

As Introduced

**127th General Assembly
Regular Session
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S. B. No. 210

Senator Mason

**Cosponsors: Senators Bocchieri, Cafaro, Miller, D., Morano, Padgett, Schuler,
Smith**

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A B I L L

To enact section 5104.041 of the Revised Code to 1
require Type A and Type B family day-care homes to 2
generally procure and maintain liability insurance 3
or a bond and permit an owner of real property 4
where a family day-care home is located to be 5
listed as an additional insured party on a 6
liability insurance policy under certain 7
circumstances. 8

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

Section 1. That section 5104.041 of the Revised Code be 9
enacted to read as follows: 10

Sec. 5104.041. (A) All type A and type B family day-care 11
homes shall procure and maintain one of the following: 12

(1) Liability insurance issued by an insurer authorized to do 13
business in this state under Chapter 3905. of the Revised Code 14
insuring the type A or type B family day-care home against 15
liability arising out of, or in connection with, the operation of 16
the family day-care home. Liability insurance procured under this 17
division shall cover any cause for which the type A or type B 18

family day-care home would be liable, in the amount of at least 19
one hundred thousand dollars per occurrence and three hundred 20
thousand dollars in the aggregate. 21

(2) A bond in the aggregate amount of three hundred thousand 22
dollars; 23

(3) An affidavit signed by the parent, guardian, or custodian 24
of each child receiving child care from the type A or type B 25
family day-care home that states all of the following: 26

(a) The family day-care home does not carry liability 27
insurance or a bond required under divisions (A)(1) and (2) of 28
this section; 29

(b) If the applicant for licensure or certification of the 30
family day-care home is not the owner of the real property where 31
the family day-care home is located, the liability insurance, if 32
any, of the owner of the real property may not provide for 33
coverage of any liability arising out of, or in connection with, 34
the operation of the family day-care home. 35

(B) If the applicant for licensure or certification of a type 36
A or type B family day-care home is not the owner of the real 37
property where the family day-care home is located and the family 38
day-care home procures liability insurance or a bond under 39
division (A)(1) or (2) of this section, that applicant shall name 40
the owner of the real property as an additional insured party on 41
the liability insurance policy or bond if all of the following 42
apply: 43

(1) The owner of the real property requests the applicant, in 44
writing, to add the owner of the real property to the liability 45
insurance policy as an additional insured party. 46

(2) The addition of the owner of the real property does not 47
result in cancellation or nonrenewal of the insurance policy or 48
bond procured by the type A or type B family day-care home. 49

(3) The owner of the real property pays any additional 50
premium assessed for coverage of the owner of the real property. 51

(C) Proof of insurance, bond, or affidavit required under 52
division (A) of this section shall be maintained at the type A or 53
type B family day-care home and made available for review during 54
inspection or investigation as required under this chapter. 55