

1 ENGROSSED HOUSE AMENDMENTS  
TO  
2 ENGROSSED SENATE BILL NO. 1274 By: Floyd of the Senate

3 and  
4 Cockroft of the House  
5

6  
7 An Act relating to child care facilities; amending 10  
8 O.S. 2011, Section 404.3, as amended by Section 5,  
9 Chapter 308, O.S.L. 2013 (10 O.S. Supp. 2015, Section  
10 404.3), which relates to mandatory liability  
11 insurance; providing statutory reference; requiring  
12 facilities to maintain certain records onsite;  
13 specifying criteria for certain forms; clarifying  
14 language; directing promulgation of rules; and  
15 providing an effective date.

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10 insurance; providing statutory reference; requiring  
11 facilities to maintain certain records onsite;  
12 specifying criteria for certain forms; clarifying  
13 language; directing promulgation of rules; and  
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 10 O.S. 2011, Section 404.3, as  
17 amended by Section 5, Chapter 308, O.S.L. 2013 (10 O.S. Supp. 2015,  
18 Section 404.3), is amended to read as follows:

19 Section 404.3. A. A child care facility shall maintain general  
20 liability insurance coverage as defined by Section 707 of Title 36  
21 of the Oklahoma Statutes of at least Two Hundred Thousand Dollars  
22 (\$200,000.00) for each occurrence of negligence. An insurance  
23 policy or contract required under this section shall cover injury to  
24 a child due to negligence that occurs while the child is in the care  
of the child care facility.

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

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

- 16 1. Post a conspicuous notice at the facility indicating the  
17 facility does not have liability insurance coverage pursuant to this  
18 section or reports self-insurance in accordance with state law; and
- 19 2. Notify the Department that coverage is not provided or that  
20 the facility reports self-insurance in accordance with state law.

21 D. The Department shall promulgate rules providing for a  
22 standard notice form for the facility to post which indicates the  
23 facility does not carry liability insurance or reports self-

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1 insurance in accordance with state law. The form required pursuant  
2 to paragraph 1 of subsection C of this section shall be:

3 1. Printed with lettering that is legible and in at least  
4 three-fourths-inch boldfaced type;

5 2. Placed at the main entrance of the facility in a conspicuous  
6 location; and

7 3. Copied and provided to the parent or legal guardian of each  
8 child under supervision of the child care facility.

9 E. In no case shall the inability to secure coverage serve to  
10 indemnify the child care facility due to negligence.

11 ~~E.~~ F. The insurance policy or contract shall be maintained at  
12 all times in an amount as required by this section, except as  
13 provided for in subsection C of this section.

14 G. Each child care facility shall maintain a copy of the most  
15 recent compliance file onsite. The Department shall promulgate  
16 rules providing for a standard notice form for the facility to post  
17 which indicates:

18 1. The facility has a copy of the most recent compliance files  
19 onsite for inspection upon request of a parent or guardian of each  
20 child under the supervision of the child care facility; and

21 2. Such files are also made available for public inspection by  
22 the Department.

23 H. The forms required pursuant to this subsection shall be:  
24

1        1. Printed with lettering that is legible and in at least  
2 three-fourths-inch boldfaced type;

3        2. Placed at the main entrance of the facility in a conspicuous  
4 location; and

5        3. Copied and provided to the parent or legal guardian of each  
6 child under supervision of the child care facility.

7        ~~F.~~ I. The requirements for posting provided by subsection D and  
8 G of this section 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.~~ J. The Department may promulgate rules requiring liability  
13 insurance for facilities listed in subsection ~~F~~ I of this section.

14        ~~H.~~ K. 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        L. The Department shall promulgate rules to implement the  
19 provisions of this section.

20        SECTION 2. This act shall become effective November 1, 2016.

