

Section 1. Section 1, chapter 249, Laws of 1953 as last amended by section 3, chapter 141, Laws of 1971 ex. sess. and RCW 27.24.070 are each amended to read as follows:

In each county pursuant to this chapter, the clerk of the superior court shall pay from each fee collected for the filing in his office of every new probate or civil matter, including appeals, (~~((abstracts or transcripts of judgments,))~~) the sum of (~~((three))~~) seven dollars for the support of the law library in that county or the regional law library to which the county belongs, which shall be paid to the county treasurer to be credited to the county or regional law library fund: PROVIDED, That upon a showing of need the (~~((three))~~) seven dollar fee may be increased up to (~~((five))~~) nine dollars upon the request of the law library board of trustees and with the approval of the county legislative body or bodies. There shall be paid from the filing fee paid by each person instituting an action, when the first paper is filed, to each justice of the peace in every civil action commenced in such court where the demand or value of the property in controversy is (~~((one))~~) three hundred dollars or more, in addition to the other fees required by law the sum of (~~((one))~~) three dollars (~~((and fifty cents))~~) as fees for the support of the law library in that county or for the regional law library which are to be taxed as part of costs in each case.

The justice of the peace shall pay such fees so collected to the county treasurer to be credited to the county or regional law library fund.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House March 8, 1979.

Passed the Senate March 2, 1979.

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CHAPTER 127

[Substitute House Bill No. 480]

ANTIDISCRIMINATION PROTECTION—SENSORY, MENTAL, OR PHYSICAL HANDICAP

AN ACT Relating to discrimination; amending section 4, chapter 115, Laws of 1969 and RCW 48.44.220; amending section 2, chapter 183, Laws of 1949 as last amended by section 1, chapter 192, Laws of 1977 ex. sess. and RCW 49.60.030; amending section 3, chapter 183, Laws of 1949 as last amended by section 4, chapter 141, Laws of 1973 and RCW 49.60.040; amending section 1, chapter 68, Laws of 1959 as last amended by section 14, chapter 301, Laws of 1977 ex. sess. and RCW 49.60.175; amending section 5, chapter 141, Laws of 1973 and RCW 49.60.176; amending section 6, chapter 141, Laws of 1973 as amended by section 2, chapter 32, Laws of 1974 ex. sess. and RCW 49.60.178; amending section 14, chapter 37, Laws of 1957 and RCW 49.60.215; amending section 4, chapter 167, Laws of 1969 ex. sess. as last amended by section 1, chapter 145, Laws of

1975 1st ex. sess. and RCW 49.60.222; amending section 5, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.223; amending section 6, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.224; amending section 7, chapter 167, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1973 and RCW 49.60.225; and making an appropriation.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 4, chapter 115, Laws of 1969 and RCW 48.44.220 are each amended to read as follows:

No health care service contractor shall deny coverage to any person solely on account of race, religion ((or)), national origin, or the presence of any sensory, mental, or physical handicap. Nothing in this section shall be construed as limiting a health care service contractor's authority to deny or otherwise limit coverage to a person when the person because of a medical condition does not meet the essential eligibility requirements established by the health care service contractor for purposes of determining coverage for any person.

Sec. 2. Section 2, chapter 183, Laws of 1949 as last amended by section 1, chapter 192, Laws of 1977 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, national origin, sex, or the presence of any sensory, mental, or physical handicap is recognized as and declared to be a civil right. This right shall include, but not be limited to:

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

(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;

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

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

(e) The right to engage in insurance transactions without discrimination: PROVIDED ((HOWEVER)), That ((different insurance rates may be continued and/or applied on the basis of sex when bona fide statistical differences in risk or exposure are substantiated)) a practice which is not unlawful under RCW 48.30.300 or 48.44.220 does not constitute an unfair practice for the purposes of this subparagraph; and

(f) The right to engage in commerce free from any discriminatory boycotts or blacklists. Discriminatory boycotts or blacklists for purposes of this section shall be defined as the formation or execution of any express or implied agreement, understanding, policy or contractual arrangement for economic benefit between any persons which is not specifically authorized by the laws of the United States and which is required or imposed, either directly or indirectly, overtly or covertly, by a foreign government or foreign person in order to restrict, condition, prohibit, or interfere with or in order to exclude any person or persons from any business relationship on the basis

of race, color, creed, religion, sex, national origin or lawful business relationship: PROVIDED HOWEVER, That nothing herein contained shall prohibit the use of boycotts as authorized by law pertaining to labor disputes and unfair labor practices.

(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 related to sex discrimination or discriminatory boycotts or blacklists 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 19.86.030 and subject to all the provisions of chapter 19.86 RCW as now or hereafter amended.

Sec. 3. Section 3, chapter 183, Laws of 1949 as last amended by section 4, chapter 141, Laws of 1973 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)) employs 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 or her 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, or with any sensory, mental, or physical handicap, or a blind or deaf person using a trained dog guide, 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 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 ((herein)) 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;

"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.

