

WSR 23-23-098
RULES OF COURT
STATE SUPREME COURT
[November 9, 2023]

IN THE MATTER OF THE) ORDER
SUGGESTED AMENDMENT TO IRLJ) NO. 25700-A-1548
2.6—SCHEDULING OF HEARINGS)

The District and Municipal Court Judges' Association, having recommended the adoption of the suggested amendment to IRLJ 2.6—Scheduling of Hearings, and the Court having considered the suggested amendment, and having determined that the suggested amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendment as shown below is adopted.

(b) The purpose statement is published solely for the information of the Bench, Bar, and other interested parties.

(c) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendment will be expeditiously published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 9th day of November, 2023.

Johnson, J.
Madsen, J.
Owens, J.
Stephens, J.
Gonzalez, C.J.
Gordon McCloud, J.
Yu, J.
Montoya-Lewis, J.
Whitener, J.

GENERAL RULE 9
RULE AMENDMENT COVER SHEET

PROPOSED AMENDMENT TO INFRACTION RULE FOR COURTS OF LIMITED JURISDICTION 2.6 (IRLJ 2.6)

- 1. Proponent Organization: District and Municipal Court Judges' Association (DMCJA)
2. Spokespersons: Judge Jeffrey R. Smith, President DMCJA; Judge Catherine McDowall, Co-Chair DMCJA Court Rules Committee; Judge Wade Samuelson, Co-Chair DMCJA Court Rules Committee.
3. Purpose of Proposed Rule Amendment: IRLJ 2.4 was recently amended, enlarging the driver's response deadline from 15 days (18 days if the notice was served by mail) to 30 days (33 days if the notice was served by mail). IRLJ 2.6 (a)(i) was not amended at that time, effectively reducing the amount of time each court has to schedule a prehearing conference by 15 days. This proposed amendment lengthens the scheduling deadline from 45 days to 60 days.
4. Hearing: No, because the change is not of general public interest.
5. Expedited Consideration: Yes, because this is a largely a technical amendment that should have been previously considered when IRLJ 2.4 was amended, and courts face a significant burden to comply with the rule as it currently exists.

IRLJ 2.6
SCHEDULING OF HEARINGS

(a) Contested Hearings.

(1) Except as provided in sections (1)(i) and (ii), upon receipt of a response submitted pursuant to rule 2.4 (b)(2), the court shall schedule a hearing to determine whether the defendant committed the infraction. The hearing shall be scheduled for not less than 14 days from the date the written notice of hearing is sent by the court, nor more than 120 days from the date of the notice of infraction or the date a default judgment is set aside.

(i) If authorized by local court rule, a defendant who requests a contested hearing may first be scheduled for a prehearing conference, which shall be scheduled for not less than 14 days from the date the written notice of the hearing is sent by the court nor more than ~~45~~ 60 days from the date of the notice of infraction or the date a default judgment is set aside.

Reviser's note: The typographical error in the above material occurred in the copy filed by the state supreme court and appears in the Register pursuant to the requirements of RCW 34.08.040.