



# Senate

General Assembly

**File No. 125**

January Session, 2021

Substitute Senate Bill No. 608

*Senate, March 24, 2021*

The Committee on Transportation reported through SEN. HASKELL of the 26th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

***AN ACT CONCERNING THE SAFETY OF CHILDREN WHEN BUYING ICE CREAM FROM A FROZEN DESSERT TRUCK.***

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

1 Section 1. (NEW) (*Effective July 1, 2021*) For the purposes of this  
2 section and sections 2 to 5, inclusive, of this act:

3 (1) "Frozen dessert truck" means a motor vehicle in which frozen  
4 desserts are carried for purposes of retail sale on the highway;

5 (2) "Vend" means offering frozen desserts for sale from a frozen  
6 dessert truck;

7 (3) "Frozen desserts" has the same meaning as provided in section  
8 21a-48 of the general statutes; and

9 (4) "Highway" has the same meaning as provided in section 14-1 of  
10 the general statutes.

11 Sec. 2. (NEW) (*Effective July 1, 2021*) (a) Except as provided in

12 subsection (b) of this section, the operator of a vehicle shall stop such  
13 vehicle not less than ten feet from the front when approaching and not  
14 less than ten feet from the rear when overtaking any frozen dessert truck  
15 on a highway when the frozen dessert truck is displaying flashing red  
16 signal lights and extending the stop signal arm and the front crossing  
17 arm. The operator may then proceed past the frozen dessert truck at a  
18 reasonable and prudent speed, not exceeding five miles per hour, and  
19 shall yield the right-of-way to any pedestrian who crosses the highway  
20 to or from the frozen dessert truck.

21 (b) The operator of a vehicle on a highway with two or more lanes for  
22 traffic separated by a safety island or physical barrier may proceed  
23 without stopping upon approaching or overtaking a frozen dessert  
24 truck on another lane.

25 (c) Violation of any provision of this section shall be an infraction.

26 Sec. 3. (NEW) (*Effective July 1, 2021*) (a) On and after May 1, 2022, each  
27 frozen dessert truck shall be equipped in the following manner:

28 (1) Signal lamps mounted at the same level and as high and as widely  
29 spaced laterally as practicable. The signal lamps shall be not less than  
30 five and not more than seven inches in diameter and shall display two  
31 alternately flashing red signal lights visible at a distance of not less than  
32 five hundred feet to the front and rear in normal sunlight upon a straight  
33 level highway.

34 (2) A stop signal arm that can be extended horizontally from the left  
35 side of the frozen dessert truck. When such arm is extended, the side of  
36 such arm nearest the truck shall be seven and one-quarter inches long  
37 and parallel to the side of the truck. The side farthest from the truck shall  
38 be eighteen inches long and parallel to the side nearest the truck. The  
39 two sides shall be eighteen inches apart creating a symmetrical,  
40 trapezoidal shape. Two alternately flashing red lights shall be located in  
41 the outside corners of the extended signal arm and such corners shall be  
42 rounded to conform with the shape of the lights. Each red light shall be  
43 not less than three and not more than five inches in diameter and visible

44 at a distance of not less than three hundred feet to the front and rear in  
45 normal sunlight upon a straight level highway. Both sides of the signal  
46 arm shall have a red reflectorized background and the following legend:  
47 The word "STOP" shall appear in six-inch-high white letters not to  
48 exceed four inches in length in the middle of the signal arm; above the  
49 word "STOP", the phrase "IF SAFE" shall appear in two-inch-high white  
50 letters not to exceed one and three-fourths inches in length; below the  
51 word "STOP", the phrase "THEN GO" shall appear in two-inch-high  
52 white letters not to exceed one and three-fourths inches in length. The  
53 colors of the background and legend shall conform to the requirements  
54 set forth in the Manual on Uniform Traffic Control Devices for Streets  
55 and Highways published by the Federal Highway Administration, as  
56 amended from time to time. The bottom of the extended signal arm shall  
57 be approximately forty-two inches above the street.

58 (3) A convex mirror mounted on the front of the frozen dessert truck  
59 so the operator in a normal seating position is capable of seeing the area  
60 in front of the truck that is obscured by the hood.

61 (4) A front crossing arm attached to the front bumper of the frozen  
62 dessert truck hinged from the truck's right side. The bottom of the front  
63 crossing arm shall be not less than sixteen and not more than twenty  
64 inches above the street. The front crossing arm shall be made of any  
65 durable material covered with a yellow or white reflective material and  
66 shall extend in conjunction with the stop signal arm described in  
67 subdivision (2) of this subsection. When extended outward in front of  
68 the truck, the front crossing arm shall extend not less than four and not  
69 more than six feet parallel to the ground. When retracted against the  
70 front of the truck, the front crossing arm shall not extend past the width  
71 of the truck on the operator's left side.

