

1 ENGROSSED SENATE  
2 BILL NO. 1147

By: Gumm of the Senate

3 and

4 Dorman of the House

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6  
7 An Act relating to crimes and punishments; defining  
8 terms; prohibiting sex offenders from ice cream  
9 truck vending; setting penalty; authorizing  
10 warrantless arrest for certain violation; requiring  
11 probable cause; requiring annual name search  
12 against sex offender registry for ice cream truck  
13 operators; directing certain records be maintained;  
14 requiring report of certain violations; setting  
15 misdemeanor penalty for certain violations;  
16 requiring certain individuals to possess certain  
17 statement while ice cream truck vending; setting  
18 misdemeanor penalty for violation; providing for  
19 codification; and providing an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 2100 of Title 21, unless there  
23 is created a duplication in numbering, reads as follows:

24 A. For purposes of this act:

1. "Ice cream" means any frozen dairy or water-based food  
product;

2. "Ice cream truck" means any motor vehicle used for selling,  
displaying or offering to sell ice cream or any other frozen dairy  
or frozen water-based food product; and

1           3. "Ice cream truck vending" means the selling, displaying or  
2 offering to sell ice cream, water-based food product or any other  
3 prepackaged food product from an ice cream truck.

4           SECTION 2.           NEW LAW           A new section of law to be codified  
5 in the Oklahoma Statutes as Section 2100.1 of Title 21, unless there  
6 is created a duplication in numbering, reads as follows:

7           Any sex offender required to be registered pursuant to the  
8 Oklahoma Sex Offenders Registration Act who engages in ice cream  
9 truck vending, whether or not licensed in this state as a mobile  
10 food unit, shall be, upon conviction, punished by imprisonment in  
11 the custody of the Department of Corrections for a term up to two  
12 and one-half (2 1/2) years, or by a fine in an amount not exceeding  
13 One Thousand Dollars (\$1,000.00), or by both such fine and  
14 imprisonment. A sheriff or police officer may arrest without a  
15 warrant any person who the officer has probable cause to believe has  
16 violated the provisions of this section.

17           SECTION 3.           NEW LAW           A new section of law to be codified  
18 in the Oklahoma Statutes as Section 2100.2 of Title 21, unless there  
19 is created a duplication in numbering, reads as follows:

20           A. Any company engaged in the business of ice cream truck  
21 vending shall conduct an annual name search against the Oklahoma Sex  
22 Offender Registry for each ice cream truck operator prior to  
23 allowing such person to engage in the business of ice cream truck  
24 vending in this state. Each business shall maintain records or

1 other proof that a name search was conducted on each ice cream truck  
2 operator, and each person searched has no requirement to register as  
3 a sex offender. Any business entity discovering that a person has  
4 operated, or has attempted to operate, an ice cream truck shall  
5 report such information to the district attorney. Any person who  
6 fails to report information of violations or to comply with records  
7 or name search requirements shall be guilty, upon conviction, of a  
8 misdemeanor.

9 B. Individuals engaged in the business of ice cream truck  
10 vending who are sole proprietors shall be required to sign, and have  
11 in the person's possession while operating an ice cream truck, a  
12 notarized statement signed under oath stating that the person is not  
13 required to register as a sex offender. The statement shall be  
14 renewed annually. Any person who fails to comply with the  
15 requirement to have a signed and notarized statement in the person's  
16 possession while operating an ice cream truck shall be guilty, upon  
17 conviction, of a misdemeanor.

18 SECTION 4. This act shall become effective November 1, 2009.  
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1 Passed the Senate the 4th day of March, 2009.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2009.

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9 Presiding Officer of the House  
10 of Representatives