Orting Municipal Court
Local Court Rules

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OMCLR 1.1
ADOPTION OF LOCAL RULES

THESE RULES ARE ADOPTED PURSUANT TO GR 7, CrLJ 1.7, AND IRLJ 1.3. The effective date of these rules shall be September 1st, 2011.

OMCLR 1.2
TITLE OF RULES

These rules may be known and cited as Orting Municipal Court Local Rules and shall be referred to as OMCLR.

(Adopted effective September 1st, 2011)

OMCLR 1.3
EFFECT OF LOCAL RULES

The provisions of the Local Rules are supplemental to the Rules for Courts of Limited Jurisdiction as adopted or hereafter amended by the Supreme Court of the State of Washington and shall not be construed in conflict with them.

(Adopted effective September 1, 2011)

OMCLR 1.4
RESERVATION OF DISCRETION

The Orting Municipal Court reserves the authority to interpret and/or suspend or modify these rules in individual cases on motion of a party for good cause or on a motion of the Court in the interest of justice and/or the efficient operation of the Court.

(Adopted effective September 1st, 2011)

OMCLR 1.5
JUDICIAL DAY

As used in these rules, unless the context clearly requires otherwise, "Judicial Day" when not otherwise defined by statute or court rule, means every first and third Tuesday of the calendar month, or another date determined by the Judge upon which the regular sessions of the Court are set.

(Adopted effective September 1st, 2011)

OMCLR 1.6
NEXT JUDICIAL DAY

The requirement of RCW 46.61.50571 that defendants arrested for driving while under the influence, driving under age twenty-one after consuming alcohol, or being in physical control of a vehicle while under the influence appear in court within one judicial day is waived. All such defendants shall be required to appear at the earliest practicable day following arrest, such date being defined as the first date following arrest when court is in session.

(Adopted effective September 1st, 2011)

OMCLR 1.7
SCHEDULE OF FEES

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

Duplication of Electronic Records	$10.00 per CD
Paper Copy Expenses	$0.50 per page
Certified Copy	$5.00 per document
Postage	Actual Cost
Appeal (preparation)	$40.00
Appeals (CD)	$10.00 per CD

(Adopted effective September 1st, 2011)

OMCLR 2.1
QUASHING WARRANTS

(A) The defendant or defendant's attorney may schedule a hearing to quash a warrant, either in person or by telephone, but the warrant will not be stayed or quashed and the defendant will still be subject to arrest on the warrant until the defendant has appeared in open court and the Judge has quashed the warrant.

(B) A hearing to consider the request to quash a warrant will be scheduled not later than the next regularly scheduled Judicial Day following the request. However, a defendant or defendant's attorney may stay or quash a warrant, or request a hearing later than the next regularly scheduled Judicial Day, by paying an administrative fee of $100.00 to the Court

(C) In any case wherein Bond or Bail has been posted to ensure the defendant's appearance and the said Bond or Bail has been ordered forfeited by the Court, no warrant shall be stayed or quashed except by the appearance of the defendant before the Court or surrender of the defendant to jail.

(Adopted effective September 1st, 2011)

OMCLR 2.2
DELEGATING AUTHORITY TO CANCEL WARRANTS AND FTA'S

In addition to the Judge, the Court Administrator and Court Clerk are hereby granted authority to allow the rescheduling of time payments and to cancel arrest warrants.

(Adopted effective September 1st, 2011)

OMCLR 2.3
EXONERATION OR FORFEITURE OF POSTED BAIL OR BOND

(A) When a bench warrant has been issued, if there has been any Bail or Bond posted by or for the benefit of the defendant, then that Bail or Bond shall be forfeited without any further order of the Court. If cash Bail was posted subsequent to the issuance of a bench warrant, the court clerk is authorized to deduct a warrant fee prior to refunding Bail.

