



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3509

Introduced 2/22/2021, by Rep. Lamont J. Robinson, Jr.

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Food Truck Freedom Act. Provides that a unit of local government may not require a separate license, permit, or fee beyond an initial or reciprocal business license for a food truck business. Contains provisions regarding reciprocal business licenses issued to food truck businesses by different units of local government or local health departments. Contains prohibitions against units of local governments or local health departments from imposing additional license qualification requirements on a food truck business before issuing licenses. Provides that, for an initial business license, a unit of local government or local health department may only charge a licensing fee to a food truck business in an amount that reimburses the unit of local government for the actual cost of processing the business license. Requires food truck businesses to obtain, for each food truck that the food truck business operates, an annual health department food truck permit from the local health department with jurisdiction over the area in which the majority of the food truck's operations takes place. Provides that, subject specified exceptions, a unit of local government may not require a food truck business to pay any fee or obtain from the unit of local government any permit to operate a food truck at a food truck event that takes place on private property within the unit of local government, regardless of whether the event is open or closed to the public. Contains other provisions.

LRB102 12976 CPF 18319 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Food  
5 Truck Freedom Act.

6 Section 5. Definitions.

7 "Event permit" means a permit that a unit of local  
8 government issues to the organizer of a public food truck  
9 event located on public property.

10 "Food cart" means a cart that:

11 (1) is not motorized; and

12 (2) a vendor, standing outside the frame of the cart,  
13 uses to prepare, sell, or serve food or beverages for  
14 immediate human consumption.

15 "Food service establishment" means an operation that:

16 (1) stores, prepares, packages, serves, or vends food  
17 directly to the consumer or otherwise provides food for  
18 human consumption;

19 (2) is a satellite or catered feeding location; and

20 (3) relinquishes possession of food to a consumer  
21 directly or indirectly through a delivery service such as  
22 home delivery of a grocery order or takeout order or a  
23 delivery service that is provided by common carriers.

1 "Food truck" means a fully encased food service  
2 establishment:

3 (1) on a motor vehicle or on a trailer that a motor  
4 vehicle pulls to transport; and

5 (2) from which a food truck vendor, standing within  
6 the frame of the vehicle, prepares, cooks, sells, or  
7 serves food or beverages for immediate human consumption.

8 "Food truck" does not include a food cart or an ice cream  
9 truck.

10 "Food truck business" means a business that operates one  
11 or more food trucks.

12 "Food truck event" means an event where an individual has  
13 ordered or commissioned the operation of a food truck at a  
14 private or public gathering.

15 "Food truck operator" means a person who owns, manages, or  
16 controls, or who has the duty to manage or control, a food  
17 truck business.

18 "Food truck vendor" means a person who sells, cooks, or  
19 serves food or beverages from a food truck.

20 "Health department food truck permit" means a document  
21 that a local health department issues to authorize a person to  
22 operate a food truck within the jurisdiction of the local  
23 health department.

24 "Ice cream truck" means a fully encased food service  
25 establishment:

26 (1) on a motor vehicle or on a trailer that a motor

1 vehicle pulls to transport;

2 (2) from which a vendor, from within the frame of the  
3 vehicle, serves ice cream;

4 (3) that attracts patrons by traveling through a  
5 residential area and signaling the truck's presence in the  
6 area, including by playing music; and

7 (4) that may stop to serve ice cream at the signal of a  
8 patron.

9 "Restaurant" means a place of business where a variety of  
10 food is prepared and cooked and complete meals are served to  
11 the general public for consumption on the premises primarily  
12 in indoor dining accommodations. "Restaurant" includes a food  
13 service establishment.

14 "Temporary mass gathering" means:

15 (1) an actual or reasonably anticipated assembly of  
16 500 or more people that continues, or reasonably can be  
17 expected to continue, for 2 or more hours per day; or

18 (2) an event that requires a more extensive review to  
19 protect public health and safety because the event's  
20 nature or conditions have the potential of generating  
21 environmental or health risks.

22 "Temporary mass gathering" does not include an assembly of  
23 people at a location with permanent facilities designed for  
24 that specific assembly.

