

CERTIFICATION OF ENROLLMENT  
SECOND SUBSTITUTE HOUSE BILL 2557

60th Legislature  
2008 Regular Session

Passed by the House March 8, 2008  
Yeas 93 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate March 5, 2008  
Yeas 46 Nays 1

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2557** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**



1 (2) Actions for damages for injuries to the person, or for taking  
2 or detaining personal property, or for injuring personal property, or  
3 for an injury to real property when no issue raised by the answer  
4 involves the plaintiff's title to or possession of the same and actions  
5 to recover the possession of personal property;

6 (3) Actions for a penalty;

7 (4) Actions upon a bond conditioned for the payment of money, when  
8 the amount claimed does not exceed fifty thousand dollars, though the  
9 penalty of the bond exceeds that sum, the judgment to be given for the  
10 sum actually due, not exceeding the amount claimed in the complaint;

11 (5) Actions on an undertaking or surety bond taken by the court;

12 (6) Actions for damages for fraud in the sale, purchase, or  
13 exchange of personal property;

14 (7) Proceedings to take and enter judgment on confession of a  
15 defendant;

16 (8) Proceedings to issue writs of attachment, garnishment and  
17 replevin upon goods, chattels, moneys, and effects;

18 (9) Actions arising under the provisions of chapter 19.190 RCW;

19 (10) Proceedings to civilly enforce any money judgment entered in  
20 any municipal court or municipal department of a district court  
21 organized under the laws of this state; and

22 (11) All other actions and proceedings of which jurisdiction is  
23 specially conferred by statute, when the title to, or right of  
24 possession of, real property is not involved.

25 **Sec. 2.** RCW 12.40.010 and 2001 c 154 s 1 are each amended to read  
26 as follows:

27 In every district court there shall be created and organized by the  
28 court a department to be known as the "small claims department of the  
29 district court." The small claims department shall have jurisdiction,  
30 but not exclusive, in cases for the recovery of money only if the  
31 amount claimed does not exceed (~~four~~) five thousand dollars.

## 32 MUNICIPAL COURT CONTRACTING

33 **Sec. 3.** RCW 3.50.003 and 1984 c 258 s 125 are each amended to read  
34 as follows:

1       The definitions in this section apply throughout this chapter  
2 unless the context clearly requires otherwise.

3       (1) "City" means an incorporated city or town.

4       (2) "Contracting city" means any city that contracts with a hosting  
5 jurisdiction for the delivery of judicial services.

6       (3) "Hosting jurisdiction" means a county or city designated in an  
7 interlocal agreement as receiving compensation for providing judicial  
8 services to a contracting city.

9       (4) "Mayor((~~r~~))" ((~~as used in this chapter,~~)) means the mayor, city  
10 manager, or other chief administrative officer of the city.

11       NEW SECTION. Sec. 4. A new section is added to chapter 3.50 RCW  
12 to read as follows:

13       A city may meet the requirements of RCW 39.34.180 by entering into  
14 an interlocal agreement with the county in which the city is located or  
15 with one or more cities.

16       **Sec. 5.** RCW 3.50.020 and 2005 c 282 s 14 are each amended to read  
17 as follows:

18       The municipal court shall have exclusive original jurisdiction over  
19 traffic infractions arising under city ordinances and exclusive  
20 original criminal jurisdiction of all violations of city ordinances  
21 duly adopted by the city (~~(in which the municipal court is located)~~)  
22 and shall have original jurisdiction of all other actions brought to  
23 enforce or recover license penalties or forfeitures declared or given  
24 by such ordinances or by state statutes. A hosting jurisdiction shall  
25 have exclusive original criminal and other jurisdiction as described in  
26 this section for all matters filed by a contracting city. The  
27 municipal court shall also have the jurisdiction as conferred by  
28 statute. The municipal court is empowered to forfeit cash bail or bail  
29 bonds and issue execution thereon; and in general to hear and determine  
30 all causes, civil or criminal, including traffic infractions, arising  
31 under such ordinances and to pronounce judgment in accordance  
32 therewith. A municipal court participating in the program established  
33 by the administrative office of the courts pursuant to RCW 2.56.160  
34 shall have jurisdiction to take recognizance, approve bail, and arraign  
35 defendants held within its jurisdiction on warrants issued by any court  
36 of limited jurisdiction participating in the program.

COURT COMMISSIONERS

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

Each district court commissioner shall have such power, authority, and jurisdiction in criminal and civil matters as the appointing judges possess and shall prescribe, except that when serving as a commissioner, the commissioner does not have authority to preside over trials in criminal matters, or jury trials in civil matters unless agreed to on the record by all parties.

