



Rep. Kevin Joyce

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LRB095 07618 RAS 33598 a

1 AMENDMENT TO HOUSE BILL 820

2 AMENDMENT NO. _____. Amend House Bill 820 by replacing
3 everything after the enacting clause with the following:

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

1 Amusement Rides Safety Act.

2 "Carnival" means an enterprise that offers amusement or
3 entertainment to the public, with or without fee, by means of
4 one or more amusement attractions or amusement rides, including
5 without limitation shows, games, and vendors.

6 "Carnival worker" means a person who is employed at a
7 carnival.

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

10 "Department" means the Department of Labor.

11 "Director" means the Director of Labor or a duly authorized
12 representative.

13 Section 15. Carnival Worker Identification Card. Subject
14 to annual appropriation to the Department for costs incurred
15 under this Act, beginning January 1, 2008, every carnival
16 worker must apply for a Carnival Worker Identification Card.
17 The person shall apply to the Department on forms provided by
18 the Department. There shall be no cost for application for or
19 issuance of a Carnival Worker Identification Card. The
20 applicant may operate amusement rides and amusement
21 attractions pending issuance of a Carnival Worker
22 Identification Card. If the Department denies the application,
23 the applicant may not be employed to work at a carnival in the
24 State of Illinois during those hours in which the carnival is
25 open to the public. If the application is approved, the

1 Department shall send the card to the applicant. If the
2 application is denied, the Department shall send a notice of
3 denial to the applicant. The Department shall send a duplicate
4 copy of any card issued and any notice of denial to the
5 carnival employer listed on the identification card
6 application.

7 Section 18. Rulemaking; Administrative Review Law. The
8 Department shall adopt rules necessary to administer and
9 enforce this Act. These rules, at a minimum, must establish a
10 process for appeal of any application denial.

11 The provisions of the Administrative Review Law apply to
12 and govern all proceedings for the judicial review of decisions
13 under this Act. In all reviews or appeals under this Act, it is
14 the duty of the Attorney General to represent the Department
15 and defend its determination.

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

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

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

13 The Department of State Police shall furnish, pursuant to
14 the fingerprint-based criminal history records check, records
15 of convictions, until expunged, to the carnival owner or the
16 Department, whichever requested the check. The Department of
17 State Police shall charge the carnival owner a fee for
18 conducting the check, which fee shall be deposited in the State
19 Police Services Fund and shall not exceed the cost of the
20 inquiry. No fee may be charged to the Department for conducting
21 a check, provided that the request was for the purposes of the
22 administration and enforcement of this Act.

23 Section 30. Persons prohibited from obtaining a Carnival
24 Worker Identification Card. An application for a Carnival
25 Worker Identification Card shall be denied if the applicant (i)

1 has ever been convicted of any offense set forth in Article 11
2 of the Criminal Code of 1961, (ii) is a registered sex offender
3 as defined in the Sex Offender Registration Act, or (iii) has
4 ever been convicted of any offense set forth in Article 9 of
5 the Criminal Code of 1961.

6 The Department of State Police shall provide to the
7 Department, upon request and without cost, any and all of the
8 information set forth in this Section concerning an applicant
9 and shall cooperate with the Department in any investigation or
10 administrative hearing proceedings under this Act.

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

14 (1) be at least 16 years of age;

15 (2) have completed any employment application required
16 by the amusement ride or amusement attraction owner;

17 (3) have identification available;

18 (4) if required by the carnival owner, wear a standard
19 operator's uniform that identifies the individual as a
20 carnival worker;

21 (5) be lawfully able to work in Illinois and, if not a
22 United States citizen, be currently permitted to work by
23 the U.S. Citizenship and Immigration Services;

24 (6) receive training approved by the Department
25 concerning the function, procedures, and safety

1 requirements of every amusement ride and amusement
2 attraction that he or she operates; and

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

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

20 Section 45. Copies of Carnival Worker Identification Cards
21 for fair boards, municipalities, and counties. A carnival, upon
22 the request of the fair board or the municipality or county
23 within which the carnival is to be set up, run, operated, or
24 conducted, must provide copies of all Carnival Worker

1 Identification Cards for carnival employees who will work at
2 the site. The fair board, municipality, or county must request
3 copies of Carnival Worker Identification Cards at least 14 days
4 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, or background of or any other information related to
9 carnival employees who are required to have a Carnival Worker
10 Identification Card.

11 Section 48. Cooperation with other agencies. The
12 Department or its duly authorized representative shall
13 administer and enforce the provisions of this Act with the
14 cooperation of the Department of State Police, the Attorney
15 General, and all local law enforcement agencies.

16 Section 50. Penalties. Any person who knowingly violates
17 any provision of this Act is guilty of a Class A misdemeanor
18 and the Attorney General shall represent the Director and the
19 Department in any such action.

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)

1 Sec. 11-54.1-3. No such permit shall be granted by the
2 corporate authorities until they shall have investigated the
3 carnival and are satisfied that, if permitted, it will be
4 operated in accordance with the permit and the provisions of
5 this Division 54.1. Such corporate authorities may issue the
6 permit and collect permit fees necessary to pay the expenses of
7 the investigation and to aid in policing the grounds and
8 otherwise to compensate the city, village or incorporated town
9 in such amount as the corporate authorities may determine. A
10 carnival, upon the request of the municipality, must provide
11 copies of all Carnival Worker Identification Cards for carnival
12 employees who will work at the site. The municipality must
13 request copies of Carnival Worker Identification Cards at least
14 14 days before the carnival is to be open to the public. If the
15 carnival has provided copies of Carnival Worker Identification
16 Cards, the issuance of a permit may not be delayed or denied on
17 the basis that a carnival has failed to provide the name,
18 address, and background of or any other information related to
19 carnival employees who are required to have a Carnival Worker
20 Identification Card. Each permit shall contain the proviso that
21 sheriffs and police officers shall have free access to the
22 grounds and all booths, shows and concessions on such grounds
23 at all times, and it shall be the duty of all officers present
24 at such carnival to enforce all the provisions of this Division
25 54.1.

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

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

3 (430 ILCS 85/2-6) (from Ch. 111 1/2, par. 4056)

4 Sec. 2-6. The Director, with the consent of the Board,
5 shall promulgate and formulate definitions, rules and
6 regulations for the safe installation, repair, maintenance,
7 use, operation, training standards for operators, and
8 inspection of all amusement rides and amusement attractions as
9 the Director finds necessary for the protection of the general
10 public using amusement rides and amusement attractions. The
11 rules shall be based upon generally accepted engineering
12 standards and shall be concerned with, but not necessarily
13 limited to, engineering force stresses, safety devices, and
14 preventive maintenance. Whenever such standards are available
15 in suitable form they may be incorporated by reference. The
16 rules shall provide for the reporting of accidents and injuries
17 incurred from the operation of amusement rides or amusement
18 attractions. In addition to the permit fee herein provided, the
19 Director may promulgate rules to establish a schedule of fees
20 for inspections.

21 Before adopting, modifying or amending any rule consistent
22 with and necessary for the enforcement of this Act, the
23 Director shall hold a public hearing on the proposed rule,
24 modification or amendment to a rule. Any interested person may

1 appear and be heard at the hearing, in person or by agent or
2 counsel. The Director shall give the news media notice of each
3 hearing at least 30 days in advance of the hearing date and
4 shall make available a copy of the proposed rule, or
5 modification or amendment to a rule to any person requesting
6 same. The provisions of this Section are in addition to all
7 other existing requirements pertaining to the promulgation of
8 administrative rules and regulations.

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

10 Section 999. Effective date. This Act takes effect upon
11 becoming law."