

The outer envelopes to which must be attached the corresponding original absentee voters' certificates shall be sealed securely in one package and shall be kept by the auditor for future use in case any question should arise as to the validity of the vote.

NEW SECTION. Sec. 2. There is added to chapter 29.36 RCW a new section to read as follows:

As an alternative to the procedure set forth in section 1 of this 1973 amendatory act, the county canvassing board, or its duly authorized representatives, may elect not to initial the inner envelope but instead place all such envelopes in containers that can be secured with a numbered metal seal and such sealed containers shall be stored in the most secure vault available within the courthouse until after 8:00 o'clock p.m. of the day of the primary or election: PROVIDED, That in the instance of punchcard absentee ballots, such ballots may be taken from the inner envelopes and all the normal procedural steps performed necessary to prepare punchcard ballots for computer count and then placed in said sealed containers.

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CHAPTER 141

[House Bill No. 404]

DISCRIMINATION--SEX BASIS--CREDIT--
INSURANCE--PROHIBITED

AN ACT Relating to the laws against discrimination; amending section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.010; amending section 12, chapter 183, Laws of 1949 as amended by section 2, chapter 37, Laws of 1957 and RCW 49.60.020; amending section 2, chapter 183, Laws of 1949 as last amended by section 2, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.030; amending section 3, chapter 183, Laws of 1949 as last amended by section 3, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.040; amending section 8, chapter 270, Laws of 1955 as last amended by section 1, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.120; amending section 9, chapter 270, Laws of 1955 as amended by section 2, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.130; amending section 1, chapter 68, Laws of 1959 and RCW 49.60.175; amending section 9, chapter 37, Laws of 1957 as last amended by section 3, chapter 81,

Laws of 1971 ex. sess. and RCW 49.60.180; amending section 10, chapter 37, Laws of 1957 as last amended by section 4, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.190; amending section 11, chapter 37, Laws of 1957 as last amended by section 5, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.200; amending section 4, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.222; amending section 7, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.225; and adding new sections to chapter 49.60 RCW.

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

Section 1. Section 1, chapter 183, Laws of 1949 as last amended by section 1, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.010 are each amended to read as follows:

This chapter shall be known as the "law against discrimination". It is an exercise of the police power of the state for the protection of the public welfare, health and peace of the people of this state, and in fulfillment of the provisions of the Constitution of this state concerning civil rights. The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, ~~((or))~~ national origin, sex, marital status or age are a matter of state concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state. A state agency is herein created with powers with respect to elimination and prevention of discrimination in employment, in credit and insurance transactions, in places of public resort, accommodation or amusement, and in real property transactions because of race, creed, color, ~~((or))~~ national origin, sex, marital status or age; and the board established hereunder is hereby given general jurisdiction and power for such purposes.

Sec. 2. Section 12, chapter 183, Laws of 1949 as amended by section 2, chapter 37, Laws of 1957 and RCW 49.60.020 are each amended to read as follows:

The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of any other law of this state relating to discrimination because of race, color, creed, ~~((or))~~ nation origin, sex, marital status or age, other than a law which purports to require or permit doing any act which is an unfair practice under this chapter. Nor shall anything herein contained by construed to deny the right to any person to institute any action or pursue any civil or criminal remedy based upon an alleged violation of his civil rights. ~~((However, the election of a person to pursue such a remedy shall preclude him from pursuing those~~

administrative remedies created by this chapter:))

Sec. 3. Section 2, chapter 183, Laws of 1949 as last amended by section 2, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.030 are each amended to read as follows:

(1) The right to be free from discrimination because of race, creed, color, ~~((or))~~ national origin, or sex is recognized as and declared to be a civil right. This right shall include, but not be limited to:

~~((1))~~ (a) The right to obtain and hold employment without discrimination;

~~((2))~~ (b) The right to the full enjoyment of any of the accommodations, advantages, facilities or privileges of any place of public resort, accommodation, assemblage or amusement;

~~((3))~~ (c) The right to engage in real estate transactions without discrimination;

(d) The right to engage in credit or insurance transactions without discrimination;

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

(3) Notwithstanding any other provisions of this chapter, any act prohibited by this chapter which is committed in the course of trade or commerce in the state of Washington as defined in the Consumer Protection Act, chapter 19.86 RCW, shall be deemed an unfair practice within the meaning of RCW 19.86.020 and subject to all the provisions of chapter 19.86 RCW as now or hereafter amended.

Sec. 4. Section 3, chapter 183, Laws of 1949 as last amended by section 3, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.040 are each amended to read as follows:

As used in this chapter:

"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;

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

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

"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;

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

"National origin" includes "ancestry";

"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 or color, to be treated as not welcome, accepted, desired or solicited;

"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 herein contained 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 herein contained apply to any educational facility, columbarium, crematory,

mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution;

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

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

"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 course of 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.

NEW SECTION. Sec. 5. There is added to chapter 49.60 RCW a new section to read as follows:

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

(a) To deny credit to any person;

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

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

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

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

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

NEW SECTION. Sec. 6. There is added to chapter 49.60 RCW a new section to read as follows:

It is an unfair practice for any person whether acting for himself or another in connection with an insurance transaction to fail or refuse to issue or renew insurance to any person because of

sex, marital status, race, creed, color or national origin. For the purposes of this section, "insurance transaction" is defined in RCW 48.01.060.

