



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0820

Introduced 2/7/2007, by Rep. Kevin Joyce

SYNOPSIS AS INTRODUCED:

New Act

65 ILCS 5/11-54.1-3

430 ILCS 85/2-6

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

from Ch. 111 1/2, par. 4056

Creates the Carnival Worker Registration Act. Requires 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 Labor. 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 owner, 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. Amends the Carnival and Amusement Rides Safety Act. Requires the Department, in conjunction with the Carnival-Amusement Safety Board, to establish training standards for carnival employees responsible for the operation of amusement rides or amusement attractions regulated under the Act. Effective immediately.

LRB095 07618 RAS 27768 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, as defined in this Act, must apply for a
11 registration card from the State of Illinois.

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

13 "Amusement attraction" has the meaning given in the
14 Carnival and Amusement Rides Safety Act.

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

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

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

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

1 "Department" means the Department of Labor.

2 Section 15. Carnival Worker Identification Card. Subject
3 to annual appropriation to the Department for costs incurred
4 under this Act, beginning July 1, 2008, every carnival worker
5 must apply for a Carnival Worker Identification Card. The
6 person shall apply to the Department on forms provided by the
7 Department. There shall be no cost for application for or
8 issuance of a Carnival Worker Identification Card. The
9 applicant may operate amusement rides and amusement
10 attractions pending issuance of a Carnival Worker
11 Identification Card. If the Department denies the application,
12 the applicant may not be employed to work at a carnival in the
13 State of Illinois during those hours in which the carnival is
14 open to the public. If the application is approved, the
15 Department shall send the card to the applicant. If the
16 application is denied, the Department shall send a notice of
17 denial to the applicant. The Department shall send a duplicate
18 copy of any card issued and any notice of denial to the
19 carnival employer listed on the identification card
20 application. The Department shall establish a process for
21 appeal and administrative review of any application denial.

22 Section 20. Carnival Worker Identification Card
23 application. The Department shall provide application forms
24 for persons applying for a Carnival Worker Identification Card.

1 The form shall request only the following information:

2 (1) name;

3 (2) address;

4 (3) date of birth; and

5 (4) name and address of current carnival employer.

6 Section 25. Criminal history records check. An applicant
7 for a Carnival Worker Identification Card must, as a condition
8 of initial employment, submit his or her fingerprints to the
9 Department of State Police in the form and manner prescribed by
10 the Department of State Police. These fingerprints shall be
11 checked against the fingerprint records now and hereafter filed
12 in the Department of State Police criminal history records
13 databases and the Federal Bureau of Investigation criminal
14 history records databases. Applicants who have completed the
15 fingerprinting process under this Section shall not be
16 subjected to the fingerprinting process subsequent to
17 obtaining a Carnival Worker Identification Card.

18 The Department of State Police shall furnish, pursuant to
19 the fingerprint-based criminal history records check, records
20 of convictions, until expunged, to the carnival owner that
21 requested the check. The Department of State Police shall
22 charge the carnival owner a fee for conducting the check, which
23 fee shall be deposited in the State Police Services Fund and
24 shall not exceed the cost of the inquiry.

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

9 Section 35. Carnival worker requirements. Each carnival
10 worker, in addition to applying for a Carnival Worker
11 Identification Card, must:

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

1 (7) have submitted to and successfully passed a drug
2 test administered by an entity approved by the Department,
3 the cost of which must be paid by the carnival owner. In
4 addition to this initial drug testing, a carnival owner
5 shall be responsible for establishing a system of random
6 drug testing for all carnival employees holding a Carnival
7 Worker Identification Card and a carnival worker must
8 submit to and successfully pass each random drug test in
9 order to maintain his or her employment with the carnival.

10 Section 40. Responsibility of carnival owner for failure of
11 employee to comply with this Act. A carnival owner shall not be
12 responsible for any information submitted by an employee or for
13 the failure of an employee to apply or qualify for a Carnival
14 Worker Identification Card. A carnival owner shall not be
15 liable to an employee for any of the requirements imposed by
16 this Act.

17 Section 45. Copies of Carnival Worker Identification Cards
18 for fair boards, municipalities, and counties. A carnival, upon
19 the request of the fair board or the municipality or county
20 within which the carnival is to be set up, run, operated, or
21 conducted, must provide copies of all Carnival Worker
22 Identification Cards for carnival employees who will work at
23 the site. The fair board, municipality, or county must request
24 copies of Carnival Worker Identification Cards at least 14 days

1 before the carnival is to be open to the public. If the
2 carnival has provided copies of Carnival Worker Identification
3 Cards, the issuance of a permit may not be delayed or denied on
4 the basis that a carnival has failed to provide the name,
5 address, or background of or any other information related to
6 carnival employees who are required to have a Carnival Worker
7 Identification Card.

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

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

12 (65 ILCS 5/11-54.1-3) (from Ch. 24, par. 11-54.1-3)

13 Sec. 11-54.1-3. No such permit shall be granted by the
14 corporate authorities until they shall have investigated the
15 carnival and are satisfied that, if permitted, it will be
16 operated in accordance with the permit and the provisions of
17 this Division 54.1. Such corporate authorities may issue the
18 permit and collect permit fees necessary to pay the expenses of
19 the investigation and to aid in policing the grounds and
20 otherwise to compensate the city, village or incorporated town
21 in such amount as the corporate authorities may determine. A
22 carnival, upon the request of the municipality, must provide
23 copies of all Carnival Worker Identification Cards for carnival

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

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

16 Section 905. The Carnival and Amusement Rides Safety Act is
17 amended by changing Section 2-6 as follows:

18 (430 ILCS 85/2-6) (from Ch. 111 1/2, par. 4056)

19 Sec. 2-6. The Director, with the consent of the Board,
20 shall promulgate and formulate definitions, rules and
21 regulations for the safe installation, repair, maintenance,
22 use, operation and inspection of all amusement rides and
23 amusement attractions as the Director finds necessary for the
24 protection of the general public using amusement rides and

1 amusement attractions. The rules shall be based upon generally
2 accepted engineering standards and shall be concerned with, but
3 not necessarily limited to, engineering force stresses, safety
4 devices, and preventive maintenance. Whenever such standards
5 are available in suitable form they may be incorporated by
6 reference. The rules shall provide for the reporting of
7 accidents and injuries incurred from the operation of amusement
8 rides or amusement attractions. In addition to the permit fee
9 herein provided, the Director may promulgate rules to establish
10 a schedule of fees for inspections.

11 Before adopting, modifying or amending any rule consistent
12 with and necessary for the enforcement of this Act, the
13 Director shall hold a public hearing on the proposed rule,
14 modification or amendment to a rule. Any interested person may
15 appear and be heard at the hearing, in person or by agent or
16 counsel. The Director shall give the news media notice of each
17 hearing at least 30 days in advance of the hearing date and
18 shall make available a copy of the proposed rule, or
19 modification or amendment to a rule to any person requesting
20 same. The provisions of this Section are in addition to all
21 other existing requirements pertaining to the promulgation of
22 administrative rules and regulations.

23 The Department, in conjunction with the Board, must
24 establish training standards for carnival employees
25 responsible for the operation of amusement rides or amusement
26 attractions regulated under this Act. These training standards

1 must consist of a minimum of 10 hours of training for each
2 amusement ride or amusement attraction that a carnival employee
3 is responsible for operating.

4 (Source: P.A. 94-801, eff. 5-25-06.)

5 Section 999. Effective date. This Act takes effect upon
6 becoming law.