
ENGROSSED HOUSE BILL 1202

State of Washington 56th Legislature 1999 Regular Session

By Representatives Constantine, Sheahan and Carrell

Read first time 01/19/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to judicial officers in district and municipal
2 courts; amending RCW 3.42.010, 3.42.020, 3.42.040, 3.46.020, 3.50.075,
3 7.80.010, 26.04.050, 46.63.040, 3.34.080, 35.20.155, and 35.20.205;
4 adding a new section to chapter 3.42 RCW; and creating a new section.

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

6 **Sec. 1.** RCW 3.42.010 and 1984 c 258 s 30 are each amended to read
7 as follows:

8 (1) When so authorized by the districting plan, one or more
9 district court commissioners may be appointed in any district by the
10 judges of the district. Each commissioner shall be a registered voter
11 of the county in which the district or a portion thereof is located,
12 and ((shall hold office at the pleasure of)) may be disciplined or
13 terminated for cause by the appointing judges.

14 (2) When authorized by a city legislative authority, one or more
15 municipal court commissioners may be appointed in any municipality by
16 the municipal court judges. A commissioner may be disciplined or
17 terminated for cause by the appointing judges.

18 (3) Any person appointed as a commissioner authorized to hear or
19 dispose of cases shall:

1 (a) Be a lawyer who is admitted to the practice of law in the state
2 of Washington; or
3 ~~((who has))~~ (b) Have passed the qualifying examination for lay
4 judges as provided under RCW 3.34.060.

5 **Sec. 2.** RCW 3.42.020 and 1984 c 258 s 31 are each amended to read
6 as follows:

7 Each ~~((district))~~ court commissioner shall have such power,
8 authority, and jurisdiction in criminal and civil matters as the
9 appointing judges possess ~~((and shall prescribe))~~ unless a written
10 appointment prescribes a lesser power, authority, and jurisdiction.

11 **Sec. 3.** RCW 3.42.040 and 1984 c 258 s 33 are each amended to read
12 as follows:

13 ~~((District))~~ Court commissioners shall receive such compensation as
14 the county or city legislative authority ~~((or city council))~~ shall
15 provide.

16 **Sec. 4.** RCW 3.46.020 and 1987 c 3 s 1 are each amended to read as
17 follows:

18 Each judge of a municipal department shall be a judge or
19 commissioner of the district court in which the municipal department is
20 situated. Such judge shall be designated as a municipal judge.

21 **Sec. 5.** RCW 3.50.075 and 1994 c 10 s 1 are each amended to read as
22 follows:

23 When so authorized by the city legislative authority, one or more
24 court commissioners may be appointed by a judge of the municipal court.
25 ~~((Each commissioner holds office at the pleasure of))~~ A commissioner
26 may be disciplined or terminated for cause by the appointing judge. A
27 commissioner authorized to hear or dispose of cases must be ~~((a lawyer~~
28 ~~who is admitted to practice law in the state of Washington or a~~
29 ~~nonlawyer who has passed the qualifying examination for lay judges for~~
30 ~~courts of limited jurisdiction under RCW 3.34.060))~~ qualified as set
31 forth in RCW 3.42.010.

32 A commissioner need not be a resident of the city or of the county
33 in which the municipal court is created. When a court commissioner has
34 not been appointed and the municipal court is presided over by a part-

1 time appointed judge, the judge need not be a resident of the city or
2 of the county in which the municipal court is created.

3 The provisions of chapter 3.42 RCW apply to court commissioners
4 appointed pursuant to this chapter.

5 **Sec. 6.** RCW 7.80.010 and 1987 c 456 s 9 are each amended to read
6 as follows:

7 (1) All violations of state law, local law, ordinance, regulation,
8 or resolution designated as civil infractions may be heard and
9 determined by a district court, except as otherwise provided in this
10 section.

11 (2) Any municipal court has the authority to hear and determine
12 pursuant to this chapter civil infractions that are established by
13 municipal ordinance and that are committed within the jurisdiction of
14 the municipality.

15 (3) Any city or town with a municipal court under chapter 3.50 RCW
16 may contract with the county to have civil infractions that are
17 established by city or town ordinance and that are committed within the
18 city or town adjudicated by a district court.

19 (4) District and municipal court commissioners have the authority
20 to hear and determine civil infractions pursuant to this chapter.

