
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]~~,
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. 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, 2019.



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 and disclose insurance-related information to certain parents or guardians. Effective upon approval but stipulates enforcement shall not occur until January 1, 2019.
(SD1)

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