25 Section 10. Licensing; reciprocity; fees.

1 (a) A unit of local government may not:

2 (1) require a separate license, permit, or fee, beyond  
3 the initial or reciprocal business license described in  
4 subsection (b) or the fee described in subsection (e,) for  
5 a food truck business, regardless of whether a food truck  
6 operates in more than one location or on more than one day  
7 within the unit of local government in the same calendar  
8 year;

9 (2) require a fee for each employee the food truck  
10 business employs; or

11 (3) require, as a business license qualification, a  
12 food truck business to do any of the following regarding a  
13 food truck operator or food truck vendor:

14 (A) submit to or offer proof of a criminal  
15 background check; or

16 (B) demonstrate how the operation of the food  
17 truck business will comply with a land use or zoning  
18 ordinance at the time the business applies for the  
19 business license.

20 (b) A unit of local government shall grant a business  
21 license to operate a food truck within the unit of local  
22 government to a food truck business that has obtained a  
23 business license to operate a food truck in another unit of  
24 local government within the State if the food truck business  
25 presents to the unit of local government:

26 (1) a current business license from the other unit of

1 local government within the State; and

2 (2) for each food truck that the food truck business  
3 operates:

4 (A) a current health department food truck permit  
5 from a local health department within the State; and

6 (B) a current approval by a unit of local  
7 government within the State showing that the food  
8 truck passed a fire safety inspection that the other  
9 unit of local government conducted in accordance with  
10 relevant State and local requirements.

11 (c) If a food truck business presents the documents  
12 described in paragraphs (1) and (2) of subsection (b), the  
13 unit of local government may not:

14 (1) impose additional license qualification  
15 requirements on the food truck business before issuing a  
16 license to operate within the unit of local government,  
17 except for charging a fee in accordance with subsection  
18 (e); or

19 (2) issue a license that expires on a date earlier or  
20 later than the day on which the license described in  
21 paragraph (1) of subsection (b) expires.

22 (d) Nothing in subsections (b) or (c) prevents a unit of  
23 local government from enforcing the unit of local government's  
24 land use regulations, zoning, or other ordinances in relation  
25 to the operation of a food truck to the extent that the  
26 regulations and ordinances do not conflict with this Act.

1           (e) For an initial business license to a food truck  
2 business, a unit of local government may only charge a  
3 licensing fee to the food truck business in an amount that  
4 reimburses the unit of local government for the actual cost of  
5 processing the business license.

6           For a reciprocal business license that a unit of local  
7 government issues in accordance with subsections (b) or (c),  
8 the unit of local government shall reduce the amount of the  
9 business licensing fee to an amount that accounts for the  
10 actual administrative burden on the unit of local government  
11 for processing the reciprocal license.

12           (f) Nothing in this Section prevents a unit of local  
13 government from:

14           (1) requiring a food truck business to comply with  
15 local zoning and land use regulations, to the extent that  
16 the regulations do not conflict with this Act;

17           (2) adopting local ordinances or rules consistent with  
18 this Act that address how and where a food truck may  
19 operate within the unit of local government;

20           (3) requiring a food truck business to obtain an event  
21 permit, in accordance with Section 20; or

22           (4) revoking a license that the unit of local  
23 government has issued if the operation of the related food  
24 truck within the unit of local government violates the  
25 terms of the license.

1 Section 15. Safety and health inspections; permits.

2 (a) A food truck business shall obtain, for each food  
3 truck that the food truck business operates, an annual health  
4 department food truck permit from the local health department  
5 with jurisdiction over the area in which the majority of the  
6 food truck's operations takes place.

7 (b) A local health department shall grant a health  
8 department food truck permit to operate a food truck within  
9 the jurisdiction of the local health department to a food  
10 truck business that has obtained the health department food  
11 truck permit described in subsection (a) from another local  
12 health department within the State if the food truck business  
13 presents to the local health department the current health  
14 department food truck permit from the other local health  
15 department.

16 If a food truck business presents the health department  
17 food truck permit described in subsection (a) from another  
18 local health department within the State, the local health  
19 department may not:

20 (1) impose additional permit qualification  
21 requirements on the food truck business before issuing a  
22 health department food truck permit to operate within the  
23 jurisdiction of the local health department, except for  
24 charging a fee in accordance with subsection (c); or

25 (2) issue a health department food truck permit that  
26 expires on a date earlier or later than the day on which



1 the permit from the another local health department  
2 expires.

3 (c) A local health department may only charge a health  
4 department food truck permit fee to a food truck business in an  
5 amount that reimburses the local health department for the  
6 cost of regulating the food truck.