The fact that rates charged may have been filed and approved pursuant to Title 48 RCW does not constitute a defense to an action under this section and the fact that such unfair practice may also be a violation of chapter 48.30 RCW does not constitute a defense to an action brought under this section.

Sec. 7. Section 8, chapter 270, Laws of 1955 as last amended by section 1, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.120 are each amended to read as follows:

The board shall have the functions, powers and duties:

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

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

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

(4) To receive, investigate and pass upon complaints alleging unfair practices as defined in this chapter because of sex, race, creed, color, or national origin.

(5) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of sex, race, creed, color, ~~((or))~~ national origin, sex, marital status, or age.

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

Sec. 8. Section 9, chapter 270, Laws of 1955 as amended by section 2, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.130 are each amended to read as follows:

The board has power to create such advisory agencies and conciliation councils, local, regional or state-wide, as in its judgment will aid in effectuating the purposes of this chapter. The board may empower them to study the problems of discrimination in all or specific fields of human relationships or in specific instances of discrimination because of sex, race, creed, color ~~((or))~~, national origin, or marital status; to foster through community effort or otherwise good will, cooperation, and conciliation among the groups and elements of the population of the state, and to make recommendations to the board for the development of policies and

procedures in general and in specific instances, and for programs of formal and informal education which the board may recommend to the appropriate state agency.

Such advisory agencies and conciliation councils shall be composed of representative citizens, serving without pay, but with reimbursement for actual and necessary traveling expenses, and the board may make provision for technical and clerical assistance to such agencies and councils and for the expenses of such assistance. The board may use organizations specifically experienced in dealing with questions of discrimination.

Sec. 9.. Section 1, chapter 68, Laws of 1959 and RCW 49.60.175 are each amended to read as follows:

It shall be an unfair practice to use or require designation of the sex, race, creed, color or national origin of any person on ~~((credit applications of banks, loan companies, insurance companies or any other financial institution))~~ any document concerning an application for credit in any credit transaction.

Sec. 10. Section 9, chapter 37, Laws of 1957 as last amended by section 3, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.180 are each amended to read as follows:

It is an unfair practice for any employer:

(1) To refuse to hire any person because of such person's age, sex, marital status, race, creed, color, or national origin, unless based upon a bona fide occupational qualification.

(2) To discharge or bar any person from employment because of such person's age, sex, marital status, race, creed, color, or national origin.

(3) To discriminate against any person in compensation or in other terms or conditions of employment because of such person's age, sex, marital status, race, creed, color, or national origin: 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 board 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, race, creed, color, or national origin, 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.

Sec. 11. Section 10, chapter 37, Laws of 1957 as last amended by section 4, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.190 each amended to read as follows:

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

(1) To deny membership and full membership rights and privileges to any person because of ((such person's)) age, sex, marital status, race, creed, color, or national origin.

(2) To expel from membership any person because of ((such person's)) age, sex, marital status, race, creed, color, or national origin.

(3) To discriminate against any member, employer, or employee because of ((such person's)) age, sex, marital status, race, creed, color, or national origin.

Sec. 12. Section 11, chapter 37, Laws of 1957 as last amended by section 5, chapter 81, Laws of 1971 ex. sess. and RCW 49.60.200 are each amended to read as follows:

It is an unfair practice for any employment agency to fail or refuse to classify properly or refer for employment, or otherwise to discriminate against, an individual because of age, sex, marital status, race, creed, color, or nation origin, or 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, race, creed, color, or national origin, 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.

Sec. 13. Section 4, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.222 are each amended to read as follows:

It is an unfair practice for any person, whether acting for himself or another, because of sex, marital status, race, creed, color or national origin:

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

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

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

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

(5) To represent to a person that real property is not

available for inspection, sale, rental, or lease when in fact it is so available, or to fail to bring a property listing to his attention, or to refuse to permit him to inspect real property;

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

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

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

(9) To discriminate in the course of negotiating, executing of financing a real estate transaction whether by mortgage, deed of trust, contract or other instrument imposing a lien or other security in real property or in negotiating or executing any item or service related thereto including issuance of title insurance, mortgage insurance, loan guarantee, or other aspect of the transaction. Nothing in this section shall limit the effect of section 5 of this 1973 amendatory act relating to unfair practices in credit transactions.

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

Sec. 14. Section 7, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.225 are each amended to read as follows:

When a determination has been made under RCW 49.60.250 that an unfair practice involving real property has been committed, the board or its successor may, in addition to other relief authorized by RCW 49.60.250, award the complainant up to one thousand dollars for loss of the right secured by RCW 49.60.010, 49.60.030, 49.60.040 and 49.60.222 through 49.60.226 as now or hereafter amended to be free from discrimination in real property transactions because of sex, marital status, race, creed, color or national origin. Enforcement of the order and appeal therefrom by the complainant or respondent shall be made as provided in RCW 49.60.260 and 49.60.270.

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