



PA 21-20—sSB 608
Transportation Committee

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

SUMMARY: This act 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 where a vendor may operate a truck and the conditions under which he or she may do so.

The act 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, starting on September 1, 2021.

The act requires the Department of Motor Vehicles (DMV) to post on its website information about the act’s equipment requirements and truck operating rules and requires that a link to the site be included on applications for certain permits that ice cream trucks may need to obtain.

It also requires drivers, when approaching or overtaking an ice cream truck displaying flashing lights and extending its stop signal and crossing arms, 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 first violation of the act’s safety equipment or operating requirements, including those for drivers passing ice cream trucks, is an infraction (see [Table on Penalties](#)). The act generally establishes higher penalties for subsequent violations, including a fine of up to \$100 for subsequent ice cream truck passing violations. But from July 1 to September 30, 2021, it requires police officers to issue only warnings for ice cream truck operating rule violations or ice cream truck passing violations.

EFFECTIVE DATE: July 1, 2021, except the provision requiring DMV to post information on its website is effective upon passage.

§§ 3, 4 & 9 — SAFETY EQUIPMENT REQUIREMENTS

Overview

Beginning May 1, 2022, the act requires ice cream trucks to have (1) signal lamps, (2) a stop signal arm, (3) a front crossing arm, and (4) a convex mirror. It

OLR PUBLIC ACT SUMMARY

also establishes specifications for the required equipment and requires ice cream truck drivers to use the equipment as the act prescribes.

Under the act, a first violation of the act's equipment or equipment use requirements is an infraction. Subsequent violations are punishable by a fine of \$100 to \$500.

The act also makes a conforming change (§ 9).

Signal Lamps

Under the act, ice cream trucks must have signal lamps mounted at the same level and as high and 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 the front and rear in normal sunlight on a straight level road.

Stop Signal Arm

The act 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 truck's side. The side farthest from the truck must be 18 inches long and parallel to the truck's nearest side. 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 three and five inches in diameter and visible from at least 300 feet away from the front and rear in normal sunlight on 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 six-inch-high letters that are up to four 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 two inches high and up to 1.75 inches in length.

Front Crossing Arm

Under the act, 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 covered with a yellow or white reflective material.

The front crossing arm must (1) extend between four and six feet parallel to

OLR PUBLIC ACT SUMMARY

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 act 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 and Additional Restriction

The act's equipment requirements apply beginning May 1, 2022. However, it also applies an additional safety requirement from September 1, 2021, through April 30, 2022, to trucks that operate without this safety equipment.

Specifically, the act 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 need to cross the road in order to approach the truck. This restriction does not apply if an adult physically escorts the child to the truck. Violations of this operating rule are infractions.

Use of Equipment

The act 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 once the ice cream truck is equipped as the act requires, whichever is earlier.

The act prohibits ice cream truck drivers from displaying the 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 act requires people vending from ice cream trucks to do so (1) when the truck is lawfully parked or stopped, (2) from the side of the truck that is facing away from moving vehicular traffic, and (3) as close as practical to the curb or edge of the road.

The act 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 faster than 25 mph or (b) that are less than 100 feet from an intersection with a road with a speed limit faster than 25 mph, unless otherwise authorized by a local traffic authority (LTA, see

OLR PUBLIC ACT SUMMARY

- below);
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 act 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.

The act allows LTAs to authorize ice cream truck vending on highways with speed limits up to 35 mph or within 100 feet from an intersection with another highway with a speed limit of up to 35 mph. By law, the entity designated as the LTA varies by town, but may be the police commission, board of selectman, mayor, town manager, police chief, or traffic authority (CGS § 14-297(6)).

From July 1 to September 30, 2021, police officers must issue warnings to operators who violate the above rules. Beginning October 1, 2021, first violations are infractions and subsequent violations are punishable by a fine of up to \$100.

§§ 6-8 — POSTING REQUIREMENTS

The act requires DMV, by July 1, 2021, to post on its website information about the act's equipment requirements and truck operating rules. Beginning July 15, 2021, the act requires:

1. the Department of Consumer Protection to include a link to this information on its website and on the application for a retail manufacturer's license to vend from a frozen dessert truck and
2. towns that require ice cream trucks to get peddlers permits to include the link on their permit applications and on their websites.

§ 1 — FROZEN DESSERTS DEFINED

“Frozen desserts” are ice cream; French or French custard ice cream; frozen custard; ice milk; frozen dietary dairy dessert, including special dietary dairy desserts containing nutritive sweeteners; fruit sherbet; water ices; quiescently frozen, dairy, or whipped cream confection; frozen whipped cream; freezer made milk shakes; 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 these 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 or nondairy products.