Lakewood Municipal Court
Local Court Rules

Table of Rules

Chapter I General Rules

LMCLR GR 1.1 Scope
LMCLR GR 1.2 Purpose and Construction
LMCLR GR 1.3 Effect
LMCLR GR 1.4 Definitions
LMCLR GR 1.5 Schedule of Fees
LMCLR GR 1.6 Waiver of Account Balances

Chapter II Criminal Rules

LMCLR CR 2.2 Warrant Recall Procedures
LMCLR CR 3.2(n) Bail or Bond Procedures
LMCLR CR 3.2(o) Bail for New Domestic Violence Offenses
LMCLR CR 4.1 Arraignments and Continuances of all Matters other than Arraignment
LMCLR CR 4.2(i) Deferred Prosecution
LMCLR CR 4.5 Pre-Trial Hearings
LMCLR CR 4.7 Discovery - Assigned Counsel
LMCLR CR 6.4 Voir Dire
LMCLR CR 6.13 Evidence - Court's Custody of Exhibits
LMCLR CR 7.2(a) Restitution
LMCLR CR 7.2(b) Payment Arrangements
LMCLR CR 7.2(c) Community Service
LMCLR CR 7.6 Probation Department Services and Procedure
LMCLR CR 8.2 Criminal Motion Procedures

Chapter III Infraction Rules

LMCLR IR 2.6(a)(1) Continuances of Infraction Proceedings
LMCLR IR 3.1(a) Procedure at Contested Hearings - Subpoenas
LMCLR IR 3.1(b) Discovery Requests for Infractions
LMCLR IR 3.1(e) Contested Hearings - Preliminary Motions
LMCLR IR 3.2(b) Failure to Appear
LMCLR IR 3.3 Deferred Findings on Infractions
LMCLR IR 3.5 Written Statement
LMCLR IR 3.6(a) Disabled Parking
LMCLR IR 3.6(b) Mandatory Liability Insurance
LMCLR IR 3.6(c) Expired Vehicle Registration
LMCLR IR 3.6(d) NVOL with ID
LMCLR IR 3.6(e) Motor Vehicle Equipment Violations
LMCLR IR 6.2(b) Monetary Penalty for Unscheduled Infractions

Chapter IV Appeals to Municipal Court

LMCLR AR 1.1 Appeals

LMCLR GR1.1
SCOPE

These rules govern the procedures in the Municipal Court of the City of Lakewood in all proceedings and supplemented in light of the common law and the decisional law of this city. These rules shall not be construed to affect or derogate from the constitutional rights of any defendant.

(Effective 09/01/2012)

LMCLR GR1.2
PURPOSE AND CONSTRUCTION

These rules are intended to provide for the just determination of every proceeding. They shall be construed to secure simplicity in procedure, fairness in administration, effective justice, and the elimination of unjustifiable expense and delay.

These rules are not intended to supersede or conflict with any statutes covering procedures for criminal and infraction violations or the Criminal Rules for Courts of Limited Jurisdiction (CrRLJ), or the Infraction Rules for

Courts of Limited Jurisdiction (IRLJ).

(Effective 09/01/2012)

LMCLR GR1.3
EFFECT

Except as otherwise provided elsewhere in these rules, on their effective date:

1) Any acts done before the effective date in any proceedings then pending or any action taken in any proceeding pending under rules of procedure in effect prior to the effective date of these rules are not impaired by these rules.

2) These rules also apply to any proceedings in court then pending or thereafter commenced regardless of when the proceedings were commenced, except to the extent that in the opinion of the court, the former procedures should continue to be made applicable in a particular case in the interest of justice or because of infeasibility of application of the procedures of these rules.

(Effective 09/01/12)

LMCLR GR1.4
DEFINITIONS

As used in these rules, unless the context clearly requires otherwise:

1) "Earliest practicable day" means the next regularly scheduled court calendar.

2) "Next business day" means the next day the court is open for business.

(Effective 09/01/12)

LMCLR GR1.5
SCHEDULE OF FEES

The following shall be the schedule of fees charged for certain services provided by the Municipal Court. These amounts are consistent with RCW 3.62.060.

