
HOUSE BILL 2503

State of Washington

68th Legislature

2024 Regular Session

By Representative Pollet

1 AN ACT Relating to improving the well-being of children in child
2 care by enhancing transparency measures and modifying liability
3 insurance requirements; amending RCW 43.216.325, 43.216.687, and
4 43.216.700; creating a new section; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 43.216.325 and 2021 c 304 s 15 are each amended to
7 read as follows:

8 (1) An agency may be denied a license, or any license issued
9 pursuant to this chapter may be suspended, revoked, modified, or not
10 renewed by the secretary upon proof: (a) (~~that~~) That the agency has
11 failed or refused to comply with the provisions of this chapter or
12 the requirements adopted pursuant to this chapter; or (b) that the
13 conditions required for the issuance of a license under this chapter
14 have ceased to exist with respect to such licenses. RCW 43.216.327
15 governs notice of a license denial, revocation, suspension, or
16 modification and provides the right to an adjudicative proceeding.

17 (2) In any adjudicative proceeding regarding the denial,
18 modification, suspension, or revocation of any license under this
19 chapter, the department's decision shall be upheld if it is supported
20 by a preponderance of the evidence.

1 (3) (a) The department may assess civil monetary penalties upon
2 proof that an agency has failed or refused to comply with the rules
3 adopted under this chapter or that an agency subject to licensing
4 under this chapter is operating without a license except that civil
5 monetary penalties shall not be levied against a licensed foster
6 home.

7 (b) Monetary penalties levied against unlicensed agencies that
8 submit an application for licensure within thirty days of
9 notification and subsequently become licensed will be forgiven. These
10 penalties may be assessed in addition to or in lieu of other
11 disciplinary actions. Civil monetary penalties, if imposed, may be
12 assessed and collected, with interest, for each day an agency is or
13 was out of compliance.

14 (c) Civil monetary penalties shall not exceed one hundred fifty
15 dollars per violation for a family day care home and two hundred
16 fifty dollars per violation for child day care centers or outdoor
17 nature-based child care programs. Each day upon which the same or
18 substantially similar action occurs is a separate violation subject
19 to the assessment of a separate penalty.

20 (d) The department shall provide a notification period before a
21 monetary penalty is effective and may forgive the penalty levied if
22 the agency comes into compliance during this period.

23 (e) The department may suspend, revoke, or not renew a license
24 for failure to pay a civil monetary penalty it has assessed pursuant
25 to this chapter within ten days after such assessment becomes final.
26 RCW 43.216.335 governs notice of a civil monetary penalty and
27 provides the right to an adjudicative proceeding. The preponderance
28 of evidence standard shall apply in adjudicative proceedings related
29 to assessment of civil monetary penalties.

30 (4) (a) In addition to or in lieu of an enforcement action being
31 taken, the department may place a child day care center, outdoor
32 nature-based child care provider, or family day care provider on
33 nonreferral status if the center or provider has failed or refused to
34 comply with this chapter or rules adopted under this chapter or an
35 enforcement action has been taken. The nonreferral status may
36 continue until the department determines that: (i) No enforcement
37 action is appropriate; or (ii) a corrective action plan has been
38 successfully concluded.

39 (b) Whenever a child day care center, outdoor nature-based child
40 care provider, or family day care provider is placed on nonreferral

1 status, the department shall provide written notification to the
2 child day care center, outdoor nature-based child care provider, or
3 family day care provider.

4 (5) The department shall notify appropriate public and private
5 child care resource and referral agencies of the department's
6 decision to: (a) Take an enforcement action against a child day care
7 center, outdoor nature-based child care provider, or family day care
8 provider; or (b) place or remove a child day care center, outdoor
9 nature-based child care provider, or family day care provider on
10 nonreferral status.

11 (6) Whenever the department suspends, revokes, or declines to
12 renew the license of a child day care center, outdoor nature-based
13 child care provider, or family day care provider, the department
14 shall notify all parents and guardians of children enrolled with the
15 center or provider of the suspension, revocation, or nonrenewal. The
16 center or provider shall promptly provide the department with the
17 contact information necessary for the department to fulfill this
18 requirement.

