

1 STATE OF OKLAHOMA

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

3 SENATE BILL 478

By: Jolley

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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 liability insurance for child
10 care facilities; clarifying language; modifying
11 required location of certain forms; and providing an
12 effective date.

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

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

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

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

1 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 file ~~of~~ 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 for
11 suspension or revocation of the child care facility's license under
12 the Oklahoma Child Care Facilities Licensing Act. The child care
13 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 guardian
20 and maintained in the file of the child. If the facility is without
21 insurance for reasons provided for in subsection C of this section
22 for longer than one (1) year, the facility shall update this
23 notification form with signatures and dates annually. In no case

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1 shall the inability to secure coverage serve to indemnify the child
2 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 or
7 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.

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14 52-1-727 JM 3/6/2009 4:48:37 AM

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