Duplication of Electronic Records	$10.00/tape or CD
Paper Copy/Fax Expenses	$1.00/first page, $.50/each additional page
Certified Copy	$5.00/document
Postage	actual cost

Civil Filing Fee - as set by Pierce County District Court

JIS Data Dissemination charges will be set in accordance with the Administrative Office of the Courts.

(Effective 09/01/12)

LMCLR GR1.6
WAIVER OF ACCOUNT BALANCES

1) Delinquent account balances under $10.00 on adjudicated cases where all other conditions of sentencing have been satisfied may be waived administratively and closed on a case-by-case basis.

2) Any case for which jurisdiction has expired, and the only remaining condition of sentence is to pay an account balance that has been in collections for ten years or more, and the account has been deemed uncollectible, the remaining balance may be waived administratively and closed. A docket entry will be made on each case reflecting the

above for audit purposes, and the case will be closed.

(Effective 09/01/12)

LMCLR CR2.2
WARRANT RECALL PROCEDURES

1) If a defendant has not failed to appear for a prior hearing, the defendant may appear within 2 working days by 5 pm and reset their hearing. Prior to resetting the hearing the defendant will complete a Personal Recognizance form and then be given a copy of the form with the next court appearance date noted.

2) If a defendant has failed to appear for a prior hearing, and the warrant ordered by the Judge is for a cash or bond amount, the defendant may post a $50 non-refundable warrant fee to have the warrant recalled by the clerk. The defendant shall complete a Personal Recognizance form, and be given a copy of the form with the next court appearance date noted, as well as a copy of the recalled warrant (if it has been printed).

3) A defendant may post the entire bail/bond amount with the clerk to have the warrant recalled. The defendant shall complete a Personal Recognizance form, and be given a copy of the form with the next court appearance date noted, as well as a copy of the recalled warrant (if it has been printed).

4) A defendant has the option to request a Motion to Recall Warrant hearing if the defendant has not previously failed to appear for this type of hearing as to the warrant in question. The defendant shall complete a Motion to Recall Warrant form, and will be given a copy of the form with the next court appearance date noted.

5) The defendant may surrender to the Pierce County Jail on an active warrant. The warrant must have been downloaded successfully to the LESA system and the service copy of the warrant must have been forwarded to LESA Records. If the warrant has not been downloaded, or LESA Records does not have the service copy of the warrant, the clerk may fax a copy of the active warrant to the Pierce County Jail; the copy of the warrant being faxed must show that the copy may be used as a service copy.

6) If a No Contact Order has been filed and approved by the Court, but not previously served on a defendant, the Order will be served on the defendant along with the Personal Recognizance form or notice of Motion to Recall Warrant hearing. If the defendant refuses to accept service of a No Contact Order, the warrant shall be served on the defendant and the defendant shall be transported to the Pierce County Jail.

(Effective 09/01/12)

LMCLR CR3.2(n)
BAIL OR BOND PROCEDURES

1) Upon receipt of bail or bond for a case where charges are pending review and filing by the Prosecutor, the court shall create a case in JIS and hold the bail or bond for 30 days. If no formal charges have been filed by the Prosecutor in that time, then the bail will be returned to the payee, and/or a notice of exoneration will be mailed to the bonding agency that posted the bond.

2) When a case is dismissed or sentence imposed, any financial obligations for fines, penalties and/or costs on the case shall be deducted from bail posted by the defendant, and the remainder shall be returned to the defendant, unless the bail has already been forfeited subject to RCW 10.19.140.

3) If cash bail was posted subsequent to the issuance of a bench warrant, the court shall deduct a warrant fee prior to refunding the bail. This rule shall also apply if a person other than the defendant posted the bail.

4) If bail or bond has been processed for forfeiture, and the judge has ordered the forfeited bail returned to the payee, per RCW 10.19.140 the court shall deduct a warrant fee and/or booking fee, when applicable, prior to the return of the bail or bond forfeiture.

(Effective 09/01/12)

LMCLR CR3.2(o)
BAIL FOR NEW DOMESTIC VIOLENCE OFFENSES

When required to reasonably assure appearance in court for those persons arrested and detained in jail for new offenses, bail shall not be set for accused persons arrested for new offenses involving domestic violence or violation of an anti-harassment order except at the preliminary appearance or arraignment.

