



House of Representatives

General Assembly

File No. 176

January Session, 2021

Substitute House Bill No. 6566

House of Representatives, March 29, 2021

The Committee on Children reported through REP. LINEHAN of the 103rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

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

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

1 Section 1. (NEW) (*Effective October 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 October 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 October 1, 2021*) (a) Each frozen dessert truck
27 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 such legend shall conform to the requirements set forth in the
54 Manual on Uniform Traffic Control Devices for Streets and Highways
55 published by the Federal Highway Administration, as amended from
56 time to time. The bottom of the extended signal arm shall be forty-two
57 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) The Commissioner of Motor Vehicles may establish additional
73 standards and requirements for such equipment in regulations adopted
74 in accordance with the provisions of chapter 54 of the general statutes.

75 (c) The commissioner shall not register a frozen dessert truck unless

76 such truck is equipped with signal lamps, a stop sign arm, a convex
77 mirror and a front crossing arm in accordance with the provisions of
78 subsection (a) of this section and any regulations adopted under
79 subsection (b) of this section.

80 (d) Any person who operates a frozen dessert truck without
81 equipping such truck as required by this section shall have committed
82 an infraction.

83 Sec. 4. (NEW) (*Effective October 1, 2021*) (a) The operator of any frozen
84 dessert truck, when about to bring the frozen dessert truck to a stop to
85 vend, shall signal his or her intention to do so by displaying flashing red
86 signal lights and extending the stop signal arm and the front crossing
87 arm for not less than fifty feet before the operator brings the frozen
88 dessert truck to a stop.

89 (b) The operator of any frozen dessert truck shall not display the
90 flashing red signal lights or extend the stop signal arm and the front
91 crossing arm when the frozen dessert truck is in motion or stopped for
92 a purpose other than vending.

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

94 Sec. 5. (NEW) (*Effective October 1, 2021*) (a) No person shall vend from
95 a frozen dessert truck that is stopped, parked or standing on any
96 highway:

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

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

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

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

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

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

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

116 (d) The operator of a frozen dessert truck shall not permit any
117 unauthorized person to ride in or on the truck.

118 (e) Violation of any provisions of this section shall be an infraction.

119 Sec. 6. Subsection (b) of section 14-96p of the general statutes is
120 repealed and the following is substituted in lieu thereof (*Effective July 1,*
121 *2021*):

122 (b) Except as provided in section 14-96q, flashing lights are prohibited
123 on motor vehicles, except: (1) Red and yellow lights when used for the
124 purpose of receiving or discharging students on school buses; (2) white
125 lights that are located on the top rear of school buses; (3) when such
126 lights are used as a means for indicating a right or left turn; [or] (4) when
127 such lights are used in any manner to indicate (A) a disabled vehicle that
128 is stopped in a hazardous location on the highway, or in close proximity
129 thereto, (B) a motor vehicle that is unable to maintain the minimum
130 speed of forty miles per hour on a limited access divided highway
131 because of the grade of such highway, (C) a motor vehicle that is
132 operating at such slow speed as to obstruct or endanger following traffic
133 on any highway, or (D) a student transportation vehicle, as defined in
134 section 14-212, accommodating fifteen or fewer students with
135 disabilities that is receiving or discharging such students; or (5) red
136 lights when used by a frozen dessert truck pursuant to section 4 of this

137 act. For the purpose of this subsection, [the term] "students with
 138 disabilities" means students who have intellectual disability, autism
 139 spectrum disorder, mental disability, visual impairment, blindness,
 140 deafness, speech impairment or orthopedic impairment, who are hard
 141 of hearing or who have another health impairment who, by reason
 142 thereof, require special education and related services, and "frozen
 143 dessert truck" has the same meanings as provided in section 1 of this act.

144 Sec. 7. Section 14-36e of the general statutes is repealed and the
 145 following is substituted in lieu thereof (*Effective October 1, 2021*):

146 Each local and regional board of education may provide a course of
 147 instruction in motor vehicle operation and highway safety on a
 148 secondary school level, which course (1) shall consist of not less than
 149 thirty clock hours of classroom instruction offered during or after school
 150 hours as said board of education, in its discretion, may provide,
 151 including instruction of not less than fifteen minutes concerning the
 152 responsibilities of an operator of a motor vehicle under (A) subsection
 153 (b) of section 14-223 and the penalty for a violation of the provisions of
 154 said subsection (b), and (B) section 2 of this act and the penalty for a
 155 violation of the provisions of said section, and (2) may include behind-
 156 the-wheel instruction of up to twenty clock hours. Said course shall be
 157 open to enrollment by any person between the ages of sixteen and
 158 eighteen, inclusive, who is a resident of the town or school district or
 159 whose parent, parents or legal guardian owns property taxable in such
 160 town or school district. Any such board of education may contract for
 161 such behind-the-wheel instruction with a licensed drivers' school.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2021	New section
Sec. 2	October 1, 2021	New section
Sec. 3	October 1, 2021	New section
Sec. 4	October 1, 2021	New section
Sec. 5	October 1, 2021	New section
Sec. 6	July 1, 2021	14-96p(b)
Sec. 7	October 1, 2021	14-36e

Statement of Legislative Commissioners:

Section 6 was added to make changes in conformity with Section 4.

KID *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, and allows DMV to establish additional equipment standards and requirements by regulation. 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 inflation.

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)