

**Enrolled**  
**House Bill 2254**

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)

CHAPTER .....

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;

(b) Any city, county, school district or other political subdivision or municipal or public corporation and any instrumentality thereof;

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

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

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

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

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

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

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

**Passed by House March 1, 2005**

**Received by Governor:**

**Repassed by House June 14, 2005**

.....M,....., 2005

**Approved:**

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Chief Clerk of House

.....M,....., 2005

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Speaker of House

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Governor

**Passed by Senate June 10, 2005**

**Filed in Office of Secretary of State:**

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President of Senate

.....M,....., 2005

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Secretary of State