19 **Sec. 2.** RCW 43.216.687 and 2021 c 304 s 24 are each amended to
20 read as follows:

21 (1) Every child day care center, outdoor nature-based child care
22 provider, and family day care provider shall prominently post the
23 following items, in a manner that is clearly visible to and takes
24 into account the linguistic needs of parents and staff:

25 (a) The license issued under this chapter;

26 (b) The department's toll-free telephone number established by
27 RCW 43.216.685;

28 (c) The notice of any pending enforcement action. The notice must
29 be posted immediately upon receipt. The notice must be posted for at
30 least two weeks or until the violation causing the enforcement action
31 is corrected, whichever is longer;

32 (d) A notice that inspection reports and any notices of
33 enforcement actions for the previous three years are available from
34 the licensee and the department; (~~and~~)

35 (e) Proof of insurance coverage as described in RCW 43.216.700,
36 if applicable, including liability limits under the policy or
37 policies of the child day care center, outdoor nature-based child
38 care provider, or family day care provider;

1 (f) The early achievers rating level of the child day care
2 center, outdoor nature-based child care provider, or family day care
3 provider, if any;

4 (g)(i) Subject to (g)(ii) of this subsection, a notice in the
5 form of a poster designed by the department stating that licensing
6 history, inspection reports, and early achievers ratings information
7 for child day care centers, outdoor nature-based child care
8 providers, and family day care providers is available through the
9 department's website, along with clear instructions as to how to
10 access that information;

11 (ii) Child day care centers, outdoor nature-based child care
12 providers, and family day care providers shall post the notice
13 required in this subsection (1)(g) within 30 days of receiving a
14 standard poster from the department and within 30 days of receipt of
15 any updated poster; and

16 (h) Any other information required by the department.

17 (2) Every child day care center, outdoor nature-based child care
18 provider, and family day care provider that maintains a website shall
19 provide a link on the website to the department's web page displaying
20 or linking to provider licensing history, inspection reports, and
21 early achievers ratings.

22 (3) Outdoor nature-based child care providers without a suitable
23 physical location for posting may post the information required in
24 this section at the host park headquarters or visitor center, or at
25 another location likely to be observed by parents and guardians, and
26 shall publish the information on any website maintained by the
27 provider.

28 (4) The department shall disclose the receipt, general nature,
29 and resolution or current status of all complaints on record with the
30 department after July 24, 2005, against a child day care center or
31 family day care provider that result in an enforcement action.
32 Information may be posted:

33 (a) On a website; or

34 (b) In a physical location that is easily accessed by parents and
35 potential employers.

36 ((+3)) (5) This section shall not be construed to require the
37 disclosure of any information that is exempt from public disclosure
38 under chapter 42.56 RCW.

1 **Sec. 3.** RCW 43.216.700 and 2021 c 304 s 27 are each amended to
2 read as follows:

3 (1) Every licensed child day care center and outdoor nature-based
4 child care provider shall, at the time of licensure or renewal and at
5 any inspection, provide to the department proof that the licensee has
6 day care insurance as defined in RCW 48.88.020, or is self-insured
7 pursuant to chapter 48.90 RCW.

8 (a) Every licensed child day care center and outdoor nature-based
9 child care provider shall comply with the following requirements:

10 (i) Notify the department when coverage has been terminated;

11 (ii) ~~((Post))~~ In addition to posting proof of insurance coverage
12 as required in RCW 43.216.687, post at the day care center or outdoor
13 nature-based child care location, in a manner likely to be observed
14 by patrons, any notice that coverage has lapsed or been terminated.
15 Outdoor nature-based child care providers without a suitable physical
16 location for posting may fulfill this requirement in the manner
17 described in RCW 43.216.687(3);

18 (iii) Provide written notice to parents ~~((that))~~ of insurance
19 coverage as required by this section with preenrollment materials,
20 including liability limits under the licensee's policy or policies,
21 and written notice if coverage has lapsed or terminated within thirty
22 days of lapse or termination; and

23 (iv) Post notice of insurance coverage as required by this
24 section, including liability limits under the licensee's policy or
25 policies and a link to review the policy or policies, on any website
26 maintained by the licensee.

