

SENATE CHAMBER

STATE OF OKLAHOMA
SENATE

DISPOSITION BY

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill 1025, Page 2, Line 19 ½ by adding new Section 2, 3 and 4 to read as follows and by renumbering subsequent sections:

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2100 of Title 21, unless there is created a duplication in numbering, reads as follows:

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

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2100.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2100.2 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Any company engaged in the business of ice cream truck vending shall conduct an annual name search against the Oklahoma Sex Offender Registry for each ice cream truck operator prior to allowing such person to engage in the business of ice cream truck vending in this state. Each business shall maintain records or other proof that a name search was conducted on each ice cream truck operator, and each person searched has no requirement to register as a sex offender. Any business entity discovering that a person has operated, or has attempted to operate, an ice cream truck shall report such information to the district attorney. Any person who fails to report information of violations or to comply with records or name search requirements shall be guilty, upon conviction, of a misdemeanor.

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

Submitted by:

Senator Jay Paul Gumm