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## **OLR Bill Analysis**

### **sHB 6566**

#### ***AN ACT CONCERNING THE SAFETY OF CHILDREN PURCHASING FROZEN DESSERTS FROM ICE CREAM TRUCKS AND DRIVER EDUCATION REQUIREMENTS.***

#### **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 sale on a public road. The required equipment includes stop signal arms, crossing arms, and signal lights. 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 also requires other drivers, when approaching or overtaking any 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 this way when approaching or overtaking an ice cream truck that is in another lane separated by a safety island or physical barrier. The bill requires that driver’s education programs provided by boards of education include instruction on these requirements.

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: October 1, 2021, except the conforming change allowing ice cream trucks to use flashing lights is effective 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 establishes specifications for the equipment required and allows the Department of Motor Vehicles (DMV) to establish additional equipment standards and requirements by regulation.

Under the bill, DMV is prohibited from registering an ice cream truck that is not equipped as the bill and any regulations require.

## **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 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. The color of the letters 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 (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.

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

The bill requires ice cream truck drivers, when they are bringing a truck to a stop to vend, to signal their intention to do so by displaying signal lights and extending the stop signal and front crossing arms for at least 50 feet before stopping.

The bill prohibits ice cream truck drivers from displaying the truck's lights or extending the crossing and stop signal arms when it is moving or stopped for a reason other than vending (this appears to conflict with the above requirement about signaling intent to stop).

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

The bill requires people vending from ice cream trucks to do so when the truck is lawfully parked, stopped, or standing and from the side of the truck that is facing away from moving 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 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. It also prohibits a frozen dessert truck operator from permitting any unauthorized person to ride in or on the truck. (The bill does not specify what an unauthorized person is.)

## **§ 7 — DRIVER'S EDUCATION**

The bill requires that driver's education programs provided by local and regional boards of education include at least 15 minutes of instruction on driver responsibilities when passing ice cream trucks and the penalty for not following these provisions.

## **§ 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. It also includes any mix used in frozen desserts and any products (1) similar in appearance, odor, or taste to such products, 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 other added 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***

sSB 608, favorably reported by the Transportation Committee, contains substantially similar provisions on ice cream truck equipment and operating rules and drivers’ responsibility around ice cream trucks.

## **COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 13 Nay 0 (03/11/2021)