

Chapter 49.60 RCW**Discrimination — human rights commission****RCW Sections**

- 49.60.010 Purpose of chapter.
- 49.60.020 Construction of chapter -- Election of other remedies.
- 49.60.030 Freedom from discrimination -- Declaration of civil rights.
- 49.60.040 Definitions.
- 49.60.050 Commission created.
- 49.60.051 Board name changed to Washington State Human Rights Commission.
- 49.60.060 Membership of commission.
- 49.60.070 Compensation and reimbursement for travel expenses of commission members.
- 49.60.080 Official seal.
- 49.60.090 Offices of commission.
- 49.60.100 Reports of commission.
- 49.60.110 Commission to formulate policies.
- 49.60.120 Certain powers and duties of commission.
- 49.60.130 May create advisory agencies and conciliation councils.
- 49.60.140 Commission may hold hearings and subpoena witnesses.
- 49.60.150 Witnesses compelled to testify.
- 49.60.160 Refusals may be punished as contempt of court.
- 49.60.170 Witness fees -- Deposition fees.
- 49.60.172 Unfair practices with respect to HIV or hepatitis C infection.
- 49.60.174 Evaluation of claim of discrimination -- Actual or perceived HIV or hepatitis C infection.
- 49.60.175 Unfair practices of financial institutions.
- 49.60.176 Unfair practices with respect to credit transactions.
- 49.60.178 Unfair practices with respect to insurance transactions.
- 49.60.180 Unfair practices of employers.
- 49.60.190 Unfair practices of labor unions.
- 49.60.200 Unfair practices of employment agencies.
- 49.60.205 Age discrimination -- Limitation.
- 49.60.210 Unfair practices -- Discrimination against person opposing unfair practice -- Retaliation against whistleblower.
- 49.60.215 Unfair practices of places of public resort, accommodation, assemblage, amusement.
- 49.60.220 Unfair practice to aid violation.
- 49.60.222 Unfair practices with respect to real estate transactions, facilities, or services.
- 49.60.223 Unfair practice to induce sale or rental of real property by representations regarding entry into neighborhood of persons of particular race, disability, etc.
- 49.60.2235 Unfair practice to coerce, intimidate, threaten, or interfere regarding secured real estate transaction rights.
- 49.60.224 Real property contract provisions restricting conveyance, encumbrance, occupancy, or use to persons of particular race, disability, etc., void -- Unfair practice.
- 49.60.225 Relief for unfair practice in real estate transaction -- Damages -- Penalty.
- 49.60.226 Cooperative agreements between units of government for processing complaints.

- 49.60.227 Declaratory judgment action to strike discriminatory provision of real property contract.
- 49.60.230 Complaint may be filed with commission.
- 49.60.240 Complaint investigated -- Conference, conciliation -- Agreement, findings -- Rules.
- 49.60.250 Hearing of complaint by administrative law judge -- Limitation of relief -- Penalties -- Order.
- 49.60.260 Enforcement of orders of administrative law judge -- Appellate review of court order.
- 49.60.270 Appeal from orders of administrative law judge.
- 49.60.280 Court shall expeditiously hear and determine.
- 49.60.310 Misdemeanor to interfere with or resist commission.
- 49.60.320 Governor may act on orders against state or political subdivisions.
- 49.60.330 First class cities of over one hundred twenty-five thousand population -- Administrative remedies authorized -- Superior court jurisdiction.
- 49.60.340 Election for civil action in lieu of hearing -- Relief.
- 49.60.350 Temporary or preliminary relief -- Superior court jurisdiction -- Petition of commission.
- 49.60.360 Refueling services for disabled drivers -- Violation -- Investigation -- Intentional display of plate or placard invalid or not legally issued prohibited -- Fine -- Notice to disabled persons.
- 49.60.370 Liability for killing or injuring dog guide or service animal -- Penalty in addition to other remedies or penalties -- Recovery of attorneys' fees and costs--No duty to investigate.
- 49.60.380 License waiver for dog guide and service animals.
- 49.60.390 Rule-making authority--Deadline--1997 c 271.
- 49.60.400 Discrimination, preferential treatment prohibited.
- 49.60.401 Short title -- 1999 c 3.

Notes:

Annual report on programs to reduce racial disproportionality: RCW 13.06.050.

