

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1679

By: Jolley

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5  
6 AS INTRODUCED

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

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

15 SECTION 1. AMENDATORY Section 2, Chapter 58, O.S.L.  
16 2008, as amended by Section 1, Chapter 136, O.S.L. 2009 (10 O.S.  
17 Supp. 2009, Section 404.3), is amended to read as follows:

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

24 B. The Department of Human Services shall promulgate rules  
providing for a standard form to be signed and dated by an insurance

1 agent licensed in this state stating that the child care facility  
2 has an unexpired and uncanceled insurance policy or contract of at  
3 least Two Hundred Thousand Dollars (\$200,000.00) that meets the  
4 requirements of this section. This form shall be completed annually  
5 and shall be maintained by the child care facility. Upon request,  
6 the form shall be made available to the Department to determine  
7 compliance with licensing requirements.

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

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

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

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

23 D. The Commission for Human Services shall promulgate rules  
24 providing for a standard form for the facility to post which

1 indicates the facility does not carry liability insurance or reports  
2 self-insurance in accordance with state law. In no case shall the  
3 inability to secure coverage serve to indemnify the child care  
4 facility due to negligence.

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

8 F. The requirements for posting shall not apply to:

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

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

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

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

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