Sec. 7. RCW 3.34.110 and 1984 c 258 s 17 are each amended to read as follows:

(1) A district ((judge)) court judicial officer shall not ((act as judge)) preside in any of the following cases:

((+1)) (a) In an action to which the ((judge)) judicial officer is a party, or in which the ((judge)) judicial officer is directly interested, or in which the ((judge)) judicial officer has been an attorney for a party.

((+2)) (b) When the ((judge)) judicial officer or one of the parties believes that the parties cannot have an impartial trial or hearing before the ((judge)) judicial officer. The judicial officer shall disqualify himself or herself under the provisions of this section if, before any discretionary ruling has been made, a party files an affidavit that the party cannot have a fair and impartial trial or hearing by reason of the interest or prejudice of the judicial officer. The following are not considered discretionary rulings: (i) The arrangement of the calendar; (ii) the setting of an action, motion, or proceeding for hearing or trial; (iii) the arraignment of the accused; or (iv) the fixing of bail and initially setting conditions of release. Only one change of ((judges shall be)) judicial officer is allowed each party ((under this subsection)) in an action or proceeding.

(2) When a ((judge)) judicial officer is disqualified under this section, the case shall be heard before another ((judge or judge pro tempore)) judicial officer of the same county.

(3) For the purposes of this section, "judicial officer" means a judge, judge pro tempore, or court commissioner.

1       **Sec. 8.** RCW 3.50.075 and 1994 c 10 s 1 are each amended to read as  
2 follows:

3       (1) One or more court commissioners may be appointed by a judge of  
4 the municipal court.

5       (2) Each commissioner holds office at the pleasure of the  
6 appointing judge.

7       (3) A commissioner authorized to hear or dispose of cases must be  
8 a lawyer who is admitted to practice law in the state of Washington or  
9 a nonlawyer who has passed, by January 1, 2003, the qualifying  
10 examination for lay judges for courts of limited jurisdiction under RCW  
11 3.34.060.

12       (4) On or after July 1, 2010, when serving as a commissioner, the  
13 commissioner does not have authority to preside over trials in criminal  
14 matters, or jury trials in civil matters unless agreed to on the record  
15 by all parties.

16       (5) A commissioner need not be a resident of the city or of the  
17 county in which the municipal court is created. When a court  
18 commissioner has not been appointed and the municipal court is presided  
19 over by a part-time appointed judge, the judge need not be a resident  
20 of the city or of the county in which the municipal court is created.

21       NEW SECTION. **Sec. 9.** A new section is added to chapter 3.50 RCW  
22 to read as follows:

23       (1) A municipal court judicial officer shall not preside in any of  
24 the following cases:

25       (a) In an action to which the judicial officer is a party, or in  
26 which the judicial officer is directly interested, or in which the  
27 judicial officer has been an attorney for a party.

28       (b) When the judicial officer or one of the parties believes that  
29 the parties cannot have an impartial trial or hearing before the  
30 judicial officer. The judicial officer shall disqualify himself or  
31 herself under the provisions of this section if, before any  
32 discretionary ruling has been made, a party files an affidavit that the  
33 party cannot have a fair and impartial trial or hearing by reason of  
34 the interest or prejudice of the judicial officer. The following are  
35 not considered discretionary rulings: (i) The arrangement of the  
36 calendar; (ii) the setting of an action, motion, or proceeding for  
37 hearing or trial; (iii) the arraignment of the accused; or (iv) the

1 fixing of bail and initially setting conditions of release. Only one  
2 change of judicial officer is allowed each party in an action or  
3 proceeding.

4 (2) When a judicial officer is disqualified under this section, the  
5 case shall be heard before another judicial officer of the  
6 municipality.

7 (3) For the purposes of this section, "judicial officer" means a  
8 judge, judge pro tempore, or court commissioner.

9 NEW SECTION. **Sec. 10.** A new section is added to chapter 35.20 RCW  
10 to read as follows:

11 (1) A municipal court judicial officer shall not preside in any of  
12 the following cases:

13 (a) In an action to which the judicial officer is a party, or in  
14 which the judicial officer is directly interested, or in which the  
15 judicial officer has been an attorney for a party.

16 (b) When the judicial officer or one of the parties believes that  
17 the parties cannot have an impartial trial or hearing before the  
18 judicial officer. The judicial officer shall disqualify himself or  
19 herself under the provisions of this section if, before any  
20 discretionary ruling has been made, a party files an affidavit that the  
21 party cannot have a fair and impartial trial or hearing by reason of  
22 the interest or prejudice of the judicial officer. The following are  
23 not considered discretionary rulings: (i) The arrangement of the  
24 calendar; (ii) the setting of an action, motion, or proceeding for  
25 hearing or trial; (iii) the arraignment of the accused; or (iv) the  
26 fixing of bail and initially setting conditions of release. Only one  
27 change of judicial officer is allowed each party in an action or  
28 proceeding.

