



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2099

Introduced 2/7/2023, by Rep. Dave Vella

SYNOPSIS AS INTRODUCED:

New Act

Creates the Food Truck Freedom Act. Provides that a unit of local government may not require a separate license, permit, or fee beyond an initial or reciprocal business license for a food truck business. Contains provisions regarding reciprocal business licenses issued to food truck businesses by different units of local government or local health departments. Contains prohibitions against units of local governments or local health departments from imposing additional license qualification requirements on a food truck business before issuing licenses. Provides that, for an initial business license, a unit of local government or local health department may only charge a licensing fee to a food truck business in an amount that reimburses the unit of local government for the actual cost of processing the business license. Requires food truck businesses to obtain, for each food truck that the food truck business operates, an annual health department food truck permit from the local health department with jurisdiction over the area in which the majority of the food truck's operations takes place. Includes provisions relating to food truck events and food trucks at temporary mass gatherings. Contains other provisions. Effective January 1, 2024.

LRB103 25457 AWJ 51806 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning local government.

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 Food
5 Truck Freedom Act.

6 Section 5. Definitions.

7 "Event permit" means a permit that a unit of local
8 government issues to the organizer of a public food truck
9 event located on public property.

10 "Food cart" means a cart that:

11 (1) is not motorized; and

12 (2) a vendor, standing outside the frame of the cart,
13 uses to prepare, sell, or serve food or beverages for
14 immediate human consumption.

15 "Food service establishment" means an operation that:

16 (1) stores, prepares, packages, serves, or vends food
17 directly to the consumer or otherwise provides food for
18 human consumption;

19 (2) is a satellite or catered feeding location; and

20 (3) relinquishes possession of food to a consumer
21 directly or indirectly through a delivery service such as
22 home delivery of a grocery order or takeout order or a
23 delivery service that is provided by common carriers.

1 "Food truck" means a fully encased food service
2 establishment:

3 (1) on a motor vehicle or on a trailer that a motor
4 vehicle pulls to transport; and

5 (2) from which a food truck vendor, standing within
6 the frame of the vehicle, prepares, cooks, sells, or
7 serves food or beverages for immediate human consumption.

8 "Food truck" does not include a food cart or an ice cream
9 truck.

10 "Food truck business" means a business that operates one
11 or more food trucks.

12 "Food truck event" means an event where an individual has
13 ordered or commissioned the operation of a food truck at a
14 private or public gathering.

15 "Food truck operator" means a person who owns, manages, or
16 controls, or who has the duty to manage or control, a food
17 truck business.

18 "Food truck vendor" means a person who sells, cooks, or
19 serves food or beverages from a food truck.

20 "Health department food truck permit" means a document
21 that a local health department issues to authorize a person to
22 operate a food truck within the jurisdiction of the local
23 health department.

24 "Ice cream truck" means a fully encased food service
25 establishment:

26 (1) on a motor vehicle or on a trailer that a motor

1 vehicle pulls to transport;

2 (2) from which a vendor, from within the frame of the
3 vehicle, serves ice cream;

4 (3) that attracts patrons by traveling through a
5 residential area and signaling the truck's presence in the
6 area, including by playing music; and

7 (4) that may stop to serve ice cream at the signal of a
8 patron.

9 "Restaurant" means a place of business where a variety of
10 food is prepared and cooked and complete meals are served to
11 the general public for consumption on the premises primarily
12 in indoor dining accommodations. "Restaurant" includes a food
13 service establishment.

14 "Temporary mass gathering" means:

15 (1) an actual or reasonably anticipated assembly of
16 500 or more people that continues, or reasonably can be
17 expected to continue, for 2 or more hours per day; or

18 (2) an event that requires a more extensive review to
19 protect public health and safety because the event's
20 nature or conditions have the potential of generating
21 environmental or health risks.

22 "Temporary mass gathering" does not include an assembly of
23 people at a location with permanent facilities designed for
24 that specific assembly.

25 Section 10. Licensing; reciprocity; fees.

1 (a) A unit of local government may not require:

2 (1) a separate license, permit, or fee, beyond the
3 initial or reciprocal business license described in
4 subsection (b) or the fee described in subsection (d) for
5 a food truck business, regardless of whether a food truck
6 operates in more than one location or on more than one day
7 within the unit of local government in the same calendar
8 year;

9 (2) a fee for each employee a food truck business
10 employs; or

11 (3) a food truck business to do any of the following as
12 a business license qualification regarding the business'
13 food truck operators or food truck vendors:

14 (A) submit to or offer proof of a criminal
15 background check; or

16 (B) demonstrate how the operation of the food
17 truck business will comply with a land use or zoning
18 ordinance at the time the business applies for the
19 business license.

20 (b) A unit of local government shall grant a business
21 license to operate a food truck within the unit of local
22 government to a food truck business that has obtained a
23 business license to operate a food truck in another unit of
24 local government within the State if the food truck business
25 presents to the unit of local government:

26 (1) a current business license from the other unit of

1 local government within the State; and

2 (2) for each food truck that the food truck business
3 operates:

4 (A) a current health department food truck permit
5 from a local health department within the State; and

6 (B) a current approval by a unit of local
7 government within the State showing that the food
8 truck passed a fire safety inspection that the other
9 unit of local government conducted in accordance with
10 relevant State and local requirements.

11 (c) If a food truck business presents the documents
12 described in paragraphs (1) and (2) of subsection (b), the
13 unit of local government may not:

14 (1) impose additional license qualification
15 requirements on the food truck business before issuing a
16 license to operate within the unit of local government,
17 except for charging a fee in accordance with subsection
18 (d); or

19 (2) issue a license that expires on a date earlier or
20 later than the day on which the license described in
21 paragraph (1) of subsection (b) expires.

