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SENATE BILL 5117

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Haugen and Niemi

Read first time 01/13/93. Referred to Committee on Law & Justice.

1 AN ACT Relating to municipal courts; and amending RCW 3.34.010,  
2 3.46.040, 3.46.050, 3.50.010, 3.50.040, 3.50.050, 3.50.060, 3.50.070,  
3 and 46.63.110.

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

5 **Sec. 1.** RCW 3.34.010 and 1991 c 354 s 1 are each amended to read  
6 as follows:

7 The number of district judges to be elected in each county shall  
8 be: Adams, three; Asotin, one; Benton, two; Chelan, one; Clallam, one;  
9 Clark, four; Columbia, one; Cowlitz, two; Douglas, one; Ferry, two;  
10 Franklin, one; Garfield, one; Grant, one; Grays Harbor, two; Island,  
11 three; Jefferson, one; King, twenty-six; Kitsap, two; Kittitas, two;  
12 Klickitat, two; Lewis, two; Lincoln, one; Mason, one; Okanogan, two;  
13 Pacific, two; Pend Oreille, two; Pierce, eleven; San Juan, one; Skagit,  
14 three; Skamania, one; Snohomish, eight; Spokane, nine; Stevens, two;  
15 Thurston, one; Wahkiakum, one; Walla Walla, three; Whatcom, two;  
16 Whitman, two; Yakima, six: PROVIDED, That this number may be increased  
17 in accordance with a resolution of the county commissioners under RCW  
18 3.34.020. Whenever a municipal court established pursuant to chapter  
19 3.50 RCW is terminated, the number of full-time municipal court judge

1 positions in the terminated court shall be added to the base number of  
2 district court judge positions authorized for the county in which the  
3 municipality is located. Where the municipality is located in more  
4 than one county, the judge positions shall be added to the base number  
5 of district court judge positions for the county in which a majority of  
6 the citizens of the municipality reside.

7 **Sec. 2.** RCW 3.46.040 and 1984 c 258 s 74 are each amended to read  
8 as follows:

9 Establishment of a municipal department shall be initiated by a  
10 petition from the legislative body of the city to the county  
11 legislative authority. Such petition shall be filed not less than  
12 thirty days prior to February 1, 1962, or any subsequent year, and  
13 shall set forth: (1) The number of full time and part time judges  
14 required for the municipal department; and (2) the amount of time for  
15 which a part time judge will be required for the municipal  
16 department(~~(; and (3) whether the full time judge or judges will be~~  
17 ~~elected or appointed)).~~ In a petition filed subsequent to 1962  
18 provision shall be made for temporary appointment of a municipal judge  
19 to fill each elective position until the next election for district  
20 judges. The petition shall be forthwith transmitted to the districting  
21 committee. The organization of the municipal department shall be  
22 incorporated into the districting plan. The districting committee in  
23 its plan shall designate the proportion of the salary of each judge  
24 serving as a part time municipal judge to be paid by the city, which  
25 shall be proportionate to the time of such judge allotted to the  
26 municipal department by the districting plan. A city may withdraw its  
27 petition any time prior to adoption of the districting plan by the  
28 county legislative authority, and thereupon the municipal department  
29 pursuant to this chapter shall not be established.

30 **Sec. 3.** RCW 3.46.050 and 1975 c 33 s 2 are each amended to read as  
31 follows:

32 Each city (~~(may)~~) shall select its full time municipal judge or  
33 judges by election(~~(, or by appointment in such manner as the city~~  
34 ~~legislative body determines:— PROVIDED, That in cities having a~~  
35 ~~population in excess of four hundred thousand, the municipal judges~~  
36 ~~shall be elected)).~~

1       **Sec. 4.** RCW 3.50.010 and 1984 c 258 s 103 are each amended to read  
2 as follows:

3       Any city or town with a population of four hundred thousand or less  
4 may by ordinance, enacted before the effective date of this act,  
5 provide for an inferior court to be known and designated as a municipal  
6 court, which shall be entitled "The Municipal Court of  
7 . . . . . (insert name of city or town)", hereinafter  
8 designated and referred to as "municipal court", which court shall have  
9 jurisdiction and shall exercise all powers by this chapter declared to  
10 be vested in the municipal court, together with such other powers and  
11 jurisdiction as are generally conferred upon such court in this state  
12 either by common law or by express statute.

13       **Sec. 5.** RCW 3.50.040 and 1984 c 258 s 106 are each amended to read  
14 as follows:

15       Within thirty days after the effective date of the ordinance  
16 creating the municipal court, the mayor of each city or town shall  
17 appoint a municipal judge or judges of the municipal court for a term  
18 of four years. The terms of judges serving on July 1, 1984, and  
19 municipal judges who are appointed to terms commencing before January  
20 1, 1986, shall expire January 1, 1986. The terms of their successors  
21 shall commence on January 1, 1986, and on January 1 of each fourth year  
22 thereafter, pursuant to (~~appointment or~~) election as provided in this  
23 chapter. (~~Appointments shall be made on or before December 1 of the~~  
24 ~~year next preceding the year in which the terms commence.~~)

25       The legislative authority of a city or town that has the general  
26 power of confirmation over mayoral appointments shall have the power to  
27 confirm the appointment of a municipal judge.

