

Washington

## SUMMARY

The following statutes comprise Washington's pertinent service animal laws. These statutes provide misdemeanor penalties for discriminating against a disabled individual accompanied by a service animal. These laws also provide graduated criminal penalties for interfering with, injuring, or killing a service animal. It is also an offense to misrepresent an untrained dog as a service animal.

1. Date last checked: November 2020

### **49.60.214. Misrepresentation of an animal as a service animal--Civil infraction--Investigation and enforcement--Miniature horse**

**(1) It shall be a civil infraction under chapter 7.80 RCW for any person to misrepresent an animal as a service animal. A violation of this section occurs when a person:**

**a. Expressly or impliedly represents that an animal is a service animal as defined in RCW 49.60.040 for the purpose of securing the rights or privileges afforded disabled persons accompanied by service animals set forth in state or federal law; and**

**b. Knew or should have known that the animal in question did not meet the definition of a service animal.**

**(2)(a) An enforcement officer as defined under RCW 7.80.040 may investigate and enforce this section by making an inquiry of the person accompanied by the animal in question and issuing a civil infraction. Refusal to answer the questions allowable under (b) of this subsection shall create a presumption that the animal is not a service animal and the enforcement officer may issue a civil infraction and require the person to remove the animal from the place of public accommodation.**

**(b) An enforcement officer or place of public accommodation shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. An enforcement officer or place of public accommodation may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. An enforcement officer or place of public accommodation shall not require documentation, such as proof that the animal has been certified, trained,**

**or licensed as a service animal, or require that the service animal demonstrate its task. Generally, an enforcement officer or place of public accommodation may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for a person with a disability, such as a dog is observed guiding a person who is blind or has low vision, pulling**

a

person's wheelchair, or providing assistance with stability or balance to a person with an observable mobility disability.

(3) A place of public accommodation shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability in accordance with RCW 49.60.040(24) if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a facility, a place of public accommodation shall act in accordance with all applicable laws and regulations.

Credits

[2018 c 176 § 4, eff. Jan. 1, 2019.]

#### **49.60.215. Unfair practices of places of public resort, accommodation, assemblage, amusement-Trained dog guides and service animals**

It shall be an unfair practice for any person or the person's 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, national origin, citizenship or immigration status, sexual orientation, sex, honorably discharged veteran or military status, status as a mother breastfeeding her child, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a person with a disability 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.

## Credits

[2020 c 52 § 13, eff. June 11, 2020; 2018 c 176 § 3, eff. Jan. 1, 2019; 2011 c 237 § 1, eff. July 22, 2011; 2009 c 164 § 2, eff. July 26, 2009; 2007 c 187 § 12, eff. July 22, 2007; 2006 c 4 § 13, eff. June 8, 2006; 1997 c 271 § 13; 1993 c 510 § 16. Prior: 1985 c 203 § 1; 1985 c 90 § 6; 1979 c 127 § 7; 1957 c 37 § 14.]

## OFFICIAL NOTES

Declaration--Finding--Purpose--2018 c 176: "The legislature declares that service animals that are properly trained to assist persons with disabilities play a vital role in establishing independence for such persons. There are an increasing number of occurrences where people intentionally or mistakenly represent their pet, therapy animal, or emotional support animal to be a service animal and attempt to bring the animal into a place that it would otherwise not be allowed to enter. Federal and state laws require places of public accommodation, including food establishments, to allow an animal that is presented as a service animal into a place of public accommodation; these same places of public accommodation face a dilemma when someone enters the premises and intentionally misrepresents his or her animal as a service animal. The legislature finds that the misrepresentation of an animal as a service animal trained to perform specific work or tasks constitutes a disservice both to persons who rely on the use of legitimate service animals, as well as places of public accommodation and their patrons. The purpose of this act is to penalize the intentional misrepresentation of a service animal, which delegitimizes the genuine need for the use of service animals and makes it harder for persons with disabilities to gain unquestioned acceptance of their legitimate, properly trained, and essential service animals." [2018 c 176 § 1.] Effective date--2018 c 176: "This act takes effect January 1, 2019." [2018 c 176 § 7.] Severability--1993 c 510: See note following RCW 49.60.010.

**49.60.218. Use of dog guide or service animal--Unfair practice--Definitions - 49.60.218. Repealed by Laws 2018, ch. 176, § 6, eff. January 1, 2019**

### Former Text:

1. It shall be **an** unfair practice for any person or the person's 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** food establishment, except for conditions and limitations established by law and applicable **to all persons**,

**on the basis of the use of a dog guide or service animal by a person with a disability: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a person with a disability 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.**

2. A food establishment shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability in accordance with subsection (1) of this section if **the miniature** horse has been individually trained to do **work or** perform tasks for the benefit of the individual **with** a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a facility, a food establishment shall act in accordance **with all** applicable laws and regulations.

