

A-Engrossed House Bill 2254

Ordered by the Senate June 7
Including Senate Amendments dated June 7

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Joint Interim Committee on Judiciary for Office of Legislative Counsel)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies definition of child care facility for purposes of obtaining liability insurance coverage.

A BILL FOR AN ACT

Relating to child care facility liability insurance coverage; amending ORS 30.260 and 278.322.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 278.322 is amended to read:

278.322. (1) [A] **The following** child care *[center, as defined by rule of the Department of Human Services, and a private child-caring agency as defined in ORS 418.205 that meets the specifications of subsection (2) of this section,]* **facilities** may obtain insurance in the same manner as a local public body may obtain insurance under ORS 30.282~~]. However, the insurance shall not cover theft or bodily injury and property damage arising out of operation of a motor vehicle by a child resident of the center.];~~

[(2)] **(a)** A private child-caring agency *[is eligible to obtain insurance as specified in subsection (1) of this section]* if *[it]* **the agency:**

[(a)] **(A)** Is run by a private, nonprofit agency;

[(b)] **(B)** Is licensed by the state; and

[(c)] **(C)** Provides residential **or psychiatric intensive day treatment services** for children who have been placed in the care and custody of the state~~]; or~~

(b) A child care facility as defined in ORS 657A.250.

(2) The insurance obtained under subsection (1) of this section may not cover theft or bodily injury and property damage arising out of operation of a motor vehicle by a child resident of the facility or agency.

SECTION 2. ORS 30.260 is amended to read:

30.260. As used in ORS 30.260 to 30.300, unless the context requires otherwise:

(1) "Department" means the Oregon Department of Administrative Services.

(2) "Director" means the Director of the Oregon Department of Administrative Services.

(3) "Governing body" means the group or officer in which the controlling authority of any public body is vested.

(4) "Public body" means:

(a) The state and any department, agency, board or commission of the state;

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (b) Any city, county, school district or other political subdivision or municipal or public corpo-
2 ration and any instrumentality thereof;

3 (c) Any intergovernmental agency, department, council, joint board of control created under
4 ORS 190.125 or other like entity which is created under ORS 190.003 to 190.130, and which does not
5 act under the direction and control of any single member government;

6 (d) Any nonprofit corporation that is organized and existing under ORS chapter 65 and that has
7 only political subdivisions or municipal, quasi-municipal or public corporations in this state as
8 members; or

9 (e) A private child-caring agency, as defined in ORS 418.205, that meets the criteria specified in
10 ORS 278.322 [(2)] **(1)(a)** and that receives more than 50 percent of its funding from the state for the
11 purpose of providing residential treatment to children who have been placed in the care and custody
12 of the state or that provides residential treatment to children more than half of whom have been
13 placed in the care and custody of the state.

14 (5) "State" means the state or any branch, department, agency, board or commission of the state.

15 (6) "Local public body" means any public body other than the state.

16 (7) "Nuclear incident" has the meaning given that term in 42 U.S.C. 2014(q).

17 (8) "Tort" means the breach of a legal duty that is imposed by law, other than a duty arising
18 from contract or quasi-contract, the breach of which results in injury to a specific person or persons
19 for which the law provides a civil right of action for damages or for a protective remedy.

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