22 (d) For an initial business license for a food truck
23 business, a unit of local government may only charge a
24 licensing fee to the food truck business in an amount that
25 reimburses the unit of local government for the actual cost of
26 processing the business license.

1 For a reciprocal business license that a unit of local
2 government issues in accordance with subsection (b) or (c),
3 the unit of local government shall reduce the amount of the
4 business licensing fee to an amount that accounts for the
5 actual administrative burden on the unit of local government
6 for processing the reciprocal license.

7 (e) Nothing in this Section prevents a unit of local
8 government from:

9 (1) requiring a food truck business to comply with
10 local zoning and land use regulations, to the extent that
11 the regulations do not conflict with this Act;

12 (2) adopting local ordinances or rules consistent with
13 this Act that address how and where a food truck may
14 operate within the unit of local government;

15 (3) requiring a food truck business to obtain an event
16 permit, in accordance with Section 20; or

17 (4) revoking a license that the unit of local
18 government has issued if the operation of the related food
19 truck within the unit of local government violates the
20 terms of the license.

21 Section 15. Safety and health inspections; permits.

22 (a) A food truck business shall obtain, for each food
23 truck that the food truck business operates, an annual health
24 department food truck permit from the local health department
25 with jurisdiction over the area in which the majority of the

1 food truck's operations takes place.

2 (b) A local health department shall grant a health
3 department food truck permit to operate a food truck within
4 the jurisdiction of the local health department to a food
5 truck business that has obtained the health department food
6 truck permit described in subsection (a) from another local
7 health department within the State if the food truck business
8 presents to the local health department the current health
9 department food truck permit from the other local health
10 department.

11 If a food truck business presents the health department
12 food truck permit described in subsection (a) from another
13 local health department within the State, the local health
14 department may not:

15 (1) impose additional health department permit
16 qualification requirements on the food truck business
17 before issuing a health department food truck permit to
18 operate within the jurisdiction of the local health
19 department, except for charging a fee in accordance with
20 subsection (c); or

21 (2) issue a health department food truck permit that
22 expires on a date earlier or later than the day on which
23 the health department food truck permit from another local
24 health department expires.

25 (c) A local health department may only charge a health
26 department food truck permit fee to a food truck business in an

1 amount that reimburses the local health department for the
2 cost of regulating the food truck.

3 For a health department food truck permit that a local
4 health department issues in accordance with subsection (b),
5 the local health department shall reduce the amount of the
6 health department food truck permit fee to an amount that
7 accounts for the lower administrative burden on the local
8 health department.

9 (d) A unit of local government inspecting a food truck for
10 fire safety shall conduct the inspection based on the all
11 relevant State and local requirements. However, a unit of
12 local government may not require that a food truck pass a fire
13 safety inspection in a given calendar year if the food truck
14 business presents to the unit of local government an approval
15 described in subsection (e) that is issued during the same
16 calendar year.

17 (e) A unit of local government shall consider valid within
18 the unit of local government's jurisdiction an approval from
19 another unit of local government within the State that shows
20 that the food truck passed a fire safety inspection that the
21 other unit of local government conducted.

22 (f) Nothing in this Section prevents a local health
23 department from:

24 (1) requiring a food truck business to obtain an event
25 permit;

26 (2) revoking a health department food truck permit

1 that the local health department has issued if the
2 operation of the related food truck within the
3 jurisdiction of the local health department violates the
4 terms of the permit; or

5 (3) revoking the unit of local government's approval
6 under subsection (e) if the operation of the related food
7 truck within the unit of local government fails to meet
8 the requirements found during an investigation under
9 subsection (d) in a calendar year in which subsection (e)
10 does not apply.

11 Section 20. Food truck events; temporary mass gatherings.

12 (a) If a unit of local government requires an event permit
13 for a food truck event, the organizer of the food truck event
14 may obtain the event permit on behalf of the food trucks that
15 service the event.

16 (b) Nothing in this Act prohibits a local health
17 department from requiring a permit for a temporary mass
18 gathering.

19 A food truck operating at a temporary mass gathering that
20 occurs over multiple days may operate in a stationary manner
21 for the duration of the temporary mass gathering, not to
22 exceed 5 consecutive days, without moving or changing its
23 location, if the food truck maintains sanitary conditions and
24 operates in compliance with the permitting requirements and
25 regulations imposed on other food vendors at the temporary

1 mass gathering.

2 A local health department may not impose a requirement on
3 a food truck under this subsection that the local health
4 department does not impose on other food vendors operating at
5 the temporary mass gathering.

6 Section 25. Food truck operation. A unit of local
7 government may not:

8 (1) entirely or constructively prohibit food trucks in
9 a zone in which a food service establishment is a
10 permitted or conditional use;

11 (2) prohibit the operation of a food truck within a
12 given distance of a restaurant;

13 (3) restrict the total number of days a food truck
14 business may operate a food truck within the unit of local
15 government during a calendar year; or

16 (4) require a food truck business to:

17 (A) provide to the unit of local government:

18 (i) a site plan for each location in which a
19 food truck operates in the public right of way, if
20 the unit of local government permits food truck
21 operation in the public right of way; or

22 (ii) the date, time, or duration that a food
23 truck will operate within the unit of local
24 government; or

25 (B) obtain and pay for a land use permit for each

1 location and time during which a food truck operates.

2 Section 90. Home rule. A home rule unit may not regulate
3 food trucks or food truck businesses in a manner inconsistent
4 with this Act. This Act is a limitation under subsection (i) of
5 Section 6 of Article VII of the Illinois Constitution on the
6 concurrent exercise by home rule units of powers and functions
7 exercised by the State.

8 Section 99. Effective date. This Act takes effect January
9 1, 2024.