(Effective 09/01/12)

LMCLR CR4.1
ARRAIGNMENTS AND CONTINUANCES OF ALL MATTERS OTHER THAN ARRAIGNMENT

1) Arraignment: A lawyer may, pursuant to CrRLJ 4.1(d), enter an appearance on behalf of a client, except in cases in which the docket or charging document states that one or more of the charges involves DUI, Physical Control, any Domestic Violence charge, including, but not limited to Assault 4th DV, Malicious Mischief DV, Harassment, Violation of an Antiharassment/No Contact Order, Stalking or Harassment, whereupon the defendant's presence is mandatory and cannot be waived. Pursuant to RCW 46.61.50571, the Presiding Judge may waive the appearance of a defendant arrested under RCW 46.61.502, 503 and 504 from the next judicial day to the next regularly scheduled arraignment calendar.

2) Unless otherwise noted for motion, all requests to continue pretrial hearings, motions, trial dates and/or other final dispositions will require an Agreed Order signed by both parties. The signed Agreed Order for Continuance is to be filed no less than four working days before the scheduled hearing and will be either approved or denied by the Judge. If an Agreed Order of Continuance is filed less than four working days before the scheduled hearing, the prosecutor or defense is required to file the Order in open Court for the Judge's approval or denial.

(Effective 09/01/12)

LMCLR CR4.2(i)
DEFERRED PROSECUTION

In addition to the statutory conditions and requirements of deferred prosecution, each defendant shall pay the administrative assessment to the Municipal Court in the amount of $250 plus the BAC fee and any other costs related to the case. All defendants placed on a deferred prosecution will also be placed on five year probation monitoring: Active Supervised Probation for two years, and Monitored Unsupervised Probation for three years. The defendant will be required to pay the fees for Probation. Restitution is required as a condition of a deferred prosecution. An Order deferring prosecution under RCW 10.05 will be granted only to a petitioner who has a written signed contract for treatment.

(Effective 09/01/12)

LMCLR CR 4.5
PRE-TRIAL HEARINGS

1) Unless otherwise ordered by the court in a specific case for good cause, all cases in which a defendant enters a plea of not guilty shall be set for a pre-trial hearing.

2) (a) The pre-trial hearing shall provide an opportunity for negotiation between the parties. The parties shall confer in good faith regarding any agreed disposition prior to trial. The defendant shall be required to attend the pre-trial hearing unless excused by the court. Failure to attend may result in the issuance of a bench warrant and/or forfeiture of any bond/bail. In the event of a disposition, the parties shall execute the appropriate documents for the Judge to consider the matter on the record. Pre-trial hearings should be held no later than 30 days after arraignment unless otherwise approved by the court.

(b) In cases which proceed to trial, the parties shall identify with specificity all motions and counsel may be required to articulate on the record the basis for any motion. All rulings made at the pre-trial hearing or subsequent motion hearing(s) shall be binding on the parties and shall not be relitigated at trial. Any motion not identified at pre-trial shall be deemed waived unless otherwise allowed by the court. Parties shall identify only those motions for which there is a good faith belief that the motion is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law. Parties shall comply with CrRLJ 3.6.

3) The court shall assign dates and give written notice to the parties for future motion hearings and trial at the time of the pre-trial conference and shall, in so far as is reasonably possible, schedule those hearings in consultation with both parties. Other factors, such as witness availability, shall also be considered.

4) (a) A jury call/readiness hearing will be scheduled in all cases proceeding to trial unless specifically waived by the court in a particular case for good cause shown. This calendar will be held during the week approximately 1 week prior to the scheduled trial or as otherwise set by the court. The defendant shall be required to attend this hearing unless excused by the court. Failure to attend the jury call/readiness hearing may result in the issuance of a bench warrant and/or forfeiture of bond/bail.

(b) A request for a jury trial date constitutes an assurance that the parties will be ready to begin jury selection immediately on the morning of trial and submit jury instructions at the call of the jury calendar.

