
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, and 3.34.080; creating a new section;
4 and repealing RCW 3.42.030.

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 the appointing judges.

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

17 (3) Any person appointed as a commissioner authorized to hear or
18 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 NEW SECTION. **Sec. 3.** RCW 3.42.030 and 1984 c 258 s 32 & 1961 c
12 299 s 33 are each repealed.

13 **Sec. 4.** RCW 3.42.040 and 1984 c 258 s 33 are each amended to read
14 as follows:

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

18 **Sec. 5.** RCW 3.46.020 and 1987 c 3 s 1 are each amended to read as
19 follows:

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

23 **Sec. 6.** RCW 3.50.075 and 1994 c 10 s 1 are each amended to read as
24 follows:

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

33 A commissioner need not be a resident of the city or of the county
34 in which the municipal court is created. When a court commissioner has

1 not been appointed and the municipal court is presided over by a part-
2 time appointed judge, the judge need not be a resident of the city or
3 of the county in which the municipal court is created.

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

6 **Sec. 7.** RCW 7.80.010 and 1987 c 456 s 9 are each amended to read
7 as follows:

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

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

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

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

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

25 **Sec. 8.** RCW 26.04.050 and 1987 c 291 s 1 are each amended to read
26 as follows:

27 The following named officers and persons, active or retired, are
28 hereby authorized to solemnize marriages, to wit: Justices of the
29 supreme court, judges of the court of appeals, judges and commissioners
30 of the superior courts, (~~(superior court commissioners,)~~) judges and
31 full-time commissioners of courts of limited jurisdiction as defined in
32 RCW 3.02.010 or 35.20.010, and any regularly licensed or ordained
33 minister or any priest of any church or religious denomination(~~(, and~~
34 ~~judges of courts of limited jurisdiction as defined in RCW 3.02.010))~~).

35 **Sec. 9.** RCW 46.63.040 and 1984 c 258 s 137 are each amended to
36 read as follows:

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

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

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

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

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

16 **Sec. 10.** RCW 3.34.080 and 1984 c 258 s 14 are each amended to read
17 as follows:

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

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

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