3. For the purposes of this section:

a. "Service animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Except as provided in subsection (2) of this section, other species of animals, whether wild or domestic, trained or untrained, are not service animals. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks.

b. "Food establishment" means a place of business that sells or serves food for human consumption with a North American industry classification system code within "445110," "445120," "445210," "445220," "445230," "445291," "445292," "445299," "452910," "722110," "722211," "722212," "722213," or "722410."

CREDIT(S)

[2011 c 237 § 2, eff. July 22, 2011.]

**West's Revised Code of Washington Annotated. Title 9.  
Crimes and Punishments. Chapter 9.91. Miscellaneous  
Crimes.**

**9.91.170. Interfering with dog guide or service animal**

(1)(a) Any person who has received notice that his or her behavior is interfering with the use of a dog guide or service animal who continues with reckless disregard to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service animal is guilty of a misdemeanor, except as provided in (b) of this subsection.

(b) A second or subsequent violation of this subsection is a gross misdemeanor.

(2)(a) Any person who, with reckless disregard, allows his or her dog to interfere with the use of a dog guide or service animal by obstructing, intimidating, or otherwise jeopardizing the safety of the dog guide or service animal user or his or her dog guide or service animal is guilty of a misdemeanor, except as provided in (b) of this subsection.

(b) **A** second or subsequent violation of this subsection is a gross misdemeanor.

3. Any person who, with reckless disregard, injures, disables, or causes the death of a dog guide or service animal is guilty of a gross misdemeanor.

4. Any person who, with reckless disregard, allows his or her dog to injure, disable, or cause the death of a dog guide or service animal is guilty of a gross misdemeanor.

5. Any person who intentionally injures, disables, or causes the death of a dog guide or service animal is guilty of a class C felony punishable according to chapter 9A.20 RCW.

6. Any person who wrongfully obtains or exerts unauthorized control over a dog guide or service animal with the intent to deprive the dog guide or service animal user of his or her dog guide or service animal is guilty of theft in the first degree, RCW 9A.56.030.

(7)(a) In any case in which the defendant is convicted of a violation of this section, he or she shall also be ordered to make full restitution for all damages, including incidental and consequential expenses incurred by the dog guide or service animal user and the dog guide or service animal which arise out of or are related to the criminal offense.

(b) Restitution for a conviction under this section shall include, but is not limited to:

i. The value of the replacement of an incapacitated or deceased dog guide or service animal, the training of a replacement dog guide or service animal, or retraining of the affected dog guide or service animal and all related veterinary and care expenses; and

ii. Medical expenses of the dog guide or service animal user, training of the dog guide or service animal user, and compensation for wages or earned income lost by the dog guide or service animal user.

8. Nothing in this section shall affect any civil remedies available for violation of this section.

9. For purposes of this section, the following definitions apply:

a. "Dog guide" means a dog that is trained or in training for the purpose of guiding blind persons or a dog trained or in training for the purpose of assisting hearing impaired persons.

b. "Service animal" means an animal that is trained or in training for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.

C. "Notice" means a verbal or otherwise communicated warning prescribing the behavior of another person and a request that the person stop their behavior.

d. "Value" means the value to the dog guide or service animal user and does not refer to cost or fair market value.

Credits

[2017 c 170 § 1, eff. July 23, 2017; 2003 c 53 § 52, eff. July 1, 2004; 2001 c 112 § 2.]

**Title 28a. Common School Provisions. Chapter 28A642. Discrimination Prohibition. 28A.642.010. Discrimination prohibited—Definitions**

Discrimination in Washington public schools on the basis of race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability is prohibited. The definitions given these terms in chapter 49.60 RCW apply throughout this chapter unless the context clearly requires otherwise.

Credits

[2010 c 240 § 2, eff. June 10, 2010.]

**Title 49. Labor Regulations. Chapter 49.60. Discrimination—Human Rights Commission. 49.60.010. Purpose of chapter**

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, national origin, citizenship or immigration status, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability 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, national origin, citizenship or immigration status, families with children, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory,

mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

#### **Credits**

[2020 c 52 § 1, eff. June 11, 2020; 2007 c 187 § 1, eff. July 22, 2007; 2006 c 4 § 1, eff. June 8, 2006; 1997 c 271 § 1; 1995 c 259 § 1; 1993 c 510 § 1; 1985 c 185 § 1; 1973 1st ex.s. c 214 § 1; 1973 c 141 § 1; 1969 ex.s. c 167 § 1; 1957 c 37 § 1; 1949 c 183 § 1; Rem. Supp. 1949 § 7614-20.]