(c) At the conclusion of the readiness hearing, the court will no longer accept any plea bargaining arrangements. Therefore, the case will be tried by jury unless waived by the defendant, or concluded by a guilty plea to the original charge(s), or a dismissal of the charge(s). When a defendant enters a plea to an offense as charged after having confirmed for jury trial at the readiness hearing, the court shall assess jury costs in the amount of one hundred twenty-five dollars ($125). Jury costs may be waived by agreement of the parties or at the discretion of the court.

(Effective 09/01/12)

LMCLR CR 4.7
DISCOVERY - ASSIGNED COUNSEL

The prosecuting authority shall provide discovery to counsel appointed at public expense within 14 days of the prosecuting authority's receipt of the order appointing counsel or other notification of appointment by the court. The order appointing counsel or other notification of appointment by the court shall be considered a written demand for discovery, thereby triggering the prosecuting authority's discovery obligations under CrRLJ 4.7(a).

(Effective 09/01/12)

LMCLR CR 6.4
VOIR DIRE

The voir dire examination of jurors shall be conducted under the direction and control of the court with the following guidelines:

1) It is expected that voir dire, in most cases, will consume one hour time or less.

2) The court shall ask all general questions and thereafter shall give leave to the respective parties to ask such supplementary questions as may be deemed proper and necessary by the court. The parties shall submit all proposed general questions in writing prior to voir dire.

3) The court may intervene without objections in instances of inappropriate questioning and may limit the amount of time each party has to examine a juror or jury panel.

(Effective 09/01/12)

LMCLR CR 6.13
EVIDENCE - COURT'S CUSTODY OF EXHIBITS

In a criminal case every exhibit in the court's custody, which is not contraband and for which ownership is not in dispute, shall be returned to the party who produced that exhibit upon motion of that party and expiration of the appeal period. In the event of finding of guilty, for purpose of this rule, the appeal period shall begin on the day of sentencing or deferral of sentencing by the court. Exhibits not withdrawn shall be delivered by the court to the Lakewood Police Department for disposition as abandoned property, or if contraband, for destruction. The court shall release no exhibit without its being receipted for by the receiving person.

(Effective 09/01/12)

LMCLR CR 7.2(a)
RESTITUTION

Where the court orders that a defendant pay restitution but does not set an amount at the time of disposition, a restitution hearing shall be scheduled. The prosecuting attorney shall file a restitution order with supporting documentation at the time of the hearing. If the Prosecutor does not file a restitution order at the time of the hearing, the matter of restitution shall be deemed waived unless otherwise authorized by the court. If the defendant does not object, the proposed amount shall be entered as a judgment. Payment of restitution shall be made through the clerk of the court unless otherwise ordered by the court.

(Effective 09/01/12)

LMCLR CR 7.2(b)
PAYMENT ARRANGEMENTS

Upon sentencing, entry of a Stipulated Order of Continuance, or entry of Deferred Prosecution, the defendant shall pay the fines/fees assessed in the case in full within 60 days from the date of entry.

A defendant has the option to establish an account with Signal Credit Management Services to allow for a longer time period to complete the payment of fees/fines. To establish an account, a defendant is required to complete a payment application and submit the fees required by Signal Credit.

If a defendant fails to comply with the payment arrangements as agreed, Signal Credit will notify the court that the defendant has failed to complete the payment arrangements, and the account will be directly assigned to AllianceOne for collection purposes. No notice will be provided to the defendant by the court that the account has been assigned.

(Effective 09/01/12)

LMCLR CR 7.2(c)
COMMUNITY SERVICE

The court may allow a defendant to complete community service at a non-profit organization in lieu of monetary payments in appropriate cases. Unless otherwise ordered by the court, community service hours are credited at the most recent minimum wage amount used by the State of Washington, rounded off to the nearest dollar per hour worked toward any fine balances.

(Effective 09/01/12)

LMCLR CR 7.6
PROBATION DEPARTMENT SERVICES AND PROCEDURE

The role of the Municipal Court Probation Department is to assist the court in the management of criminal justice and thereby aid in the preservation of public order and safety. Pursuant to ARLJ 11, the Probation Officer shall perform the following duties and follow the following procedures:

1) Conduct pre/post-sentence investigations with face to face interviews and extensive research that may include but is not limited to: criminal history, contact with victims, personal history, social and economic needs, community resource needs, counseling/treatment needs, work history, family and employer support, and complete written pre/post-sentence reports which include sentencing recommendations to the court.