7 For a health department food truck permit that a local  
8 health department issues in accordance with subsection (b),  
9 the local health department shall reduce the amount of the  
10 health department food truck permit fee to an amount that  
11 accounts for the lower administrative burden on the local  
12 health department.

13 (d) A unit of local government inspecting a food truck for  
14 fire safety shall conduct the inspection based on the all  
15 relevant State and local requirements.

16 (e) A unit of local government shall consider valid within  
17 the unit of local government's jurisdiction an approval from  
18 another unit of local government within the State that shows  
19 that the food truck passed a fire safety inspection that the  
20 other unit of local government conducted.

21 (f) A unit of local government may not require that a food  
22 truck pass a fire safety inspection in a given calendar year if  
23 the food truck business presents to the unit of local  
24 government an approval described in subsection (e) that is  
25 issued during the same calendar year.

26 (g) Nothing in this Section prevents a local health

1 department from:

2 (1) requiring a food truck business to obtain an event  
3 permit; or

4 (2) revoking a health department food truck permit  
5 that the local health department has issued, if the  
6 operation of the related food truck within the  
7 jurisdiction of the local health department violates the  
8 terms of the permit.

9 Nothing in this Section prevents a unit of local  
10 government from revoking the unit of local government's  
11 approval under subsection (e) if the operation of the related  
12 food truck within the unit of local government fails to meet  
13 the requirements found during an investigation under  
14 subsection (d).

15 Section 20. Food truck events.

16 (a) Subject to subsection (d), a unit of local government  
17 may not require a food truck business to pay any fee or obtain  
18 from the unit of local government any permit to operate a food  
19 truck at a food truck event that takes place on private  
20 property within the unit of local government, regardless of  
21 whether the event is open or closed to the public.

22 (b) If a food truck business has a business license from  
23 any unit of local government within the State, a unit of local  
24 government may not require a food truck business to pay any fee  
25 or obtain from the unit of local government an additional

1 business license or permit to operate a food truck at a food  
2 truck event that:

3 (1) takes place on private property within the unit of  
4 local government; and

5 (2) is not open to the public.

6 (c) If a unit of local government requires an event permit  
7 for a food truck event, the organizer of the food truck event  
8 may obtain the event permit on behalf of the food trucks that  
9 service the event.

10 (d) Nothing in this Section prohibits a local health  
11 department from requiring a permit for a temporary mass  
12 gathering.

13 A food truck operating at a temporary mass gathering that  
14 occurs over multiple days may operate in a stationary manner  
15 for the duration of the temporary mass gathering, not to  
16 exceed 5 consecutive days, without moving or changing its  
17 location, if the food truck maintains sanitary conditions and  
18 operates in compliance with the permitting requirements and  
19 regulations imposed on other food vendors at the temporary  
20 mass gathering.

21 A local health department may not impose a requirement on  
22 a food truck under this subsection that the local health  
23 department does not impose on other food vendors operating at  
24 the temporary mass gathering.

25 Section 25. Food truck operation. A unit of local

1 government may not:

2 (1) entirely or constructively prohibit food trucks in  
3 a zone in which a food service establishment is a  
4 permitted or conditional use;

5 (2) prohibit the operation of a food truck within a  
6 given distance of a restaurant;

7 (3) restrict the total number of days a food truck  
8 business may operate a food truck within the unit of local  
9 government during a calendar year;

10 (4) require a food truck business to:

11 (A) provide to the unit of local government:

12 (i) a site plan for each location in which a  
13 food truck operates in the public right of way, if  
14 the unit of local government permits food truck  
15 operation in the public right of way; or

16 (ii) the date, time, or duration that a food  
17 truck will operate within the unit of local  
18 government; or

19 (B) obtain and pay for a land use permit for each  
20 location and time during which a food truck operates;

21 or

22 (5) if a food truck business has the consent of a  
23 private property owner to operate a food truck on the  
24 private property:

25 (A) limit the number of days the food truck may  
26 operate on the private property;

1           (B) require that the food truck operator provide  
2           to the unit of local government or keep on file in the  
3           food truck the private property owner's written  
4           consent; or

5           (C) require a site plan for the operation of the  
6           food truck on the private property where the food  
7           truck operates in the same location for less than 10  
8           hours per week.