#### **49.60.020. Construction of chapter--Election of other remedies**

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, national origin, citizenship or immigration status, sex, marital status, sexual orientation, age, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability, other than a law which purports to require or permit doing any act which is an unfair practice under this chapter. However, to the extent that distinction or differential treatment on the basis of citizenship or immigration status is authorized by federal or state law, regulation, or government contract, it is not an unfair practice. Nor shall anything herein contained be 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 or her civil rights. This chapter shall not be construed to endorse any specific belief, practice, behavior, or orientation. Inclusion of sexual orientation in this chapter shall not be construed to modify or supersede state law relating to marriage.

#### **Credits**

[2020 c 52 § 2, eff. June 11, 2020; 2007 c 187 § 2, eff. July 22, 2007; 2006 c 4 § 2, eff. June 8, 2006; 1993 c 510 § 2; 1973 1st ex.s. c 214 § 2;

1973 c 141 § 2; 1957 c 37 § 2; 1949 c 183 § 12; Rem. Supp. 1949 § 7614-30.]

#### **49.60.030. Freedom from discrimination--Declaration of civil rights**

**(1) The right to be free from discrimination because of race, creed, color, national origin, citizenship or immigration status, sex, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability 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, including discrimination against families with children;

**d.** The right to engage in credit transactions without discrimination;

**e.** The right to engage in insurance transactions or transactions with health maintenance organizations without discrimination: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 does not constitute an unfair practice for the purposes of this subparagraph;

**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, honorably discharged veteran or military status, sexual orientation,

the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, or national origin, citizenship or immigration status, 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; and

g. The right of a mother to breastfeed her child in any place of public resort, accommodation, assemblage, or amusement.

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

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

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

#### Credits

[2020 c 52 § 4, eff. June 11, 2020; 2009 c 164 § 1, eff. July 26, 2009; 2007 c 187 § 3, eff. July 22, 2007; 2006 c 4 § 3, eff. June 8, 2006; 1997 c 271 § 2; 1995 c 135 § 3. Prior: 1993 c 510 § 3; 1993 c 69 § 1; 1984c 32 § 2; 1979 c 127 § 2; 1977 ex.s. c 192 § 1; 1974 ex.s. c 32 § 1; 1973 1st ex.s. c 214 § 3; 1973 c 141 § 3; 1969 ex.s. c 167 § 2; 1957 c 37 § 3; 1949 c 183 § 2; Rem. Supp. 1949 § 7614-21.]

#### **49.60.040. Definitions**

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

1. "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.

2. "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.

3. "Commission" means the Washington state human rights commission.

4. "Complainant" means the person who files a complaint in a real estate transaction.

5. "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.

6. "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.

(7)(a) "Disability" means the presence of a sensory, mental, or physical impairment that:

- i. Is medically cognizable or diagnosable; or
- ii. Exists as a record or history; or
- iii. Is perceived to exist whether or not it exists in fact.

(b) A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

(c) For purposes of this definition, "impairment" includes, but is not limited to:

- i. Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or
- ii. Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(d) Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:

(i) The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or

(ii) The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

(e) For purposes of (d) of this subsection, a limitation is not substantial if it has only a trivial effect.

8. "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.

9. "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.

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

11. "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.

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

13. "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.

14. "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 person with a disability, to be treated as not welcome, accepted, desired, or solicited.

15. "Honorably discharged veteran or military status" means a person who is:

(a) A veteran, as defined in RCW 41.04.007; or

(b) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

16. "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.

17. "Marital status" means the legal status of being married, single, separated, divorced, or widowed.

18. "National origin" includes "ancestry."

19. "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.

20. "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.

21. "Race" is inclusive of traits historically associated or perceived to be associated with race including, but not limited to, hair texture and protective hairstyles. For purposes of this subsection, "protective hairstyles"

includes, but is not limited to, such hairstyles as afros, braids, locks, and twists.

22. "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.

23. "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.

24. "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction.

25. "Service animal" means any dog or miniature horse, as discussed in RCW 49.60.214, that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by the service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks. This subsection does not apply to RCW 49.60.222 through 49.60.227 with respect to housing accommodations or real estate transactions.

26. "Sex" means gender.

27. "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.

#### Credits

[2020 c 85 § 1, eff. June 11, 2020; 2018 c 176 § 2, eff. Jan. 1, 2019. Prior: 2009 c 187 § 3, eff. July 26, 2009; prior: 2007 c 317 § 2, eff. July 22, 2007; 2007 c 187 § 4, eff. July 22, 2007; 2006 c 4 § 4, eff. June 8, 2006; 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.]

#### **49.60.175. Unfair practices of financial institutions**

It shall be an unfair practice to use the sex, race, creed, color, national origin, citizenship or immigration status, marital status, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability of any person, or the use of a trained dog guide or service animal by a person with a disability, concerning an application for credit in any credit transaction to determine the creditworthiness of an applicant.

