



**H.B. 452**

126th General Assembly  
(As Introduced)

**Reps. Mason, Kozuira, Otterman, Yuko, DeGeeter, Fende, S. Patton,  
Skindell, Key, Sykes**

---

**BILL SUMMARY**

- Requires type A and type B family day-care homes to procure and maintain liability insurance or a bond, or a signed affidavit by a parent of each child receiving child care in that day-care home, acknowledging that the day-care home does not carry such liability insurance or bond.

---

**CONTENT AND OPERATION**

**Current law**

**Type A family day-care home**

Under current law, a type A family day-care home is not required to maintain any type of insurance in connection with the operation of that day-care home. The Ohio Revised Code defines a "type A family day-care home" as (R.C. 5104.01(RR)):

[A] permanent residence of the administrator in which child care [including publicly funded child care] is provided for seven to twelve children at one time, or for four to twelve children at one time, if four or more children at one time are under two years of age.

\* \* \*

[A]ny children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the type A home [are] counted.

\* \* \*

"Type A family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. "Type A family day-care home" does not include any child day camp.

**Type B family day-care home**

Type B family day-care homes, which are permitted fewer children in the home than type A family day-care homes, are not required by the Ohio Revised Code to maintain any insurance in connection with the operation of the day-care home, *however* the Ohio Administrative Code requires type B day-care homes to maintain automobile insurance. If the type B day-care provider transports a child, the provider must have written and signed permission from the child's caretaker, a valid license, and automobile insurance coverage. (O.A.C. 5101:2-14-21.) The Ohio Revised Code defines a "type B family day-care home" as (R.C. 5104.01(SS)):

[A] permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time.

\* \* \*

[A]ny children under six years of age who are related to the provider and who are on the premises of the type B home [are] counted.

\* \* \*

"Type B family day-care home" does not include a residence in which the needs of children are administered to, if all of the children whose needs are being administered to are siblings of the same immediate family and the residence is the home of the siblings. "Type B family day-care home" does not include any child day camp.

**The bill**

The bill requires both type A and type B day-care homes to procure and maintain either (1) liability insurance, (2) a bond in the aggregate amount of

\$300,000, or (3) an affidavit signed by the parent, guardian, or custodian of the child. The affidavit must state that the family day-care home does not carry liability insurance or a bond and that, if the family day-care home operator is not the owner of the property where the day-care home is located, the owner of the property may not have liability insurance coverage for the day-care home. (R.C. 5104.041(A).) Proof of one of the above requirements must be maintained at the day-care home and made available for review during inspection or investigation (R.C. 5104.041(C)).

If a type A or type B day-care home procures liability insurance, the insurance must cover any cause arising out of, or in connection with, the operation of the day-care home. The liability insurance must be in the amount of at least \$100,000 per occurrence and \$300,000 in the aggregate. (R.C. 5104.041(A)(1).)

Additionally, if the applicant for day-care home licensure or certification is not the owner of the property where the day-care is located, any liability insurance or bond must name the owner as an additional insured party if (1) the owner requests, in writing, that the owner be listed as an additional party, (2) the addition of the owner does not result in cancellation or nonrenewal of the insurance or bond, and (3) the owner pays any additional premiums assessed for coverage of the owner (R.C. 5104.041(B)).

---

## HISTORY

ACTION	DATE
Introduced	12-15-05

H0452-I-126.doc/jc