

**As Passed by the Senate**

**127th General Assembly**

**Regular Session**

**2007-2008**

**Sub. S. B. No. 210**

**Senator Mason**

**Cosponsors: Senators Boccieri, Cafaro, Miller, D., Morano, Padgett, Schuler,  
Smith, Kearney, Stivers, Austria, Fedor, Harris, Jacobson, Miller, R., Niehaus,  
Sawyer, Schaffer, Spada, Wagoner, Wilson**

—

**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  
and permit an owner of real property where a 4  
family day-care home is located to be listed as an 5  
additional insured party on a liability insurance 6  
policy under certain circumstances. 7

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

**Section 1.** That section 5104.041 of the Revised Code be 8  
enacted to read as follows: 9

**Sec. 5104.041.** (A) All type A and type B family day-care 10  
homes shall procure and maintain one of the following: 11

(1) Liability insurance issued by an insurer authorized to do 12  
business in this state under Chapter 3905. of the Revised Code 13  
insuring the type A or type B family day-care home against 14  
liability arising out of, or in connection with, the operation of 15  
the family day-care home. Liability insurance procured under this 16  
division shall cover any cause for which the type A or type B 17

family day-care home would be liable, in the amount of at least 18  
one hundred thousand dollars per occurrence and three hundred 19  
thousand dollars in the aggregate. 20

(2) An affidavit signed by the parent, guardian, or custodian 21  
of each child receiving child care from the type A or type B 22  
family day-care home that states all of the following: 23

(a) The family day-care home does not carry liability 24  
insurance described in division (A)(1) of this section; 25

(b) If the licensee of a type A family day-care home or the 26  
provider of a type B family day-care home is not the owner of the 27  
real property where the family day-care home is located, the 28  
liability insurance, if any, of the owner of the real property may 29  
not provide for coverage of any liability arising out of, or in 30  
connection with, the operation of the family day-care home. 31

(B) If the licensee of a type A family day-care home or the 32  
provider of a type B family day-care home is not the owner of the 33  
real property where the family day-care home is located and the 34  
family day-care home procures liability insurance described in 35  
division (A)(1) of this section, that licensee or provider shall 36  
name the owner of the real property as an additional insured party 37  
on the liability insurance policy if all of the following apply: 38

(1) The owner of the real property requests the licensee or 40  
provider, in writing, to add the owner of the real property to the 41  
liability insurance policy as an additional insured party. 42

(2) The addition of the owner of the real property does not 43  
result in cancellation or nonrenewal of the insurance policy 44  
procured by the type A or type B family day-care home. 45

(3) The owner of the real property pays any additional 46  
premium assessed for coverage of the owner of the real property. 47

<u>(C) Proof of insurance or affidavit required under division</u>	48
<u>(A) of this section shall be maintained at the type A or type B</u>	49
<u>family day-care home and made available for review during</u>	50
<u>inspection or investigation as required under this chapter.</u>	51
<u>(D) The director of job and family services shall adopt rules</u>	52
<u>for the enforcement of this section.</u>	53