



Sen. Larry K. Bomke

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LRB093 21108 RXD 48468 a

1 AMENDMENT TO SENATE BILL 3069

2 AMENDMENT NO. \_\_\_\_\_. Amends Senate Bill 3069 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 Ride Operator Registration Act.

6 Section 5. Intent. It is the intent of the Illinois General  
7 Assembly to ensure that individuals who operate amusement rides  
8 and attractions in the State of Illinois be persons of good  
9 character and not pose a threat or danger to riders. It is  
10 therefore the intent of the General Assembly to establish a  
11 process whereby amusement ride and attraction operators, as  
12 defined in this Act, apply for a registration card from the  
13 State of Illinois. Further, it is the intent of the General  
14 Assembly that no person who is required to apply for a  
15 registration card be allowed to operate an amusement ride or  
16 attraction without possessing a valid registration card.

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

18 "Amusement attraction" has the meaning given in the  
19 Carnival and Amusement Rides Safety Act.

20 "Amusement ride" has the meaning given in the Carnival and  
21 Amusement Rides Safety Act.

22 "Carnival" has the meaning given in the Carnival Regulation  
23 Act.

1 "Carnival ride operator" means a person who is employed to  
2 actually control the operation of a particular amusement ride  
3 or amusement attraction at a carnival.

4 "Department" means the Department of State Police.

5 "Ride Operator Identification Card" means a card issued to  
6 a carnival ride operator by the Department.

7 Section 15. Ride Operator Identification Card. Beginning  
8 January 1, 2005, every carnival ride operator must apply for a  
9 Ride Operator Identification Card. The person shall apply to  
10 the Department on forms provided by the Department. There shall  
11 be no cost for application for or issuance of a Ride Operator  
12 Identification Card. The applicant may not operate amusement  
13 rides and amusement attractions pending issuance of a Ride  
14 Operation Identification Card. If the Department denies the  
15 application, the applicant may not be employed to operate  
16 amusement rides or amusement attractions at a carnival in the  
17 State of Illinois. If the application is approved, the  
18 Department shall send the card to the applicant. If the  
19 application is denied, the Department shall send a notice of  
20 denial to the applicant. The Department shall send a duplicate  
21 copy of any card issued and any notice of denial to the  
22 carnival employer listed on the identification card  
23 application. The Department shall establish a process for  
24 appeal and administrative review of any application denial.

25 Section 20. Ride Operator Identification Card application.  
26 The Department shall provide application forms for persons  
27 applying for a Ride Operator Identification Card. The form  
28 shall request only the following information:

29 (1) name;

30 (2) address;

31 (3) date of birth;

32 (4) name and address of current carnival employer;

- 1 (5) citizenship;
- 2 (6) height, weight, and eye color; and
- 3 (7) driver's license number if available.

4 Section 25. Expiration of Ride Operator Identification  
5 Card. A properly issued Ride Operator Identification Card shall  
6 be valid until December 31 of the year it is issued. Carnival  
7 ride operators must apply annually for Ride Operator  
8 Identification Cards.

9 Section 30. Criminal history fingerprinting check. All  
10 applicants for Ride Operator Identification Cards must submit  
11 his or her fingerprints to the Department of State Police in  
12 the form and manner prescribed by the Department of State  
13 Police. These fingerprints shall be checked against the  
14 fingerprint records now and hereafter filed in the Department  
15 of State Police criminal history records databases and, in the  
16 case of an applicant 18 years of age or older, the Federal  
17 Bureau of Investigation criminal history records databases. An  
18 application for a Ride Operator Identification Card shall be  
19 denied if the applicant has any current wants or warrants or  
20 has ever been convicted of any sexual crime or sex offense as  
21 defined in the Criminal Code of 1961. Specifically, no person  
22 who is a registered sex offender may be issued a Ride Operator  
23 Identification Card.

24 Section 35. Ride operator requirements. Each carnival ride  
25 operator, in addition to applying for a Ride Operator  
26 Identification Card, must:

- 27 (1) be at least 16 years of age;
- 28 (2) have completed any employment application required  
29 by the amusement ride or amusement attraction owner;
- 30 (3) have identification available;
- 31 (4) if required by the carnival owner, wear a standard

1 operator's uniform that identifies the individual as a ride  
2 or attraction operator;

3 (5) be lawfully able to work in Illinois and, if not a  
4 United States citizen, be currently permitted to work by  
5 the United States Immigration and Naturalization Service;  
6 and

7 (6) be trained on the function, procedures, and safety  
8 requirements of every amusement ride and amusement  
9 attraction that he or she operates.

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 Ride  
14 Operator 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. Penalties. Any person who knowingly violates  
18 any provision of this Act shall be guilty of a Class A  
19 misdemeanor.

