  
28 or educational institution, or schools of special instruction, or  
29 nursery schools, or day care centers or children's camps: PROVIDED,  
30 That nothing contained in this definition shall be construed to include  
31 or apply to any institute, bona fide club, or place of accommodation,  
32 which is by its nature distinctly private, including fraternal  
33 organizations, though where public use is permitted that use shall be  
34 covered by this chapter; nor shall anything contained in this  
35 definition apply to any educational facility, columbarium, crematory,  
36 mausoleum, or cemetery operated or maintained by a bona fide religious  
37 or sectarian institution;

1        ~~((11))~~ (12) "Real property" includes buildings, structures,  
2 dwellings, real estate, lands, tenements, leaseholds, interests in real  
3 estate cooperatives, condominiums, and hereditaments, corporeal and  
4 incorporeal, or any interest therein;

5        ~~((12))~~ (13) "Real estate transaction" includes the sale,  
6 appraisal, brokering, exchange, purchase, rental, or lease of real  
7 property, transacting or applying for a real estate loan, or the  
8 provision of brokerage services;

9        ~~((13))~~ (14) "Dwelling" means any building, structure, or portion  
10 thereof that is occupied as, or designed or intended for occupancy as,  
11 a residence by one or more families, and any vacant land that is  
12 offered for sale or lease for the construction or location thereon of  
13 any such building, structure, or portion thereof;

14        ~~((14))~~ (15) "Sex" means gender;

15        ~~((15))~~ (16) "Aggrieved person" means any person who: (a) Claims  
16 to have been injured by an unfair practice in a real estate  
17 transaction; or (b) believes that he or she will be injured by an  
18 unfair practice in a real estate transaction that is about to occur;

19        ~~((16))~~ (17) "Complainant" means the person who files a complaint  
20 in a real estate transaction;

21        ~~((17))~~ (18) "Respondent" means any person accused in a complaint  
22 or amended complaint of an unfair practice in a real estate  
23 transaction;

24        ~~((18))~~ (19) "Credit transaction" includes any open or closed end  
25 credit transaction, whether in the nature of a loan, retail installment  
26 transaction, credit card issue or charge, or otherwise, and whether for  
27 personal or for business purposes, in which a service, finance, or  
28 interest charge is imposed, or which provides for repayment in  
29 scheduled payments, when such credit is extended in the regular course  
30 of any trade or commerce, including but not limited to transactions by  
31 banks, savings and loan associations or other financial lending  
32 institutions of whatever nature, stock brokers, or by a merchant or  
33 mercantile establishment which as part of its ordinary business permits  
34 or provides that payment for purchases of property or service therefrom  
35 may be deferred;

36        ~~((19))~~ (20) "Families with children status" means one or more  
37 individuals who have not attained the age of eighteen years being  
38 domiciled with a parent or another person having legal custody of such

1 individual or individuals, or with the designee of such parent or other  
2 person having such legal custody, with the written permission of such  
3 parent or other person. Families with children status also applies to  
4 any person who is pregnant or is in the process of securing legal  
5 custody of any individual who has not attained the age of eighteen  
6 years;

7 ~~((+20+))~~ (21) "Covered multifamily dwelling" means: (a) Buildings  
8 consisting of four or more dwelling units if such buildings have one or  
9 more elevators; and (b) ground floor dwelling units in other buildings  
10 consisting of four or more dwelling units;

11 ~~((+21+))~~ (22) "Premises" means the interior or exterior spaces,  
12 parts, components, or elements of a building, including individual  
13 dwelling units and the public and common use areas of a building;

14 ~~((+22+))~~ (23) "Dog guide" means a dog that is trained for the  
15 purpose of guiding blind persons or a dog that is trained for the  
16 purpose of assisting hearing impaired persons;

17 ~~((+23+))~~ (24) "Service animal" means an animal that is trained for  
18 the purpose of assisting or accommodating a disabled person's sensory,  
19 mental, or physical disability.

--- END ---