



Rep. Kevin Joyce

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LRB093 21108 RXD 51008 a

1 AMENDMENT TO SENATE BILL 3069

2 AMENDMENT NO. _____. Amend Senate Bill 3069, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Carnival Worker Registration Act.

7 Section 5. Intent. It is the intent of the Illinois General
8 Assembly to ensure that individuals who are employed at a
9 carnival in the State of Illinois be persons of good character
10 and not pose a threat or danger to riders. It is therefore the
11 intent of the General Assembly to establish a process whereby
12 carnival workers, except temporary carnival workers, as
13 defined in this Act, apply for a registration card from the
14 State of Illinois.

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

16 "Amusement attraction" has the meaning given in the
17 Carnival and Amusement Rides Safety Act.

18 "Amusement ride" has the meaning given in the Carnival and
19 Amusement Rides Safety Act.

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

22 "Carnival worker" means a person who is employed at a
23 carnival as defined in the Carnival Regulation Act.

1 "Temporary carnival worker" means a person who is employed
2 at a carnival as defined in the Carnival Regulation Act, for no
3 more than one location in any 12-month period, and lives in the
4 county or contiguous county to where the carnival will operate.

5 "Department" means the Department of State Police.

6 "Carnival Worker Identification Card" means a card issued
7 to a carnival worker by the Department.

8 Section 15. Carnival Worker Identification Card. Subject
9 to annual appropriation to the Department for cost incurred
10 herein, beginning January 1, 2005, every carnival worker,
11 except a temporary carnival worker, must apply for a Carnival
12 Worker Identification Card. The person shall apply to the
13 Department on forms provided by the Department. There shall be
14 no cost for application for or issuance of a Carnival Worker
15 Identification Card. The applicant may operate amusement rides
16 and amusement attractions pending issuance of a Carnival Worker
17 Identification Card. If the Department denies the application,
18 the applicant may not be employed to work at a carnival in the
19 State of Illinois. If the application is approved, the
20 Department shall send the card to the applicant. If the
21 application is denied, the Department shall send a notice of
22 denial to the applicant. The Department shall send a duplicate
23 copy of any card issued and any notice of denial to the
24 carnival employer listed on the identification card
25 application. The Department shall establish a process for
26 appeal and administrative review of any application denial.

27 Section 20. Carnival Worker Identification Card
28 application. The Department shall provide application forms
29 for persons applying for a Carnival Worker Identification Card.
30 The form shall request only the following information:

31 (1) name;

32 (2) address;

- 1 (3) date of birth; and
- 2 (4) name and address of current carnival employer.

3 Section 25. Criminal history fingerprinting check. An
4 applicant for a Carnival Worker Identification Card must, as a
5 condition of initial employment, submit his or her fingerprints
6 to the Department of State Police in the form and manner
7 prescribed by the Department of State Police. These
8 fingerprints shall be checked against the fingerprint records
9 now and hereafter filed in the Department of State Police
10 criminal history records databases and, in the case of an
11 applicant 18 years of age or older, the Federal Bureau of
12 Investigation criminal history records databases. Applicants
13 who have completed the initial fingerprinting requirement
14 shall not be subjected to the fingerprinting process subsequent
15 to obtaining a Carnival Worker Identification Card. An
16 application for a Carnival Worker Identification Card shall be
17 denied if the applicant has any current wants or warrants or
18 has ever been convicted of any sexual crime or sex offense as
19 defined in the Criminal Code of 1961. Specifically, no person
20 who is a registered sex offender may be issued a Carnival
21 Worker Identification Card.

22 Section 30. Carnival worker requirements. Each carnival
23 worker, except a temporary carnival worker, in addition to
24 applying for a Carnival Worker Identification Card, must:

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

1 United States citizen, be currently permitted to work by
2 the U.S. Citizenship and Immigration Services; and

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

6 Section 35. Responsibility of carnival owner for failure of
7 employee to comply with this Act. A carnival owner shall not be
8 responsible for any information submitted by an employee or for
9 the failure of an employee to apply or qualify for a Carnival
10 Worker Identification Card. A carnival owner shall not be
11 liable to an employee for any of the requirements imposed by
12 this Act.

13 Section 40. Penalties. Any person who knowingly violates
14 any provision of this Act shall be guilty of a Class A
15 misdemeanor.

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

18 (65 ILCS 5/11-54.1-3) (from Ch. 24, par. 11-54.1-3)

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

1 request copies of Carnival Worker Identification Cards at least
2 14 days before the carnival will be open to the public. If the
3 carnival has provided copies of Carnival Worker Identification
4 Cards, the issuance of a permit may not be delayed or denied on
5 the basis that a carnival has failed to provide the name,
6 address, and background of or any other information related to
7 carnival employees. Each permit shall contain the proviso that
8 sheriffs and police officers shall have free access to the
9 grounds and all booths, shows and concessions on such grounds
10 at all times, and it shall be the duty of all officers present
11 at such carnival to enforce all the provisions of this Division
12 54.1.

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

14 Section 910. The Carnival Regulation Act is amended by
15 changing Sections 1, 2 and 3 as follows:

16 (225 ILCS 205/1) (from Ch. 85, par. 2001)

17 Sec. 1. "Carnival" means and includes an aggregation of
18 attractions, whether shows, acts, games, vending devices or
19 amusement devices, whether conducted under one or more
20 managements or independently, which are temporarily set up or
21 conducted in a public place or upon any private premises
22 accessible to the public, with or without admission fee, and
23 which, from the nature of the aggregation, attracts attendance
24 and causes promiscuous intermingling of persons in the spirit
25 of merrymaking and revelry.

26 "Fair board" means and includes the officers of any State
27 or county fair association.

28 "Carnival Worker Identification Card" has the meaning
29 given in the Carnival Worker Registration Act.

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

31 (225 ILCS 205/2) (from Ch. 85, par. 2002)

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

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

28 (225 ILCS 205/3) (from Ch. 85, par. 2003)

29 Sec. 3. No such permit shall be granted by a fair board
30 until it has investigated the carnival and is satisfied that,
31 if permitted, it will be operated in accordance with the permit
32 and the provisions of this Act. Such fair boards are authorized
33 to issue the permit and to collect permit fees necessary to pay

1 the expenses of the investigation and to aid in policing the
2 grounds and otherwise to compensate the association in such
3 amount as they may determine. A carnival, upon request of the
4 fair board, must provide copies of all Carnival Worker
5 Identification Cards for carnival employees who will work at
6 the site. The permitting entity must request copies of Carnival
7 Worker Identification Cards at least 14 days before the
8 carnival will be open to the public. If the carnival has
9 provided copies of Carnival Worker Identification Cards, the
10 issuance of a permit may not be delayed or denied on the basis
11 that a carnival has failed to provide the name, address, or
12 background of or any other information related to carnival
13 employees. Each permit shall contain the proviso that sheriffs
14 and police officers shall have free access to the grounds and
15 all booths, shows and concessions on such grounds at all times,
16 and it shall be the duty of all officers present at such
17 carnival to enforce all the provisions of this Act.

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

19 Section 999. Effective date. This Act takes effect upon
20 becoming law."