

**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

HOUSE BILL NO. 556

INTRODUCED BY J. CARLSON, E. BUTTREY, S. FITZPATRICK, G. HERTZ, D. LENZ, L. SHELDON-  
GALLOWAY, D. BARTEL, C. KNUDSEN, S. VINTON, J. SMALL, M. HOPKINS, J. ELLSWORTH, N. DURAM,  
K. BOGNER, J. KASSMIER, T. MOORE, B. LER, A. REGIER, S. GIST, J. SCHILLINGER, G. FRAZER, M.  
BINKLEY, C. FRIEDEL, N. NICOL, L. DEMING, P. TUSS, W. RUSK, L. HELLEGAARD, E. BUTCHER

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

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

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

**"52-2-721. License required -- registration required -- term of license or registration certificate -**  
**- no fee charged.** (1) ~~A~~ Except as provided in subsection (7), a person, group of persons, or corporation may

not:

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

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

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

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

(4) The department:

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

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

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

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

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

- END -