



ILLINOIS DEPARTMENT OF LABOR

Pat Quinn
Governor

Catherine M. Shannon
Director

ADVISORY NOTICE

August 20, 2009

**Senate Bill 1408 (Public Act 96-151)
Carnival & Amusement Rides Safety Act Changes
Effective August 7, 2009**

Public Act 96-151 amends the Carnival and Amusement Rides Safety Act to exempt volunteers that operate or assist in the operation of an amusement ride or amusement attraction (open to the public) from the criminal history records check, sex offender registry check and substance abuse policy requirements. Volunteers are still required to be trained in how to operate the ride and must be at least 16 years old pursuant to the Act and rules.

Volunteer is defined as a person who operates or assists in the operation of an amusement ride or amusement attraction for an owner or operator without pay or lodging. An individual shall not be considered a volunteer if the individual is otherwise employed by the same owner or operator to perform the same type of service as those for which the individual proposes to volunteer.

The Act now also provides for civil penalties of up to \$2,500 for a first offense and up to \$5,000 for a second or subsequent offense for operating an amusement ride or amusement attraction without a valid permit. This is in addition to the current Class A misdemeanor for violations of the Act.

Carnival owners must now use the National Sex Offender Public Registry (rather than the Illinois Sex Offender Registry) to conduct checks for those that manage, physically operate, or assist in the operation of an amusement ride or amusement attraction. The checks must be performed at the time the carnival worker is hired and annually thereafter, except if the carnival worker is in the continued employ of the company.

Criminal history records checks can now be conducted by the Illinois State Police (ISP), another state or federal law enforcement agency or a business belonging to the National Association of Professional Background Check Screeners (previously checks were only acceptable if performed by ISP).

Recordkeeping requirements have been added in order to allow carnival owners to share the results of any criminal history records checks or sex offender registry checks with the Illinois Department of Labor. These records shall be maintained by the owner or operator for a period of two years unless the records relate to an ongoing investigation or enforcement action under the Act, in which case the records must be maintained until after their destruction is authorized by the Department or court order.

If you have any questions regarding these changes please call (217) 782-9347. For a full-text version of the Act please refer to the following website:

http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1661&ChapAct=430_ILCS_85/&ChapterID=39&ChapterName=PUBLIC+SAFETY&ActName=Carnival+and+Amusement+Rides+Safety+Act%2E.

For further information regarding the Act, Administrative Rules or permit application process please visit our website at: <http://www.state.il.us/AGENCY/IDOL/Laws/Law85.htm>.

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