

- 1 (1) Actions arising on contract for the recovery of money;
- 2 (2) Actions for damages for injuries to the person, or for taking
3 or detaining personal property, or for injuring personal property, or
4 for an injury to real property when no issue raised by the answer
5 involves the plaintiff's title to or possession of the same and actions
6 to recover the possession of personal property;
- 7 (3) Actions for a penalty;
- 8 (4) Actions upon a bond conditioned for the payment of money, when
9 the amount claimed does not exceed fifty thousand dollars, though the
10 penalty of the bond exceeds that sum, the judgment to be given for the
11 sum actually due, not exceeding the amount claimed in the complaint;
- 12 (5) Actions on an undertaking or surety bond taken by the court;
- 13 (6) Actions for damages for fraud in the sale, purchase, or
14 exchange of personal property;
- 15 (7) Proceedings to take and enter judgment on confession of a
16 defendant;
- 17 (8) Proceedings to issue writs of attachment, garnishment and
18 replevin upon goods, chattels, moneys, and effects;
- 19 (9) Actions arising under the provisions of chapter 19.190 RCW;
- 20 (10) Proceedings to civilly enforce any money judgment entered in
21 any municipal court or municipal department of a district court
22 organized under the laws of this state; and
- 23 (11) All other actions and proceedings of which jurisdiction is
24 specially conferred by statute, when the title to, or right of
25 possession of, real property is not involved.

26 **Sec. 2.** RCW 7.06.020 and 2005 c 472 s 2 are each amended to read
27 as follows:

28 (1) All civil actions, except for appeals from municipal or
29 district courts, which are at issue in the superior court in counties
30 which have authorized arbitration, where the sole relief sought is a
31 money judgment, and where no party asserts a claim in excess of fifteen
32 thousand dollars, or if approved by the superior court of a county by
33 two-thirds or greater vote of the judges thereof, up to (~~fifty~~)
34 seventy-five thousand dollars, exclusive of interest and costs, are
35 subject to mandatory arbitration.

36 (2) If approved by majority vote of the superior court judges of a
37 county which has authorized arbitration, all civil actions which are at

1 issue in the superior court in which the sole relief sought is the
2 establishment, termination or modification of maintenance or child
3 support payments are subject to mandatory arbitration. The
4 arbitrability of any such action shall not be affected by the amount or
5 number of payments involved.

6 **Sec. 3.** RCW 12.40.010 and 2001 c 154 s 1 are each amended to read
7 as follows:

8 In every district court there shall be created and organized by the
9 court a department to be known as the "small claims department of the
10 district court." The small claims department shall have jurisdiction,
11 but not exclusive, in cases for the recovery of money only if the
12 amount claimed does not exceed (~~four~~) five thousand dollars.

13 **MUNICIPAL COURT CONTRACTING**

14 **Sec. 4.** RCW 3.50.003 and 1984 c 258 s 125 are each amended to read
15 as follows:

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

18 (1) "City" means an incorporated city or town.

19 (2) "Contracting city" means any city that contracts with a hosting
20 jurisdiction for the delivery of judicial services.

21 (3) "Hosting jurisdiction" means a county or city designated in an
22 interlocal agreement as receiving compensation for providing judicial
23 services to a contracting city.

24 (4) "Mayor(~~(7)~~)" (~~(as used in this chapter,)~~) means the mayor, city
25 manager, or other chief administrative officer of the city.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 3.50 RCW
27 to read as follows:

28 A city may meet the requirements of RCW 39.34.180 by entering into
29 an interlocal agreement with the county in which the city is located or
30 with one or more cities. The interlocal agreement shall provide that
31 a judge of the hosting jurisdiction sit as the municipal court judge
32 for the contracting city or cities and hear those cases specified in
33 RCW 39.34.180.

1 ((+1)) (a) In an action to which the ((judge)) judicial officer is
2 a party, or in which the ((judge)) judicial officer is directly
3 interested, or in which the ((judge)) judicial officer has been an
4 attorney for a party.

