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# A BILL FOR AN ACT

RELATING TO CHILD CARE PROVIDERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. This Act shall be known and may be cited as the  
2 "Wylie Muir Act".

3 SECTION 2. Section 346-157, Hawaii Revised Statutes, is  
4 amended to read as follows:

5 "[+]§346-157[+] Liability insurance coverage; [nø]  
6 requirement. (a) For the purpose of this section, "liability  
7 insurance coverage" means a general casualty insurance policy  
8 issued to a provider insuring against legal liability for injury  
9 resulting from negligence to a child during the time the child  
10 is under the care of the child care provider.

11 (b) The department shall [nøt] require [a-provider] all  
12 providers to obtain [øx] and maintain liability insurance  
13 coverage in an amount determined by the department as a  
14 condition of licensure, temporary permission, or registration to  
15 operate a child care facility.

16 (c) The department, as a condition of continued licensure,  
17 temporary permission, or registration, shall require [a-provider



1 ~~who does not have liability insurance coverage]~~ all providers to  
2 disclose in writing [~~that the provider does not have coverage]~~  
3 to each parent or guardian:

4 (1) Applying to have a child cared for at the provider's  
5 facility, [~~if the provider has no]~~ summary information  
6 including the insurer's name and contact information,  
7 coverage amounts, and effective dates for the  
8 provider's liability insurance coverage at the time of  
9 application; or

10 (2) Within seven working days of any change, cancellation,  
11 or termination of liability insurance coverage [if],  
12 that the coverage [is] has been changed, canceled, or  
13 terminated while the parent's or guardian's child is  
14 cared for at the provider's facility.

15 (d) The department may suspend or revoke a license,  
16 temporary permit, or certificate of registration of a provider  
17 in accordance with section 346-164 or 346-175, if [~~the~~]:

18 (1) The provider or any employee of the provider knowingly  
19 makes a false statement to any person concerning the  
20 provider's liability insurance coverage[-]; or



1       (2) The provider does not comply with the insurance  
2       coverage and disclosure requirements of this section  
3       and rules adopted by the department pursuant to this  
4       section.

5       (e) Proof of liability insurance coverage as required by  
6       this section shall be verified by the department on an annual  
7       basis."

8       SECTION 3. The department of human services shall submit a  
9       report to the legislature, no later than twenty days prior to  
10      the convening of the regular session of 2018, on the following  
11      issues related to the liability insurance requirements  
12      established by section 2 of this Act:

13      (1) The amount of liability insurance coverage required to  
14      be obtained by child care providers;

15      (2) The costs incurred by child care providers to obtain  
16      liability insurance and the projected impact these  
17      costs may have on the rates charged to consumers; and

18      (3) Outreach efforts conducted by the department, to  
19      ensure compliance with the requirements of this Act.

20      SECTION 4. Statutory material to be repealed is bracketed  
21      and stricken. New statutory material is underscored.



1           SECTION 5. This Act shall take effect on July 1, 2050;  
2 provided that enforcement of the liability insurance  
3 requirements under section 2 of this Act shall not take place  
4 until January 1, 2019.

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**Report Title:**

Child Care Providers; Liability Insurance; Department of Human Services; Wylie Muir Act

**Description:**

Requires all child care providers subject to regulation by the department of human services to obtain and maintain liability insurance as a condition of licensure, temporary permission, or registration and disclose insurance-related information to certain parents or guardians. Requires the department of human services to submit a report to the legislature prior to the 2018 regular session. Effective 7/1/2050 but stipulates enforcement shall not occur until January 1, 2019. (SD2)

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