

ENROLLED SENATE
BILL NO. 1679

By: Jolley of the Senate
and
Murphey of the House

An Act relating to children; amending Section 2, Chapter 58, O.S.L. 2008, as amended by Section 1, Chapter 136, O.S.L. 2009 (10 O.S. Supp. 2009, Section 404.3), which relates to liability insurance for child care facilities; deleting certain penalties for noncompliance; adding certain penalties for noncompliance; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 58, O.S.L. 2008, as amended by Section 1, Chapter 136, O.S.L. 2009 (10 O.S. Supp. 2009, Section 404.3), is amended to read as follows:

Section 404.3. A. A child care facility shall maintain liability insurance coverage of at least Two Hundred Thousand Dollars (\$200,000.00) for each occurrence of negligence. An insurance policy or contract required under this section shall cover injury to a child due to negligence that occurs while the child is in the care of the child care facility.

B. The Department of Human Services shall promulgate rules providing for a standard form to be signed and dated by an insurance agent licensed in this state stating that the child care facility has an unexpired and uncanceled insurance policy or contract of at least Two Hundred Thousand Dollars (\$200,000.00) that meets the requirements of this section. This form shall be completed annually and shall be maintained by the child care facility. Upon request, the form shall be made available to the Department to determine compliance with licensing requirements.

C. Should the child care facility for financial reasons or for lack of availability of an underwriter willing to issue a policy be unable to secure the insurance required under subsection A of this section, should the policy limits be exhausted, or if the child care facility reports self-insurance in accordance with state law the child care facility shall:

1. Post a notice at the facility indicating the facility does not have liability insurance coverage pursuant to this section or reports self-insurance in accordance with state law; and

2. Notify the Department that coverage is not provided or that the facility reports self-insurance in accordance with state law.

~~Failure by a child care facility to comply with the provisions of this subsection is a ground for suspension or revocation of the child care facility license under the Oklahoma Child Care Facilities Licensing Act.~~

D. The Commission for Human Services shall promulgate rules providing for a standard form for the facility to post which indicates the facility does not carry liability insurance or reports self-insurance in accordance with state law. In no case shall the inability to secure coverage serve to indemnify the child care facility due to negligence.

E. The insurance policy or contract shall be maintained at all times in an amount as required by this section, except as provided for in subsection C of this section.

F. The requirements for posting shall not apply to:

1. Licensed child-placing agencies;
2. Licensed residential child care facilities; or
3. Department-certified child care facilities.

G. The Commission may promulgate rules requiring liability insurance for facilities listed in subsection F of this section.

H. Failure by a child care facility to comply with the provisions of this section is grounds for suspension or revocation of the child care facility license under the Oklahoma Child Care Facilities Licensing Act.

SECTION 2. This act shall become effective November 1, 2010.

Passed the Senate the 16th day of February, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 29th day of March, 2010.

Presiding Officer of the House
of Representatives