

ACT 298

H.B. NO. 2238-86

A Bill for an Act Relating to Child Care Liability Insurance.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to part VIII, subpart A, to be appropriately designated and to read as follows:

“§346- Liability insurance coverage; no requirement. (a) For the purpose of this section, “liability insurance coverage” means a general casualty insurance policy issued to a provider insuring against legal liability for injury resulting from negligence to a child during the time the child is under the care of the child care provider.

(b) The department shall not require a provider to obtain or maintain liability insurance coverage as a condition of licensure, temporary permission, or registration to operate a child care facility.

(c) The department, as a condition of continued licensure, temporary permission, or registration, shall require a provider who does not have liability insurance coverage to disclose in writing that the provider does not have coverage to each parent or guardian:

- (1) Applying to have a child cared for at the provider’s facility, if the provider has no liability insurance coverage at the time of application; or
- (2) Within seven working days of cancellation or termination of liability insurance coverage if the coverage is canceled or terminated while the parent’s or guardian’s child is cared for at the provider’s facility.

(c)¹ The department may suspend or revoke a license, temporary permit, or certificate of registration of a provider in accordance with section 346-164 or 346-175, if the provider or any employee of the provider knowingly makes a false statement to any person concerning the provider’s liability insurance coverage.”

SECTION 2. New statutory material is underscored.²

SECTION 3. This Act shall take effect upon its approval.

(Approved May 30, 1986.)

Notes

1. So in original.
2. Edited pursuant to HRS §23G-16.5.