#### Credits

[2020 c 52 § 7, eff. June 11, 2020; 2007 c 187 § 7, eff. July 22, 2007; 2006 c 4 § 7, eff. June 8, 2006;  
1997 c 271 § 7; 1993 c 510 § 9; 1979 c 127 § 4; 1977 ex.s. c 301 § 14; 1973 c 141 § 9; 1959 c 68 § 1.]

#### **49.60.176. Unfair practices with respect to credit transactions**

**It is an unfair practice for any person whether acting for himself, herself, or another in connection with any credit transaction because of race, creed, color, national origin, citizenship or immigration status, sex, marital status, honorably discharged veteran or military status, sexual orientation, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability:**

- 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.**

#### **Credits**

**[2020 c 52 § 8, eff. June 11, 2020; 2007 c 187 § 8, eff. July 22, 2007; 2006 c 4 § 8, eff. June 8, 2006;**

**1997c 271 § 8; 1993 c 510 § 10; 1979c 127 § 5; 1973 c 141 § 5.]**

#### **49.60.178. Unfair practices with respect to insurance transactions**

**It is an unfair practice for any person whether acting for himself, herself, or another in connection with an insurance transaction or transaction with a health maintenance organization to cancel or fail or refuse to issue or renew insurance or a health maintenance agreement to any person because of sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with disabilities: PROVIDED, That a practice which is not unlawful under RCW 48.30.300, 48.44.220, or 48.46.370 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, health maintenance agreement is defined in RCW 48.46.020, and "health maintenance organization" is defined in RCW 48.46.020.**

**The fact that such unfair practice may also be a violation of chapter 48.30, 48.44, or 48.46 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.**

## Credits

[2020 c 52 § 9, eff. June 11, 2020; 2006 c 4 § 9, eff. June 8, 2006; 1997 c 271 § 9; 1993 c 510 § 11;

1984 c 32 § 1; 1979 c 127 § 6; 1974 ex.s. c32 § 2; 1973 c 141 § 6.]

### **49.60.214. Misrepresentation of an animal as a service animal--Civil infraction--Investigation and enforcement--Miniature horse**

**(1) It shall be a civil infraction under chapter 7.80 RCW for any person to misrepresent an animal as a service animal. A violation of this section occurs when a person:**

**C. Expressly or impliedly represents that an animal is a service animal as defined in RCW 49.60.040 for the purpose of securing the rights or privileges afforded disabled persons accompanied by service animals set forth in state or federal law; and**

**d. Knew or should have known that the animal in question did not meet the definition of a service animal.**

**(2)(a) An enforcement officer as defined under RCW 7.80.040 may investigate and enforce this section by making an inquiry of the person accompanied by the animal in question and issuing a civil infraction. Refusal to answer the questions allowable under (b) of this subsection shall create a presumption that the animal is not a service animal and the enforcement officer may issue a civil infraction and require the person to remove the animal from the place of public accommodation.**

**(b) An enforcement officer or place of public accommodation shall not ask about the nature or extent of a person's disability, but may make two inquiries to determine whether an animal qualifies as a service animal. An enforcement officer or place of public accommodation may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. An enforcement officer or place of public accommodation shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, or require that the service animal demonstrate its task. Generally, an enforcement officer or place of public accommodation may not make these inquiries about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for a person with a disability, such as a dog is observed guiding a person who is blind or has low vision, pulling**

**a**

person's wheelchair, or providing assistance with stability or balance to a person with an observable mobility disability.

(3) A place of public accommodation shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by an individual with a disability in accordance with RCW 49.60.040(24) if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a facility, a place of public accommodation shall act in accordance with all applicable laws and regulations.

Credits

[2018 c 176 § 4, eff. Jan. 1, 2019.]

#### **49.60.215. Unfair practices of places of public resort, accommodation, assemblage, amusement-Trained dog guides and service animals**

It shall be an unfair practice for any person or the person's 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, national origin, citizenship or immigration status, sexual orientation, sex, honorably discharged veteran or military status, status as a mother breastfeeding her child, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability: PROVIDED, That this section shall not be construed to require structural changes, modifications, or additions to make any place accessible to a person with a disability 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.

Credits

[2020 c 52 § 13, eff. June 11, 2020; 2018 c 176 § 3, eff. Jan. 1, 2019; 2011 c 237 § 1, eff. July 22, 2011; 2009 c 164 § 2, eff. July 26, 2009; 2007 c 187 § 12, eff. July 22, 2007; 2006 c 4 § 13, eff. June 8, 2006; 1997 c 271 § 13; 1993 c 510 § 16. Prior: 1985 c 203 § 1; 1985 c 90 § 6; 1979 c 127 § 7; 1957 c 37 § 14.]