(B) When a case has been dismissed or sentence has been imposed, then any Bail or Bond posted for the defendant shall be returned to the individual who posted the Bail or Bond unless the Bail or Bond has already been forfeited subject to RCW 10.19.140.

(Adopted effective September 1st, 2011)

OMCLR 2.4
BAIL FORFEITURES FOR SPECIFIC CRIMES

(Repealed effective September 1, 2011)

OMCLR 2.5
WRITTEN MOTIONS AND BRIEFS

Written motions and briefs other than those for continuances shall be filed with the Court and served on the opposing party not less than fourteen (14) days before the motion date. Responses thereto shall be filed and served not less than seven (7) days before the hearing date. Motions shall be heard on Tuesdays at the time prescribed in open Court.

Failure to comply with this rule may result in the Court's refusal to hear such motion or in the imposition of terms, both to the adverse party or parties and to the City of Orting for the expense caused by resulting delays.

(Adopted effective September 1st, 2011)

OMCLR 2.6
QUASI-PUBLIC DOCUMENTS

The following are not subject to public review, but are subject to review by the defendant and the defendant's lawyer:

Petitions for deferred prosecution; statements of defendant for deferred prosecution; orders granting deferred prosecution; evaluations; recommendations from chemical dependency agencies; and status reports from chemical dependency agency.

(Adopted effective September 1st, 2011)

OMCLR 3.1
MANDATORY INSURANCE

(A) If a person who has been cited with the violation of RCW 46.30.20 presents to the court administrator/court clerk evidence that the person had in effect at the time of violation liability insurance as required by statute, then, upon payment of $25.00 for administrative costs, the case shall be dismissed and the court clerk shall be authorized to make appropriate notations of dismissal in the court file.

(Adopted effective September 1st, 2011)

OMCLR 3.2
EXPIRED VEHICLE LICENSE

(Repealed effective September 1, 2011)

OMCLR 3.3
REQUIREMENTS FOR REQUESTING A HEARING AFTER FAILURE TO RESPOND OR APPEAR

(A) If a defendant who has failed to appear or respond to a notice of infraction on not more than one occasion requests that the Court set/reset his/her case for a hearing, the court clerk shall be authorized to set a date for such requested hearing and retrieve/recall FTA's from the Department of Licensing reflecting the failure to respond or appear, if any were sent, on the following conditions:

(1) The defendant within 30 days of the date by which a request for hearing should have been received by the Court, delivers to the Court an envelope containing his/her request for a hearing, with a postmark indicating that the envelope was addressed and mailed to the court within the time frame for requesting a hearing, and with the envelope indicating that it was returned to the defendant, for whatever reason; or,

(2) The court within 30 days of the date by which a request for hearing should have been received by the defendant's request for a hearing, with the envelope showing a postmark indicating that the envelope was mailed to the Court within the time frame for requesting a hearing.

(B) In those cases where a defendant has failed to appear or respond through his/her own neglect, and less than 60 days has elapsed since the court should have received the request for a hearing or the date of the hearing, the defendant may request a hearing and such hearing shall be scheduled upon payment of an administrative fee of $25.00. If the failure to appear/respond was reported to the Department of Licensing, the Defendant shall pay the appropriate failure to appear/respond fee in addition to the administrative fee to remove the FTA from Department of Licensing records.

(C) In all other cases, the defendant may file a motion in writing requesting that said judgment be set aside with a payment of the applicable failure to respond or appear fee and a $25.00 administrative fee. Upon receipt of the written request for hearing and payment of the applicable fees, the clerk of the court shall set or reset a hearing for the defendant and shall recall/retrieve FTA's from the Department of Licensing reflecting the failure to respond/appear, if any was sent.

(Adopted effective September 1, 2011)

OMCLR 3.4
DECISION ON WRITTEN OR ELECTRONICALLY FILED STATEMENTS

(A) Request for Decision on Written or Electronically Filed Statement. If the defendant submits a timely request for a hearing to contest or mitigate an infraction, the defendant may elect to seek a decision on written or electronically filed statement pursuant to IRLJ 3.5. A person who elects to contest or mitigate an infraction by decision on written or electronically filed statement shall be deemed to have waived an in-court hearing to contest or mitigate the infraction in person.

