

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 2135

By: Shelton

4  
5  
6 AS INTRODUCED

7 An Act relating to children; amending Section 2,  
8 Chapter 58, O.S.L. 2008 (10 O.S. Supp. 2008, Section  
9 404.3), which relates to Demarion's Law; specifying  
the location of certain records to be maintained; and  
providing an effective date.

10  
11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY Section 2, Chapter 58, O.S.L. 2008  
14 (10 O.S. Supp. 2008, Section 404.3), is amended to read as follows:

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

21 B. The Department of Human Services shall promulgate rules  
22 providing for a standard form to be signed and dated by an insurance  
23 agent licensed in this state stating that the child care facility  
24 has an unexpired and uncanceled insurance policy or contract of at

1 least Two Hundred Thousand Dollars (\$200,000.00) that meets the  
2 requirements of this section. This form shall be completed annually  
3 and shall be kept in ~~the~~ a file ~~of~~ at the 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 shall promulgate rules providing for a  
16 standard form for the facility to provide to parents or guardians  
17 notifying the parents or guardians that the facility does not carry  
18 liability insurance for the reasons allowed in subsection C of this  
19 section. This form shall be signed and dated by a parent or  
20 guardian and maintained in the file of the child. If the facility  
21 is without insurance for reasons provided for in subsection C of  
22 this section for longer than one (1) year, the facility shall update  
23 this notification form with signatures and dates annually. In no  
24

1 case shall the inability to secure coverage serve to indemnify the  
2 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

14 52-1-5812 SAB 01/04/08

15

16

17

18

19

20

21

22

23

24