



General Assembly

Amendment

January Session, 2021

LCO No. 6763



Offered by:

SEN. HASKELL, 26th Dist.
REP. LEMAR, 96th Dist.
SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
SEN. COHEN, 12th Dist.
SEN. MCCRORY, 2nd Dist.
SEN. MOORE, 22nd Dist.

SEN. WINFIELD, 10th Dist.
SEN. SOMERS, 18th Dist.
REP. CARNEY, 23rd Dist.
REP. LINEHAN, 103rd Dist.
REP. FISHBEIN, 90th Dist.
SEN. CICARELLA, 34th Dist.

To: Subst. Senate Bill No. 608

File No. 125

Cal. No. 125

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2021*) For the purposes of this
4 section and sections 2 to 6, inclusive, of this act:

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

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

9 (3) "Frozen desserts" has the same meaning as provided in section
10 21a-48 of the general statutes; and

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

13 Sec. 2. (NEW) (*Effective July 1, 2021*) (a) Except as provided in
14 subsection (b) of this section, the operator of a vehicle shall stop such
15 vehicle not less than ten feet from the front when approaching and not
16 less than ten feet from the rear when overtaking any frozen dessert truck
17 on a highway when the frozen dessert truck is displaying flashing red
18 signal lights and extending the stop signal arm and the front crossing
19 arm. The operator may then proceed past the frozen dessert truck at a
20 reasonable and prudent speed, not exceeding five miles per hour, and
21 shall yield the right-of-way to any pedestrian who crosses the highway
22 to or from the frozen dessert truck.

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

27 (c) (1) On and after July 1, 2021, and until September 30, 2021, any
28 person who violates any provision of this section shall receive a
29 warning.

30 (2) On and after October 1, 2021, any person who violates any
31 provision of this section shall, for a first offense, be deemed to have
32 committed an infraction, and for a subsequent offense, shall be fined not
33 more than one hundred dollars.

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

36 (1) Signal lamps mounted at the same level and as high and as widely
37 spaced laterally as practicable. The signal lamps shall be not less than
38 five and not more than seven inches in diameter and shall display two

39 alternately flashing red signal lights visible at a distance of not less than
40 five hundred feet to the front and rear in normal sunlight upon a straight
41 level highway.

42 (2) A stop signal arm that can be extended horizontally from the left
43 side of the frozen dessert truck. When such arm is extended, the side of
44 such arm nearest the truck shall be seven and one-quarter inches long
45 and parallel to the side of the truck. The side farthest from the truck shall
46 be eighteen inches long and parallel to the side nearest the truck. The
47 two sides shall be eighteen inches apart creating a symmetrical,
48 trapezoidal shape. Two alternately flashing red lights shall be located in
49 the outside corners of the extended signal arm and such corners shall be
50 rounded to conform with the shape of the lights. Each red light shall be
51 not less than three and not more than five inches in diameter and visible
52 at a distance of not less than three hundred feet to the front and rear in
53 normal sunlight upon a straight level highway. Both sides of the signal
54 arm shall have a red reflectorized background and the following legend:
55 The word "STOP" shall appear in six-inch-high white letters not to
56 exceed four inches in length in the middle of the signal arm; above the
57 word "STOP", the phrase "IF SAFE" shall appear in two-inch-high white
58 letters not to exceed one and three-fourths inches in length; below the
59 word "STOP", the phrase "THEN GO" shall appear in two-inch-high
60 white letters not to exceed one and three-fourths inches in length. The
61 colors of the background and legend shall conform to the requirements
62 set forth in the Manual on Uniform Traffic Control Devices for Streets
63 and Highways published by the Federal Highway Administration, as
64 amended from time to time. The bottom of the extended signal arm shall
65 be approximately forty-two inches above the street.

