

## WSR 07-21-095

## EXPEDITED RULES

## DEPARTMENT OF REVENUE

[Filed October 18, 2007, 3:22 p.m.]

Title of Rule and Other Identifying Information: Amending section WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation.

## NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, AND RECEIVED BY December 24, 2007.

**Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules:** The purpose of this rule is to provide information about the rate of inflation that is used by county officials to calculate interest on deferred special benefit assessments when farm and agricultural or timber land is removed or withdrawn from classification under chapter 84.34 RCW, the open space program.

Special benefit assessments for certain local improvements to farm and agricultural or timber land classified under chapter 84.34 RCW may be deferred by the land owner. If a land owner has chosen to defer these assessments, when the land is subsequently removed or withdrawn from classification the deferred special benefit assessments become due and payable with interest. WAC 458-30-590 provides the rate of inflation used in calculating the interest that is added to the deferred amount of special benefit assessments.

**Reasons Supporting Proposal:** RCW 84.34.310(6) authorizes the department to determine the rate of inflation and to publish this rate no later than January 1 each year for use in that assessment year.

**Statutory Authority for Adoption:** RCW 84.34.360.

**Statute Being Implemented:** RCW 84.34.310.

Rule is not necessitated by federal law, federal or state court decision.

**Name of Proponent:** Department of revenue, governmental.

**Name of Agency Personnel Responsible for Drafting:** Kim M. Qually, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6113; **Implementation and Enforcement:** Brad Flaherty, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5860.

October 18, 2007

Alan R. Lynn  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-01-012, filed 12/7/06, effective 1/1/07)

**WAC 458-30-590 Rate of inflation—Publication—Interest rate—Calculation.** (1) **Introduction.** This section sets forth the rates of inflation discussed in WAC 458-30-550. It also explains the department of revenue's obligation to annually publish a rate of inflation and the manner in which this rate is determined.

(2) **General duty of department—Basis for inflation rate.** Each year the department determines and publishes a rule establishing an annual rate of inflation. This rate of inflation is used in computing the interest that is assessed when farm and agricultural or timber land, which are exempt from special benefit assessments, is withdrawn or removed from current use classification.

(a) The rate of inflation is based upon the implicit price deflator for personal consumption expenditures calculated by the United States Department of Commerce. This rate is used to calculate the rate of interest collected on exempt special benefit assessments.

(b) The rate is published by December 31st of each year and applies to all withdrawals or removals from farm and agricultural or timber land classification that occur the following year.

(3) **Assessment of rate of interest.** An owner of classified farm and agricultural or timber land is liable for interest on the exempt special benefit assessment. Interest accrues from the date the local improvement district is created until the land is withdrawn or removed from classification. Interest accrues and is assessed in accordance with WAC 458-30-550.

(a) Interest is assessed only for the time (years and months) the land remains classified under RCW 84.34.020 (2) or (3).

(b) If the classified land is exempt from the special benefit assessment for more than one year, the annual inflation rates are used to calculate an average rate of interest. This average is determined by adding the inflation rate for each year the classified land was exempt from the special benefit assessment after the local improvement district was created. The sum of the inflation rates is then divided by the number of years involved to determine the applicable rate of interest.

(c) **Example.** A local improvement district for a domestic water supply system was created in January 1990 and the owner used the statutory exemption provided in RCW 84.34.320. On July 1, 1997, the land was removed from the farm and agricultural classification. An average interest rate was calculated using the inflation rates for 1990 through 1997. The owner was then notified of the amount of previously exempt special benefit assessment, plus the average interest rate.

(4) **Rates of inflation.** The rates of inflation used to calculate the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1977	6.5
1978	7.6	1979	11.3
1980	13.5	1981	10.3
1982	6.2	1983	3.2
1984	4.3	1985	3.5
1986	1.9	1987	3.7
1988	4.1	1989	4.8
1990	5.4	1991	4.2
1992	3.3	1993	2.7
1994	2.2	1995	2.3
1996	2.2	1997	2.1
1998	0.85	1999	1.42
2000	2.61	2001	1.89
2002	1.16	2003	1.84
2004	2.39	2005	2.54
2006	3.42	<u>2007</u>	<u>2.08</u>

**WSR 07-21-096**  
**EXPEDITED RULES**  
**DEPARTMENT OF REVENUE**

[Filed October 18, 2007, 3:25 p.m.]

