

Amendment - 1st Reading/2nd House-blue - Requested by: Steve Fitzpatrick - (S) Public Health, Welfare and Safety

- 2023

68th Legislature 2023

Drafter: Laura Sankey Keip, 406-444-4410

HB0556.002.003

1 HOUSE BILL NO. 556
2 INTRODUCED BY J. CARLSON, E. BUTTREY, S. FITZPATRICK, G. HERTZ, D. LENZ, L. SHELDON-
3 GALLOWAY, D. BARTEL, C. KNUDSEN, S. VINTON, J. SMALL, M. HOPKINS, J. ELLSWORTH, N. DURAM,
4 K. BOGNER, J. KASSMIER, T. MOORE, B. LER, A. REGIER, S. GIST, J. SCHILLINGER, G. FRAZER, M.
5 BINKLEY, C. FRIEDEL, N. NICOL, L. DEMING, P. TUSS, W. RUSK, L. HELLEGAARD, E. BUTCHER

6
7 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING DAY CARE LAWS; ~~REVISING THE~~
8 ~~DEFINITIONS OF "DAY-CARE FACILITY" AND "FAMILY DAY-CARE HOME" TO EXCLUDE EXCLUDING A~~
9 PRIVATE RESIDENCE IN WHICH CARE IS PROVIDED FOR ~~EIGHT SIX~~ OR FEWER CHILDREN AND IN
10 WHICH CERTAIN PAYMENTS ARE NOT RECEIVED ~~FROM THE REQUIREMENTS TO OBTAIN A FAMILY~~
11 ~~DAY-CARE HOME REGISTRATION CERTIFICATE~~; AND AMENDING SECTION ~~52-2-703~~ ~~52-2-721~~, MCA."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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15 (Refer to Introduced Bill)

16 Strike everything after the enacting clause and insert:

17
18 **Section 1.** Section 52-2-721, MCA, is amended to read:

19 **"52-2-721. License required -- registration required -- term of license or registration certificate -**
20 **- no fee charged.** (1) ~~A-Except as provided in subsection (7), a~~ person, group of persons, or corporation may
21 not:

22 (a) establish or maintain a day-care center for children, in which day care is provided on a regular
23 basis, unless licensed to do so by the department;

24 (b) operate a family day-care home or group day-care home without first procuring a family day-
25 care or group day-care registration certificate from the department.

26 (2) The license and registration certificate must contain the ages and numbers of children for
27 whom day care may be provided.

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1 (3) The applicant's own children must be included in the manner provided for in department
2 regulations in the total number of children to be cared for under the license or registration certificate.

3 (4) The department:

4 (a) may issue a license or registration certificate that remains in effect for a period not to exceed 3
5 years; and

6 (b) may not charge a fee to issue a license or registration certificate.

7 (5) A 3-year license may be issued only to a provider who has not received notice of any
8 deficiencies on the licensing criteria and implementing guidelines that are provided in department rule.

9 (6) The department may issue a license to a day-care center in which day care is provided on an
10 irregular basis if the person operating the center chooses to apply for licensure.

11 (7) A person who provides day care in a private residence for six or fewer children is not required
12 to obtain a family day-care registration certificate and is exempt from the requirements of this part if that person
13 does not receive payments as provided in 52-2-713."

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- END -