



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 2/6/2004, by Larry K. Bomke

#### SYNOPSIS AS INTRODUCED:

New Act

65 ILCS 5/11-54.1-3	from Ch. 24, par. 11-54.1-3
225 ILCS 205/2	from Ch. 85, par. 2002
225 ILCS 205/3	from Ch. 85, par. 2003
430 ILCS 85/2-2	from Ch. 111 1/2, par. 4052
430 ILCS 85/2-17	from Ch. 111 1/2, par. 4067

Creates the Carnival Ride Operator Registration Act. Requires carnival employees who operate amusement rides and attractions to obtain an identification card annually from the Department of State Police. Establishes (i) the information a ride operator must provide, (ii) the qualifications for obtaining an identification card, (iii) the Department's procedures for issuing or denying identification cards, and (iv) exemptions for newly-hired employees and those awaiting issuance of identification cards. Makes violation of the Act a Class A misdemeanor. Amends the Illinois Municipal Code, the Carnival Regulation Act, and the Carnival and Amusement Rides Safety Act. Authorizes (i) a unit of local government or fair board that permits a carnival and (ii) a unit of local government that licenses or inspects amusement rides or attractions to request copies of the carnival employees' identification cards. Provides that a carnival permit may not be delayed or denied on the basis of insufficient employee information if the carnival has supplied the copies of the identification cards. Prohibits a unit of local government from conditioning the permitting, licensing, inspecting, or regulating of amusement rides or attractions on the disclosure of carnival employee information. Effective January 1, 2005.

LRB093 21108 RXD 47159 b

1 AN ACT concerning carnival ride operators.

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  
5 Carnival Ride Operator Registration Act.

6 Section 5. Intent. It is the intent of the Illinois General  
7 Assembly to ensure that individuals who operate amusement rides  
8 and attractions in the State of Illinois be persons of good  
9 character and not pose a threat or danger to riders. It is  
10 therefore the intent of the General Assembly to establish a  
11 process whereby amusement ride and attraction operators, as  
12 defined in this Act, apply for a registration card from the  
13 State of Illinois. Further, it is the intent of the General  
14 Assembly that no person who is required to apply for a  
15 registration card be allowed to operate an amusement ride or  
16 attraction without either possessing a valid registration card  
17 or having properly applied for a card that has not yet been  
18 issued or denied.

19 Section 10. Definitions. As used in this Act:

20 "Amusement attraction" has the meaning given in the  
21 Carnival Regulation Act.

22 "Amusement ride" has the meaning given in the Carnival  
23 Regulation Act.

24 "Carnival" has the meaning given in the Carnival Regulation  
25 Act.

26 "Carnival ride operator" means a person who:

27 (1) is employed to actually control the operation of a  
28 particular amusement ride or amusement attraction; and

29 (2) has been employed to operate amusement rides or  
30 amusement attractions for an average of 20 hours or more  
31 per week during the preceding 30 days.

1           The term "carnival ride operator" shall not mean any person  
2 who has worked for a carnival for less than 30 days or worked  
3 less than an average of 20 hours per week in the preceding 30  
4 days.

5           "Department" means the Department of State Police.

6           "Ride Operator Identification Card" means a card issued to  
7 a carnival ride operator by the Department.

8           Section 15. Ride Operator Identification Card. A carnival  
9 ride operator must apply for a Ride Operator Identification  
10 Card. The application must be filed within 7 days before the  
11 date a person first meets this Act's definition of a carnival  
12 ride operator. The person shall apply to the Department on  
13 forms provided by the Department. There shall be no cost for  
14 application for or issuance of a Ride Operator Identification  
15 Card. If the applicant has properly applied for a Ride Operator  
16 Identification Card, the applicant may operate amusement rides  
17 and amusement attractions pending issuance of the card or  
18 denial of the application. If the Department denies the  
19 application, the applicant may not be employed to operate  
20 amusement rides or amusement attractions in the State of  
21 Illinois. If the application is approved, the Department shall  
22 send the card to the applicant. If the application is denied,  
23 the Department shall send a notice of denial to the applicant.  
24 The Department shall send a duplicate copy of any card issued  
25 and any notice of denial to the carnival employer listed on the  
26 identification card application. The Department shall  
27 establish a process for appeal and administrative review of any  
28 application denial.

29           Section 20. Ride Operator Identification Card application.  
30 The Department shall provide application forms for persons  
31 applying for a Ride Operator Identification Card. The form  
32 shall request only the following information:

33           (1) name;

34           (2) address;

- 1 (3) date of birth;
- 2 (4) name and address of current carnival employer;
- 3 (5) citizenship;
- 4 (6) height, weight, and eye color;
- 5 (7) driver's license number if available; and
- 6 (8) social security number.

7 Section 25. Expiration of Ride Operator Identification  
8 Card. A properly issued Ride Operator Identification Card shall  
9 be valid until December 31 of the year it is issued. Carnival  
10 ride operators must apply annually for Ride Operator  
11 Identification Cards.