2) For offenders referred to the misdemeanant probation department, the Probation Officer shall determine their risk to the community using a standardized classification system with a minimum of monthly face to face interviews for offenders classified at the highest level;

3) Probation Officer shall monitor offenders with face to face interviews depending on risk classification system;

4) Probation Officer shall communicate with community agencies providing services required of offenders with input to the judicial officer regarding the following areas: alcohol/drug, domestic violence, sexual deviancy, and mental illness.

5) In addition to the duties mentioned above, the Probation Officer is also required to perform records checks on active probation clients, notify the court of violations or special circumstances through written reports and direct communication with court personnel, attend calendar proceedings as needed, and participate in accounting of fees.

6) This rule is based upon the provisions of ARLJ 11.

(Effective 09/01/12)

LMCLR CR 8.2
CRIMINAL MOTION PROCEDURES

1) Purpose: This rule governs criminal motion practice.

2) Filings of Motions. Memoranda and Affidavits General. The moving party shall file with the court 14 days prior to the motion hearing date the following: The motion being noted, all supporting affidavits and documentary evidence and a brief memorandum of authorities. Unless a court rule, statute or briefing schedule provides a different timeframe for a response, the responding party may file a response to the issue of law, or any counter-affidavits, briefs or memoranda of authorities no later than five (5) days before the hearing. The responding party may also file any pleading to which the motion is directed. Failure to timely comply with these filing requirements may result in a continuance or the motion being stricken from the calendar.

3) Length of Memoranda. Memoranda relating to motions shall not exceed fifteen (15) pages. Waiver of page limitations may be granted only upon motion demonstrating good cause which may be heard ex parte.

4) Copies of Motions, Memoranda and Affidavits. A copy of the motion, brief, memorandum, documents and affidavit shall be furnished to the Clerk at the time of filings for delivery to the assigned Judge for preparation. Responding briefs, memoranda and other documents shall be filed with copies provided for the preparation of the assigned Judge.

5) Motion Hearing Procedures. Oral argument on motions shall be limited to ten (10) minutes for each side unless the Judge determines otherwise.

6) The Motion hearing shall proceed upon the pleadings and any submitted police reports. If, at the time of the hearing, the City elects to provide supplementation or the court finds that additional information is necessary to adequately decide the issues presented by the moving party, a testimonial hearing shall be set. Prior to the testimonial hearing, the court should advise the parties of the issues that remain for consideration. The purpose of this rule is to efficiently and effectively resolve pre-trial issues and to focus the costs of testimonial hearings to cases that warrant it.

(Effective 09/01/12)

LMCLR IR 2.6(a)(l)
CONTINUANCES OF INFRACTION PROCEEDINGS

A motion for a continuance in a scheduled contested or mitigation hearing must be made in writing and filed 7 days prior to the date of the hearing. The motion shall show good cause for continuance. The Clerk is authorized to grant a timely request for a continuance, unless (a) the defendant has previously sought a continuance; (b) failed to appear for a hearing; or (c) the defendant has either requested that witnesses be present or witnesses have been subpoenaed. Any other requests for a continuance shall be considered by the judge.

(Effective 09/01/12)

LMCLR IR 3.1(a)
PROCEDURE AT CONTESTED HEARINGS - SUBPOENAS

1) A subpoena may be obtained pursuant to IRLJ 3.1 (a).

2) Subpoenas for Police Officers - Alternative Procedure. Subpoenas may be requested and served as provided by state law and court rules. In the alternative, defendants in contested infraction cases may serve subpoenas upon officers who issued the citation in the following manner:

(a) A subpoena may be requested and obtained from the court clerk;

(b) The defendant, or his/her attorney or agent, may effectuate service of the subpoena upon the officer by serving the subpoena upon an employee of the Legal Department of the City Attorney's Office in that office at least seven days before the scheduled contested hearing;

(c) The City Attorney's Office shall date-stamp the subpoena, provide a stamped copy to the person serving the subpoena, and transmit the original subpoena to the officer at the Police Department.

