
SENATE BILL 5131

State of Washington

56th Legislature

1999 Regular Session

By Senators Kohl-Welles, Long, Hargrove, Winsley, Brown, Patterson, Thibaudeau, Prentice and Costa

Read first time 01/13/1999. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to liability insurance for licensed day-care and
2 family day-care providers; adding a new section to chapter 74.15 RCW;
3 and providing an 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. The licensee shall post at the day care, in a manner
15 likely to be observed by patrons, notice that coverage has lapsed or
16 been terminated. Within thirty days of lapse or termination, the
17 licensee shall obtain from the parent an affidavit or declaration
18 signed by him or her that states he or she has been informed coverage
19 has lapsed or terminated.

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

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

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

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

26 (7) Noncompliance or compliance with the provisions of this section
27 shall not constitute evidence of liability or nonliability in any
28 injury litigation.

29 NEW SECTION. **Sec. 2.** This act takes effect January 1, 2000.

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