21 (5) Nothing in this chapter prevents any city, town, or county from
22 hearing and determining civil infractions pursuant to its own system
23 established by ordinance.

24 **Sec. 7.** RCW 26.04.050 and 1987 c 291 s 1 are each amended to read
25 as follows:

26 The following named officers and persons, active or retired, are
27 hereby authorized to solemnize marriages, to wit: Justices of the
28 supreme court, judges of the court of appeals, judges and commissioners
29 of the superior courts, ((superior court commissioners,)) judges and
30 full-time commissioners of courts of limited jurisdiction, and any
31 regularly licensed or ordained minister or any priest of any church or
32 religious denomination((, and judges of courts of limited jurisdiction
33 as defined in RCW 3.02.010)). For purposes of this section, the term
34 "full-time commissioners" has the same meaning as defined in chapter
35 3.42 RCW, and the term "courts of limited jurisdiction" has the same
36 meaning as defined in RCW 3.02.010.

1 **Sec. 8.** RCW 46.63.040 and 1984 c 258 s 137 are each amended to
2 read as follows:

3 (1) All violations of state law, local law, ordinance, regulation,
4 or resolution designated as traffic infractions in RCW 46.63.020 may be
5 heard and determined by a district court, except as otherwise provided
6 in this section.

7 (2) Any municipal court has the authority to hear and determine
8 traffic infractions pursuant to this chapter.

9 (3) Any city or town with a municipal court may contract with the
10 county to have traffic infractions committed within the city or town
11 adjudicated by a district court.

12 (4) District and municipal court commissioners have the authority
13 to hear and determine traffic infractions pursuant to this chapter.

14 (5) The boards of regents of the state universities, and the boards
15 of trustees of the regional universities and of The Evergreen State
16 College have the authority to hear and determine traffic infractions
17 under RCW 28B.10.560.

18 **Sec. 9.** RCW 3.34.080 and 1984 c 258 s 14 are each amended to read
19 as follows:

20 Each district judge, district judge pro tempore and district court
21 commissioner shall, before entering upon the duties of office, take an
22 oath to support the Constitution of the United States and the
23 Constitution and laws of the state of Washington, and to perform the
24 duties of the office faithfully and impartially and to the best of his
25 or her ability, which oath shall be filed in the office of the county
26 auditor.

27 **Sec. 10.** RCW 35.20.155 and 1996 c 16 s 3 are each amended to read
28 as follows:

29 When so authorized by the city legislative authority, the judges of
30 the city may appoint one or more municipal court commissioners. A
31 commissioner must be a registered voter of the city, and (~~shall hold~~
32 ~~office at the pleasure of~~) may be disciplined or terminated for cause
33 by the appointing judges. A person appointed as a commissioner
34 authorized to hear or dispose of cases must be a lawyer who is admitted
35 to the practice of law in the state of Washington. A commissioner has
36 such power, authority, and jurisdiction in criminal and civil matters
37 as the appointing judges possess and may prescribe.

1 NEW SECTION. **Sec. 11.** Chapter 3.42 RCW shall be retitled
2 "District and Municipal Court Commissioners."

3 NEW SECTION. **Sec. 12.** A new section is added to chapter 3.42 RCW
4 to read as follows:

5 A full-time commissioner is a commissioner who is compensated for
6 thirty-five or more hours of work per week.

7 **Sec. 13.** RCW 35.20.205 and 1980 c 128 s 7 are each amended to read
8 as follows:

9 The judges of the municipal court may employ judicial officers to
10 assist in the administration of justice and the accomplishment of the
11 work of the court as said work may be assigned to it by statute or
12 ordinance. The duties and responsibilities of such officers shall be
13 judicial in nature and shall be fixed by court rule as adopted by the
14 municipal court judges or fixed by ordinance of the city. The judicial
15 officers may be authorized to hear and determine cases involving the
16 commission of traffic infractions as provided in chapter 46.63 RCW and
17 other cases involving the commission of civil infractions and
18 violations as provided for in chapter 7.80 RCW. The mayor may appoint
19 the judicial officers as judges pro tempore pursuant to RCW 35.20.200:
20 PROVIDED, That the judicial officer need not be a resident of the city.

21 To utilize the services of such judicial officers for the purpose
22 of hearing contested matters relating to the interest of the city and
23 its citizens and the operation of the various departments of the city,
24 the city may by ordinance create the office of hearing examiner in the
25 municipal court and assign to it judicial duties and responsibilities.

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