

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED  
AMENDMENTS TO IRLJ 6.6—SPEED  
MEASURING DEVICE: DESIGN AND  
CONSTRUCTION CERTIFICATION

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**ORDER**

NO. 25700-A-1589

The District and Municipal Court Judges’ Association (DMCJA), having recommended the adoption of the proposed amendments to IRLJ 6.6—Speed Measuring Device: Design and Construction Certification, and the Court having considered the proposed amendments, and having determined that the proposed amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

**ORDERED:**

- (a) That the proposed amendments as attached hereto are adopted.
- (b) That pursuant to the emergency provisions of GR 9(j)(1), the proposed amendments will be expeditiously published in the Washington Reports and will become effective upon publication.

ORDER

IN THE MATTER OF THE PROPOSED AMENDMENTS TO IRLJ 6.6—SPEED  
MEASURING DEVICE: DESIGN AND CONSTRUCTION CERTIFICATION

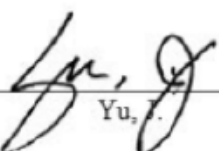
DATED at Olympia, Washington this 5th day of September, 2024.

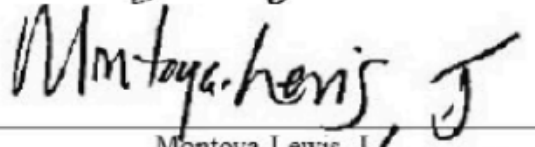
  
\_\_\_\_\_  
Johnson, J.

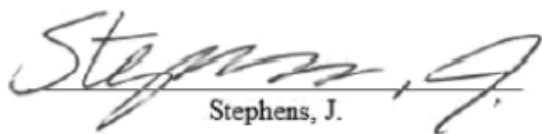
  
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González, C.J.

  
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Gordon McCloud, J.

  
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Madsen, J.

  
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Yu, J.

  
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Montoya-Lewis, J.

  
\_\_\_\_\_  
Stephens, J.

  
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Whitener, J.

IRLJ 6.6

SPEED AND WEIGHT MEASURING DEVICE: DESIGN  
AND CONSTRUCTION CERTIFICATION

(a)-(b) [Unchanged.]

**(c) Scale Certification of Inspection and Calibration; Form.** A certificate, in substantially the following form, is admissible in lieu of a witness in any court proceeding in which the calibration and accuracy of a weigh station scale weight measuring is an issue:

SCALE TEST REPORT AND CERTIFICATION OF INSPECTION

I, \_\_\_\_\_, do certify under penalty of perjury as follows:

I am employed with \_\_\_\_\_ as a \_\_\_\_\_. Part of my duties include supervising the inspection and calibration of the traffic scales used by \_\_\_\_\_. I have the following qualifications with respect to scale calibration:

(list all training or special degrees regarding scale calibration).

(On \_\_\_\_\_ (date), testing of the following scale was performed under my direction and the scale was evaluated to meet or exceed existing accuracy standards.

(List all scale identification information to indicate the location type and relevant parameters of the scale.)

Using the testing procedures set forth in Handbook 44, promulgated by the National Institute of Standards and Technology, and test weights certified under oath as accurate as shown on the attached "Report of Calibration" under certification number(s) \_\_\_\_\_, and herein incorporated by reference, the above device met or exceeded the standards of accuracy.

(Signature) Dated: \_\_\_\_\_

**(e) (d) Continuance.** The court at the time of the formal hearing shall hear testimony concerning the infraction and, if necessary, may continue the proceedings for the purpose of obtaining evidence concerning an electronic speed measuring device and the certification thereof or a weigh station scale and the certification of calibration thereof. If, at the time it is supplied, the evidence is insufficient, a motion to suppress the readings of such device shall be granted.

**(d) (e) Maintaining Certificates as Public Records.** Any certificate, affidavit, or foundational evidentiary document allowed or required by this rule can be filed with the court and maintained by the court as a public record. The records will be available for inspection by the public. Copies will be provided on request. The court may charge any allowable copying fees. The records are available without a formal request for discovery. The court is entitled to take judicial notice of the fact that the document has been filed with the court. Evidence will not be suppressed merely because there is not a representative of the prosecuting authority present who actually offers the document. Evidence shall be suppressed pursuant to subsection (e) of this rule if the evidence in the certificate, affidavit, or document is insufficient, or if it has not been filed as required.