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

69 (4) A front crossing arm attached to the front bumper of the frozen
70 dessert truck hinged from the truck's right side. The bottom of the front
71 crossing arm shall be not less than sixteen and not more than twenty

72 inches above the street. The front crossing arm shall be made of any
73 durable material covered with a yellow or white reflective material and
74 shall extend in conjunction with the stop signal arm described in
75 subdivision (2) of this subsection. When extended outward in front of
76 the truck, the front crossing arm shall extend not less than four and not
77 more than six feet parallel to the ground. When retracted against the
78 front of the truck, the front crossing arm shall not extend past the width
79 of the truck on the operator's left side.

80 (b) Any person who operates a frozen dessert truck without
81 equipping such truck as required by subsection (a) of this section shall,
82 for a first offense, be deemed to have committed an infraction, and for a
83 subsequent offense, shall be fined not less than one hundred dollars and
84 not more than five hundred dollars.

85 (c) On and after September 1, 2021, and until April 30, 2022, a person
86 operating a frozen dessert truck shall not stop or park the truck to vend
87 to a child in any location where the child would be required to cross the
88 highway to approach the frozen dessert truck. The provisions of this
89 subsection shall not apply if (1) a child is physically escorted by an adult,
90 or (2) a frozen dessert truck is equipped as required by subsection (a) of
91 this section. Any person who operates a frozen dessert truck in violation
92 of the provisions of this subsection shall have committed an infraction.

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

100 (b) The operator of any frozen dessert truck shall not display the
101 flashing red signal lights or extend the stop signal arm and the front
102 crossing arm when the frozen dessert truck is in motion, except as
103 provided in subdivision (1) of subsection (a) of this section, or stopped

104 for a purpose other than vending.

105 (c) Violation of any provision of this section shall, for a first offense,
106 be deemed to have committed an infraction, and for a subsequent
107 offense, shall be fined not less than one hundred dollars and not more
108 than five hundred dollars.

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

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

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

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

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

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

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

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

130 (d) (1) On and after July 1, 2021, and until September 30, 2021, any
131 person who violates any provision of this section shall receive a

132 warning.

133 (2) On and after October 1, 2021, any person who violates any
134 provision of this section shall, for a first offense, be deemed to have
135 committed an infraction, and for a subsequent offense, shall be fined not
136 more than one hundred dollars.

137 Sec. 6. (NEW) (*Effective from passage*) Not later than July 1, 2021, the
138 Commissioner of Motor Vehicles shall publish on the Internet web site
139 of the Department of Motor Vehicles information concerning (1) the
140 equipment required of a frozen dessert truck pursuant to subsection (a)
141 of section 3 of this act, and (2) the operation of and vending from a
142 frozen dessert truck as specified in subsection (c) of section 3 of this act
143 and sections 4 and 5 of this act.

144 Sec. 7. Section 21a-51 of the general statutes is repealed and the
145 following is substituted in lieu thereof (*Effective July 1, 2021*):

146 (a) Each manufacturer of frozen desserts and frozen dessert mix for
147 sale in this state shall file with the Commissioner of Consumer
148 Protection an application for a license, upon a form prescribed by the
149 commissioner. The application shall show the location of each plant at
150 which frozen desserts and frozen dessert mix are to be manufactured
151 and the name of the brand or brands, if any, under which the same are
152 to be sold. The license period shall be for twelve months.

153 (b) On and after July 15, 2021, the commissioner shall include the link
154 to the Internet web site published by the Commissioner of Motor
155 Vehicles pursuant to section 6 of this act on (1) the application for a
156 license for a retail manufacturer to vend from a frozen dessert truck, as
157 defined in section 1 of this act, and (2) the Internet web site of the
158 Department of Consumer Protection.

159 Sec. 8. Section 21-37 of the general statutes is repealed and the
160 following is substituted in lieu thereof (*Effective July 1, 2021*):