OFFICIAL NOTES

Declaration--Finding--Purpose--2018 c 176: "The legislature declares that service animals that are properly trained to assist persons with disabilities play a vital role in establishing independence for such persons. There are an increasing number of occurrences where people intentionally or mistakenly represent their pet, therapy animal, or emotional support animal to be a service animal and attempt to bring the animal into a place that it would otherwise not be allowed to enter. Federal and state laws require places of public accommodation, including food establishments, to allow an animal that is presented as a service animal into a place of public accommodation; these same places of public accommodation face a dilemma when someone enters the premises and intentionally misrepresents his or her animal as a service animal. The legislature finds that the misrepresentation of an animal as a service animal trained to perform specific work or tasks constitutes a disservice both to persons who rely on the use of legitimate service animals, as well as places of public accommodation and their patrons. The purpose of this act is to penalize the intentional misrepresentation of a service animal, which delegitimizes the genuine need for the use of service animals and makes it harder for persons with disabilities to gain unquestioned acceptance of their legitimate, properly trained, and essential service animals." [2018 c 176 § 1.] Effective date--2018 c 176: "This act takes effect January 1, 2019." [2018 c 176 § 7.] Severability--1993 c 510: See note following RCW 49.60.010.

**49.60.218. Use of dog guide or service animal--Unfair practice--Definitions - 49.60.218. Repealed by Laws 2018, ch. 176, § 6, eff. January 1, 2019**

**Former Text:**

2. It shall be **an** unfair practice for any person or the person's 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** food establishment, except for conditions and limitations established by law and applicable **to all persons, on the basis of the use** of a dog guide or service **animal by a person with a disability: PROVIDED, That this section shall not** be construed to require **structural** changes, modifications, **or additions to make any place** accessible to a person **with a disability** 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.

4. A food establishment shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse by

an individual with a disability in accordance with subsection (1) of this section if **the miniature** horse has been individually trained to do **work or** perform tasks for the benefit of the individual **with** a disability. In determining whether reasonable modifications in policies, practices, or procedures can be made to allow a miniature horse into a facility, a food establishment shall act in accordance **with all** applicable laws and regulations.

5. For the purposes of this section:

C. "Service animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Except as provided in subsection (2) of this section, other species of animals, whether wild or domestic, trained or untrained, are not service animals. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks.

d. "Food establishment" means a place of business that sells or serves food for human consumption with a North American industry classification system code within "445110," "445120," "445210," "445220," "445230," "445291," "445292," "445299," "452910," "722110," "722211," "722212," "722213," or "722410."

CREDIT(S)

[2011 c 237 § 2, eff. July 22, 2011.]

**49.60.222. Unfair practices with respect to real estate transactions, facilities, or services**

(1) It is an unfair practice for any person, whether acting for himself, herself, or another, because of sex, marital status, sexual orientation, race, creed, color, national origin, citizenship or immigration status, families with children status, honorably discharged veteran or military status, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability:

- a. To refuse to engage in a real estate transaction with a person;
- b. 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;
- c. To refuse to receive or to fail to transmit a bona fide offer to engage in a real estate transaction from a person;
- d. To refuse to negotiate for a real estate transaction with a person;
- e. 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 or her attention, or to refuse to permit the person to inspect real property;
- f. To discriminate in the sale or rental, or to otherwise make unavailable or deny a dwelling, to any person; or to a person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or to any person associated with the person buying or renting;
- g. To make, print, circulate, post, or mail, or cause to be so made or 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;
- h. 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;
- i. To expel a person from occupancy of real property;
- j. 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

k. To attempt to do any of the unfair practices defined in this section.

(2) For the purposes of this chapter discrimination based on the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person who is blind, deaf, or physical ly disabled includes:

a. A refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the dwelling, except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the dwelling to the condition that existed before the modification, reasonable wear and tear excepted;

b. To refuse to make reasonable accommodation in rules, policies, practices, or services when such accommodations may be necessary to afford a person with the presence of any sensory,

mental, or physical disability and/or the use of a trained dog guide or service animal by a person

who is blind, deaf, or physically disabled equal opportunity to use and enjoy a *dwelling*; or

(c) To fail to design and construct covered multifamily dwellings and premises *in* conformance with the federal fair housing amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.) *and all* other applicable laws or regulations pertaining to access by persons with any sensory, mental, or physical disability or use of a trained dog guide or service animal. Whenever the requirements of applicable laws or regulations differ, the requirements which require greater accessibility for persons with any sensory, mental, or physical disability shall govern.

Nothing in (a) or (b) of this subsection shall apply to: (i) A single-family house rented or leased by the owner if the owner does not own or have an interest *in* the proceeds of the rental or lease of more than three such single-family houses at one time, the rental or lease occurred without the use of a salesperson, or a broker as defined in RCW 18.85.011, and the rental or lease occurred without the publication, posting, or mailing of any advertisement, sign, or statement *in* violation of subsection (1)(g) of this section; or (ii) rooms or units *in* dwellings containing *living* quarters occupied or intended to be

occupied by no more than four families living independently of each other if the owner maintains and occupies one of the rooms or units as his or her residence.

