
ENGROSSED SUBSTITUTE HOUSE BILL 1445

State of Washington

53rd Legislature

1993 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives J. Kohl, Brough, Wineberry, Romero, Veloria, Ogden, G. Cole, Thibaudeau, Anderson, Sheldon, Leonard, Shin, Wang and Heavey)

Read first time 02/24/93.

1 AN ACT Relating to expanding the state law against discrimination;
2 amending RCW 49.60.010; reenacting and amending RCW 49.60.040; adding
3 a new section to chapter 49.60 RCW; providing an effective date; and
4 declaring an emergency.

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

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

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

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

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

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

19 As used in this chapter:

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

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

28 "Employer" includes any person acting in the interest of an
29 employer, directly or indirectly, who employs ((eight)) one or more
30 persons, and does not include any religious ((or sectarian organization
31 not organized for private profit)) corporation, association,
32 educational institution, or society only with respect to the employment
33 of individuals of a particular religion to perform work connected with
34 the carrying on by such corporation, association, educational
35 institution, or society of its activities;

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

1 "Labor organization" includes any organization which exists for the
2 purpose, in whole or in part, of dealing with employers concerning
3 grievances or terms or conditions of employment, or for other mutual
4 aid or protection in connection with employment;

5 "Employment agency" includes any person undertaking with or without
6 compensation to recruit, procure, refer, or place employees for an
7 employer;

8 "National origin" includes "ancestry";

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

18 "Any place of public resort, accommodation, assemblage, or
19 amusement" includes, but is not limited to, any place, licensed or
20 unlicensed, kept for gain, hire, or reward, or where charges are made
21 for admission, service, occupancy, or use of any property or
22 facilities, whether conducted for the entertainment, housing, or
23 lodging of transient guests, or for the benefit, use, or accommodation
24 of those seeking health, recreation, or rest, or for the burial or
25 other disposition of human remains, or for the sale of goods,
26 merchandise, services, or personal property, or for the rendering of
27 personal services, or for public conveyance or transportation on land,
28 water, or in the air, including the stations and terminals thereof and
29 the garaging of vehicles, or where food or beverages of any kind are
30 sold for consumption on the premises, or where public amusement,
31 entertainment, sports, or recreation of any kind is offered with or
32 without charge, or where medical service or care is made available, or
33 where the public gathers, congregates, or assembles for amusement,
34 recreation, or public purposes, or public halls, public elevators, and
35 public washrooms of buildings and structures occupied by two or more
36 tenants, or by the owner and one or more tenants, or any public library
37 or educational institution, or schools of special instruction, or
38 nursery schools, or day care centers or children's camps: PROVIDED,
39 That nothing contained in this definition shall be construed to include

1 or apply to any institute, bona fide club, or place of accommodation,
2 which is by its nature distinctly private, including fraternal
3 organizations, though where public use is permitted that use shall be
4 covered by this chapter; nor shall anything contained in this
5 definition apply to any educational facility, columbarium, crematory,
6 mausoleum, or cemetery operated or maintained by a bona fide religious
7 or sectarian institution;

8 "Real property" includes buildings, structures, real estate, lands,
9 tenements, leaseholds, interests in real estate cooperatives,
10 condominiums, and hereditaments, corporeal and incorporeal, or any
11 interest therein;

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

14 "Sex" means gender.

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

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 49.60 RCW
28 to read as follows:

29 (1) The commission shall make available an informational brochure
30 designed to help employers engage in employment without discrimination.
31 The commission may utilize existing informational materials with any
32 changes necessary to reflect the policies embodied in this act. The
33 commission is encouraged to consult with representatives of small
34 business to ensure that the brochure is useful and practical to
35 employers of seven or fewer employees.

36 (2) The commission shall hold educational seminars throughout the
37 state to explain to interested employers how to engage in employment
38 without discrimination.

1 (3) The commission is authorized to charge fees to participants for
2 the services required to be provided under this section. The fees
3 shall be sufficient to cover the costs of the programs and materials
4 offered.

5 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and shall take
8 effect July 1, 1993. However, if specific funding for this act,
9 referencing this act by bill number, is not provided by June 30, 1993,
10 in the omnibus appropriations act, the human rights commission may not
11 consider a complaint against an employer having fewer than eight
12 employees until after June 30, 1995, and the commission shall dismiss
13 any such complaint filed after June 30, 1995, if the unfair practices
14 have not been conducted after June 30, 1995. This postponed effective
15 date does not apply to civil actions filed in court under RCW
16 49.60.030(2).

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