161 (a) Any town may make reasonable ordinances with reference to the

162 vending or hawking upon its public streets or upon any state highway,
163 except limited access highways, within such town or any land abutting
164 such streets or highways of any goods, wares or other merchandise at
165 public or private sale or auction, or to the vending or peddling of such
166 articles from house to house within its limits, including the imposition
167 of a fee, not exceeding two hundred dollars a year, applicable with
168 respect to any person engaged in such vending, hawking or peddling,
169 for the privilege of so vending, hawking or peddling such merchandise.
170 Any ordinance adopted pursuant to this section which requires a permit
171 may require that no such permit shall be issued to any person who has
172 not obtained a permit to engage in or transact business as a seller within
173 the state in accordance with section 12-409 and shall require that any
174 permit issued pursuant to such ordinance shall be conspicuously
175 displayed at the place the activities are undertaken. Such ordinances
176 may provide that the authority issuing such permit may waive the
177 permit fee for a nonprofit organization exempt from federal taxation by
178 Section 501 of the Internal Revenue Code of 1986, or any subsequent
179 corresponding internal revenue code of the United States, as from time
180 to time amended, or a charitable organization. No town shall require a
181 permit fee from any resident of this state who has resided within the
182 state for a period of two years next preceding the date of application for
183 such permit, who is (1) a veteran who served in time of war, as defined
184 in section 27-103, (2) a hawker or peddler [as defined in section 21-36,]
185 and (3) a principal pursuant to section 21-36.

186 (b) On and after July 15, 2021, any town that requires a person seeking
187 to operate a frozen dessert truck within the limits of such municipality
188 to obtain a permit pursuant to subsection (a) of this section shall include
189 the link to the Internet web site published by the Commissioner of
190 Motor Vehicles pursuant to section 6 of this act on (1) the application for
191 such permit, and (2) the Internet web site of the municipality. For the
192 purposes of this subsection, "frozen dessert truck" has the same meaning
193 as provided in section 1 of this act.

194 (c) This section shall not apply to sales by farmers and gardeners of
195 the produce of their farms, gardens and greenhouses, including fruit,

196 vegetables and flowers, or to the sale, distribution and delivery of milk,
197 teas, coffees, spices, groceries, meats and bakery goods, to sales on
198 approval, to conditional sales of merchandise, or to the taking of orders
199 for merchandise for future delivery when full payment is not required
200 at the time of solicitation. Nothing in this section shall be construed to
201 limit in any manner the Commissioner of Transportation's statutory
202 authority concerning state highways. Nothing in this section shall be
203 construed as empowering any municipality to prohibit, regulate, control
204 or impose a fee on any person operating any business on any state
205 highway or land abutting any state highway pursuant to a contract with
206 the state.

207 Sec. 9. Subsection (b) of section 14-96p of the general statutes is
208 repealed and the following is substituted in lieu thereof (*Effective July 1,*
209 *2021*):

210 (b) Except as provided in section 14-96q, flashing lights are prohibited
211 on motor vehicles, except: (1) Red and yellow lights when used for the
212 purpose of receiving or discharging students on school buses; (2) white
213 lights that are located on the top rear of school buses; (3) when such
214 lights are used as a means for indicating a right or left turn; [or] (4) when
215 such lights are used in any manner to indicate (A) a disabled vehicle that
216 is stopped in a hazardous location on the highway, or in close proximity
217 thereto, (B) a motor vehicle that is unable to maintain the minimum
218 speed of forty miles per hour on a limited access divided highway
219 because of the grade of such highway, (C) a motor vehicle that is
220 operating at such slow speed as to obstruct or endanger following traffic
221 on any highway, or (D) a student transportation vehicle, as defined in
222 section 14-212, accommodating fifteen or fewer students with
223 disabilities that is receiving or discharging such students; or (5) red
224 lights when used by a frozen dessert truck pursuant to section 4 of this
225 act. For the [purpose] purposes of this subsection, [the term] "students
226 with disabilities" means students who have intellectual disability,
227 autism spectrum disorder, mental disability, visual impairment,
228 blindness, deafness, speech impairment or orthopedic impairment, who
229 are hard of hearing or who have another health impairment who, by

230 reason thereof, require special education and related services, and
231 "frozen dessert truck" has the same meaning as provided in section 1 of
232 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>from passage</i>	New section
Sec. 7	<i>July 1, 2021</i>	21a-51
Sec. 8	<i>July 1, 2021</i>	21-37
Sec. 9	<i>July 1, 2021</i>	14-96p(b)