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SECOND SUBSTITUTE SENATE BILL 5708

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State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Kohl, Long, Hargrove, Prentice, Brown and Winsley)

Read first time 1/30/98.

1 AN ACT Relating to liability insurance for child day-care  
2 providers; adding a new section to chapter 74.15 RCW; and providing an  
3 effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 74.15 RCW  
6 to read as follows:

7 (1) Every licensed child day-care center and family day-care  
8 provider shall, at the time of licensure or renewal and at any  
9 inspection, provide to the department proof that the licensee has day-  
10 care insurance as defined in RCW 48.88.020 or for day-care centers, is  
11 self-insured pursuant to chapter 48.90 RCW. Liability limits under  
12 this section shall be the same as set forth in RCW 48.88.050.

13 (2) The licensee shall notify the department when coverage has been  
14 terminated.

15 (3) The department may take action as provided in RCW 74.15.130 if  
16 the licensee fails to maintain in full force and effect the insurance  
17 required by this section.

1 (4) This section applies to child day-care centers and family day-  
2 care providers holding licenses, initial licenses, and probationary  
3 licenses under this chapter.

4 (5) A child day-care center or family day-care provider holding a  
5 license under this chapter on the effective date of this act is not  
6 required to be in compliance with this section until the time of  
7 renewal of the license or until January 1, 2000, whichever is sooner.

8 (6) In lieu of day-care insurance, family day-care providers shall  
9 maintain a file of affidavits or declarations signed by each parent  
10 with a child enrolled in family day care. The affidavit or declaration  
11 shall state that the parent has been informed that the family day-care  
12 provider does not carry day-care insurance and that the parent has been  
13 informed that the day-care insurance, if any, of the owner of the  
14 property or the homeowners' association, as appropriate, may not  
15 provide coverage for losses arising out of, or in connection with, the  
16 operation of the family day-care provider, except to the extent that  
17 the losses are caused by, or result from, an action or omission by the  
18 owner of the property or the homeowners' association, for which the  
19 owner of the property or the homeowners' association would otherwise be  
20 liable under the law. These affidavits or declarations shall be on a  
21 form provided by the department and shall be reviewed at each licensing  
22 inspection.

23 (7) Noncompliance or compliance with the provisions of this section  
24 shall not constitute evidence of liability or nonliability in any  
25 injury litigation.

26 NEW SECTION. **Sec. 2.** This act takes effect January 1, 1999.

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