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HOUSE BILL 2908

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State of Washington                      55th Legislature                      1998 Regular Session

By Representatives Sheahan, Mason, Dunshee, Robertson and Lantz

Read first time 01/22/98. Referred to Committee on Law & Justice.

1            AN ACT Relating to court commissioners; amending RCW 3.42.010,  
2 3.42.020, 3.42.040, 3.46.020, 7.80.010, 26.04.050, and 46.63.040; and  
3 repealing RCW 3.42.030.

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

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

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

12            (2) When authorized by a city council, one or more municipal court  
13 commissioners may be appointed in any municipality by the municipal  
14 court judges. Each commissioner shall hold office at the pleasure of  
15 the appointing judges.

16            (3) Any person appointed as a commissioner authorized to hear or  
17 dispose of cases shall be a lawyer who is admitted to the practice of  
18 law in the state of Washington or ((who)) has passed the qualifying  
19 examination for lay judges ((as provided under RCW 3.34.060)).

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

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

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

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

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

14       Each judge of a municipal department shall be a judge or  
15 commissioner of the district court in which the municipal department is  
16 situated. Such judge shall be designated as a municipal judge.

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

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

23       (2) Any municipal court has the authority to hear and determine  
24 pursuant to this chapter civil infractions that are established by  
25 municipal ordinance and that are committed within the jurisdiction of  
26 the municipality.

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

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

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

1       **Sec. 6.** RCW 26.04.050 and 1987 c 291 s 1 are each amended to read  
2 as follows:

3       The following named officers and persons, active or retired, are  
4 hereby authorized to solemnize marriages, to wit: Justices of the  
5 supreme court, judges of the court of appeals, judges and commissioners  
6 of the superior courts, (~~(superior court commissioners,)~~) judges and  
7 commissioners of courts of limited jurisdiction as defined in RCW  
8 3.02.010 or 35.20.010, and any regularly licensed or ordained minister  
9 or any priest of any church or religious denomination(~~(, and judges of~~  
10 ~~courts of limited jurisdiction as defined in RCW 3.02.010)~~)).

11       **Sec. 7.** RCW 46.63.040 and 1984 c 258 s 137 are each amended to  
12 read as follows:

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

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

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

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

24       (5) The boards of regents of the state universities, and the boards  
25 of trustees of the regional universities and of The Evergreen State  
26 College have the authority to hear and determine traffic infractions  
27 under RCW 28B.10.560.

28       NEW SECTION. **Sec. 8.** RCW 3.42.030 and 1984 c 258 s 32 & 1961 c  
29 299 s 33 are each repealed.

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