29 (2) When a judicial officer is disqualified under this section, the  
30 case shall be heard before another judicial officer of the  
31 municipality.

32 (3) For the purposes of this section, "judicial officer" means a  
33 judge, judge pro tempore, or court commissioner.

34 **MUNICIPAL DEPARTMENTS**

1        NEW SECTION.    **Sec. 11.**    A new section is added to chapter 3.46 RCW  
2 to read as follows:

3        A municipality operating a municipal department under this chapter  
4 prior to July 1, 2008, may continue to operate as if this act was not  
5 adopted.    Such municipal departments shall remain subject to the  
6 provisions of this chapter as this chapter was written prior to the  
7 adoption of this act.

8        NEW SECTION.    **Sec. 12.**    The following acts or parts of acts are  
9 each repealed:

10        (1) RCW 3.46.010 (Municipal department authorized) and 1984 c 258  
11 s 72 & 1961 c 299 s 35;

12        (2) RCW 3.46.020 (Judges) and 1987 c 3 s 1, 1984 c 258 s 73, & 1961  
13 c 299 s 36;

14        (3) RCW 3.46.030 (Jurisdiction) and 2005 c 282 s 13, 2000 c 111 s  
15 5, 1985 c 303 s 13, & 1961 c 299 s 37;

16        (4) RCW 3.46.040 (Petition) and 1984 c 258 s 74 & 1961 c 299 s 38;

17        (5) RCW 3.46.050 (Selection of full time judges) and 1975 c 33 s 2  
18 & 1961 c 299 s 39;

19        (6) RCW 3.46.060 (Selection of part time judges) and 1984 c 258 s  
20 75 & 1961 c 299 s 40;

21        (7)    RCW    3.46.063    (Judicial    positions--Filling--Circumstances  
22 permitted) and 1993 c 317 s 3;

23        (8) RCW 3.46.067 (Judges--Residency requirement) and 1993 c 317 s  
24 5;

25        (9) RCW 3.46.070 (Election) and 1984 c 258 s 76 & 1961 c 299 s 41;

26        (10) RCW 3.46.080 (Term and removal) and 1984 c 258 s 77 & 1961 c  
27 299 s 42;

28        (11) RCW 3.46.090 (Salary--City cost) and 1984 c 258 s 78, 1969  
29 ex.s. c 66 s 5, & 1961 c 299 s 43;

30        (12) RCW 3.46.100 (Vacancy) and 1984 c 258 s 79 & 1961 c 299 s 44;

31        (13) RCW 3.46.110 (Night sessions) and 1961 c 299 s 45;

32        (14) RCW 3.46.120 (Revenue--Disposition--Interest) and 2004 c 15 s  
33 7, 1995 c 291 s 2, 1988 c 169 s 1, 1985 c 389 s 3, 1984 c 258 s 303,  
34 1975 1st ex.s. c 241 s 4, & 1961 c 299 s 46;

35        (15) RCW 3.46.130 (Facilities) and 1961 c 299 s 47;

36        (16) RCW 3.46.140 (Personnel) and 1961 c 299 s 48;

37        (17) RCW 3.46.145 (Court commissioners) and 1969 ex.s. c 66 s 6;



1 (18) RCW 3.46.150 (Termination of municipal department--Transfer  
2 agreement--Notice) and 2005 c 433 s 33, 2001 c 68 s 2, 1984 c 258 s  
3 210, & 1961 c 299 s 49;

4 (19) RCW 3.46.160 (City trial court improvement account--  
5 Contributions to account by city--Use of funds) and 2005 c 457 s 2;

6 (20) RCW 3.42.030 (Transfer of cases to district judge) and 2000 c  
7 164 s 1, 1984 c 258 s 32, & 1961 c 299 s 33; and

8 (21) RCW 3.50.007 (Cities and towns of four hundred thousand or  
9 less to operate municipal court under this chapter or chapter 3.46  
10 RCW--Municipal judges in office on July 1, 1984--Terms) and 1984 c 258  
11 s 102.

12 **MISCELLANEOUS PROVISIONS**

13 NEW SECTION. **Sec. 13.** This act takes effect July 1, 2008.

14 NEW SECTION. **Sec. 14.** Subheadings used in this act are not any  
15 part of the law.

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