72 (b) On and after July 1, 2021, and until April 30, 2022, a person  
73 operating a frozen dessert truck shall not stop or park the truck to vend  
74 to a child in any location where the child would be required to cross the  
75 highway to approach the frozen dessert truck. The provisions of this  
76 subsection shall not apply if (1) a child is physically escorted by an adult,

77 or (2) a frozen dessert truck is equipped as required by subsection (a) of  
78 this section.

79 (c) The Commissioner of Motor Vehicles shall not register a frozen  
80 dessert truck unless such truck is equipped with signal lamps, a stop  
81 sign arm, a convex mirror and a front crossing arm in accordance with  
82 the provisions of subsection (a) of this section.

83 (d) Any person who operates a frozen dessert truck (1) without  
84 equipping such truck as required by subsection (a) of this section, or (2)  
85 in violation of the provisions of subsection (b) of this section, shall have  
86 committed an infraction.

87 Sec. 4. (NEW) (*Effective July 1, 2021*) (a) On and after May 1, 2022, or  
88 when a frozen dessert truck is equipped as required by subsection (a) of  
89 section 3 of this act, whichever is earlier, the operator of any frozen  
90 dessert truck shall display flashing red signal lights and extend the stop  
91 signal arm and the front crossing arm (1) for not less than fifty feet before  
92 the operator brings the frozen dessert truck to a stop to vend, (2) while  
93 vending, and (3) until all customers are safely off the highway.

94 (b) The operator of any frozen dessert truck shall not display the  
95 flashing red signal lights or extend the stop signal arm and the front  
96 crossing arm when the frozen dessert truck is in motion, except as  
97 provided in subdivision (1) of subsection (a) of this section, or stopped  
98 for a purpose other than vending.

99 (c) Violation of any provision of this section shall be an infraction.

100 Sec. 5. (NEW) (*Effective July 1, 2021*) (a) No person shall vend from a  
101 frozen dessert truck that is stopped or parked on any highway:

102 (1) When the posted speed limit on such highway is greater than  
103 twenty-five miles per hour;

104 (2) When such highway is less than one hundred feet from an  
105 intersection with another highway that has a posted speed limit greater  
106 than twenty-five miles per hour;

107 (3) Located less than five hundred feet from any property used as an  
108 elementary or middle school, one hour before and one hour after the  
109 regular school day, unless that day is not a school day and the local or  
110 regional board of education approves such vending in writing;

111 (4) When such person does not have a free and unobstructed view for  
112 at least two hundred feet in both directions of the highway where the  
113 frozen dessert truck is stopped or parked; or

114 (5) To a person standing in the highway.

115 (b) No person shall (1) stop on the left side of a one-way highway to  
116 vend, or (2) back up a frozen dessert truck to vend or attempt to vend.

117 (c) A person shall vend (1) when the frozen dessert truck is lawfully  
118 stopped or parked, and (2) from the side of the frozen dessert truck  
119 facing away from moving vehicular traffic and as close as practicable to  
120 the curb or edge of the highway.

121 (d) Violation of any provision of this section shall be an infraction.

122 Sec. 6. Subsection (b) of section 14-96p of the general statutes is  
123 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
124 *2021*):

125 (b) Except as provided in section 14-96q, flashing lights are prohibited  
126 on motor vehicles, except: (1) Red and yellow lights when used for the  
127 purpose of receiving or discharging students on school buses; (2) white  
128 lights that are located on the top rear of school buses; (3) when such  
129 lights are used as a means for indicating a right or left turn; [or] (4) when  
130 such lights are used in any manner to indicate (A) a disabled vehicle that  
131 is stopped in a hazardous location on the highway, or in close proximity  
132 thereto, (B) a motor vehicle that is unable to maintain the minimum  
133 speed of forty miles per hour on a limited access divided highway  
134 because of the grade of such highway, (C) a motor vehicle that is  
135 operating at such slow speed as to obstruct or endanger following traffic  
136 on any highway, or (D) a student transportation vehicle, as defined in  
137 section 14-212, accommodating fifteen or fewer students with

