

**Chapter 374-40 WAC  
PRACTICE AND PROCEDURE**

**Last Update:** 12/9/21

**WAC**

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**WAC 374-40-010 Adoption of model rules.** The model rules of procedure contained in chapter 10-08 WAC, as they exist now or may be hereafter amended are, to the extent they are not inconsistent with the rules contained in this chapter, adopted as the rules of procedure before this agency. The rules in this chapter will, to the extent of any conflict with the model rules of procedure, be deemed to supersede the conflicting model rules of procedure.

[Statutory Authority: RCW 70.148.040. WSR 90-18-057 (Order 90-7), § 374-40-010, filed 8/31/90, effective 10/1/90.]

**WAC 374-40-020 Agency defined.** Unless the context requires otherwise, "agency" means the pollution liability insurance agency created pursuant to chapter 70A.325 RCW.

[Statutory Authority: RCW 70A.01.010 and 70A.01.020. WSR 22-01-069, § 374-40-020, filed 12/9/21, effective 1/9/22. Statutory Authority: RCW 70.148.040. WSR 90-18-057 (Order 90-7), § 374-40-020, filed 8/31/90, effective 10/1/90.]

**WAC 374-40-030 Appearance and practice before agency—Who may appear.** No person may appear in a representative capacity before the agency or its designated hearing officer other than the following:

- (1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;
- (2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by Washington state law;
- (3) A bona fide officer, partner, or full-time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership, or corporation.

[Statutory Authority: RCW 70.148.040. WSR 90-18-057 (Order 90-7), § 374-40-030, filed 8/31/90, effective 10/1/90.]

**WAC 374-40-040 Appearance and practice before agency—Appearance by former employee of agency or former member of attorney general's staff.** No former employee of the agency or member of the attorney general's staff may at any time after severing his or her employment with the agency or the attorney general appear in a representative capacity on behalf of other parties in a formal proceeding wherein he or

she previously took an active part as a representative of the agency as provided by RCW 42.22.040.

[Statutory Authority: RCW 70.148.040. WSR 90-18-057 (Order 90-7), § 374-40-040, filed 8/31/90, effective 10/1/90.]

**WAC 374-40-050 Appearance and practice before agency—Former employee as expert witness.** No former employee of the agency shall at any time after severing his or her employment with the state of Washington appear, except with the written permission of the agency, as an expert witness on behalf of other parties in a formal proceeding wherein he or she previously took an active part in the investigation as a representative of the agency.

[Statutory Authority: RCW 70.148.040. WSR 90-18-057 (Order 90-7), § 374-40-050, filed 8/31/90, effective 10/1/90.]