Title of Rule and Other Identifying Information: Amending section WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kim M. Qually, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, fax (360) 664-0693, e-mail kimq@dor.wa.gov, AND RECEIVED BY December 24, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this rule is to provide county assessors with the rate of interest and property tax component used in valuing farm and agricultural land classified under chapter 84.34 RCW (the open space program).

The rule is being amended to update the interest rate and property tax component used to value farm and agricultural land classified under chapter 84.34 RCW. The amendments provide information that local taxing officials need to value classified farm and agricultural land during assessment year 2008.

Reasons Supporting Proposal: RCW 84.34.065 requires the department to annually determine a rate of interest and property tax component. This information is to be set forth in a rule that is to be published in the state register no later than January 1 each year for use in that assessment year.

Statutory Authority for Adoption: RCW 84.34.065 and 84.34.141.

Statute Being Implemented: RCW 84.34.065.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of revenue, governmental.

Name of Agency Personnel Responsible for Drafting: Kim M. Qually, 1025 Union Avenue S.E., Suite #400, Olympia, WA, (360) 570-6113; Implementation and Enforcement: Brad Flaherty, 1025 Union Avenue S.E., Suite #200, Olympia, WA, (360) 570-5860.

October 18, 2007

Alan R. Lynn

Rules Coordinator

AMENDATORY SECTION (Amending WSR 07-01-011, filed 12/7/06, effective 1/1/07)

**WAC 458-30-262 Agricultural land valuation—Interest rate—Property tax component.** For assessment year (~~2007~~) 2008, the interest rate and the property tax component that are to be used to value classified farm and agricultural lands are as follows:

- (1) The interest rate is (~~7.18~~) 7.60 percent; and
- (2) The property tax component for each county is:

COUNTY	PERCENT	COUNTY	PERCENT
Adams	<del>((1.28))</del> <u>1.26</u>	Lewis	<del>((1.15))</del> <u>1.04</u>
Asotin	<del>((1.39))</del> <u>1.33</u>	Lincoln	<del>((1.29))</del> <u>1.24</u>
Benton	<del>((1.28))</del> <u>1.25</u>	Mason	<del>((1.24))</del> <u>1.14</u>
Chelan	<del>((1.33))</del> <u>1.26</u>	Okanogan	<del>((1.18))</del> <u>1.07</u>
Clallam	<del>((0.99))</del> <u>0.86</u>	Pacific	<del>((1.39))</del> <u>1.31</u>
Clark	<del>((1.20))</del> <u>1.03</u>	Pend Oreille	<del>((1.13))</del> <u>0.97</u>
Columbia	<del>((1.30))</del> <u>1.17</u>	Pierce	<del>((1.32))</del> <u>1.17</u>
Cowlitz	<del>((1.25))</del> <u>1.15</u>	San Juan	<del>((0.69))</del> <u>0.61</u>
Douglas	<del>((1.33))</del> <u>1.22</u>	Skagit	<del>((1.12))</del> <u>0.99</u>
Ferry	<del>((0.90))</del> <u>0.96</u>	Skamania	<del>((0.92))</del> <u>0.89</u>
Franklin	<del>((1.38))</del> <u>1.42</u>	Snohomish	<del>((1.11))</del> <u>0.99</u>
Garfield	<del>((1.47))</del> <u>1.17</u>	Spokane	<del>((1.44))</del> <u>1.28</u>
Grant	<del>((1.37))</del> <u>1.35</u>	Stevens	<del>((1.09))</del> <u>0.95</u>
Grays Harbor	<del>((1.38))</del> <u>1.33</u>	Thurston	<del>((1.21))</del> <u>1.12</u>
Island	<del>((0.89))</del> <u>0.75</u>	Wahkiakum	<del>((1.03))</del> <u>0.96</u>
Jefferson	<del>((0.98))</del> <u>0.93</u>	Walla Walla	<del>((1.46))</del> <u>1.38</u>
King	<del>((1.04))</del> <u>1.00</u>	Whatcom	<del>((1.15))</del> <u>1.05</u>
Kitsap	<del>((1.07))</del> <u>0.96</u>	Whitman	<del>((1.54))</del> <u>1.44</u>
Kittitas	<del>((1.00))</del> <u>0.92</u>	Yakima	1.22
Klickitat	<del>((1.08))</del> <u>1.09</u>		