3. Notwithstanding any other provision of this chapter, 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 families with children status.

4. Except pursuant to subsection (2)(a) of this section, this section shall not be construed to require structural changes, modifications, or additions to make facilities accessible to a person with a disability except as otherwise required by law. Nothing in this section affects the rights, responsibilities, *and* remedies of landlords and tenants pursuant to chapter 59.18 or 59.20 RCW, including the right to post and enforce reasonable rules of conduct and safety for all tenants and their guests, provided that chapters 59.18 and 59.20 RCW are only affected to the extent they are inconsistent with the **nondiscrimination requirements of this chapter**. Nothing *in* this section limits the applicability of any reasonable federal, **state**, or local restrictions regarding the maximum number of occupants permitted **to occupy a dwelling**.

5. **Notwithstanding any other provision of this chapter, it shall not be an unfair practice for any *public* establishment providing for accommodations offered for the full enjoyment of transient guests as defined by RCW 9.91.010(1)(c) to make distinctions on the basis of families with children status. Nothing in this section shall limit the effect of RCW 49.60.215 relating to unfair practices in places of public accommodation.**

6. **Nothing in this chapter prohibiting discrimination based on families with children status applies to housing for older persons as defined by the federal fair housing amendments act of 1988,42 U.S.C. Sec. 3607(b)(1) through (3), as amended by the housing for older persons act of 1995, P.L. 104-76, as**

enacted on December 28, 1995. Nothing in this chapter authorizes requirements for housing for older persons different than the requirements in the federal fair housing amendments act of 1988,42 U.S.C. Sec. 3607(b)(1) through (3), as amended by the housing for older persons act of 1995, **P.L.** 104-76, as enacted on December 28, 1995.

(7) Nothing in this chapter shall apply to real estate transactions involving the sharing of a dwelling unit, or rental or sublease of a portion of a dwelling unit, when the dwelling unit is to be occupied by the owner or sublessor. For purposes of this section, "dwelling unit" has the same meaning as in RCW 59.18.030.

#### Credits

[2020 c 52 § 14, eff. June 11, 2020; 2007 c 187 § 13, eff. July 22, 2007; 2006 c 4 § 14, eff. June 8, 2006. Prior: 1997 c 400 § 3; 1997 c 271 § 14; 1995 c 259 § 3; prior: 1993 c 510 §

17; 1993 c 69 § 5; 1989 c 61 § 1; 1979 c 127 § 8; 1975 1st ex.s. c 145 § 1; 1973 c 141 § 13; 1969 ex.s. c 167 § 4.1

**49.60.224. Real property contract provisions restricting conveyance, encumbrance, occupancy, or use to persons of particular race, disability, etc., void—Unfair practice**

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, sex, national origin, citizenship or immigration status, sexual orientation, families with children status, honorably discharged veteran or military status, or with any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person who is blind, deaf, or physically disabled, 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, sex, national origin, citizenship or immigration status, sexual orientation, families with children status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person who is blind, deaf, or physically disabled 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.

Credits

[2020 c 52 § 16, eff. June 11, 2020; 2007 c 187 § 15, eff. July 22, 2007; 2006 c 4 § 16, eff. June 8, 2006;

1997 c 271 § 16; 1993 c 69 § 8; 1979 c 127 § 10; 1969 ex.s. c 167 § 6.]

**49.60.225. Relief for unfair practice in real estate transaction—Damages—Penalty**

(1) When a reasonable cause determination has been made under *RCW 49.60.240* that *an unfair* practice in a real estate transaction has been committed *and a finding* has been made that the respondent has engaged in any unfair practice under *RCW 49.60.250*, the administrative *law judge* shall promptly issue an order for such relief suffered by the aggrieved person as may be appropriate, which may include actual

damages as provided by the federal fair *housing* amendments act of 1988 (42 U.S.C. Sec. 3601 et seq.), and injunctive or other equitable relief. *Such* order may, to further the public interest, assess a civil penalty against the respondent:

a. In an amount up to ten thousand dollars if the respondent has not *been* determined to have committed any prior unfair practice in a real estate transaction;

b. In an amount up to twenty-five thousand dollars if the respondent *has been* determined to have committed one other unfair practice in a real estate transaction *during* the five-year period ending on the date of the filing of this charge; or