138 disabilities that is receiving or discharging such students; or (5) red  
 139 lights when used by a frozen dessert truck pursuant to section 4 of this  
 140 act. For the purpose of this subsection, [the term] "students with  
 141 disabilities" means students who have intellectual disability, autism  
 142 spectrum disorder, mental disability, visual impairment, blindness,  
 143 deafness, speech impairment or orthopedic impairment, who are hard  
 144 of hearing or who have another health impairment who, by reason  
 145 thereof, require special education and related services, and "frozen  
 146 dessert truck" has the same meaning as provided in section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2021</i>	New section
Sec. 2	<i>July 1, 2021</i>	New section
Sec. 3	<i>July 1, 2021</i>	New section
Sec. 4	<i>July 1, 2021</i>	New section
Sec. 5	<i>July 1, 2021</i>	New section
Sec. 6	<i>July 1, 2021</i>	14-96p(b)

**TRA**      *Joint Favorable Subst.*

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.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 22 \$	FY 23 \$
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill creates new infractions related to ice cream trucks, including improperly equipping or operating an ice cream truck as described in the bill and for failing to stop a vehicle 10 feet or more from an ice cream truck when required. To the extent that offenders are fined, the bill results in potential minimal revenue gain. Infractions are not crimes and are punishable by fines that usually range from \$100 to \$300.

The bill also prohibits the Department of Motor Vehicles (DMV) from registering an ice cream truck that is not properly equipped, as described in this bill. There is no anticipated cost to DMV, as the department can accomplish the requirements through self-certification of compliance, which can be incorporated into current levels of operations.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

**OLR Bill Analysis****sSB 608*****AN ACT CONCERNING THE SAFETY OF CHILDREN WHEN BUYING ICE CREAM FROM A FROZEN DESSERT TRUCK.*****SUMMARY**

This bill establishes safety equipment requirements and operating rules for ice cream trucks (“frozen dessert trucks”), which are motor vehicles in which “frozen desserts” are carried for retail sales on a public road (i.e., highway). The operating rules generally limit the locations where a vendor may operate a truck and the conditions under which he or she may do so.

The bill allows a grace period (until May 1, 2022) for ice cream truck vendors to comply with the equipment requirements, which include stop signal arms, crossing arms, and signal lights, but imposes an additional operating restriction during the grace period.

It also requires drivers, when approaching or overtaking an ice cream truck displaying flashing lights and extending its stop signal arm and crossing arm, to stop their vehicles at least 10 feet from the front or back of the truck. After stopping, the driver (1) may proceed past the truck at a reasonable speed, up to 5 mph, and (2) must yield the right-of-way to any pedestrian crossing the road to or from the truck. However, drivers are not required to stop and proceed in this manner when approaching or overtaking an ice cream truck that is in another lane separated by a safety island or physical barrier.

A violation of the bill’s safety equipment or operating requirements, including those for drivers passing ice cream trucks, is an infraction (see BACKGROUND).

The bill also makes a conforming change (§ 6).



EFFECTIVE DATE: July 1, 2021

## **§§ 3 & 4 — SAFETY EQUIPMENT REQUIREMENTS**

### **Overview**

Beginning May 1, 2022, the bill requires ice cream trucks to be equipped with (1) signal lamps, (2) a stop signal arm, (3) a front crossing arm, and (4) a convex mirror. It also establishes specifications for the required equipment.

The bill prohibits the Department of Motor Vehicles from registering an ice cream truck that is not equipped as the bill requires.

### **Signal Lamps**

Under the bill, ice cream trucks must have signal lamps mounted at the same level as high and as widely spaced laterally as is practical. The signal lamps must (1) be between five and seven inches in diameter and (2) display two alternately flashing red signal lights visible at least 500 feet away from front and rear in normal sunlight on a straight level road.

### **Stop Signal Arm**

The bill requires ice cream trucks to have a stop signal arm that can be extended horizontally from the left side of the truck and sets specifications for the sign.

**Measurements.** When the arm is extended, the side nearest the truck must be 7.25 inches long and parallel to the side of the truck. The side farthest from the truck must be 18 inches long and parallel to the side nearest the truck. The two sides must be 18 inches apart, creating a symmetrical, trapezoidal shape. The bottom of the extended arm must be about 42 inches above the street.

**Lights.** The signal arm must have two alternately flashing red lights in the outside corners, and the corners must be rounded to conform with the shape of the lights. Each light must be between 3 and 5 inches in diameter and visible from at least 300 feet away from the front and rear in normal sunlight upon a straight level road.

**Colors.** The signal arm must have a red reflectorized background with white letters. These colors must conform to the requirements of the Federal Highway Administration's Manual on Uniform Traffic Control Devices.