(B) Time for Submitting Request for Decision on Written or Electronically Filed Statement.

The request for a decision by written or electronically filed statements shall be submitted not less than five days prior to the date set for the in-court hearing.

(C) Declaration for Written or Electronically Filed Statement Required. A defendant wishing to proceed by decision on written or electronically filed statement shall provide a written statement which sets forth the facts and/or defense(s) that the defendant would like the Court to consider. A written or electronically filed statement submitted pursuant to this rule shall be submitted by declaration in substantially the following form:

NAME OF DEFENDANT:
ADDRESS:
PHONE NUMBER:
INFRACTION NUMBER:
VIOLATION DATE:

I wish to mitigate/contest the infraction.

STATEMENT:

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct,"

I promise that if it is determined that I committed the infraction for which I was cited or costs are assessed, I will pay the monetary penalty and/or costs authorized by law and assessed by the court.

Executed this (day) of (month), (year), at (place)

Signature or electronic ID number (as provided by the Court)

(D) Factual Determination.
The Court shall determine whether the plaintiff has proved by a preponderance of all evidence submitted that the respondent has committed the infraction if contested.

(E) Disposition. If the Court determines that the infraction has been committed, it may assess a penalty in accordance with IRLJ 3.3. If the court defers a finding for a specified period of time on certain conditions, it may assess an administrative fee to process the infraction notice.

(F) Notice to Parties. The Court shall notify the parties in writing whether the infraction was found to be committed, deferred, or dismissed and what penalty or administrative fee, if any, was imposed.

(G) No Appeal Permitted. There shall be no appeal from a decision made upon written or electronically filed statements.

(Adopted effective: September 1, 2011)

OMCLR 3.5
SPEED MEASURING DEVICE

(A) Speed Measuring Device. Any certificate admissible under IRLJ 6.6(b), and any other document relating to a Speed Measuring Device, can be filed with the court and maintained by the court as a public record, an shall be available for inspection by the public. Copies shall be provided by the clerk's office on request. There shall be no charge for the copy if it relates to an infraction filed against the person making the request. Otherwise, there shall be a charge for each page copied. These records shall be available without a formal request for discovery. The court shall be entitled to take judicial notice of the fact that any document filed pursuant to this rule has been filed with the court. Documents filed pursuant to this rule shall not be suppressed as evidence merely because there is not a prosecutor present to offer the document as an exhibit at the hearing. If the certificate or document is insufficient, then a motion to suppress the reading of the Speed Measuring Device can be granted

(B) Request for Speed Measuring Device Expert. In the absence of proof of a request to produce an electronic speed measuring device (SMD) expert, a certificate in substantially the form provided under CrRLJ 6.13, IRLJ 6.6 is admissible in lieu of an expert witness in any court proceeding in which the design and construction of an electronic speed measuring device (SMD) is in issue.

(C) The request for an SMD expert under IRLJ 6.6 must be served on the prosecuting authority and filed with the clerk of the court at least 30 days prior to the hearing.

(D) The request to provide a speed measuring device expert cannot be combined with a Notice of Appearance or any other Pleading. Each party is responsible for costs incurred by that party as set forth in RCW 46.63.151. In cases where a party requests a witness to be subpoenaed, the party requesting the witness shall pay the witness fees and mileage expenses due to that witness.

(E) Any person who requests production of an electronic speed measuring device (SMD) expert, and who is thereafter found by the Court to have committed the infraction, may be required to pay the fee charged by the expert as a cost incurred by that party, as provided in RCW 46.63.151.

(F) The Court may allow the speed measuring device expert to testify from a location other than the courtroom via speaker phone or other electronic means acceptable to the court.

(Amended effective September 1, 2011)