**WSR 07-21-135**  
**EXPEDITED RULES**

**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2007-12—Filed October 24, 2007,  
 7:14 a.m.]

Title of Rule and Other Identifying Information: Technical correction to WAC 284-24E-120 Medical malpractice data reporting.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kacy Scott, Insurance Commissioner, P.O. Box 40258, Olympia, WA 98504-0258, e-mail kacys@oic.wa.gov, AND RECEIVED BY December 25, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 284-24E-120 was adopted on June 4, 2007. It contains one provision that conflicts with the underlying law, RCW 7.70.140 (2)(a), which says:

"For claims settled or otherwise disposed of on or after January 1, 2008, the claimant or his or her attorney must report data to the commissioner if any action filed under this chapter results in a final:

- (i) Judgment in any amount;
- (ii) Settlement or payment in any amount; or
- (iii) Disposition resulting in no indemnity payment."

Attorneys and claimants must report medical malpractice closed claims only if an action is filed under chapter 7.70 RCW. As a result, an attorney or claimant is not required to report settlements made before filing suit, requesting arbitration or mediation, as required under WAC 284-24E-120(1).

Statutory Authority for Adoption: RCW 48.02.060 and 48.140.060.

Statute Being Implemented: Chapter 48.140 RCW and RCW 7.70.140.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Lisa Smego, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7134; Implementation: Beth Berendt, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7119; and Enforcement: Carol Sureau, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7050.

October 24, 2007  
 Mike Kreidler  
 Insurance Commissioner

AMENDATORY SECTION (Amending Matter No. R 2006-02, filed 6/4/07, effective 7/22/07)

**WAC 284-24E-120 How should information about the timing of the settlement be reported?** Persons reporting claims must report whether the claim is settled:

- ~~(1) ((Before filing suit, requesting arbitration or mediation hearing;~~
- ~~(2)))~~ Before trial, arbitration or mediation;
- ~~((3)))~~ (2) During trial, arbitration or mediation;
- ~~((4)))~~ (3) After trial or hearing, but before judgment or award;
- ~~((5)))~~ (4) After judgment or decision, but before appeal;
- ~~((6)))~~ (5) During an appeal; or
- ~~((7)))~~ (6) After an appeal.

**WSR 07-21-136**  
**EXPEDITED RULES**

**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2007-13—Filed October 24, 2007,  
 7:18 a.m.]

Title of Rule and Other Identifying Information: Technical correction to WAC 284-23-220.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kacy Scott, Insurance Commissioner, P.O. Box 40258, Olympia, WA 98504-0258, e-mail kacys@oic.wa.gov, AND RECEIVED BY December 25, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 284-23-220 was adopted in January of 1980. The current version of the referenced NAIC Buyer's Guide no longer contains cost indexes. After deleting subsection (6)(h), WAC 284-23-220 will be consistent with the current version of the NAIC Buyer's Guide and consumer confusion resulting from an outdated requirement will be eliminated.

Reasons Supporting Proposal: The proposed amendment will make WAC 284-23-220(6) consistent with the current NAIC Buyer's Guide which does not reference cost indexes and will eliminate consumer confusion when the outdated requirement is eliminated.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050, and 48.46.200.

Statute Being Implemented: None.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Donna Dorris, P.O. Box 40260, Olympia, WA 98504-0260, (360) 725-7040; Implementation: Beth Berendt, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7119; and Enforcement: Carol Sureau, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7050.

October 24, 2007

Mike Kreidler  
Insurance Commissioner

**AMENDATORY SECTION** (Amending Matter No. R 97-04, filed 5/6/98, effective 6/6/98)

**WAC 284-23-220 Definitions.** For the purposes of this regulation, the following definitions shall apply:

(1) "*Buyer's Guide*" is a document that contains, and is limited to, the current buyer's guide, which has been recommended for use by the National Association of Insurance Commissioners. A company must use the current *Buyer's Guide* no later than six months after approval by the National Association of Insurance Commissioners.