C. In an amount up to fifty thousand dollars if the respondent *has been* determined to have committed two or more unfair practices in a real estate transaction *during* the seven-year period ending on the date of the filing of this charge, for loss of the right secured by RCW 49.60.010, 49.60.030, 49.60.040, and 49.60.222 through 49.60.224, as now or hereafter amended, to be *free* from discrimination in real property transactions because of sex, marital status, race, creed, *color*, national origin, citizenship or immigration status, sexual orientation, families with *children* status, honorably discharged veteran or military status, or the presence of any sensory, mental, or

physical disability or the use of a trained dog guide or service animal by a person who *is blind*, deaf, or physically disabled. Enforcement of the order and appeal therefrom by the complainant or respondent may be made as provided in RCW 49.60.260 and 49.60.270. If acts constituting the unfair practice in a real estate transaction that is the object of the charge are determined to have been committed by the same natural person who has been previously determined to have committed acts constituting an unfair practice in a real estate transaction, then the civil penalty of up to fifty thousand dollars may be imposed without regard to the period of time within *which any* subsequent unfair practice in a real estate transaction occurred. *All civil penalties assessed under this section shall be paid into the state treasury and credited to the general fund.*

(2) Such order shall not affect any contract, sale, conveyance, encumbrance, or lease consummated before the issuance of an order that involves a bona fide purchaser, encumbrancer, or tenant who does not have actual notice of the charge filed under this chapter.

(3) Notwithstanding any other provision of this chapter, persons awarded damages *under this* section may not receive additional damages pursuant to RCW 49.60.250.

Credits

[2020 c 52 § 17, eff. June 11, 2020; 2007 c 187 § 16, eff July 22, 2007; 2006 c 4 § 17, eff. June 8, 2006;

1997 c 271 § 17; 1995 c 259 § 4. Prior: 1993 c 510 § 20; 1993 c 69 § 9; 1985 c 185 § 19; 1979 c 127 § 11; 1973 c 141 § 14; 1969 ex.s. c 167 § 7.]

## **Title 49. Labor Regulations. Chapter 49.60.**

### **Discrimination--Human Rights Commission.**

**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**

1. A person who negligently or maliciously kills or injures a dog guide or service animal is liable for a penalty of one thousand dollars, to be paid to the user of the animal. The penalty shall be in addition to and not in lieu of any other remedies or penalties, civil or criminal, provided by law.

2. A user or owner of a dog guide or service animal, whose animal is negligently or maliciously injured or killed, is entitled to recover reasonable attorneys' fees and costs incurred in pursuing any civil remedy.

3. The commission has no duty to investigate any negligent or malicious acts referred to under this section.

**CREDIT(S)**

[1997 c 271 § 23; 1988 c 89 § 1. Formerly RCW 70.84.100.]

**49.60.380. License waiver for dog guide and service animals**

A county, city, or town shall honor a request by a blind person or hearing impaired person not to be charged a fee to license his or her dog guide, or a request by a physically disabled person not to be charged a fee to license his or her service animal.

**CREDIT(S)**

[1997 c 271 § 24; 1989 c 41 § 1. Formerly RCW 70.84.120.]

**Title 49. Labor Regulations. Chapter 49.90. Sensory Disabilities**  
**49.90.010. Sensory disabilities--State agencies--Need for service animal training--Definition**

1. Within this section, "*sensory disability*" means a sensory condition that materially;

contributes to limiting, or, if not corrected or accommodated, will probably result in

individual's activities or functioning

2. The office of financial management shall adopt rules that authorize state agencies to

allowances to employees with sensory disabilities who must attend training

service animal. The employee's absence must be treated in the same manner as that granted to employees who are absent to attend training that supports or improves their job performance, except that the employee shall not be eligible for reimbursement under RCW 43.03.050 or 410S060. The office of financial management shall adopt rules as necessary to implement this chapter:

3. If the necessity to attend training for a new service animal is foreseeable and the training causes the employee to miss work, the employee shall provide the employer with not less than thirty days' notice, before the date the **absence is to begin, of the employee's impending absence. If the date of the training requires the absence to begin in less than thirty days, the employee shall provide notice as practicable.**

4. An agency may require that a request to attend service animal training be supported by a certification issued by the relevant training organization. The employee must provide, in a timely manner, a copy of the certification to the agency. Certification provided under this section is sufficient

if it states: (a) The date *on which the service animal training session is scheduled/to commence; and(b)* the session's duration.