12 Section 30. Denial of an application for a Ride Operator  
13 Identification Card. The Department shall conduct a background  
14 check of all applicants for Ride Operator Identification Cards.  
15 An application for a Ride Operator Identification Card shall be  
16 denied if the applicant has any current wants or warrants or  
17 has ever been convicted of any sexual crime or sex offense as  
18 defined in the Criminal Code of 1961. Specifically, no person  
19 who is a registered sex offender may be issued a Ride Operator  
20 Identification Card.

21 Section 35. Ride operator requirements. Each carnival ride  
22 operator, in addition to applying for a Ride Operator  
23 Identification Card, must:

- 24 (1) be at least 16 years of age;
- 25 (2) have completed any employment application required  
26 by the amusement ride or amusement attraction owner;
- 27 (3) have identification available;
- 28 (4) if required by the carnival owner, wear a standard  
29 operator's uniform that identifies the individual as a ride  
30 or attraction operator;
- 31 (5) be lawfully able to work in Illinois and, if not a  
32 United States citizen, be currently permitted to work by  
33 the United States Immigration and Naturalization Service;

1 and

2 (6) be trained on the function, procedures, and safety  
3 requirements of every amusement ride and amusement  
4 attraction that he or she operates.

5 Section 40. Responsibility of carnival owner for failure of  
6 employee to comply with this Act. A carnival owner shall not be  
7 responsible for any information submitted by an employee or for  
8 the failure of an employee to apply or qualify for a Ride  
9 Operator Identification Card. A carnival owner shall not be  
10 liable to an employee for any of the requirements imposed by  
11 this Act.

12 Section 45. Penalties. Any person who knowingly violates  
13 any provision of this Act shall be guilty of a Class A  
14 misdemeanor.

15 Section 905. The Illinois Municipal Code is amended by  
16 changing Section 11-54.1-3 as follows:

17 (65 ILCS 5/11-54.1-3) (from Ch. 24, par. 11-54.1-3)

18 Sec. 11-54.1-3. No such permit shall be granted by the  
19 corporate authorities until they shall have investigated the  
20 carnival and are satisfied that, if permitted, it will be  
21 operated in accordance with the permit and the provisions of  
22 this Division 54.1. Such corporate authorities may issue the  
23 permit and collect permit fees necessary to pay the expenses of  
24 the investigation and to aid in policing the grounds and  
25 otherwise to compensate the city, village or incorporated town  
26 in such amount as the corporate authorities may determine. A  
27 carnival, upon request of the municipality, must provide copies  
28 of all Ride Operator Identification Cards for carnival  
29 employees who will work at the site. The permitting entity must  
30 request copies of Ride Operator Identification Cards at least  
31 14 days before the carnival will be open to the public. If the  
32 carnival has provided copies of Ride Operator Identification

1 Cards, the issuance of a permit may not be delayed or denied on  
2 the basis that a carnival has failed to provide the name,  
3 address, and background of or any other information related to  
4 carnival employees. Each permit shall contain the proviso that  
5 sheriffs and police officers shall have free access to the  
6 grounds and all booths, shows and concessions on such grounds  
7 at all times, and it shall be the duty of all officers present  
8 at such carnival to enforce all the provisions of this Division  
9 54.1.

10 (Source: P.A. 83-341.)

11 Section 910. The Carnival Regulation Act is amended by  
12 changing Sections 2 and 3 as follows:

13 (225 ILCS 205/2) (from Ch. 85, par. 2002)

14 Sec. 2. No carnival shall be set up, run, operated or  
15 conducted except within the limits of an incorporated  
16 municipality, as provided in Division 54.1 of Article 11 of the  
17 "Illinois Municipal Code", approved May 29, 1961, as heretofore  
18 and hereafter amended, or within the limits or upon the grounds  
19 of a State or county fair association, or any association  
20 entitled to share in the funds appropriated by the State for  
21 distribution among fair associations of the State, and unless a  
22 written permit from the proper fair board has been issued,  
23 setting forth the conditions under which such carnival shall be  
24 operated. The permit shall be granted upon the condition that  
25 there shall not be set up or operated any gambling device,  
26 lottery, number or paddle wheel, number board, punch board, or  
27 other game of chance, or any lewd, lascivious or indecent show  
28 or attraction making an indecent exposure of the person or  
29 suggesting lewdness or immorality. A carnival, upon request of  
30 the municipality, county, or fair board, must provide copies of  
31 all Ride Operator Identification Cards for carnival employees  
32 who will work at the site. The permitting entity must request  
33 copies of Ride Operator Identification Cards at least 14 days  
34 before the carnival will be open to the public. If the carnival

1 has provided copies of Ride Operator Identification Cards, the  
2 issuance of a permit may not be delayed or denied on the basis  
3 that a carnival has failed to provide the name, address, or  
4 background of or any other information related to carnival  
5 employees.

6 (Source: Laws 1963, p. 868.)

