

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, and 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)
