
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; ~~[no]~~**
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 ~~[not]~~ require ~~[a provider]~~ all
12 providers to obtain ~~[or]~~ 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 the
12 coverage is changed, canceled, or terminated while the
13 parent's or guardian's child is cared for at the
14 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. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval;
11 provided that enforcement of the liability insurance
12 requirements under Section 2 of this Act shall not take place
13 until January 1, 2018.



Report Title:

Child Care Providers; Liability Insurance; 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. Effective upon approval but stipulates enforcement shall not occur until January 1, 2018. (HB674 HD2)

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