

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 609 - SB 613**

March 28, 2011

**SUMMARY OF BILL:** Requires an ice cream truck owner to require each applicant for a position as an ice cream truck worker to submit to a criminal history records check with the Tennessee Bureau of Investigation (TBI) and the Federal Bureau of Investigation (FBI) as a condition of initial employment. Requires the owner to pay all TBI and FBI fees for conducting the records check. Requires the owner and the Department of Agriculture to keep a copy of the criminal history disclosure form and the results of the inquiry. Requires the Department to notify the appropriate District Attorney General of any falsification of information on the disclosure form in writing. Prohibits an ice cream truck worker applicant from being eligible for the position if he or she has been convicted of an assaultive offense, criminal homicide, kidnapping and false imprisonment, robbery, or sexual offense that is a felony under Title 39, Chapter 13. Creates a Class A misdemeanor offense for any person to knowingly employ an individual in violation of the provisions of the bill.

**ESTIMATED FISCAL IMPACT:**

**Increase State Revenue – \$13,100/FY11-12  
\$9,800/FY12-13 and Subsequent Years**

**Increase State Expenditures – \$18,100/FY11-12  
\$9,800/FY12-13 and Subsequent Years**

**Increase Local Revenue – Not Significant  
Increase Local Expenditures – Not Significant**

**Assumptions:**

- The Department of Agriculture is responsible for regulating and licensing ice cream trucks. Currently, there are approximately 136 ice cream trucks licensed statewide, but the Department assumes there are more operating without a license.
- It is assumed that the Department will collect and oversee the criminal background checks for 272 ice cream truck drivers in FY11-12 (two for each licensed truck).
- Based on information on employee turn-over rate provided by the Department, it is estimated that 25 percent of the workers would return for employment for the second year. Seventy five percent, or 204, would require a background check in FY12-13 and each year thereafter.

- The Department will collect and have available the completed criminal background check forms and will respond to any complaint regarding a worker. Any associated cost can be accommodated within existing resources without an increased appropriation or reduced reversion.
- The Department will incur a one-time increase in expenditures of \$5,000 for modifications to the current computer program to monitor compliance for ice cream truck registrants.
- The ice cream truck owners are required to pay any fees charged by the TBI and FBI for the criminal history background check. The fees charged cannot exceed the cost of the inquiry.
- Based on information provided by TBI, a cost of one background check is \$48. As a result, state expenditures will increase by \$13,056 in FY11-12 (272 applicants x \$48), and by \$9,792 in FY12-13 and each year thereafter (204 applicants x \$48). State fee revenues will increase by the same amount as a result of fees charged by TBI.
- There will not be a sufficient number of prosecutions for local government to experience any significant increase in revenue or expenditures.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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