

SB 478

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THE STATE SENATE
Tuesday, February 10, 2009

Senate Bill No. 478
As Amended

SENATE BILL NO. 478 - By: Jolley of the Senate and Peters of the House.

An Act relating to children; amending Section 2, Chapter 58, O.S.L. 2008 (10 O.S. Supp. 2008, Section 404.3), which relates to liability insurance for child care facilities; clarifying language; modifying required location of certain forms; 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 (10 O.S. Supp. 2008, 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 on the premises of the child care facility or in the care of the child care facility.

B. The ~~Department of~~ Commission for 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

1 (\$200,000.00) that meets the requirements of this section. This
2 form shall be completed annually and shall be kept in the file ~~of~~
3 located at the child care facility.

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 guardian of each child for whom
9 the child care facility provides care a written notice that the
10 liability coverage is not provided and there will not be a ground
11 for suspension or revocation of the child care facility's license
12 under the Oklahoma Child Care Facilities Licensing Act. The child
13 care facility shall also notify the Department that coverage is not
14 provided and provide the reason for same.

15 D. The ~~Department~~ Commission shall promulgate rules providing
16 for a standard form for the facility to provide to parents or
17 guardians notifying the parents or guardians that the facility does
18 not carry liability insurance for the reasons allowed in subsection
19 C of this section. This form shall be signed and dated by a parent
20 or guardian and maintained in the file of the child. If the
21 facility is without insurance for reasons provided for in subsection
22 C of this section for longer than one (1) year, the facility shall
23 update this notification form with signatures and dates annually.

1 In no case shall the inability to secure coverage serve to indemnify
2 the child care facility due to negligence.

3 E. The insurance policy or contract shall be maintained at all
4 times in an amount as required by this section, except as provided
5 for in subsections C and D of this section. Failure by a child care
6 facility to renew the policy or contract or to maintain the policy
7 or contract in the required amount is a ground for suspension or
8 revocation of the child care facility license under the Oklahoma
9 Child Care Facilities Licensing Act.

10 F. This section shall not apply to foster family homes or group
11 homes.

12 SECTION 2. This act shall become effective November 1, 2009.

13 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
14 2-5-09 - DO PASS, As Amended and Coauthored.