Credits

[2011 1st sp.s. c 43 § 465, eff. Oct. 1, 2011; 2009 c 294 § 5, eff April 30, 2009.1

**Title 70. Public Health and Safety. Chapter 70.84. Blind, Handicapped, and Disabled Persons--"White Cane Law"**

**70.84.010. Declaration--Policy**

The legislature declares:

1. *It is the policy of this state to encourage and enable the blind, persons with disabilities, the hearing impaired, and other persons with disabilities to participate fully in the social and economic life of the state, and to engage in remunerative employment.*

2. *As citizens, the blind, persons with visual disabilities, the hearing impaired, and other persons with disabilities have the same rights as the able-bodied to the full and free use of the streets, highways, walkways, public buildings, public facilities, and other public places.*

(3) The blind, persons with visual disabilities, the hearing impaired, and other persons with disabilities are entitled to full and equal accommodations, advantages, facilities, and privileges on common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, boats, and all other public conveyances, as well as in hotels, lodging places, places of public resort, accommodation, assemblage or amusement, and all other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

Credits

[2020 c 274 § 48, eff. June 11, 2020; 1980 c 109 § 1; 1969 c 141 § 1.]

**70.84.020. "Dog guide" defined**

For the purpose of this chapter, the term "dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog trained for the purpose of assisting hearing impaired persons.

CREDIT(S)

[1997 c 271 § 18; 1980 c 109 § 2; 1969 c 141 § 2.]

### **70.84.021. "Service animal" defined**

For the purpose of this chapter, "service animal" means an animal that is trained for the purposes of assisting or accommodating a disabled person's sensory, mental, or physical disability.

CREDIT(S)

[1997 c 271 § 19; 1985 c 90 § 1.]

### **70.84.040. Precautions for drivers of motor vehicles approaching pedestrian who is using a white cane, dog guide, service animal, or wheelchair**

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white in color (with or without a red tip), a totally or partially blind or hearing impaired pedestrian using a dog guide, a person with physical disabilities using a service animal, or a person with a disability using a wheelchair or a power wheelchair as defined in RCW 46.04.415 shall take all necessary precautions to avoid injury to such pedestrian or wheelchair user. Any driver who fails to take such precaution shall be liable in damages for any injury caused such pedestrian or wheelchair user. It shall be unlawful for the operator of any vehicle to drive into or upon any crosswalk while there

**is on such crosswalk such pedestrian or wheelchair user crossing or attempting to cross the roadway, if such pedestrian or wheelchair user is using a white cane, using a dog guide, using a service animal, or using a wheelchair or a power wheelchair as defined in RCW 46.04.415. The failure of any such pedestrian or wheelchair user so to signal shall not deprive him or her of the right-of-way accorded him or her by other laws.**

CREDIT(S)

[2010 c 184 § 1, eff. Aug. 1, 2010; 1997 c 271 § 20; 1985 c 90 § 3; 1980 c 109 § 4; 1971 ex.s. c 77 § 1; 1969 c 141 § 4.]

#### **2010 Legislation**

**Laws 2010, ch. 184, § 1, inserted provisions pertaining to wheelchair users.**

### **70.84.050. Handicapped pedestrians not carrying white cane or using dog guide--Rights and privileges**

**A totally or partially blind pedestrian not carrying a white cane or a totally or partially blind or hearing impaired pedestrian not using a dog guide in any of the places, accommodations, or conveyances listed in RCW 70.84.010, shall have all of the rights and privileges conferred by law on other persons.**

CREDIT(S)

**[1997 c 271 § 21; 1980 c 109 § 5; 1969 c 141 § 5.]**

**70.84.060. Unauthorized use of white cane, dog guide, or service animal**

**It shall be unlawful for any pedestrian who is not totally or partially blind to use a white cane or any pedestrian who is not totally or partially blind or is not hearing impaired to use a dog guide or any pedestrian who is not otherwise physically disabled to use a service animal in any of the places, accommodations, or conveyances listed in RCW 70.84.010 for the purpose of securing the rights and privileges accorded by the chapter to totally or partially blind, hearing impaired, or otherwise physically disabled people.**

CREDIT(S)

**[1997 c 271 § 22; 1985 c 90 § 4; 1980 c 109 § 6; 1969 c 141 § 6.]**

**70.84.070. Penalty for violations**

Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation, who denies or interferes with admittance to or enjoyment of the public facilities enumerated in RCW 70.84.010, or otherwise interferes with the rights of a totally or partially blind, hearing impaired, or otherwise physically disabled person as set forth in RCW 70.84.010 shall be guilty of a misdemeanor.

CREDIT(S)

**[1985 c 90 § 5; 1980 c 109 § 7; 1969 c 141 § 7.]**

**70.84.080. Employment of blind or other handicapped persons in public service**

In accordance with the policy set forth in RCW 70.84.010, the blind, persons with visual disabilities, the hearing impaired, and other persons with disabilities shall be employed in the state service, in the service of the political subdivisions of the state, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as the able-bodied, unless it is shown that the particular disability prevents the performance of the work involved.

Credits

[2020 c 274 § 49, eff. June 11, 2020; 1980 c 109 § 8; 1969 c **141 § 9.**]

**70.84.900. Short title**

This chapter shall be known and may be cited as the "White Cane Law."

**CREDIT(S)**

**[1969 c 141 § 11.]**