5 ((+2)) (b) When the ((judge)) judicial officer or one of the
6 parties believes that the parties cannot have an impartial trial or
7 hearing before the ((judge)) judicial officer. The judicial officer
8 shall disqualify himself or herself under the provisions of this
9 section if, before any discretionary ruling has been made, a party
10 files an affidavit that the party cannot have a fair and impartial
11 trial or hearing by reason of the interest or prejudice of the judicial
12 officer. The following are not considered discretionary rulings: (i)
13 The arrangement of the calendar; (ii) the setting of an action, motion,
14 or proceeding for hearing or trial; (iii) the arraignment of the
15 accused; or (iv) the fixing of bail. Only one change of ((judges shall
16 be)) judicial officer is allowed each party ((under this subsection))
17 in an action or proceeding.

18 (2) When a ((judge)) judicial officer is disqualified under this
19 section, the case shall be heard before another ((~~judge or judge pro~~
20 ~~tempore~~)) judicial officer of the same county.

21 (3) For the purposes of this section, "judicial officer" means a
22 judge, judge pro tempore, or court commissioner.

23 **Sec. 9.** RCW 3.50.075 and 1994 c 10 s 1 are each amended to read as
24 follows:

25 (1) One or more court commissioners may be appointed by a judge of
26 the municipal court.

27 (2) Each commissioner holds office at the pleasure of the
28 appointing judge.

29 (3) A commissioner authorized to hear or dispose of cases must be
30 a lawyer who is admitted to practice law in the state of Washington or
31 a nonlawyer who has passed, by January 1, 2003, the qualifying
32 examination for lay judges for courts of limited jurisdiction under RCW
33 3.34.060.

34 (4) When serving as a commissioner, the commissioner does not have
35 authority to preside over trials in criminal matters, or jury trials in
36 civil matters unless agreed to on the record by all parties.

1 (5) A commissioner need not be a resident of the city or of the
2 county in which the municipal court is created. When a court
3 commissioner has not been appointed and the municipal court is presided
4 over by a part-time appointed judge, the judge need not be a resident
5 of the city or of the county in which the municipal court is created.

6 NEW SECTION. **Sec. 10.** A new section is added to chapter 3.50 RCW
7 to read as follows:

8 (1) A municipal court judicial officer shall not preside in any of
9 the following cases:

10 (a) In an action to which the judicial officer is a party, or in
11 which the judicial officer is directly interested, or in which the
12 judicial officer has been an attorney for a party.

13 (b) When the judicial officer or one of the parties believes that
14 the parties cannot have an impartial trial or hearing before the
15 judicial officer. The judicial officer shall disqualify himself or
16 herself under the provisions of this section if, before any
17 discretionary ruling has been made, a party files an affidavit that the
18 party cannot have a fair and impartial trial or hearing by reason of
19 the interest or prejudice of the judicial officer. The following are
20 not considered discretionary rulings: (i) The arrangement of the
21 calendar; (ii) the setting of an action, motion, or proceeding for
22 hearing or trial; (iii) the arraignment of the accused; or (iv) the
23 fixing of bail. Only one change of judicial officer is allowed each
24 party in an action or proceeding.

25 (2) When a judicial officer is disqualified under this section, the
26 case shall be heard before another judicial officer of the
27 municipality.

28 (3) For the purposes of this section, "judicial officer" means a
29 judge, judge pro tempore, or court commissioner.

30 **Sec. 11.** RCW 35.20.155 and 1996 c 16 s 3 are each amended to read
31 as follows:

32 When so authorized by the city legislative authority, the judges of
33 the city may appoint one or more municipal court commissioners. A
34 commissioner must be a registered voter of the city, and shall hold
35 office at the pleasure of the appointing judges. A person appointed as
36 a commissioner authorized to hear or dispose of cases must be a lawyer

1 who is admitted to the practice of law in the state of Washington. A
2 commissioner has such power, authority, and jurisdiction in criminal
3 and civil matters as the appointing judges possess and may prescribe,
4 except that when serving as a commissioner, the commissioner does not
5 have authority to preside over trials in criminal matters, or jury
6 trials in civil matters unless agreed to on the record by all parties.