7 (225 ILCS 205/3) (from Ch. 85, par. 2003)

8 Sec. 3. No such permit shall be granted by a fair board  
9 until it has investigated the carnival and is satisfied that,  
10 if permitted, it will be operated in accordance with the permit  
11 and the provisions of this Act. Such fair boards are authorized  
12 to issue the permit and to collect permit fees necessary to pay  
13 the expenses of the investigation and to aid in policing the  
14 grounds and otherwise to compensate the association in such  
15 amount as they may determine. A carnival, upon request of the  
16 fair board, must provide copies of all Ride Operator  
17 Identification Cards for carnival employees who will work at  
18 the site. The permitting entity must request copies of Ride  
19 Operator Identification Cards at least 14 days before the  
20 carnival will be open to the public. If the carnival has  
21 provided copies of Ride Operator Identification Cards, the  
22 issuance of a permit may not be delayed or denied on the basis  
23 that a carnival has failed to provide the name, address, or  
24 background of or any other information related to carnival  
25 employees. Each permit shall contain the proviso that sheriffs  
26 and police officers shall have free access to the grounds and  
27 all booths, shows and concessions on such grounds at all times,  
28 and it shall be the duty of all officers present at such  
29 carnival to enforce all the provisions of this Act.

30 (Source: Laws 1965, p. 290.)

31 Section 915. The Carnival and Amusement Rides Safety Act  
32 is amended by changing Sections 2-2 and 2-17 as follows:

33 (430 ILCS 85/2-2) (from Ch. 111 1/2, par. 4052)

1           Sec. 2-2. Definitions. As used in this Act, unless the  
2 context otherwise requires:

3           1. "Director" means the Director of Labor or his designee.

4           2. "Department" means Department of Labor.

5           3. "Amusement Attraction" means an enclosed building or  
6 structure, including electrical equipment which is an integral  
7 part of the building or structure, through which people walk  
8 without the aid of any moving device, that provides amusement,  
9 thrills or excitement at a fair or carnival, except any such  
10 enclosed building or structure which is subject to the  
11 jurisdiction of a local building code.

12           4. "Amusement ride" means:

13           (a) any mechanized device or combination of devices,  
14 including electrical equipment which is an integral part of  
15 the device or devices, which carries passengers along,  
16 around, or over a fixed or restricted course for the  
17 primary purpose of giving its passengers amusement,  
18 pleasure, thrills, or excitement;

19           (b) any ski lift, rope tow, or other device used to  
20 transport snow skiers;

21           (c) (blank);

22           (d) any dry slide over 20 feet in height, alpine slide,  
23 or toboggan slide;

24           (e) any tram, open car, or combination of open cars or  
25 wagons pulled by a tractor or other motorized device which  
26 is not licensed by the Secretary of State, which may, but  
27 does not necessarily follow a fixed or restricted course,  
28 and is used primarily for the purpose of giving its  
29 passengers amusement, pleasure, thrills or excitement, and  
30 for which an individual fee is charged or a donation  
31 accepted with the exception of hayrack rides; or

32           (f) any bungee cord or similar elastic device.

33           5. "Carnival" means an enterprise which offers amusement or  
34 entertainment to the public by means of one or more amusement  
35 attractions or amusement rides.

36           6. "Fair" means an enterprise principally devoted to the



1 exhibition of products of agriculture or industry in connection  
2 with which amusement rides or amusement attractions are  
3 operated.

4 7. "Operator" means a person, or the agent of a person, who  
5 owns or controls or has the duty to control the operation of an  
6 amusement ride or an amusement attraction at a carnival or  
7 fair. "Operator" includes an agency of the State or any of its  
8 political subdivisions.

9 8. "Ride Operator Identification Card" has the meaning  
10 given in the Carnival Ride Operator Registration Act.

11 (Source: P.A. 92-26, eff. 7-1-01.)

12 (430 ILCS 85/2-17) (from Ch. 111 1/2, par. 4067)

13 Sec. 2-17. A municipality within its corporate limits and a  
14 county within unincorporated areas within its boundaries may  
15 inspect, license or regulate any amusement ride or amusement  
16 attraction operated at a carnival or fair, provided that any  
17 safety standards or regulations implemented by a municipality  
18 or county in connection therewith shall be at least as  
19 stringent as those provided for in this Act and the rules and  
20 regulations adopted hereunder. Units of local government may  
21 request copies of all Ride Operator Identification Cards for  
22 employees who will work at the site; however, no unit of local  
23 government may require as a condition of any inspection,  
24 permit, license, or regulation the disclosure of the name,  
25 address, or background of or any other information on carnival  
26 employees. The permitting entity must request copies of Ride  
27 Operator Identification Cards at least 14 days before the  
28 carnival will be open to the public. Any municipality or county  
29 which inspects, licenses, or otherwise regulates amusement  
30 rides or amusement attractions may impose reasonable fees to  
31 cover the costs thereof.

32 (Source: P.A. 83-1240.)

33 Section 999. Effective date. This Act takes effect on  
34 January 1, 2005.