28       A person appointed as a full-time or part-time municipal judge  
29 shall be a citizen of the United States of America and of the state of  
30 Washington; and an attorney admitted to practice law before the courts  
31 of record of the state of Washington: PROVIDED, That in a municipality  
32 having a population less than five thousand persons, a person other  
33 than an attorney may be the judge. Any city or town shall have  
34 authority to appoint a district judge as its municipal judge when the  
35 municipal judge is not required to serve full time. In the event of  
36 the appointment of a district judge, the city or town shall pay a pro  
37 rata share of the salary.

1       **Sec. 6.** RCW 3.50.050 and 1984 c 258 s 107 are each amended to read  
2 as follows:

3       In any city with a municipal court created pursuant to this chapter  
4 in which the judges are appointed, the legislative authority of the  
5 city or town ((may)) shall, by ordinance, provide that the position of  
6 municipal judge within the city or town shall be an elective position.  
7 ((The ordinance shall provide for)) In all cities with a municipal  
8 court created pursuant to this chapter, the qualifications of the  
9 municipal judge ((which)) shall be the same as the qualifications  
10 necessary for ((the appointment thereof)) district court judges; and  
11 further, ((shall provide that)) the municipal judge shall be elected in  
12 the same manner as other elective city officials are elected to office,  
13 and that the term of the municipal judge shall be for a term of four  
14 years ((commencing on January 1, 1986, and every four years  
15 thereafter)). In any city changing from an appointive to an elective  
16 system pursuant to this section, the term of elected municipal court  
17 judges shall commence on January 1, 1994. Municipal court judges  
18 serving under appointment on the effective date of this act may  
19 continue in office until the election of their successor. Whenever  
20 more than one part-time municipal court judge is serving a court and  
21 the combined workload of the part time judges equals or exceeds the  
22 workload of a full-time municipal judge, the part-time municipal judges  
23 shall be elected pursuant to the terms of this section.

24       **Sec. 7.** RCW 3.50.060 and 1984 c 258 s 108 are each amended to read  
25 as follows:

26       A city or town electing to establish a municipal court pursuant to  
27 this chapter may terminate such court by adoption of an appropriate  
28 ordinance. However no municipal court may be terminated unless the  
29 municipality has complied with RCW 3.50.805, 35.22.425, 35.23.595,  
30 35.24.455, 35.27.515, 35.30.100, and 35A.11.200.

31       ~~((A city or town newly establishing a municipal court pursuant to  
32 this chapter shall do so by adoption of an appropriate ordinance on or  
33 before December 1 of any year, to take effect January 1 of the  
34 following year.))~~

35       **Sec. 8.** RCW 3.50.070 and 1984 c 258 s 109 are each amended to read  
36 as follows:

1 Additional ~~((full or part time))~~ full-time judges may be  
2 ~~((appointed or))~~ elected, as provided by ordinance of the legislative  
3 body of the city or town, when public interest and the administration  
4 of justice makes such additional judge or judges necessary.

5 Additional part-time judges may be appointed or elected, as  
6 provided by ordinance of the legislative body of the city or town, when  
7 public interest and the administration of justice makes such additional  
8 part-time judge or judges necessary. However, if a city or town  
9 employs more than one part-time judge and the workload of those judges  
10 equals or exceeds the workload of a full-time judge, the part-time  
11 judges shall be elected.

12 **Sec. 9.** RCW 46.63.110 and 1986 c 213 s 2 are each amended to read  
13 as follows:

14 (1) A person found to have committed a traffic infraction shall be  
15 assessed a monetary penalty. No penalty may exceed two hundred and  
16 fifty dollars for each offense unless authorized by this chapter or  
17 title.

18 (2) The supreme court shall prescribe by rule a schedule of  
19 monetary penalties for designated traffic infractions. ~~((This rule  
20 shall also specify the conditions under which local courts may exercise  
21 discretion in assessing fines and penalties for traffic infractions.))~~  
22 The legislature respectfully requests the supreme court to adjust this  
23 schedule every two years for inflation.

24 (3) There shall be a penalty of twenty-five dollars for failure to  
25 respond to a notice of traffic infraction except where the infraction  
26 relates to parking as defined by local law, ordinance, regulation, or  
27 resolution or failure to pay a monetary penalty imposed pursuant to  
28 this chapter. A local legislative body may set a monetary penalty not  
29 to exceed twenty-five dollars for failure to respond to a notice of  
30 traffic infraction relating to parking as defined by local law,  
31 ordinance, regulation, or resolution. The local court, whether a  
32 municipal, police, or district court, shall impose the monetary penalty  
33 set by the local legislative body.

34 (4) Monetary penalties provided for in chapter 46.70 RCW which are  
35 civil in nature and penalties which may be assessed for violations of  
36 chapter 46.44 RCW relating to size, weight, and load of motor vehicles  
37 are not subject to the limitation on the amount of monetary penalties  
38 which may be imposed pursuant to this chapter.

1       (5) Whenever a monetary penalty is imposed by a court under this  
2 chapter it is immediately payable. If the person is unable to pay at  
3 that time the court may, in its discretion, grant an extension of the  
4 period in which the penalty may be paid. If the penalty is not paid on  
5 or before the time established for payment the court shall notify the  
6 department of the failure to pay the penalty, and the department may  
7 not renew the person's driver's license until the penalty has been paid  
8 and the penalty provided in subsection (3) of this section has been  
9 paid.

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