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SENATE BILL 6624

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State of Washington

64th Legislature

2016 Regular Session

By Senators Benton and Schoesler

Read first time 02/01/16. Referred to Committee on Law & Justice.

1 AN ACT Relating to including displaying or wearing motorcycle-  
2 related or motorcycle club-related paraphernalia as a factor in  
3 profiling discrimination; and amending RCW 49.60.030.

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

5 **Sec. 1.** RCW 49.60.030 and 2009 c 164 s 1 are each amended to  
6 read as follows:

7 (1) The right to be free from discrimination because of race,  
8 creed, color, national origin, sex, honorably discharged veteran or  
9 military status, sexual orientation, ~~(( $\text{\textcircled{e}}$ ))~~ the presence of any  
10 sensory, mental, or physical disability ~~(( $\text{\textcircled{e}}$ ))~~, the use of a trained  
11 dog guide or service animal by a person with a disability, or wearing  
12 motorcycle-related or motorcycle club-related paraphernalia is  
13 recognized as and declared to be a civil right. This right shall  
14 include, but not be limited to:

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

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

1 (c) The right to engage in real estate transactions without  
2 discrimination, including discrimination against families with  
3 children;

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

6 (e) The right to engage in insurance transactions or transactions  
7 with health maintenance organizations without discrimination:  
8 PROVIDED, That a practice which is not unlawful under RCW 48.30.300,  
9 48.44.220, or 48.46.370 does not constitute an unfair practice for  
10 the purposes of this ~~((subparagraph))~~ subsection (1)(e);

11 (f) The right to engage in commerce free from any discriminatory  
12 boycotts or blacklists. Discriminatory boycotts or blacklists for  
13 purposes of this section shall be defined as the formation or  
14 execution of any express or implied agreement, understanding, policy  
15 or contractual arrangement for economic benefit between any persons  
16 which is not specifically authorized by the laws of the United States  
17 and which is required or imposed, either directly or indirectly,  
18 overtly or covertly, by a foreign government or foreign person in  
19 order to restrict, condition, prohibit, or interfere with or in order  
20 to exclude any person or persons from any business relationship on  
21 the basis of race, color, creed, religion, sex, honorably discharged  
22 veteran or military status, sexual orientation, the presence of any  
23 sensory, mental, or physical disability, ~~((or))~~ the use of a trained  
24 dog guide or service animal by a person with a disability, ~~((or))~~  
25 national origin or lawful business relationship, or wearing  
26 motorcycle-related or motorcycle club-related paraphernalia: PROVIDED  
27 HOWEVER, That nothing herein contained shall prohibit the use of  
28 boycotts as authorized by law pertaining to labor disputes and unfair  
29 labor practices; ~~((and))~~

30 (g) The right of a mother to breastfeed her child in any place of  
31 public resort, accommodation, assemblage, or amusement; and

32 (h) The right to be free from profiling. For the purposes of this  
33 section, profiling means, with or without a legal basis under the  
34 United States Constitution or Washington state Constitution, reliance  
35 on any characteristic of a classification listed in this subsection  
36 as a factor in deciding to (i) stop and question, take enforcement  
37 action, arrest, or search a person or vehicle; or (ii) exclude an  
38 individual or group from any place of public resort, accommodation,  
39 assemblage, or amusement, as defined in RCW 49.60.040(2).

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

9           (3) Except for any unfair practice committed by an employer  
10 against an employee or a prospective employee, or any unfair practice  
11 in a real estate transaction which is the basis for relief specified  
12 in the amendments to RCW 49.60.225 contained in chapter 69, Laws of  
13 1993, any unfair practice prohibited by this chapter which is  
14 committed in the course of trade or commerce as defined in the  
15 Consumer Protection Act, chapter 19.86 RCW, is, for the purpose of  
16 applying that chapter, a matter affecting the public interest, is not  
17 reasonable in relation to the development and preservation of  
18 business, and is an unfair or deceptive act in trade or commerce.

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