(2) Cost comparison indexes:

(a) "Surrender cost comparison index—Guaranteed basis" is calculated by applying the following steps:

(i) Step one: Determine the guaranteed cash surrender value, if any, available at the end of the tenth and twentieth policy years.

(ii) Step two: Divide the result of step one by an interest factor that converts it into one equivalent level annual amount that, if paid at the beginning of each year, would accrue to the values in step one over the respective periods stipulated in step one. If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.

(iii) Step three: Determine the equivalent guaranteed level premium by accumulating each guaranteed annual premium payable for the basic policy or rider at five percent interest compounded annually to the end of the period stipulated in step one and dividing the result by the respective factors stated in step two. (This amount is the guaranteed annual premium payable for a level premium plan.)

(iv) Step four: Subtract the result of step two from step three.

(v) Step five: Divide the result of step four by the number of thousands of the equivalent guaranteed level death benefit, using the company's guaranteed rate schedule to determine the amount payable upon death for purposes of subsection (3) of this section, to arrive at the "surrender cost comparison index—Guaranteed basis."

(b) "Net payment cost comparison index—Guaranteed basis" is calculated in the same manner as the comparable "surrender cost comparison index—Guaranteed basis" except that the cash surrender value is set at zero.

(3) "Equivalent guaranteed level death benefit" of a policy or term life insurance rider is an amount calculated as follows:

(a) Step six: Accumulate the amount payable upon death, regardless of the cause of death, at the beginning of each policy year for ten and twenty years at five percent inter-

est compounded annually to the end of the tenth and twentieth policy years respectively.

(b) Step seven: Divide each accumulation of step six by an interest factor that converts the accumulation into one equivalent level annual amount that, if paid at the beginning of each year, would accrue to the value in step six over the respective periods stipulated in step six. If the period is ten years, the factor is 13.207 and if the period is twenty years, the factor is 34.719.

(4) "Generic name" is a short title that is descriptive of the premium and benefit patterns of a policy or a rider.

(5) "Policy data" is a display or schedule of guaranteed numerical values for each policy year or a series of designated policy years of the following information: Premiums; death benefits; cash surrender values and endowment benefits.

(6) "Policy summary" is a written statement describing the elements of the policy including but not limited to:

(a) A prominently placed title as follows: Statement of policy cost and benefit information.

(b) The name and address of the insurance agent, or, if no agent is involved, a statement of the procedure to be followed in order to receive responses to inquiries regarding the policy summary.

(c) The full name and home office or administrative office address of the company in which the life insurance policy is to be or has been written.

(d) The generic name of the basic policy and each rider.

(e) The following amounts, where applicable, for the first five policy years and representative policy years thereafter sufficient to clearly illustrate the premium and benefit patterns, including, but not necessarily limited to, the years for which life insurance cost indexes are displayed and at least one age from sixty through sixty-five or maturity whichever is earlier:

(i) The guaranteed annual premium for the basic policy.

(ii) The guaranteed annual premium for each optional rider.

(iii) The guaranteed amount payable upon death, at the beginning of the policy year regardless of the cause of death other than suicide, or other specifically enumerated exclusions, which is provided by the basic policy and each optional rider, with benefits provided under the basic policy and each rider shown separately.

(iv) The guaranteed total cash surrender values at the end of the year with values shown separately for the basic policy and each rider.

(v) Any guaranteed endowment amounts payable under the policy which are not included under guaranteed cash surrender values above.

(f) The effective policy loan annual percentage interest rate, if the policy contains this provision, specifying whether this rate is applied in advance or in arrears. If the policy loan interest rate is adjustable, the policy summary shall also indicate that the annual percentage rate will be determined by the company in accordance with the provisions of the policy and the applicable law.

(g) Cost comparison indexes for ten and twenty years but in no case beyond the premium paying period. Separate indexes are displayed for the basic policy and for each

optional term life insurance rider. The indexes need not be included for optional riders which are limited to benefits such as accidental death benefits, disability waiver of premium, preliminary term life insurance coverage of less than 12 months and guaranteed insurability benefits nor basic policies or optional riders covering more than one life.