7 NEW SECTION. **Sec. 12.** A new section is added to chapter 35.20 RCW
8 to read as follows:

9 (1) A municipal court judicial officer shall not preside in any of
10 the following cases:

11 (a) In an action to which the judicial officer is a party, or in
12 which the judicial officer is directly interested, or in which the
13 judicial officer has been an attorney for a party.

14 (b) When the judicial officer or one of the parties believes that
15 the parties cannot have an impartial trial or hearing before the
16 judicial officer. The judicial officer shall disqualify himself or
17 herself under the provisions of this section if, before any
18 discretionary ruling has been made, a party files an affidavit that the
19 party cannot have a fair and impartial trial or hearing by reason of
20 the interest or prejudice of the judicial officer. The following are
21 not considered discretionary rulings: (i) The arrangement of the
22 calendar; (ii) the setting of an action, motion, or proceeding for
23 hearing or trial; (iii) the arraignment of the accused; or (iv) the
24 fixing of bail. Only one change of judicial officer is allowed each
25 party in an action or proceeding.

26 (2) When a judicial officer is disqualified under this section, the
27 case shall be heard before another judicial officer of the
28 municipality.

29 (3) For the purposes of this section, "judicial officer" means a
30 judge, judge pro tempore, or court commissioner.

31 **TASK FORCE ON ACCESS TO JUSTICE FOR VICTIMS**
32 **OF DOMESTIC VIOLENCE AND HARASSMENT**

33 NEW SECTION. **Sec. 13.** (1)(a) A legislative task force on access
34 to justice for victims of domestic violence and harassment is

1 established. The task force shall consist of the following thirteen
2 members:

3 (i) One member from each of the two largest caucuses of the senate,
4 appointed by the president of the senate;

5 (ii) One member from each of the two largest caucuses of the house
6 of representatives, appointed by the speaker of the house of
7 representatives;

8 (iii) One superior court judge, appointed by the superior court
9 judges association;

10 (iv) One district court judge and one municipal court judge,
11 appointed by the district and municipal court judges association;

12 (v) One representative of municipalities, appointed by the
13 association of Washington cities;

14 (vi) One representative of counties, appointed by the Washington
15 state association of counties;

16 (vii) One representative of domestic violence victims, appointed by
17 the Washington state coalition against domestic violence;

18 (viii) One representative of the criminal defense bar, appointed
19 jointly by the Washington association of criminal defense lawyers and
20 the Washington defenders association;

21 (ix) One representative of prosecuting attorneys, appointed by the
22 Washington association of prosecuting attorneys; and

23 (x) One representative of law enforcement, appointed by the
24 Washington association of sheriffs and police chiefs.

25 (b) The task force shall choose its chair from among its
26 legislative membership.

27 (2) The task force shall examine ways to improve access to the
28 courts of limited jurisdiction for victims of domestic violence and
29 harassment. Issues the task force shall review include:

30 (a) Necessary victim support and advocacy services available at or
31 through the court;

32 (b) Desirable training requirements for judicial officers and other
33 court personnel involved in domestic violence and antiharassment
34 matters;

35 (c) Necessary infrastructure, such as facilities and security, for
36 the handling of domestic violence and antiharassment matters; and

37 (d) Effective coordination between the various trial courts within
38 the jurisdiction in providing access to victims seeking protection

1 orders, including issues relating to the potential for overlapping or
2 redundant court services in the jurisdiction and possible cost sharing
3 or reimbursement arrangements for handling domestic violence and
4 antiharassment matters.

5 (3) Staff support for the task force shall be provided by senate
6 committee services and the house of representatives office of program
7 research.

8 (4) Legislative members of the task force are reimbursed for travel
9 expenses in accordance with RCW 44.04.120. Nonlegislative members,
10 except those representing an employer or organization, are entitled to
11 be reimbursed for travel expenses in accordance with RCW 43.03.050 and
12 43.03.060.

13 (5) The expenses of the task force shall be paid jointly by the
14 senate and the house of representatives. Task force expenditures are
15 subject to approval by the senate facilities and operations committee
16 and the house of representatives executive rules committee, or their
17 successor committees.

