

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 Financial and
15 Professional Regulation.

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

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

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

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

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

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

24 Section 25. Criminal history records check. The Department
25 shall require that each applicant for an Ice Cream Truck Worker
26 Identification Card must, as a condition of initial employment,
27 submit his or her fingerprints to the Department of State
28 Police in the form and manner prescribed by the Department of
29 State Police. These fingerprints shall be checked against the
30 fingerprint records now and hereafter filed in the Department
31 of State Police criminal history records databases and the
32 Federal Bureau of Investigation criminal history records
33 databases. The Department of State Police shall provide
34 information concerning any criminal charges and their

1 disposition, now and hereafter filed, against an applicant to
2 the Department. Applicants who have completed the
3 fingerprinting process under this Section shall not be
4 subjected to the fingerprinting process subsequent to
5 obtaining an Ice Cream Truck Worker Identification Card. The
6 ice cream truck employer of each applicant is solely
7 responsible for payment of any fee charged by the Department of
8 State Police for conducting the criminal history records check,
9 which shall not exceed the cost of the inquiry.

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

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

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

31 Section 40. Responsibility of ice cream truck owner for
32 failure of employee to comply with this Act. An ice cream truck
33 owner shall not be responsible for any information submitted by

1 an employee or for the failure of an employee to apply or
2 qualify for an Ice Cream Truck Worker Identification Card. An
3 ice cream truck owner shall not be liable to an employee for
4 any of the requirements imposed by this Act.

5 Section 45. Copies of Ice Cream Truck Worker Identification
6 Cards for municipalities and counties. An ice cream truck
7 owner, upon the request of the municipality or county within
8 which the ice cream truck is to operate must provide copies of
9 all Ice Cream Truck Worker Identification Cards for employees
10 who will work upon the ice cream truck. The municipality or
11 county must request copies of Ice Cream Truck Worker
12 Identification Cards at least 14 days before the ice cream
13 truck is to begin operating within the municipality or county.
14 If the ice cream truck owner has provided copies of Ice Cream
15 Truck Worker Identification Cards and a permit is necessary for
16 lawful operation of the ice cream truck, the issuance of a
17 permit may not be delayed or denied on the basis that an ice
18 cream truck owner has failed to provide the name, address, or
19 background of or any other information related to ice cream
20 truck workers.

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

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.