
OLR Bill Analysis

sSB 608 (File 125, as amended by Senate "A" and "B")*

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, starting on September 1, 2021.

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

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 first 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 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 that police officers issue only warnings for ice cream truck operating rule violations or ice cream truck passing violations.

*Senate Amendment "A" (1) eliminates a provision prohibiting DMV from registering a truck without equipment; (2) establishes higher penalties for subsequent violations of most of the bill's provisions; (3) establishes a period during which only warnings are issued for certain violations; and (4) requires DMV to post on its website information about the bill's equipment requirements and operating rules.

*Senate Amendment "B" allows a local traffic authority to authorize ice cream trucks to vend on roads with speed limits up to 35 mph or within 100 feet from an intersection with a highway with a speed limit up to 35 mph.

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 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 and requires ice cream truck drivers to use the equipment as the bill prescribes.

Under the bill, first violations of the bill's equipment requirements or the equipment use requirements are infractions. Subsequent violations are punishable by a fine of \$100-\$500.

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

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 the 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 three and five 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 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 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 four and six 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 and Additional Restriction

The bill gives ice cream trucks until May 1, 2022, to comply with the bill's equipment requirements but imposes an additional safety requirement, starting September 1, 2021, 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.

Under the bill, first and subsequent violations of the bill's grace period operating rule are infractions.

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 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 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, unless otherwise authorized by a local traffic authority (LTA, see 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 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.

The bill 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 a warning 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 INFORMATION ON BILL'S REQUIREMENTS

The bill requires DMV, by July 1, 2021, to post on its website information about the bill's equipment requirements and truck operating rules. Beginning July 15, 2021, the bill requires a link to this information to be shared as follows:

1. the Department of Consumer Protection must include the link 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 must include the link on their permit applications and on their websites.

§ 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, dairy confection, or 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 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 (File 176), 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)