

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1848

By: Shelton

4  
5  
6 AS INTRODUCED

7 An Act relating to children; amending Section 1,  
8 Chapter 58, O.S.L. 2008, and Section 2, Chapter 58,  
9 O.S.L. 2008, as last amended by Section 1, Chapter  
10 45, O.S.L. 2010 (10 O.S. Supp. 2010, Sections 404.2  
11 and 404.3), which relate to Demarion's Law; updating  
12 statutory reference; requiring insurance or self-  
13 insurance coverage of child care facilities; removing  
14 exceptions to requirements for posting; and providing  
15 an effective date.

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

17 SECTION 1. AMENDATORY Section 1, Chapter 58, O.S.L. 2008  
18 (10 O.S. Supp. 2010, Section 404.2), is amended to read as follows:

19 Section 404.2 ~~This act~~ Sections 404.2 and 404.3 of this title  
20 shall be known and may be cited as "Demarion's Law".

21 SECTION 2. AMENDATORY Section 2, Chapter 58, O.S.L.  
22 2008, as last amended by Section 1, Chapter 45, O.S.L. 2010 (10 O.S.  
23 Supp. 2010, Section 404.3), is amended to read as follows:

24 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

1 insurance policy or contract required under this section shall cover  
2 injury to a child due to negligence that occurs while the child is  
3 in the care of the child care facility.

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

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

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

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

24

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

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

10 F. ~~The requirements for posting shall not apply to:~~

11 ~~1. Licensed child placing agencies,~~

12 ~~2. Licensed residential child care facilities; or~~

13 ~~3. Department certified child care facilities.~~

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

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

20 SECTION 3. This act shall become effective November 1, 2011.

21

22 53-1-5084 SDR 01/11/11

23

24