27 (b) Liability limits under this subsection shall be ~~((the same as~~
28 ~~set forth in RCW 48.88.050))~~ determined by the department in rule.

29 (c) The department may take action as provided in RCW 43.216.325
30 if the licensee fails to maintain in full force and effect the
31 insurance required by this subsection.

32 (d) This subsection applies to child day care centers and outdoor
33 nature-based child care providers holding licenses, initial licenses,
34 and probationary licenses under this chapter.

35 ~~((e) A child day care center holding a license under this~~
36 ~~chapter on July 24, 2005, is not required to be in compliance with~~
37 ~~this subsection until the time of renewal of the license or until~~
38 ~~January 1, 2006, whichever is sooner.))~~

39 (2) (a) Every licensed family day care provider shall, at the time
40 of licensure or renewal either:

1 (i) Provide to the department proof that the licensee has day
2 care insurance as defined in RCW 48.88.020, or other applicable
3 insurance; or

4 (ii) Provide written notice of their insurance status on a
5 standard form developed by the department to parents with a child
6 enrolled in family day care and keep a copy of the notice to each
7 parent on file. Family day care providers may choose to opt out of
8 the requirement to have day care or other applicable insurance but
9 must provide written notice of their insurance status to parents with
10 a child enrolled and shall not be subject to the requirements of (b)
11 or (c) of this subsection.

12 (b) Any licensed family day care provider that provides to the
13 department proof that the licensee has insurance as provided under
14 (a)(i) of this subsection shall comply with the following
15 requirements:

16 (i) Notify the department when coverage has been terminated;

17 (ii) ~~((Post))~~ In addition to posting proof of insurance coverage
18 as required in RCW 43.216.687, post at the day care home, in a manner
19 likely to be observed by patrons, any notice that coverage has lapsed
20 or been terminated;

21 (iii) Provide written notice to parents ~~((that))~~ of insurance
22 coverage with preenrollment materials, including liability limits
23 under the licensee's policy or policies, and written notice if
24 coverage has lapsed or terminated within thirty days of lapse or
25 termination; and

26 (iv) Post notice of insurance coverage, including liability
27 limits under the licensee's policy or policies and a link to review
28 the policy or policies, on any website maintained by the licensee.

29 (c) Liability limits under (a)(i) of this subsection shall be
30 ~~((the same as set forth in RCW 48.88.050))~~ determined by the
31 department in rule.

32 (d) The department may take action as provided in RCW 43.216.325
33 if the licensee fails to comply with the requirements of this
34 subsection.

35 ~~((e) A family day care provider holding a license under this~~
36 ~~chapter on July 24, 2005, is not required to be in compliance with~~
37 ~~this subsection until the time of renewal of the license or until~~
38 ~~January 1, 2006, whichever is sooner.))~~

1 (3) Noncompliance or compliance with the provisions of this
2 section shall not constitute evidence of liability or nonliability in
3 any injury litigation.

4 NEW SECTION. **Sec. 4.** (1) By September 1, 2024, the department
5 of children, youth, and families shall:

6 (a) Assess its website for the accessibility of information
7 pertaining to child care provider and center licensing history,
8 inspection reports, and early achievers ratings, and take steps to
9 make associated information and applicable links easier to locate for
10 parents and guardians; and

11 (b) Design and make available a standard notice for the posting
12 required by RCW 43.216.687(1)(g).

13 (2) The department of children, youth, and families must review
14 the minimum liability limits for day care insurance identified in RCW
15 48.88.050 and recommend updated limits that take into account
16 insurance product availability, inflation, and average and potential
17 liability coverage needs of child care entities. By December 1, 2024,
18 and in accordance with RCW 43.01.036, the department of children,
19 youth, and families must report to the appropriate committees of the
20 legislature with its recommendations.

21 (3) This section expires July 1, 2026.

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