

State of Arkansas
90th General Assembly
Regular Session, 2015

A Bill

HOUSE BILL 1014

By: Representatives Gillam, Gossage, Eubanks, Cozart, C. Armstrong, Deffenbaugh, C. Douglas, Harris, G. Hodges, Leding, Lowery, McElroy, Murdock, Sabin
By: Senators J. English, U. Lindsey, E. Williams, A. Clark, B. Pierce, J. Hendren, E. Cheatham, B. Johnson, Elliott, Collins-Smith

For An Act To Be Entitled

AN ACT TO EXEMPT STATE INSTITUTIONS, POLITICAL SUBDIVISIONS, AND ANY OTHER APPLICABLE ENTITY WITH TORT LIABILITY IMMUNITY FROM THE REQUIREMENT TO OBTAIN GENERAL LIABILITY INSURANCE COVERAGE WHEN OBTAINING A CHILD CARE FACILITY LICENSE; AND FOR OTHER PURPOSES.

Subtitle

TO EXEMPT STATE INSTITUTIONS, POLITICAL SUBDIVISIONS, AND ANY OTHER APPLICABLE ENTITY WITH TORT LIABILITY IMMUNITY FROM THE REQUIREMENT TO OBTAIN GENERAL LIABILITY INSURANCE COVERAGE WHEN OBTAINING A CHILD CARE FACILITY LICENSE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-78-227(b), concerning general liability insurance coverage, is amended to read as follows:

(b)(1) The Division of Child Care and Early Childhood Education of the Department of Human Services ~~is directed~~, in collaboration with the State Insurance Department, ~~to~~ shall develop and promulgate rules requiring sufficient and appropriate minimum levels of general liability insurance coverage for licensed child care centers and licensed and registered child



care family homes, including coverage for transportation services when applicable.

(2) A state institution, political subdivision, or other entity that is entitled to immunity from liability under § 21-9-301 is not required to have general liability insurance coverage in order to be licensed.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that school districts are statutorily immune from tort liability; that the general liability insurance requirement imposed by rule of the Division of Child Care and Early Childhood Education of the Department of Human Services is burdensome on school districts; and that this act is immediately necessary to ensure that school districts are able to continue offering critical early childhood education programs. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

APPROVED: 02/06/2015