(h) ~~((A statement in close proximity to the life insurance cost indexes as follows: An explanation of the intended use of these indexes is provided in the Buyer's Guide.~~

(i)) The date on which the policy summary is prepared.

The policy summary must consist of a separate document. All information required to be disclosed must be set out in such a manner as to not minimize or render any portion obscure. Any amounts which remain level for two or more years of the policy may be represented by a single number if it is clearly indicated what amounts are applicable for each policy year. Amounts in item (e) of this section shall be listed in total, not on a per thousand nor per unit basis. If more than one insured is covered under one policy or rider, guaranteed death benefits shall be displayed separately for each insured or for each class of insureds if death benefits do not differ within the class. Zero amounts shall be displayed as zero and shall not be displayed as a blank space.

**WSR 07-21-137  
EXPEDITED RULES**

**OFFICE OF  
INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2007-14—Filed October 24, 2007,  
7:22 a.m.]

Title of Rule and Other Identifying Information: To bring chapter 284-52 WAC into compliance with statute changes.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Kacy Scott, Insurance Commissioner, P.O. Box 40258, Olympia, WA 98504-0258, e-mail kacys@oic.wa.gov, AND RECEIVED BY December 25, 2007.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: RCW 48.20.580, 48.44.341, and 48.46.291, enacted during the 2006 legislative session, require that mental health parity requirements be extended to individual and small group plans effective January 1, 2008. WAC 284-52-070(1) would be amended to remove this exclusion.

Reasons Supporting Proposal: The proposed amendments would conform chapter 284-52 WAC to the applicable statutes.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050, and 48.46.200.

Statute Being Implemented: RCW 48.20.580, 48.44.-341, 48.46.291.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Mike Kreidler, Insurance Commissioner, governmental.

Name of Agency Personnel Responsible for Drafting: Donna Dorris, P.O. Box 40258, Olympia, WA 98504-0258, (360) 725-7040; Implementation: Beth Berendt, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7119; and Enforcement: Carol Sureau, P.O. Box 40255, Olympia, WA 98504-0255, (360) 725-7050.

October 24, 2007

Mike Kreidler

Insurance Commissioner

AMENDATORY SECTION (Amending Order R 84-4, filed 9/19/84)

**WAC 284-52-070 Exclusions.** No policy or contract set forth in WAC 284-52-040, 284-52-050, and 284-52-060 may exclude coverage by type of illness, injury, accident, treatment, or medical condition, except with respect to the following:

(1) ~~((Mental or emotional disorders,))~~ Alcoholism and drug addiction.

(2) Pregnancy, except for complications of pregnancy.

(3) Illness, treatment or medical condition arising out of:

(a) War or act of war (whether declared or undeclared); participation in a felony, riot or insurrection; service in the armed forces or units auxiliary thereto.

(b) Suicide (sane or insane), attempted suicide or intentionally self-inflicted injury.

(c) Aviation.

(4) Cosmetic surgery, except that "cosmetic surgery" shall not include reconstructive surgery when such service is incidental to or follows covered surgery resulting from trauma, infection or other diseases of the involved part, reconstructive breast surgery covered pursuant to RCW 48.20.395, 48.21.230, 48.44.330 and 48.46.280, and reconstructive surgery because of congenital disease or anomaly of a covered dependent child which has resulted in a functional defect.

(5) Foot care in connection with corns, calluses, flat feet, fallen arches, weak feet, or chronic foot strain.

(6) Treatment (except emergency treatment for which legal liability exists to the covered person for the costs thereof) provided in a government hospital; benefits provided under Medicare or other governmental program (except Medicaid), any state or federal worker's compensation, employer's liability or occupational disease law; service rendered by employees of hospitals, laboratories or other institutions; services performed by a member of the covered person's immediate family and services for which no charge is normally made in the absence of insurance.

(7) Dental care or treatment.

(8) Eye glasses, hearing aids, and examination for the prescription or fitting thereof.

(9) Rest cures, custodial care, transportation, and routine physical examinations.

(10) Territorial limitations.

(11) Other exclusions commonly used by the particular carrier in group contracts providing hospital or medical benefits to employee groups.