20 Section 905. 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)

23 Sec. 11-54.1-3. No such permit shall be granted by the  
24 corporate authorities until they shall have investigated the  
25 carnival and are satisfied that, if permitted, it will be  
26 operated in accordance with the permit and the provisions of  
27 this Division 54.1. Such corporate authorities may issue the  
28 permit and collect permit fees necessary to pay the expenses of  
29 the investigation and to aid in policing the grounds and  
30 otherwise to compensate the city, village or incorporated town

1 in such amount as the corporate authorities may determine. A  
2 carnival, upon request of the municipality, must provide copies  
3 of all Ride Operator Identification Cards for carnival  
4 employees who will work at the site. The permitting entity must  
5 request copies of Ride Operator Identification Cards at least  
6 14 days before the carnival will be open to the public. If the  
7 carnival has provided copies of Ride Operator Identification  
8 Cards, the issuance of a permit may not be delayed or denied on  
9 the basis that a carnival has failed to provide the name,  
10 address, and background of or any other information related to  
11 carnival employees. Each permit shall contain the proviso that  
12 sheriffs and police officers shall have free access to the  
13 grounds and all booths, shows and concessions on such grounds  
14 at all times, and it shall be the duty of all officers present  
15 at such carnival to enforce all the provisions of this Division  
16 54.1.

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

18 Section 910. The Carnival Regulation Act is amended by  
19 changing Sections 1, 2 and 3 as follows:

20 (225 ILCS 205/1) (from Ch. 85, par. 2001)

21 Sec. 1. "Carnival" means and includes an aggregation of  
22 attractions, whether shows, acts, games, vending devices or  
23 amusement devices, whether conducted under one or more  
24 managements or independently, which are temporarily set up or  
25 conducted in a public place or upon any private premises  
26 accessible to the public, with or without admission fee, and  
27 which, from the nature of the aggregation, attracts attendance  
28 and causes promiscuous intermingling of persons in the spirit  
29 of merrymaking and revelry.

30 "Fair board" means and includes the officers of any State  
31 or county fair association.

32 "Ride Operator Identification Card" has the meaning given

1 in the Carnival Ride Operator Registration Act.

2 (Source: Laws 1963, p. 868.)

3 (225 ILCS 205/2) (from Ch. 85, par. 2002)

4 Sec. 2. No carnival shall be set up, run, operated or  
5 conducted except within the limits of an incorporated  
6 municipality, as provided in Division 54.1 of Article 11 of the  
7 "Illinois Municipal Code", approved May 29, 1961, as heretofore  
8 and hereafter amended, or within the limits or upon the grounds  
9 of a State or county fair association, or any association  
10 entitled to share in the funds appropriated by the State for  
11 distribution among fair associations of the State, and unless a  
12 written permit from the proper fair board has been issued,  
13 setting forth the conditions under which such carnival shall be  
14 operated. The permit shall be granted upon the condition that  
15 there shall not be set up or operated any gambling device,  
16 lottery, number or paddle wheel, number board, punch board, or  
17 other game of chance, or any lewd, lascivious or indecent show  
18 or attraction making an indecent exposure of the person or  
19 suggesting lewdness or immorality. A carnival, upon request of  
20 the municipality, county, or fair board, must provide copies of  
21 all Ride Operator Identification Cards for carnival employees  
22 who will work at the site. The permitting entity must request  
23 copies of Ride Operator Identification Cards at least 14 days  
24 before the carnival will be open to the public. If the carnival  
25 has provided copies of Ride Operator Identification Cards, the  
26 issuance of a permit may not be delayed or denied on the basis  
27 that a carnival has failed to provide the name, address, or  
28 background of or any other information related to carnival  
29 employees.

30 (Source: Laws 1963, p. 868.)

31 (225 ILCS 205/3) (from Ch. 85, par. 2003)

32 Sec. 3. No such permit shall be granted by a fair board

1 until it has investigated the carnival and is satisfied that,  
2 if permitted, it will be operated in accordance with the permit  
3 and the provisions of this Act. Such fair boards are authorized  
4 to issue the permit and to collect permit fees necessary to pay  
5 the expenses of the investigation and to aid in policing the  
6 grounds and otherwise to compensate the association in such  
7 amount as they may determine. A carnival, upon request of the  
8 fair board, must provide copies of all Ride Operator  
9 Identification Cards for carnival employees who will work at  
10 the site. The permitting entity must request copies of Ride  
11 Operator Identification Cards at least 14 days before the  
12 carnival will be open to the public. If the carnival has  
13 provided copies of Ride Operator Identification Cards, the  
14 issuance of a permit may not be delayed or denied on the basis  
15 that a carnival has failed to provide the name, address, or  
16 background of or any other information related to carnival  
17 employees. Each permit shall contain the proviso that sheriffs  
18 and police officers shall have free access to the grounds and  
19 all booths, shows and concessions on such grounds at all times,  
20 and it shall be the duty of all officers present at such  
21 carnival to enforce all the provisions of this Act.

22 (Source: Laws 1965, p. 290.)

23 Section 999. Effective date. This Act takes effect upon  
24 becoming law."