**Words.** The sign must bear the words "STOP" "IF SAFE" "THEN GO." The word "STOP" must be in the middle of the sign in 6-inch-high letters that are up to 4 inches long. The phrase "IF SAFE" must appear above the word "STOP," and the phrase "THEN GO" must appear below it. Both phrases must have letters that are 2 inches high and up to 1.75 inches in length.

### **Front Crossing Arm**

Under the bill, a front crossing arm must be attached to an ice cream truck's front bumper, hinged from the truck's right side, and extend in conjunction with the stop signal arm. It must be made of durable material that is covered with a yellow or white reflective material.

The front crossing arm must (1) extend between 4 and 6 feet parallel to the ground when extended outward in front of the truck and (2) not extend past the width of the truck on the driver's left side when retracted against the front of the truck. The bottom of the arm must be between 16 and 20 inches above the street.

### **Convex Mirror**

The bill requires ice cream trucks to have a convex mirror mounted on the front of the truck so that the driver can see the front of the truck that is obscured by the hood from his or her normal seating position.

### **Grace Period**

The bill gives ice cream trucks until May 1, 2022, to comply with the bill's equipment requirements but imposes an additional safety requirement on trucks that operate without safety equipment during the grace period.

Specifically, it prohibits drivers of unequipped ice cream trucks from stopping or parking the truck to vend to a child in any location where

the child would be required to cross the road in order to approach the truck. However, this restriction does not apply if the child is physically escorted by an adult.

### ***Use of Equipment***

The bill requires ice cream truck drivers to display signal lights and extend the stop signal and front crossing arms (1) for at least 50 feet before stopping to vend, (2) while vending, and (3) until all customers are safely off the road. This requirement applies starting May 1, 2022, or whenever the ice cream truck is equipped as the bill requires, whichever is earlier.

The bill prohibits ice cream truck drivers from displaying its lights or extending the crossing and stop signal arms when the truck is moving (other than when in the process of stopping to vend) or stopped for a reason other than vending.

## **§ 5 — OPERATING RULES FOR VENDORS**

The bill requires people vending from ice cream trucks to do so when the truck is lawfully parked or stopped, and from the side of the truck that is facing away from moving vehicular traffic and as close as practical to the curb or edge of the road.

The bill limits the locations where and circumstances under which an ice cream truck may stop to vend. Specifically, it prohibits a person from vending from an ice cream truck:

1. on roads (a) with speed limits higher than 25 mph or (b) that are less than 100 feet from an intersection with a road with a speed limit higher than 25 mph;
2. less than 500 feet from properties used as elementary or middle schools one hour before and one hour after the regular school day, unless it is not a school day and the board of education approves in writing;
3. when he or she does not have a free, unobstructed view of the

road for least 200 feet in both directions from where the truck is stopped or parked; or

4. to a person standing in the road.

The bill also prohibits (1) stopping on the left side of a one-way road to vend and (2) backing up an ice cream truck in order to vend.

## **§ 1 — FROZEN DESSERTS DEFINED**

“Frozen desserts” are ice cream; French ice cream; frozen custard; ice milk; frozen dietary dairy dessert, including special dietary dairy desserts containing nutritive sweeteners; fruit sherbet; water ices; quiescently frozen confection; quiescently frozen dairy confection; quiescently frozen whipped cream confection; frozen whipped cream; freezer made milk shakes; French custard ice cream; nonfruit sherbet; nonfruit water ices; manufactured dessert mix; frozen confection; mellorine frozen dessert; parevine; frozen yogurt; freezer made shakes; lo-mel; and dietary frozen desserts as all such products are commonly known. They also include any mix used in frozen desserts and any products (1) similar in appearance, odor, or taste to them, or (2) prepared or frozen as frozen desserts are customarily prepared or frozen, whether made with dairy products or nondairy products.

## **BACKGROUND**

### ***Infractions***

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the amount of the fine. There may be additional charges depending on the type of infraction. For example, certain motor vehicle infractions trigger a Transportation Fund surcharge of 50% of the fine. With the various additional charges, the total amount due can be over \$300 but often is less than \$100.

An infraction is not a crime, and violators can pay the fine by mail without making a court appearance.

### ***Related Bill***

sHB 6566, favorably reported by the Committee on Children, contains substantially similar provisions on ice cream truck equipment and operating rules and drivers' responsibility around ice cream trucks.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Substitute

Yea 35 Nay 0 (03/10/2021)