3) This rule is not intended to supersede or conflict with any statutes concerning procedures for infractions or the Infraction Rules for Courts of Limited Jurisdiction (IRLJ).

(Effective 09/01/12)

LMCLR IR 3.1(b)
DISCOVERY REQUESTS FOR INFRACTIONS

1) Discovery requests regarding infractions that are pending hearing shall be governed by IRLJ 3.1 (b).

2) All discovery requests must have the following information:
Complete name of defendant, Case number and mailing address of defendant.

3) No motion to dismiss for failure to comply with IRLJ 3.1 shall be entertained absent proof of service of such discovery request upon the opposing party on-file with the court, in conformity with CRLJ 5(b).

(Effective 09/01/12)

LMCLR IR 3.1(e)
CONTESTED HEARINGS - PRELIMINARY MOTIONS

Motions challenging the authority of the Court, the constitutionality of the Court, the constitutionality of any statute, ordinance or court rule pertaining to an infraction, the authority of the prosecuting attorney prosecuting an infraction, and/or the authority of the law enforcement agency or officer filing an infraction must be made in writing. Such motions, together with citations to authority and argument, must be filed with the Court and served

upon the opposing party no later than fourteen days prior to a contested infraction hearing. Such motions may be decided by the Court with or without oral argument, as the Court may determine.

(Effective 09/01/12)

LMCLR IR 3.2(b)
FAILURE TO APPEAR

If a defendant appears within 48 hours of a failure to appear (FTA) on a regularly scheduled contested or mitigation hearing, has not previously failed to appear, and the plaintiff has not been prejudiced by the FTA, the FTA will be set aside and reset for the same hearing type pursuant to IRLJ 3.2 (b) and CRLJ 60 (b).

In all other FTA's, the defendant may request a show cause hearing. If there is a potential basis for good cause, the Court may stop the FTA pending the show cause hearing.

(Effective 09/01/02)

LMCLR IR 3.3
DEFERRED FINDINGS ON INFRACTIONS

Upon entry of a deferred finding for an infraction, the court will monitor the infraction for a period of six months from the date of entry to determine compliance with the conditions set by the court. If a defendant successfully complies with the conditions after the six month period, the charge(s) will be dismissed as agreed.

If a defendant fails to pay the agreed costs within the time limit allowed by the court, fails to establish an account with Signal Credit, or fails to complete the payment plan within the time allowed, a finding of committed will be entered for the charge(s), and collection will proceed.

If a defendant obtains a new moving violation during the first six months of jurisdiction, the court shall extend jurisdiction over the deferral to one year total. During the additional time period, the court shall monitor the new moving violation(s) and determine whether or not a committed finding has been entered. If a committed finding is entered for the new moving violation(s), per RCW 46.63.070(5) the deferral will be revoked and the charge(s) found committed. If the new moving violation(s) is dismissed or found not committed, then the deferral will be monitored by the court until the end of the jurisdiction, which shall be no less than six months from the date of entry of the deferral.

The court will not consider a request for deferred findings under RCW 46.63.070(5) for the following violations:

RCW 46.61.440 Speeding in a School Zone
RCW 46.61.527 Speeding in a Construction Zone,
RCW 46.61.212 Emergency Zone Violations, or
RCW 46.61.370 Passing Stopped School Bus.

Defendants with a CDL (Commercial Driver's License) or who operated a commercial vehicle at the time of the violation are not eligible to enter into a Deferred Finding.

(Effective 09/01/12)

LMCLR IR 3.5
WRITTEN STATEMENT

This Court adopts IRLJ 3.5 regarding decision on written statements for infractions.

(Effective 09/01/12)

LMCLR IR 3.6(a)
DISABLED PARKING

If a person charged with parking in a disabled parking space without proper parking placard or license plate has a valid disabled parking placard or disabled person's license plate at the time of citation, the defendant may present such proof to the court along with proper picture identification. Upon confirmation with Department of Licensing that the placard is valid, the charge will be dismissed.

