

Committee on Children JOINT FAVORABLE REPORT

Bill No.: HB-6566

AN ACT CONCERNING THE SAFETY OF CHILDREN PURCHASING FROZEN

Title: DESSERTS FROM ICE CREAM TRUCKS.

Vote Date: 3/11/2021

Vote Action: Joint Favorable Substitute

PH Date: 3/9/2021

File No.:

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SPONSORS OF BILL:

Committee on Children

REASONS FOR BILL:

The purpose of this bill is to increase the ice cream trucks visibility when parked on the streets selling ice cream to children, consequentially helping prevent many accidents involving vehicles who are not able to see the children getting ice cream as well as the children themselves.

RESPONSE FROM ADMINISTRATION/AGENCY:

No response from administration/agency to this bill offered.

NATURE AND SOURCES OF SUPPORT:

Adam St. Onge: He supports this bill. Mr. St. Onge points out how children tend to not be cautious when they hear the jingle of an ice cream truck and therefore, we are the ones who must protect them, as adults. He says that ice cream trucks stop anywhere, even in dangerous locations and that risks children's safety.

Elycia Solimene, Attorney at Solimene & Secondo, LLP: She is in support of this bill. She presently represents a local bus company that services hundreds of children across the State. She states that by seeing how her client runs its business she can see that ice cream trucks do not have the same level of regulation or concern in their daily operations, it appears that there is a very visible gap in the laws surrounding the operation of these businesses that does not take into consideration the children's safety. She points out that Tristan Barhorst's

death could have been prevented and believes that it is negligent not to do anything about this gap in the law. In addition, she also believes that “the State has an obligation to protect its children and at the very least pass something that requires ice cream trucks to *use stop arms and hazard lights to warn passing vehicles to slow down and be aware of children.*” Her law remarks were regarding the price of a stop arm (\$425,00) which in her opinion, seems nominal when compared to the price of the truck itself.

Reverend Jeffery V. Romans, KCHS, Pastor at Saint Bridget of Sweden Parish, Cheshire: Testified in support of the bill. He is the Priest Director of the school that Tristan attended. He points out that this is a political issue and not a party issue, and he requests that HB No. 6566 be named “Tristan’s Law” to honor Tristan’s death.

Frank and Kristina MacPhail: They are in support of this bill. They also state that by not passing this bill the government would just be taking chances with our children’s lives. They urged the government to not take unnecessary chances with children’s lives.

Molly Johnson: She is in support of this bill. She states that no children should have to mourn the loss of their friends. She points out that most ice cream trucks are already equipped with lights and a slow/stop signal, so this bill should require them to use it every time children are around.

William Griffin, owner of Leadership Martial Arts in Plantsville: He testified in support of this bill. As an instructor of self-defense and success through life skills, he believes in the benefit of this bill. He also adds that the City of Hartford has an ordinance that prohibits ice cream truck vendors from vending to children that must cross the street in order to access the truck and to purchase their ice cream and that he would encourage this provision to be added to the currently proposed legislation.

Jessica Coffey: She testified in support of this bill. She points out how this bill might help new drivers around ice cream trucks, as it was the case in Tristan’s fatality. She also says that many surrounding states already have legislation in place that address this issue.

Paul Cicarella, Connecticut State Senator 34th district: He is in support of this bill. He points out that “when drafting the related S.B. 608, discussion included a temporary grandfather clause, establishing a grace period for currently operating trucks to temporarily continue operation while making the safety improvements required by this bill. Unfortunately, such a clause does not appear to have been included in the committee’s draft” and he hopes that the Committee on Children will reconsider. He also adds that “temporarily grandfathered trucks should be subject to additional safety procedures while operating in the recommended grace period”.

Christi M. Carrano: Testified in support of this bill. She also asks for this bill to include a provision that prohibits vendors from selling to children if the vendor knows they will need to cross the street to gain access to the ice cream truck. She also requests the following language to be added:

“(A) It shall be unlawful for any food vendor or ice cream vendor to sell or attempt to effect a sale of food or ice cream to any minor child, when such minor is situated or standing in the highway or street, or when the minor is situated that the street or highway separates the vendor and the vendor’s vehicle from the prospective minor purchaser, or when the minor to the knowledge of the vendor has crossed the street.

(B) The restrictions cited in subsection (a) shall not operate to prevent a vendor from selling or attempting to affect a sale to a child when the child is positioned or standing on that side of the street closest to the vendor's vehicle.

(c) The restrictions cited in subsection (a) shall not operate to prevent a vendor from leaving his vehicle and walking to the opposite side of the street to where the prospective minor child purchaser is located in order to effect a sale."

Michelle Bozzuto: She testified in support of this bill. She points out how traumatic seeing the accident was for both the parents as well as for the children present that night. She states that if the equipment that the ice cream truck had was being properly used, this accident could have been avoided.

Dorinda Borer, Connecticut State Representative: She is in support of this bill. She points out the importance of this bill as well as the fact that in the tri state area states have already passed legislation regarding ice cream trucks and children's safety. She also asks the committee to consider naming this bill "Tristan's Law" in his honor.

Lauren Biller: She testified in support of this bill. She explains what happened on the tragic night of Tristan's death as well as how other states also have similar legislation in place. She points out how these laws in other states balance the rights of the vendor to sell his product, the safety of the children and traffic.

Mary Armstrong: Testified in support of this bill. She points out how beyond belief is the pain caused by the loss of any child, especially when there are measures that can be put in place to prevent this from happening. She asks the committee to do its part in preventing the kind of accident that took the life of a 10 year old.

NATURE AND SOURCES OF OPPOSITION:

No Opposition to this bill offered.

Reported by: Gabriela Dos Santos

Date: March 15th 2021