



# House of Representatives

## File No. 701

General Assembly

January Session, 2013

**(Reprint of File No. 166)**

House Bill No. 5610  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 3, 2013

### **AN ACT CONCERNING THE ISSUANCE OF MUNICIPAL SOFT-SERVE ICE CREAM VENDOR PERMITS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) If a municipality requires a  
2 permit for the sale of frozen desserts from a truck licensed pursuant to  
3 section 21a-53 of the general statutes, such municipality shall either  
4 grant or deny such permit not later than seven days after the applicant  
5 for such permit has submitted: (1) A completed application, (2) the  
6 application fee, and (3) any necessary supporting documentation, as  
7 determined by the municipality. No municipality shall deny such  
8 permit because the municipality has not received the results of a  
9 criminal background check. The provisions of this section shall not  
10 apply to retail ice cream vending facility permits.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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***OFA Fiscal Note******State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill requires municipalities to grant or deny a permit for the sale of frozen desserts from certain trucks within seven days receipt of the permit application and prevents municipalities from denying such permit if they have not received the results of a criminal background check. This has no fiscal impact.

House "A" strikes the underlying bill and results in the fiscal impact identified above.

***The Out Years******State Impact:*** None***Municipal Impact:*** None

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**OLR Bill Analysis****HB 5610 (as amended by House Amendment "A")*****AN ACT CONCERNING THE ISSUANCE OF MUNICIPAL SOFT-SERVE ICE CREAM VENDOR PERMITS.*****SUMMARY:**

This bill requires municipalities that require frozen dessert truck vendors licensed as frozen dessert manufacturers (i.e., soft-serve ice cream truck vendors) to secure a local sales permit to issue or deny that permit within seven days after the vendor submits (1) a completed application; (2) application fee; and (3) any necessary supporting documentation, as determined by the municipality. The bill prohibits municipalities from denying a permit because the municipality has not received the results of a criminal background check, presumably, on the applicant or the applicant's employee or agent.

The bill does not apply to retail ice cream vending facility permits.

\*House Amendment "A" (1) clarifies the bill's scope; (2) authorizes municipalities to deny an applicant's permit, (3) extends the period in which the municipality must respond to an application from five days to seven, and (4) prohibits municipalities from denying a permit because the municipality has not received the results of criminal background check.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****State and Municipal Regulation of Soft-Serve Ice Cream Vendors***

The Department of Consumer Protection (DCP) requires soft-serve ice cream vendors, whether selling from a building or vehicle, to have a DCP-issued frozen dessert retailer license. Because soft-serve ice cream is produced at the location of its sale, soft-serve ice cream

vending trucks are considered frozen dessert manufacturing plants. These trucks must be licensed by DCP annually (CGS §21a-53). DCP issues this license to each truck if it is satisfied that the truck is maintained and soft-serve ice cream from that truck is produced in accordance with sanitation standards.

By law, a soft-serve ice cream vendor selling from a vehicle is a hawker or peddler, and is subject to any reasonable ordinances in the municipality in which he or she is doing business. Municipalities may require such a vendor to, among other things, secure a town permit and provide evidence of the state permit. A municipality may impose a permitting fee of up to \$200 a year.

Hawkers or peddlers who do not comply with municipal ordinances regulating their sales activities are subject to a fine of up to \$199.

**COMMITTEE ACTION**

General Law Committee

Joint Favorable

Yea 18 Nay 0 (03/12/2013)

Planning and Development Committee

Joint Favorable

Yea 18 Nay 0 (04/15/2013)