(Effective 09/01/12)

LMCLR IR 3.6(b)
MANDATORY LIABILITY INSURANCE

1) If a person charged with a violation of RCW 46.30.020, driving a motor vehicle without having proof of valid insurance, presents to the court clerk within 15 days of the violation, or prior to a scheduled mitigation or contested hearing evidence that they had in effect at the time of the infraction liability insurance as required by RCW 46.30.020, then, upon payment of twenty-five dollars ($25), the case shall be dismissed and the court clerk shall be authorized to make appropriate notation of the dismissal in the court file.

2) If a person charged with a violation of RCW 46.30.020, driving a motor vehicle without having proof of valid insurance, provides proof to the court clerk within 15 days of the violation, or prior to a scheduled mitigation or contested hearing that they subsequently obtained liability insurance in conformity with the requirements of RCW 46.30.020, then the penalty shall be reduced to one hundred and fifty dollars ($150), and the clerk shall be authorized to enter a finding that the infraction was committed and make appropriate notations in the court record. The person will be relieved of any further need to appear in court in connection with this charge on the infraction.

(Effective 09/01/12)

LMCLR IR 3.6(c)
EXPIRED VEHICLE REGISTRATION

If a person who has been cited with a violation of RCW 46.16A.030.5 provides proof to the court clerk within 14 days from the date of violation, or prior to any scheduled mitigation or contested hearing that the vehicle registration was valid at the time of the violation, and that person has had no previous violations of RCW 46.16.010, then the case shall be dismissed with no costs.

If a person charged with the violation of RCW 46.16A.030.5.L (Expired Vehicle Registration Less than Two Months) is able to acquire valid registration and provide proof to the court within 14 days from the date of violation, or prior to any scheduled mitigation or contested hearing, then the penalty shall be reduced to one hundred dollars ($100) and a finding of committed entered.

If a person is charged with the violation of RCW 46.16A.030.5.O (Expired Vehicle Registration Over Two Months) is able to acquire valid registration and provide proof to the court within 14 days from the date of violation, or prior to any scheduled mitigation or contested hearing, then the penalty shall be reduced to one hundred fifty dollars ($150) and a finding of committed entered.

(Effective 09/01/12)

LMCLR IR 3.6(d)
NVOL WITH ID

If a person charged with violation of RCW 46.20.015 for No Valid Operator's License with Valid Identification (NVOL with ID) is able to acquire a valid operator's license and provide proof to the court within 14 days from the date of violation, or prior to a scheduled mitigation or contested hearing, then the penalty shall be reduced to one hundred fifty dollars ($150).

If a person charged with violation of RCW 46.20.015 for NVOL with ID fails to obtain a valid operator's license within 14 days from the date of violation, or prior to a scheduled mitigation or contested hearing, and the violation is the first NVOL with ID offense in five years, the penalty shall be reduced to three hundred dollars ($300). The clerk shall be authorized to enter a finding that the infraction was committed and to make appropriate notations in the court record, and the person will be relieved of any further need to appear in court in connection with the infraction.

(Effective 09/01/12)

LMCLR IR 3.6(e)
MOTOR VEHICLE EQUIPMENT VIOLATIONS

If a person charged with a defective motor vehicle equipment violation presents to the court clerk, prior to any hearing, proof of repairs to the vehicle to correct the defect, the clerk may reduce the fine to one hundred dollars ($100).

(Effective 09/01/12)

LMCLR IR 6.2(b)
MONETARY PENALTY FOR UNSCHEDULED INFRACTIONS

The Administrative Office of the Courts (AOC) has interpreted School Zone Speeding pursuant to RCW 46.61.440, and Construction Zone Speeding pursuant to RCW 46.61.527 to be "unscheduled" infractions under IRLJ 6.2(b). On the assumption that this is a correct interpretation, the Municipal Court has by this rule established a local rule as permitted by IRLJ 6.2(b) to make the School Zone Speeding and Construction Zone Speeding penalties consistent with IRLJ 6.2(d) and the obvious intent of the legislature in adopting RCW 46.61.440(3) and RCW 46.61.527(3).

