



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4458

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

SYNOPSIS AS INTRODUCED:

New Act

65 ILCS 5/11-54.1-3

from Ch. 24, par. 11-54.1-3

Creates the Carnival Worker Registration Act. Requires carnival workers, except temporary carnival workers, who work during those hours in which the carnival is open to the public to obtain a Carnival 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 carnival worker requirements. Provides that a carnival, upon the request of the fair board or the municipality or county within which the carnival is to be set up, run, operated, or conducted, must provide copies of all Carnival Worker Identification Cards for carnival employees who will work at the site. Amends the Illinois Municipal Code to make a corresponding change. Effective immediately.

LRB094 15743 RAS 50956 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
5 Carnival Worker Registration Act.

6 Section 5. Intent. It is the intent of the General Assembly
7 to ensure that individuals who are employed at a carnival in
8 the State of Illinois be persons of good character and not pose
9 a threat or danger to riders by establishing a process whereby
10 carnival workers, except temporary carnival 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 "Amusement attraction" has the meaning given in the
15 Carnival and Amusement Rides Safety Act.

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

18 "Carnival" has the meaning given in the Carnival Regulation
19 Act.

20 "Carnival worker" means a person who is employed at a
21 carnival.

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

24 "Department" means the Department of State Police.

25 "Temporary carnival worker" means a person who is employed
26 at a carnival, for no more than one location in any 12-month
27 period, and lives in the county or contiguous county to where
28 the carnival operates.

29 Section 15. Carnival Worker Identification Card. Subject
30 to annual appropriation to the Department for costs incurred

1 under this Act, beginning January 1, 2007, every carnival
2 worker, except a temporary carnival worker, must apply for a
3 Carnival Worker Identification Card. The person shall apply to
4 the Department on forms provided by the Department. There shall
5 be no cost for application for or issuance of a Carnival Worker
6 Identification Card. The applicant may operate amusement rides
7 and amusement attractions pending issuance of a Carnival Worker
8 Identification Card. If the Department denies the application,
9 the applicant may not be employed to work at a carnival in the
10 State of Illinois during those hours in which the carnival is
11 open to the public. If the application is approved, the
12 Department shall send the card to the applicant. If the
13 application is denied, the Department shall send a notice of
14 denial to the applicant. The Department shall send a duplicate
15 copy of any card issued and any notice of denial to the
16 carnival employer listed on the identification card
17 application. The Department shall establish a process for
18 appeal and administrative review of any application denial.

19 Section 20. Carnival Worker Identification Card
20 application. The Department shall provide application forms
21 for persons applying for a Carnival Worker Identification Card.
22 The form shall request only the following information:

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

27 Section 25. Criminal history records check. An applicant
28 for a Carnival Worker Identification Card must, as a condition
29 of initial employment, submit his or her fingerprints to the
30 Department in the form and manner prescribed by the Department.
31 These fingerprints shall be checked against the fingerprint
32 records now and hereafter filed in the Department of State
33 Police criminal history records databases and the Federal
34 Bureau of Investigation criminal history records databases.

1 Applicants who have completed the fingerprinting process under
2 this Section shall not be subjected to the fingerprinting
3 process subsequent to obtaining a Carnival Worker
4 Identification Card.

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

13 Section 35. Carnival worker requirements. Each carnival
14 worker, except a temporary carnival worker, in addition to
15 applying for a Carnival Worker Identification Card, must:

- 16 (1) be at least 16 years of age;
- 17 (2) have completed any employment application required
18 by the amusement ride or amusement attraction owner;
- 19 (3) have identification available;
- 20 (4) if required by the carnival owner, wear a standard
21 operator's uniform that identifies the individual as a
22 carnival worker;
- 23 (5) be lawfully able to work in Illinois and, if not a
24 United States citizen, be currently permitted to work by
25 the U.S. Citizenship and Immigration Services; and
- 26 (6) be trained on the function, procedures, and safety
27 requirements of every amusement ride and amusement
28 attraction that he or she operates.

29 Section 40. Responsibility of carnival owner for failure of
30 employee to comply with this Act. A carnival owner shall not be
31 responsible for any information submitted by an employee or for
32 the failure of an employee to apply or qualify for a Carnival
33 Worker Identification Card. A carnival owner shall not be

1 liable to an employee for any of the requirements imposed by
2 this Act.

3 Section 45. Copies of Carnival Worker Identification Cards
4 for fair boards, municipalities, and counties. A carnival, upon
5 the request of the fair board or the municipality or county
6 within which the carnival is to be set up, run, operated, or
7 conducted, must provide copies of all Carnival Worker
8 Identification Cards for carnival employees who will work at
9 the site. The fair board, municipality, or county must request
10 copies of Carnival Worker Identification Cards at least 14 days
11 before the carnival is to be open to the public. If the
12 carnival has provided copies of Carnival Worker Identification
13 Cards, the issuance of a permit may not be delayed or denied on
14 the basis that a carnival has failed to provide the name,
15 address, or background of or any other information related to
16 carnival employees who are required to have a Carnival Worker
17 Identification Card.

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

20 Section 900. The Illinois Municipal Code is amended by
21 changing Section 11-54.1-3 as follows:

22 (65 ILCS 5/11-54.1-3) (from Ch. 24, par. 11-54.1-3)

23 Sec. 11-54.1-3. No such permit shall be granted by the
24 corporate authorities until they shall have investigated the
25 carnival and are satisfied that, if permitted, it will be
26 operated in accordance with the permit and the provisions of
27 this Division 54.1. Such corporate authorities may issue the
28 permit and collect permit fees necessary to pay the expenses of
29 the investigation and to aid in policing the grounds and
30 otherwise to compensate the city, village or incorporated town
31 in such amount as the corporate authorities may determine. A
32 carnival, upon the request of the municipality, must provide

1 copies of all Carnival Worker Identification Cards for carnival
2 employees who will work at the site. The municipality must
3 request copies of Carnival Worker Identification Cards at least
4 14 days before the carnival is to be open to the public. If the
5 carnival has provided copies of Carnival Worker Identification
6 Cards, the issuance of a permit may not be delayed or denied on
7 the basis that a carnival has failed to provide the name,
8 address, and background of or any other information related to
9 carnival employees who are required to have a Carnival Worker
10 Identification Card. Each permit shall contain the proviso that
11 sheriffs and police officers shall have free access to the
12 grounds and all booths, shows and concessions on such grounds
13 at all times, and it shall be the duty of all officers present
14 at such carnival to enforce all the provisions of this Division
15 54.1.

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

17 Section 999. Effective date. This Act takes effect upon
18 becoming law.