It is enacted by the General Assembly as follows:

SECTION 1. Title 5 of the General Laws entitled “Businesses and Professions” is hereby amended by adding thereto the following chapter

CHAPTER 89.1

COMMERCIAL FOOD TRUCK ACT OF 2017

**§ 5-89-1.1 Short title.**

This chapter may be cited as the “Commercial Food Truck Act of 2017”

**§ 5-89-1.2 Definitions.**

As used in this chapter:

* 1. “Food truck” means a fully encased food service establishment:
     1. On a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
     2. From which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption
  2. “Food truck” does not include a food cart or an ice cream truck

1. “Ice cream truck” means a fully encased food service establishment:
   1. on a motor vehicle or on a trailer that a motor vehicle pulls to transport;
   2. from which a vendor, from within the frame of the vehicle, serves ice cream;
   3. that attracts patrons by traveling through a residential area and signaling the truck's presence in the area, including by playing music; and
   4. that may stop to serve ice cream at the signal of a patron.
2. “Food cart” means a cart:
   1. That is not motorized; and
   2. That a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumptions
3. “State Food Truck License” means the same as that term defined in 5-89-1.4
4. “Business License” means a document that a political subdivision issues to authorize a person to operate a food truck within the jurisdiction of the political subdivision
5. “Political Subdivision” means
   1. A city, town, or metro township; or
   2. A county, as it relates to the licensing and regulation of businesses in the unincorporated area of the county
6. “Food Truck Vendor” means a person who sells, cooks, or serves food or beverages from a food truck
7. “Food Truck Operator” means a person who owns, manages, or controls, or who has the duty to manage or control, the operation of a food truck
8. “Event Permit” means a permit that a political subdivision issues to the organizer of a public food truck event located on public property
9. “Food Truck Event” means an event where an individual has ordered or commissioned the operation of a food truck at a private or public gathering

**§ 5-89-1.3 Licensing.**

* 1. A political subdivision shall grant a business license to operate a food truck within the political subdivision to a food truck operator if the food truck operator presents to the political subdivision a valid State Food Truck License as described in subsection \_\_\_
  2. If a food truck operator presents the document(s) as described in subsection \_\_(above)\_\_, the political subdivision may not
     1. Impose additional license qualification requirements on the food truck operator before issuing a license to operate within the political subdivision, except for charging a fee in accordance with subsection \_\_\_, including but not limited to submission or proof of a
        1. criminal background check for any food truck operators, vendors or other employees
        2. department of health inspection
        3. fire marshal inspection
        4. tax retail sales permit
        5. department of motor vehicles auto registration and insurance
     2. Issue a license that expires on a date earlier or later than the day on which the State Food Truck License expires; or
     3. Require a separate license or fee beyond the initial business license and fee for the operation of a food truck in more than one location or on more than one day within the political subdivision, notwithstanding subsection \_ (events)\_\_
  3. Nothing in this subsection \_\_\_ prevents a political subdivision from enforcing the political subdivision’s own ordinances in relation to the operation of a food truck with respect to subsection \_\_(food truck operation)\_\_\_

1. Notwithstanding subsections \_\_(municipality taxing laws)\_\_, a political subdivision may only charge a licensing fee to a food truck operator in an amount that does not exceed $50
2. Nothing in this section prevents a political subdivision from revoking a license that the political subdivision has issued if the operation of the related food truck within the political subdivision violates the terms of the license

**§ 5-89-1.4 State Food Truck License -- Requirements -- Fees.**

1. A food truck operator shall obtain a State Food Truck License from the Department of Business Regulation
   1. The Department of Business Regulation shall grant a State Food Truck License to a food truck if the food truck operator submits proof of a valid
      1. Department of health inspection pursuant to \_\_\_
      2. State fire marshal inspection as described in \_\_\_
      3. Department of motor vehicles auto registration and insurance pursuant to \_\_\_
      4. Tax retail sales permit pursuant to \_\_\_
      5. State criminal background check for the food truck operator as described in \_\_
   2. If a food truck operator presents the document(s) as described in subsection \_\_\_, the Department of Business Regulation may not
      1. Impose additional license qualification or fee requirements on the food truck operator before issuing a State Food Truck License, including but not limited to submission or proof of a criminal background check for other food truck operators or vendors aside that which is delineated in subsection (a)(v)
      2. Issue a license that expires on a date earlier than the day on which the department of health inspection expires, or the state fire marshal inspection expires, whichever comes first
   3. The state fire marshal inspection shall conduct the inspection based on the criteria that the Rhode Island Fire Safety Code Board establishes in accordance with Section 23-28.3-3
   4. Nothing in this section prevents the Department of Business Regulation from revoking the State Food Truck License described in subsection (2) if the operation of the related food truck within the state fails to meet the criteria described in subsection (2)(a)

**§ 5-89-1.5 Food truck events.**

1. Subject to subsection \_\_(‘nothing in this…’)\_\_ , a political subdivision may not require a food truck operator to obtain from the political subdivision an event permit to operate a food truck at a food truck event that takes place on private property within the political subdivision regardless of whether the event is open or closed to the public
2. If a political subdivision requires an event permit for a food truck event, the organizer of the food truck even may obtain the event permit on behalf of the food trucks that service the event
3. If the food truck operator has a State Food Truck License, the political subdivision may not require a food truck operator to obtain from the political subdivision an additional business license to operate a food truck at a food truck event that:
   1. Takes place on private property within the political subdivision; and
   2. Is not open to the public
4. Nothing in this section prohibits a political subdivision from requiring a permit for a temporary mass gathering

**§ 5-89-1.6 Food truck operation.**

1. All food trucks operating under the State Food Truck License must abide by the following requirements
   1. Food truck operators shall supply, in a prominent location, trash containers sufficient in size to collect all waste generated by customers and staff of the related food truck
   2. Food truck operators are encouraged to provide recycling containers for customers and staff, but recycling containers are not required
   3. All trash and debris generated by customers and staff shall be collected by the vendor and removed from the site by the vendor
   4. Electrical service, if necessary, must be provided to the food truck temporarily by an onboard generator
   5. Vendors shall not dump gray water, grease, or any other food by product or substance, on or in the public right-of-way, public property or private property
   6. Vendors shall not have a permanent water or wastewater connection
   7. Vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, benches and standup counters
   8. Vendors shall defend, indemnify and hold harmless the City and the State, its officers, employees and agents from and against any and all lawsuits, claims, liabilities, damages, losses, and expenses (including, but not limited to, court costs, reasonable attorney fees, and costs of claim processing, investigation, and litigation) for losses caused in whole or in part by the negligent acts, errors, or omissions of the Vendor in performance of its operations or from the Vendor’s failure to perform its operations using a due and reasonable standard of professional care and skill (“Indemnified Claim”), and except where such injury, damage, or loss was caused by the sole negligence of the City, its agents or employees.
2. A political subdivision may not prohibit anything pertaining to the operation of a food truck notwithstanding the following
   1. Location of operation or proximity to other buildings, vendors or markets
   2. hours of operation
   3. noise levels
   4. menu selections
   5. alcohol vending privileges
   6. penalties for violations
3. Penalties for violations of any section of this article shall be limited to the following
   1. a maximum of one week confiscation of the vendor’s business license
   2. a fine of up to $500
   3. imprisonment of up to 15 days
   4. suspension or revocation of the vendor’s business license after a fair and reasonable hearing

SECTION 2. This act shall take effect upon passage.