

ACT 161

H.B. NO. 2540

A Bill for an Act Relating to Fees for Child Care Licensing and Registration.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 346, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§346- Child care licensing and registration special fund.** (a) There is established within the state treasury, to be administered by the department, the child care licensing and registration special fund into which shall be deposited:

- (1) All fees received from applicants for a license to operate group child care homes or group child care centers as provided in section 346-163 and from applicants for a certificate of registration for family child care homes as provided in section 346-173;
- (2) Appropriations made by the legislature to the fund; and
- (3) Any other revenues designated for the fund.

(b) Moneys in the child care licensing and registration special fund shall be used for the following purposes:

- (1) The costs of administering child care licensing and registration;
- (2) Furthering the provision of quality child care services; and
- (3) Any other purpose deemed necessary by the department to ensure the health and safety of children.

(c) All interest on special fund balances shall accrue to the credit of the special fund. Upon dissolution of the child care licensing and registration special fund, any unencumbered moneys in the fund shall lapse to the credit of the general fund.”

SECTION 2. Section 346-163, Hawaii Revised Statutes, is amended to read as follows:

**“§346-163 Licenses and temporary permits.** (a) If satisfied that the applicant meets the minimum standards established pursuant to section 346-162 and subject to the criminal history record checks and child abuse record checks of section 346-154, the department shall grant the applicant a license for the operation of a group child care home or group child care center, as the case may be. The license shall be valid for:

- (1) One year for new applicants and for those who have been licensed for less than four years; and
- (2) Two years for those who have been licensed for four years or more,

unless sooner revoked. Where the activities of the applicant fall within the licensing requirements of the department of education and this subpart, a license shall be required from both the department of education and the department of human services.

A temporary permit may be issued for a period of six months at the department’s discretion to any applicant who is temporarily unable to conform to

all of the minimum standards. Renewal of the temporary permit shall be left to the department's discretion; provided that the combined period of the initial and subsequently renewed permits shall not exceed twenty-four months. Licenses and permits shall be conspicuously posted on the licensed premises.

(b) The department may establish reasonable fees for the issuance or renewal of licenses and permits according to rules adopted pursuant to chapter 91."

SECTION 3. Section 346-173, Hawaii Revised Statutes, is amended to read as follows:

**"[§346-173] Procedure for registration.** (a) A person desiring to have the person's home registered as a family child care home shall make application to the department. Upon receipt of the application, the department shall conduct a study of the applicant's qualifications, home, and proposed operation. The department shall issue a certificate of registration to the applicant which authorizes the applicant to operate a family child care home if the department is satisfied that the premises and proposed operation will be in compliance with the minimum requirements established under section 346-172 and subject to the criminal history record checks under section 346-154.

The provider shall operate and maintain the premises of the family child care home in accordance with the minimum requirements established under section 346-172 so long as registered.

(b) The department may establish reasonable fees for the issuance or renewal of certificates of registration according to rules adopted pursuant to chapter 91."

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 5. This Act shall take effect upon its approval.

(Approved June 26, 2012.)

**Note**

1. Edited pursuant to HRS §23G-16.5.