

**RHODE ISLAND GOVERNMENT REGISTER**  
**ONLINE PUBLIC COMMENTS**  
**Date: 04/26/2019**

Regulation: 230-RICR-30-35-1

Title: State Registration of Mobile Food Establishments

Total Number of Online Comments Received: 4

Comment from: Jim McKivergan                      On 01/25/2019

Does the new regulation include Lemonade trucks (Del's)? What about push carts?

Thanks,  
Jim

Comment from: Patrizia Prew                      On 02/11/2019

As it stands using Warwick and Providence as examples. Both cities have annual permit renewals on May 1st. With municipalities not permitted to charge more than \$75 per year starting in July would towns that have collected fees above \$75 for the year that goes all the way through April of 2020 have to refund the difference over \$75? 5-11.1-8 states clearly that by July 1 municipalities must be in compliance if a fee about \$75 has been paid for that time shouldn't it be refunded?

Comment from: Josh Burgoyne                      On 02/12/2019

1.5A.1.b. I think requiring out of state MFEs to receive RIDOH Mobile Food License is unnecessary if they have an equivalent MFE license from their state. State health depts, MA and CT included, use the federal food code as their guideline just as RI does and thus far MA and CT have honored RIDOH Food Licenses for RI vendors in their respective states. RIDOH should honor MA and CT food licenses, otherwise this could lead to those states no longer honoring RI licenses and then RI food trucks who wish to travel across state lines will need 3 mobile food licenses instead of 1, all based on the same food code.

1.5D5 Are restaurants required to keep DBR up to date on internet presence? Other registered businesses? Are food trucks being treated differently here?

1.6F1 Why a reinstatement fee of \$75 assuming no evidence of unregistered activity during expiration period?

1.7A1 Again highly unnecessary and burdensome for out of state MFE owners. Will they have to travel to RIDOH and State Fire Marshal's offices for inspection every year or will RIDOH come to them? Many may only be in RI for 1 or 2 events per year. Perhaps a provisional license could be offered where an onsite fire inspection is conducted at events for out of state MFE's.

1.9C This seems overly punitive towards MFE owners trying their best to comply with regulations by scheduling annual fire inspections, and it could be a deterrent to scheduling fire inspections. There has been some subjectivity to the fire safety regulations imposed on food trucks, and I think that if an issue is discovered during an annual inspection, the MFE should be granted a grace period of 10 business days to rectify the issue before the Fire Marshal imposes any fine, assuming they agree not to operate until the issue(s) are rectified.

1.12A Restaurants who feel threatened by nearby MFEs may take advantage of this recourse.

Comment from: Eric Weiner                      On 02/26/2019

I am following up on my public testimony.

The new state permit will be renewed annually but many municipalities renew on a specific date. Will these be better aligned at some point?

As it stands using Warwick and Providence as examples. Both cities have annual permit renewals on May 1st. With municipalities not permitted to charge more than \$75 per year starting in July would towns that have collected fees above \$75 for the year that goes all the way through April of 2020 have to refund the difference over \$75? 5-11.1-8 states clearly that by July 1 municipalities must be in compliance if a fee about \$75 has been paid for that time shouldn't it be refunded?

Under the current rules a number of food trucks may find themselves having to get municipal fire inspections in April or May of 2018 to complete the current renewal process, however if that truck were to apply to a new municipality in July they would need to get an additional state fire inspection. This is a tough burden to take on. For the short term the law that has a goal of alleviating multiple inspections would actually require an additional inspection during the 2018 season.

Noticeably missing are any timelines. Often when trucks apply for a municipal permit it is due to a specific upcoming opportunity, date, and time. There should be a stipulation that while cities and towns can issue a municipal permit, the MFE is permitted to operate on a provisional basis until it is approved as long as they have a state permit. In many cases and especially in the summer it can be a 6-8 week period for a local council approves a permit.

If an out of state MFE applies for a state permit (especially for one time visits) sometimes DOH and Fire will do inspection on site at the event. If the case arises will DBR issue a permit pending DOH and Fire Approval.

1.9 C will a \$100 fine be incurred any time a MFE does not pass an initial inspection or will these fines be reserved for MFE that have previously been approved and have not complied. There is concern that if during an initial inspection it is deemed that a small change is needed to pass inspection that the MFE will be able to make those changes, pass the inspection and not be fined for a small oversight or something that is corrected right away.