

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5172**

Chapter 78, Laws of 2011

62nd Legislature  
2011 Regular Session

CHILD CARE FACILITIES--LICENSING REQUIREMENTS--FACILITY EMPLOYEE  
EXEMPTION

EFFECTIVE DATE: 07/22/11

Passed by the Senate February 28, 2011  
YEAS 48 NAYS 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House April 5, 2011  
YEAS 94 NAYS 0

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Approved April 15, 2011, 2:22 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5172** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

\_\_\_\_\_  
**Secretary**

FILED

April 15, 2011

**Secretary of State  
State of Washington**

---

**SENATE BILL 5172**

---

Passed Legislature - 2011 Regular Session

**State of Washington                      62nd Legislature                      2011 Regular Session**

**By** Senators Brown, Harper, Baumgartner, Kohl-Welles, Keiser,  
McAuliffe, and Kline

Read first time 01/17/11. Referred to Committee on Human Services &  
Corrections.

1            AN ACT Relating to authorizing the use of short-term, on-site child  
2 care for the children of facility employees; and reenacting and  
3 amending RCW 43.215.010.

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

5            **Sec. 1.** RCW 43.215.010 and 2007 c 415 s 2 and 2007 c 394 s 2 are  
6 each reenacted and amended to read as follows:

7            The definitions in this section apply throughout this chapter  
8 unless the context clearly requires otherwise.

9            (1) "Agency" means any person, firm, partnership, association,  
10 corporation, or facility that provides child care and early learning  
11 services outside a child's own home and includes the following  
12 irrespective of whether there is compensation to the agency:

13            (a) "Child day care center" means an agency that regularly provides  
14 child day care and early learning services for a group of children for  
15 periods of less than twenty-four hours;

16            (b) "Early learning" includes but is not limited to programs and  
17 services for child care; state, federal, private, and nonprofit  
18 preschool; child care subsidies; child care resource and referral;

1 parental education and support; and training and professional  
2 development for early learning professionals;

3 (c) "Family day care provider" means a child day care provider who  
4 regularly provides child day care and early learning services for not  
5 more than twelve children in the provider's home in the family living  
6 quarters;

7 (d) "Nongovernmental private-public partnership" means an entity  
8 registered as a nonprofit corporation in Washington state with a  
9 primary focus on early learning, school readiness, and parental  
10 support, and an ability to raise a minimum of five million dollars in  
11 contributions;

12 (e) "Service provider" means the entity that operates a community  
13 facility.

14 (2) "Agency" does not include the following:

15 (a) Persons related to the child in the following ways:

16 (i) Any blood relative, including those of half-blood, and  
17 including first cousins, nephews or nieces, and persons of preceding  
18 generations as denoted by prefixes of grand, great, or great-great;

19 (ii) Stepfather, stepmother, stepbrother, and stepsister;

20 (iii) A person who legally adopts a child or the child's parent as  
21 well as the natural and other legally adopted children of such persons,  
22 and other relatives of the adoptive parents in accordance with state  
23 law; or

24 (iv) Spouses of any persons named in (i), (ii), or (iii) of this  
25 subsection (2)(a), even after the marriage is terminated;

26 (b) Persons who are legal guardians of the child;

27 (c) Persons who care for a neighbor's or friend's child or  
28 children, with or without compensation, where the person providing care  
29 for periods of less than twenty-four hours does not conduct such  
30 activity on an ongoing, regularly scheduled basis for the purpose of  
31 engaging in business, which includes, but is not limited to,  
32 advertising such care;

33 (d) Parents on a mutually cooperative basis exchange care of one  
34 another's children;

35 (e) Nursery schools or kindergartens that are engaged primarily in  
36 educational work with preschool children and in which no child is  
37 enrolled on a regular basis for more than four hours per day;

1 (f) Schools, including boarding schools, that are engaged primarily  
2 in education, operate on a definite school year schedule, follow a  
3 stated academic curriculum, accept only school-age children, and do not  
4 accept custody of children;

5 (g) Seasonal camps of three months' or less duration engaged  
6 primarily in recreational or educational activities;

7 (h) Facilities providing child care (~~((to children))~~) for periods of  
8 less than twenty-four hours (~~((whose))~~) when a parent (~~((s))~~) or legal  
9 guardian of the child remains on the premises (~~((to participate))~~) of the  
10 facility for the purpose of participating in:

11 (i) Activities other than employment; or

12 (ii) Employment of up to two hours per day when the facility is  
13 operated by a nonprofit entity that also operates a licensed child care  
14 program at the same facility in another location or at another  
15 facility;

16 (i) Any agency having been in operation in this state ten years  
17 before June 8, 1967, and not seeking or accepting moneys or assistance  
18 from any state or federal agency, and is supported in part by an  
19 endowment or trust fund;

20 (j) An agency operated by any unit of local, state, or federal  
21 government or an agency, located within the boundaries of a federally  
22 recognized Indian reservation, licensed by the Indian tribe;

23 (k) An agency located on a federal military reservation, except  
24 where the military authorities request that such agency be subject to  
25 the licensing requirements of this chapter;

26 (l) An agency that offers early learning and support services, such  
27 as parent education, and does not provide child care services on a  
28 regular basis.

29 (3) "Applicant" means a person who requests or seeks employment in  
30 an agency.

31 (4) "Department" means the department of early learning.

32 (5) "Director" means the director of the department.

33 (6) "Employer" means a person or business that engages the services  
34 of one or more people, especially for wages or salary to work in an  
35 agency.

36 (7) "Enforcement action" means denial, suspension, revocation,  
37 modification, or nonrenewal of a license pursuant to RCW 43.215.300(1)

1 or assessment of civil monetary penalties pursuant to RCW  
2 43.215.300(3).

3 (8) "Probationary license" means a license issued as a disciplinary  
4 measure to an agency that has previously been issued a full license but  
5 is out of compliance with licensing standards.

6 (9) "Requirement" means any rule, regulation, or standard of care  
7 to be maintained by an agency.

Passed by the Senate February 28, 2011.

Passed by the House April 5, 2011.

Approved by the Governor April 15, 2011.

Filed in Office of Secretary of State April 15, 2011.