Sec. 4. Section 1, chapter 68, Laws of 1959 as last amended by section 14, chapter 301, Laws of 1977 ex. sess. and RCW 49.60.175 are each amended to read as follows:

It shall be an unfair practice to use the sex, race, creed, color, national origin, ~~((or))~~ marital status, or the presence of any sensory, mental, or physical handicap of any person concerning an application for credit in any credit transaction to determine the credit worthiness of an applicant.

Sec. 5. Section 5, chapter 141, Laws of 1973 and RCW 49.60.176 are each amended 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, or the presence of any sensory, mental, or physical handicap:

(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.

Sec. 6. Section 6, chapter 141, Laws of 1973 as amended by section 2, chapter 32, Laws of 1974 ex. sess. and RCW 49.60.178 are each amended 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 cancel or fail or refuse to issue or renew insurance to any person because of sex, marital status, race, creed, color ~~((or))~~, national origin, or the presence of any sensory, mental, or physical handicap: PROVIDED, That a practice which is not unlawful under RCW 48.30.300 or 48.44.220 does not constitute an unfair practice for the purposes of this section. For the purposes of this section, "insurance transaction" is defined in RCW 48.01.060.

The fact that such unfair practice may also be a violation of chapter 48.30 or 48.44 RCW does not constitute a defense to an action brought under this section.

The insurance commissioner, under RCW 48.30.300, and the human rights commission, under chapter 49.60 RCW, shall have concurrent jurisdiction under this section and shall enter into a working agreement as to procedure to be followed in complaints under this section.

Sec. 7. Section 14, chapter 37, Laws of 1957 and RCW 49.60.215 are each amended to read as follows:

It shall be an unfair practice for any person or his agent or employee to commit an act which directly or indirectly results in any distinction, restriction, or discrimination, or the requiring of any person to pay a larger sum than the uniform rates charged other persons, or the refusing or withholding from any person the admission, patronage, custom, presence, frequenting, dwelling, staying, or lodging in any place of public resort, accommodation, assemblage, or amusement, except for conditions and limitations established by law and applicable to all persons, regardless of race, creed, color, ((σ)) national origin, the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a handicapped person except as otherwise required by law: PROVIDED, That behavior or actions constituting a risk to property or other persons can be grounds for refusal and shall not constitute an unfair practice.

Sec. 8. Section 4, chapter 167, Laws of 1969 ex. sess. as last amended by section 1, chapter 145, Laws of 1975 1st 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 ((σ)), national origin, the presence of any sensory, mental, or physical handicap, or the use of a trained dog guide by a blind or deaf person:

- (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 a 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;

(9) To discriminate in the course of negotiating, executing, or 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 RCW 49.60.176 relating to unfair practices in credit transactions; or

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

Notwithstanding any other provision of law, it shall not be an unfair practice or a denial of civil rights for any public or private educational institution to separate the sexes or give preference to or limit use of dormitories, residence halls, or other student housing to persons of one sex or to make distinctions on the basis of marital or family status.

This section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a handicapped person except as otherwise required by law. Nothing in this section affects the rights and responsibilities of landlords and tenants pursuant to chapter 59-.18 RCW.

Sec. 9. Section 5, chapter 167, Laws of 1969 ex. sess. and RCW 49.60-.223 are each amended to read as follows:

It is an unfair practice for any person, for profit, to induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, creed, color ((or)), national origin, or with any sensory, mental, or physical handicap.

Sec. 10. Section 6, chapter 167, Laws of 1969 ex. sess. and RCW 49-.60.224 are each amended to read as follows:

(1) Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, creed, color ((or)), national origin, or with any sensory, mental, or physical handicap, and every condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, creed, color, ((or)) national origin, or the presence of any sensory, mental, or physical handicap is void.

(2) It is an unfair practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

Sec. 11. Section 7, chapter 167, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1973 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, or the presence of any sensory, mental, or physical handicap. 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.

NEW SECTION. Sec. 12. There is appropriated to the Human Rights Commission from the General Fund the sum of two hundred two thousand dollars or so much thereof as may be necessary to implement this act.

Passed the House March 8, 1979.

Passed the Senate March 8, 1979.

Approved by the Governor March 26, 1979.

Filed in Office of Secretary of State March 26, 1979.

CHAPTER 128

[Substitute House Bill No. 92]

INDUSTRIAL INSURANCE COVERAGE—CORPORATE EXECUTIVE OFFICERS

AN ACT Relating to industrial insurance coverage; and amending section 51.12.020, chapter 23, Laws of 1961 as last amended by section 7, chapter 323, Laws of 1977 ex. sess. and RCW 51.12.020.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 51.12.020, chapter 23, Laws of 1961 as last amended by section 7, chapter 323, Laws of 1977 ex. sess. and RCW 51.12.020 are each amended to read as follows:

The following are the only employments which shall not be included within the mandatory coverage of this title:

(1) Any person employed as a domestic servant in a private home by an employer who has less than two employees regularly employed forty or more hours a week in such employment.