Application forms -- Licenses -- Mention of race or religion prohibited -- Penalty: RCW 43.01.100.

Denial of civil rights: RCW 9.91.010.

Dog guide or service animal, interfering with: RCW 9.91.170.

Handicapped persons, discrimination in public employment prohibited: RCW 70.84.080.

Gender equality in higher education: Chapter 28B.110 RCW.

Interschool athletic and other extracurricular activities for students, discrimination prohibited: RCW 28A.600.200.

Malicious harassment because of a person's race, color, religion, ancestry, or national origin -- Criminal penalty -- Civil cause of action: RCW 9A.36.080.

Militia, organized, discrimination prohibited: RCW 38.40.110.

Sexual equality: State Constitution Art. 31 §§ 1, 2 (Amendment 61).

Sexual equality mandated for public schools: Chapter 28A.640 RCW.

Unfit buildings, discrimination prohibited: RCW 35.80.040.

RCW 49.60.040 Definitions.

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

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

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

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

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

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

(7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed;

(8) "National origin" includes "ancestry";

(9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a disabled person, to be treated as not welcome, accepted, desired, or solicited;

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

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

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

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

(14) "Sex" means gender;

(15) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth;

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

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

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

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

(20) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years;

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

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

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

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

[2006 c 4 § 4; 1997 c 271 § 3; 1995 c 259 § 2. Prior: 1993 c 510 § 4; 1993 c 69 § 3; prior: 1985 c 203 § 2; 1985 c 185 § 2; 1979 c 127 § 3; 1973 c 141 § 4; 1969 ex.s. c 167 § 3; 1961 c 103 § 1; 1957 c 37 § 4; 1949 c 183 § 3; Rem. Supp. 1949 § 7614-22.]

Notes:

Effective date -- 1995 c 259: See note following RCW 49.60.010.

Severability -- 1993 c 510: See note following RCW 49.60.010.

Severability -- 1993 c 69: See note following RCW 49.60.030.

Severability -- 1969 ex.s. c 167: See note following RCW 49.60.010.

Construction -- 1961 c 103: "Nothing herein shall be construed to render any person or corporation liable for breach of preexisting contracts by reason of compliance by such person or corporation with this act." [1961 c 103 § 4.]

Severability -- 1957 c 37: See note following RCW 49.60.010.

Severability -- 1949 c 183: See note following RCW 49.60.010.

RCW 49.60.180**Unfair practices of employers.**

It is an unfair practice for any employer:

(1) To refuse to hire any person because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, unless based upon a bona fide occupational qualification: PROVIDED, That the prohibition against discrimination because of such disability shall not apply if the particular disability prevents the proper performance of the particular worker involved: PROVIDED, That this section shall not be construed to require an employer to establish employment goals or quotas based on sexual orientation.

(2) To discharge or bar any person from employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person: PROVIDED, That it shall not be an unfair practice for an employer to segregate washrooms or locker facilities on the basis of sex, or to base other terms and conditions of employment on the sex of employees where the commission by regulation or ruling in a particular instance has found the employment practice to be appropriate for the practical realization of equality of opportunity between the sexes.

(4) To print, or circulate, or cause to be printed or circulated any statement, advertisement, or publication, or to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses any limitation, specification, or discrimination as to age, sex, marital status, sexual orientation, race, creed, color, national origin, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, or any intent to make any such limitation, specification, or discrimination, unless based upon a bona fide occupational qualification: PROVIDED, Nothing contained herein shall prohibit advertising in a foreign language.

[2006 c 4 § 10; 1997 c 271 § 10; 1993 c 510 § 12; 1985 c 185 § 16; 1973 1st ex.s. c 214 § 6; 1973 c 141 § 10; 1971 ex.s. c 81 § 3; 1961 c 100 § 1; 1957 c 37 § 9. Prior: 1949 c 183 § 7, part; Rem. Supp. 1949 § 7614-26, part.]

Notes:

Severability -- 1993 c 510: See note following RCW 49.60.010.

Effective date -- 1971 ex.s. c 81: See note following RCW 49.60.120.

Element of age not to affect apprenticeship agreements: RCW 49.04.910.

Employment rights of persons serving in uniformed services: RCW 73.16.032.

Labor -- Prohibited practices: Chapter 49.44 RCW.

Unfair practices in employment because of age of employee or applicant: RCW 49.44.090.