

**SB0053**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB0053**

Introduced 1/27/2011, by Sen. Ira I. Silverstein

**SYNOPSIS AS INTRODUCED:**

New Act

Creates the Ice Cream Truck Worker Registration Act. Requires ice cream truck workers to obtain an Ice Cream Truck 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 ice cream truck worker requirements. Provides that an ice cream truck owner, upon the request of the municipality or county within which the ice cream truck is to operate, must provide copies of all Ice Cream Truck Worker Identification Cards for employees. Effective immediately.

LRB097 05509 CEL 45569 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

**A BILL FOR**

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 State Police.

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

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

1 cream truck.

2 Section 15. Ice Cream Truck Worker Identification Card.  
3 Subject to annual appropriation to the Department for costs  
4 incurred under this Act, beginning January 1, 2012, every ice  
5 cream truck worker must apply for an Ice Cream Truck Worker  
6 Identification Card. The person shall apply to the Department  
7 on forms provided by the Department. There shall be no cost for  
8 application for or issuance of an Ice Cream Truck Worker  
9 Identification Card. The applicant may work as an ice cream  
10 truck worker pending issuance of an Ice Cream Truck Worker  
11 Identification Card. If the Department denies the application,  
12 the applicant may not be employed as an ice cream truck worker  
13 in the State of Illinois. If the application is approved, the  
14 Department shall send the card to the applicant. If the  
15 application is denied, the Department shall send a notice of  
16 denial to the applicant. The Department shall send a duplicate  
17 copy of any card issued and any notice of denial to the ice  
18 cream truck employer listed on the identification card  
19 application. The Department shall establish a process for  
20 appeal and administrative review of any application denial.

21 Section 20. Ice Cream Truck Worker Identification Card  
22 application. The Department shall provide application forms  
23 for persons applying for an Ice Cream Truck Worker  
24 Identification Card. The form shall request only the following

1 information:

2 (1) name;

3 (2) address;

4 (3) date of birth; and

5 (4) name and address of current ice cream truck  
6 employer.

7 Section 25. Criminal history records check. An applicant  
8 for an Ice Cream Truck Worker Identification Card must, as a  
9 condition of initial employment, submit his or her fingerprints  
10 to the Department in the form and manner prescribed by the  
11 Department. These fingerprints shall be checked against the  
12 fingerprint records now and hereafter filed in the Department  
13 of State Police criminal history records databases and the  
14 Federal Bureau of Investigation criminal history records  
15 databases. Applicants who have completed the fingerprinting  
16 process under this Section shall not be subjected to the  
17 fingerprinting process subsequent to obtaining an Ice Cream  
18 Truck Worker Identification Card. The ice cream truck employer  
19 of each applicant is solely responsible for payment of any fee  
20 charged by the Department for conducting the criminal history  
21 records check, which shall not exceed the cost of the inquiry.

22 Section 30. Persons prohibited from obtaining Ice Cream  
23 Truck Worker Identification Card. An application for an Ice  
24 Cream Truck Worker Identification Card shall be denied if the

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

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

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

10 (2) have completed any employment application required  
11 by the ice cream truck owner;

12 (3) be in possession of a valid driver's license;

13 (4) if required by the ice cream truck owner, wear a  
14 standard operator's uniform that identifies the individual  
15 as an ice cream truck worker; and

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

19 Section 40. Responsibility of ice cream truck owner for  
20 failure of employee to comply with this Act. An ice cream truck  
21 owner shall not be responsible for any information submitted by  
22 an employee or for the failure of an employee to apply or  
23 qualify for and Ice Cream Truck Worker Identification Card. An  
24 ice cream truck owner shall not be liable to an employee for

1 any of the requirements imposed by this Act.

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

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

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.