
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)