



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4457

Introduced 1/10/2006, by Rep. Kevin Joyce

SYNOPSIS AS INTRODUCED:

New Act

Creates the Ice Cream Truck Worker Registration Act. Requires ice cream truck workers to obtain an Ice Cream Truck Worker Identification Card from the Department of State Police. Sets forth rules and procedures for obtaining an identification card. Provides that an application for an identification card shall be denied if the applicant (i) has ever been convicted of any sex offense, (ii) is a registered sex offender, or (iii) has ever been convicted of any homicide offense. Contains other ice cream truck worker requirements. Provides that an ice cream truck owner, upon the request of the municipality or county within which the ice cream truck is to operate, must provide copies of all Ice Cream Truck Worker Identification Cards for employees. Effective immediately.

LRB094 15744 RAS 50957 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning regulation.

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 Ice
5 Cream Truck Worker Registration Act.

6 Section 5. Intent. It is the intent of the General Assembly
7 to ensure that individuals who are employed as workers upon an
8 ice cream truck operating in the State of Illinois be persons
9 of good character and not pose a threat or danger to patrons by
10 establishing a process whereby ice cream truck workers, as
11 defined in this Act, must apply for a registration card from
12 the State of Illinois.

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

14 "Department" means the Department of State Police.

15 "Ice cream truck" means a motor vehicle engaged in the
16 curbside vending or sale of frozen or refrigerated desserts,
17 confections, or novelties commonly known as ice cream or
18 prepackaged candies, prepackaged snack foods, or soft drinks,
19 primarily intended for the sale to children under 12 years of
20 age.

21 "Ice cream truck worker" means any individual employed as a
22 worker upon an ice cream truck, including the driver of an ice
23 cream truck.

24 Section 15. Ice Cream Truck Worker Identification Card.
25 Subject to annual appropriation to the Department for costs
26 incurred under this Act, beginning January 1, 2007, every ice
27 cream truck worker must apply for an Ice Cream Truck Worker
28 Identification Card. The person shall apply to the Department
29 on forms provided by the Department. There shall be no cost for
30 application for or issuance of an Ice Cream Truck Worker

1 Identification Card. The applicant may work as an ice cream
2 truck worker pending issuance of an Ice Cream Truck Worker
3 Identification Card. If the Department denies the application,
4 the applicant may not be employed as an ice cream truck worker
5 in the State of Illinois. If the application is approved, the
6 Department shall send the card to the applicant. If the
7 application is denied, the Department shall send a notice of
8 denial to the applicant. The Department shall send a duplicate
9 copy of any card issued and any notice of denial to the ice
10 cream truck employer listed on the identification card
11 application. The Department shall establish a process for
12 appeal and administrative review of any application denial.

13 Section 20. Ice Cream Truck Worker Identification Card
14 application. The Department shall provide application forms
15 for persons applying for an Ice Cream Truck Worker
16 Identification Card. The form shall request only the following
17 information:

- 18 (1) name;
- 19 (2) address;
- 20 (3) date of birth; and
- 21 (4) name and address of current ice cream truck
22 employer.

23 Section 25. Criminal history records check. An applicant
24 for an Ice Cream Truck Worker Identification Card must, as a
25 condition of initial employment, submit his or her fingerprints
26 to the Department in the form and manner prescribed by the
27 Department. These fingerprints shall be checked against the
28 fingerprint records now and hereafter filed in the Department
29 of State Police criminal history records databases and the
30 Federal Bureau of Investigation criminal history records
31 databases. Applicants who have completed the fingerprinting
32 process under this Section shall not be subjected to the
33 fingerprinting process subsequent to obtaining an Ice Cream
34 Truck Worker Identification Card. The ice cream truck employer

1 of each applicant is solely responsible for payment of any fee
2 charged by the Department for conducting the criminal history
3 records check, which shall not exceed the cost of the inquiry.

4 Section 30. Persons prohibited from obtaining Ice Cream
5 Truck Worker Identification Card. An application for an Ice
6 Cream Truck Worker Identification Card shall be denied if the
7 applicant (i) has ever been convicted of any offense set forth
8 in Article 11 of the Criminal Code of 1961, (ii) is a
9 registered sex offender as defined in the Sex Offender
10 Registration Act, or (iii) has ever been convicted of any
11 offense set forth in Article 9 of the Criminal Code of 1961.

12 Section 35. Ice cream truck worker requirements. Each ice
13 cream truck worker, in addition to applying for an Ice Cream
14 Truck Worker Identification Card, must:

- 15 (1) be at least 16 years of age;
- 16 (2) have completed any employment application required
17 by the ice cream truck owner;
- 18 (3) be in possession of a valid driver's license;
- 19 (4) if required by the ice cream truck owner, wear a
20 standard operator's uniform that identifies the individual
21 as an ice cream truck worker; and
- 22 (5) be lawfully able to work in Illinois and, if not a
23 United States citizen, be currently permitted to work by
24 the U.S. Citizenship and Immigration Services.

25 Section 40. Responsibility of ice cream truck owner for
26 failure of employee to comply with this Act. An ice cream truck
27 owner shall not be responsible for any information submitted by
28 an employee or for the failure of an employee to apply or
29 qualify for and Ice Cream Truck Worker Identification Card. An
30 ice cream truck owner shall not be liable to an employee for
31 any of the requirements imposed by this Act.

32 Section 45. Copies of Ice Cream Truck Worker Identification

1 Cards for municipalities and counties. An ice cream truck
2 owner, upon the request of the municipality or county within
3 which the ice cream truck is to operate must provide copies of
4 all Ice Cream Truck Worker Identification Cards for employees
5 who will work upon the ice cream truck. The municipality or
6 county must request copies of Ice Cream Truck Worker
7 Identification Cards at least 14 days before the ice cream
8 truck is to begin operating within the municipality or county.
9 If the ice cream truck owner has provided copies of Ice Cream
10 Truck Worker Identification Cards and a permit is necessary for
11 lawful operation of the ice cream truck, the issuance of a
12 permit may not be delayed or denied on the basis that an ice
13 cream truck owner has failed to provide the name, address, or
14 background of or any other information related to ice cream
15 truck workers.

16 Section 50. Penalties. Any person who knowingly violates
17 any provision of this Act is guilty of a Class A misdemeanor.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.