Pursuant to IRLJ 6.2(b) this rule adopts as the penalty for speeding in a school zone and speeding in a construction zone the monetary base penalty set for in IRLJ 6.2(d) for the relevant speed, but then doubled pursuant to RCW 46.61.440(3) and RCW 46.61.527(3). The base penalty, together with the statutory assessments may not be waived, reduced or suspended.

The fines are as set forth in the published JIS Law Table Update Bulletin distributed by the Administrative Office of the Courts 07/22/2007.

Speeding in a School Zone Penalty schedule

1-5 mph over limit	$189
6-10 mph over limit	$210
11-15 mph over limit	$271
16-20 mph over limit	$353
21-25 mph over limit	$456
26-30 mph over limit	$558
31-35 mph over limit	$661
Over 35 mph over limit	$784

Speeding in a Construction Zone Penalty schedule
(if the speed limit is over 40 mph)

1-5 mph over limit	$128
6-10 mph over limit	$169
11-15 mph over limit	$231
16-20 mph over limit	$292
21-25 mph over limit	$354
26-30 mph over limit	$436
31-35 mph over limit	$538
36-40 mph over limit	$641
Over 40 mph over limit	$764

Speeding in a Construction Zone Penalty schedule
(if the speed limit is 40 mph or under)

1-5 mph over limit	$169
6-10 mph over limit	$190
11-15 mph over limit	$251

16-20 mph over limit	$333
21-25 mph over limit	$436
26-30 mph over limit	$538
31-35 mph over limit	$641
Over 35 mph over limit	$764

Infractions resulting from automated traffic safety cameras will not exceed $450 pursuant to Chapter 167, Laws of 2005.

(Effective 09/01/12)

LMCLR AR1.1
APPEALS

Purpose: Certain statutes and ordinances vest the Municipal Court with the authority to hear appeals. This Rule sets forth the procedure for hearing and decision regarding such appeals. This Rule is intended to provide for the expeditious consideration of timely filed notices of appeal. Where such statutes and ordinances are silent, the Court interprets such statutes and ordinances to mandate no more than a due process hearing to guarantee the appellant a fair opportunity to understand the basis for the proposed action and offer argument against such action. The minimum due process hearing is therefore comparable to the brief adjudicative proceeding set forth in RCW 34.05.485.

1) Timeliness. The appeal must be filed with the Court and a copy filed with the City Attorney within the timeframe set forth by statute or ordinance, and accompanied by any applicable filing fee. An untimely appeal shall be dismissed summarily.

2) The notice of appeal must contain a short and plain statement of the basis of the appeal together with any documents, photographs, or other exhibits in support of the appeal. A notice of appeal which does not include a short and plain statement of the basis of the appeal shall not be accepted. The Court clerk will advise the appellant of the deficiency and require the appeal to be perfected within ten days. An incomplete notice of appeal will be summarily dismissed.

3) Upon receipt of a properly filed notice of appeal, the Court will set the matter for hearing on the next available contested infraction calendar. At the appeal hearing, the City and the Appellant will each be given five minutes to make an oral argument. No testimony will be received. Documents, photographs, affidavits, and other offers of proof may be submitted if they are filed with the Court and served on the opposing party no less than five days before the appeal hearing. Upon a showing of good cause, the Court may set the matter over for the taking of testimony or other evidence.

4) The Court may make an oral ruling at the close of oral argument, or may take the matter under advisement. If the matter is taken under advisement, the Court will issue a written decision or set the matter for further hearing within 30 days.

5) Rules of Discovery do not apply in these proceedings. Any party may make a request for discovery in the context of a request to continue the appeal hearing. Such request shall be made on the record with an offer of proof as to the need for discovery. No discovery shall be ordered and no continuance shall be granted in the absence of a showing that a denial would deny the moving party due process of law.

6) Monetary Judgment. Where authorized by statute or ordinance, the Court will award monetary recoveries and costs upon timely application of a prevailing party. The parties shall note at the hearing whether they intend to seek a monetary recovery, and as part of its decision, the Court will make a determination whether such recoveries are allowed. In the event that such recoveries are awarded, and the prevailing party certifies that such recoveries have not been paid, the Court will certify the monetary award for enforcement as a civil judgment in accordance with RCW 3.66.020(10).

(Effective 09/01/12)