

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2863

By: Shelton

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5
6 AS INTRODUCED

7 An Act relating to children; providing for mandated
8 liability insurance for child care facilities under
9 the Oklahoma Child Care Facilities Licensing Act;
10 specifying coverage; providing for proof of coverage;
11 providing exception; providing for suspension of
12 license; exempting certain persons; providing for
13 codification; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 404.2 of Title 10, unless there
17 is created a duplication in numbering, reads as follows:

18 A. A child care facility shall maintain liability insurance
19 coverage in the amount of Two Hundred Thousand Dollars (\$200,000.00)
20 for each occurrence of negligence. An insurance policy or contract
21 required under this section must cover injury to a child that occurs
22 while the child is on the premises of the child care facility or in
23 the care of the child care facility.

24 B. A child care facility shall file with the Department of
Human Services a certificate or other evidence from an insurance

1 company showing that the child care facility has an unexpired and
2 uncancelled insurance policy or contract that meets the requirements
3 of this section.

4 C. Should the child care facility for financial reasons or for
5 lack of availability of an underwriter willing to issue a policy be
6 unable to secure the insurance required under subsection A of this
7 section or should the policy limits be exhausted, the child care
8 facility shall notify the parent or a person standing in parental
9 relationship to each child for whom the child care facility provides
10 care a written notice that the liability coverage is not provided
11 and there will not be a ground for suspension or revocation of the
12 child care facility's license under the Oklahoma Child Care
13 Facilities Licensing Act. The child care facility shall also notify
14 the Department that coverage is not provided and provide the reason
15 for same. In no case shall the inability to secure coverage serve
16 to indemnify the child care facility due to negligence.

17 D. The insurance policy or contract shall be maintained at all
18 times in an amount as required by this section. Failure by a child
19 care facility to renew the policy or contract or to maintain the
20 policy or contract in the required amount is a ground for suspension
21 or revocation of the child care facility license under the Oklahoma
22 Child Care Facilities Licensing Act.

23 E. This section shall not apply to foster family homes or group
24 homes.

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SECTION 2. This act shall become effective November 1, 2008.

51-2-8322 SAB 10/23/07