18 (6) The task force shall report its findings and recommendations to
19 the appropriate committees of the legislature by December 1, 2008.

20 (7) This section expires December 31, 2008.

21 **MUNICIPAL DEPARTMENTS**

22 NEW SECTION. **Sec. 14.** A new section is added to chapter 3.46 RCW
23 to read as follows:

24 A municipality operating a municipal department under this chapter
25 prior to July 1, 2008, may continue to operate as if this act was not
26 adopted. Such municipal departments shall remain subject to the
27 provisions of this chapter as this chapter was written prior to the
28 adoption of this act.

29 NEW SECTION. **Sec. 15.** The following acts or parts of acts are
30 each repealed:

31 (1) RCW 3.46.010 (Municipal department authorized) and 1984 c 258
32 s 72 & 1961 c 299 s 35;

33 (2) RCW 3.46.020 (Judges) and 1987 c 3 s 1, 1984 c 258 s 73, & 1961
34 c 299 s 36;

1 (3) RCW 3.46.030 (Jurisdiction) and 2005 c 282 s 13, 2000 c 111 s
2 5, 1985 c 303 s 13, & 1961 c 299 s 37;
3 (4) RCW 3.46.040 (Petition) and 1984 c 258 s 74 & 1961 c 299 s 38;
4 (5) RCW 3.46.050 (Selection of full time judges) and 1975 c 33 s 2
5 & 1961 c 299 s 39;
6 (6) RCW 3.46.060 (Selection of part time judges) and 1984 c 258 s
7 75 & 1961 c 299 s 40;
8 (7) RCW 3.46.063 (Judicial positions--Filling--Circumstances
9 permitted) and 1993 c 317 s 3;
10 (8) RCW 3.46.067 (Judges--Residency requirement) and 1993 c 317 s
11 5;
12 (9) RCW 3.46.070 (Election) and 1984 c 258 s 76 & 1961 c 299 s 41;
13 (10) RCW 3.46.080 (Term and removal) and 1984 c 258 s 77 & 1961 c
14 299 s 42;
15 (11) RCW 3.46.090 (Salary--City cost) and 1984 c 258 s 78, 1969
16 ex.s. c 66 s 5, & 1961 c 299 s 43;
17 (12) RCW 3.46.100 (Vacancy) and 1984 c 258 s 79 & 1961 c 299 s 44;
18 (13) RCW 3.46.110 (Night sessions) and 1961 c 299 s 45;
19 (14) RCW 3.46.120 (Revenue--Disposition--Interest) and 2004 c 15 s
20 7, 1995 c 291 s 2, 1988 c 169 s 1, 1985 c 389 s 3, 1984 c 258 s 303,
21 1975 1st ex.s. c 241 s 4, & 1961 c 299 s 46;
22 (15) RCW 3.46.130 (Facilities) and 1961 c 299 s 47;
23 (16) RCW 3.46.140 (Personnel) and 1961 c 299 s 48;
24 (17) RCW 3.46.145 (Court commissioners) and 1969 ex.s. c 66 s 6;
25 (18) RCW 3.46.150 (Termination of municipal department--Transfer
26 agreement--Notice) and 2005 c 433 s 33, 2001 c 68 s 2, 1984 c 258 s
27 210, & 1961 c 299 s 49;
28 (19) RCW 3.46.160 (City trial court improvement account--
29 Contributions to account by city--Use of funds) and 2005 c 457 s 2;
30 (20) RCW 3.42.030 (Transfer of cases to district judge) and 2000 c
31 164 s 1, 1984 c 258 s 32, & 1961 c 299 s 33; and
32 (21) RCW 3.50.007 (Cities and towns of four hundred thousand or
33 less to operate municipal court under this chapter or chapter 3.46
34 RCW--Municipal judges in office on July 1, 1984--Terms) and 1984 c 258
35 s 102.

MISCELLANEOUS PROVISIONS

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2 NEW SECTION. **Sec. 16.** This act takes effect July 1, 2008.

3 NEW SECTION. **Sec. 17.** Subheadings used in this act are not any
4 part of the law.

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