



Substitute Senate Bill No. 608

Public Act No. 21-20

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

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

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

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

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

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

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

Sec. 2. (NEW) (*Effective July 1, 2021*) (a) Except as provided in subsection (b) of this section, the operator of a vehicle shall stop such vehicle not less than ten feet from the front when approaching and not less than ten feet from the rear when overtaking any frozen dessert truck on a highway when the frozen dessert truck is displaying flashing red

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signal lights and extending the stop signal arm and the front crossing arm. The operator may then proceed past the frozen dessert truck at a reasonable and prudent speed, not exceeding five miles per hour, and shall yield the right-of-way to any pedestrian who crosses the highway to or from the frozen dessert truck.

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

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

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

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

(1) Signal lamps mounted at the same level and as high and as widely spaced laterally as practicable. The signal lamps shall be not less than five and not more than seven inches in diameter and shall display two alternately flashing red signal lights visible at a distance of not less than five hundred feet to the front and rear in normal sunlight upon a straight level highway.

(2) A stop signal arm that can be extended horizontally from the left side of the frozen dessert truck. When such arm is extended, the side of such arm nearest the truck shall be seven and one-quarter inches long and parallel to the side of the truck. The side farthest from the truck shall be eighteen inches long and parallel to the side nearest the truck. The

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two sides shall be eighteen inches apart creating a symmetrical, trapezoidal shape. Two alternately flashing red lights shall be located in the outside corners of the extended signal arm and such corners shall be rounded to conform with the shape of the lights. Each red light shall be not less than three and not more than five inches in diameter and visible at a distance of not less than three hundred feet to the front and rear in normal sunlight upon a straight level highway. Both sides of the signal arm shall have a red reflectorized background and the following legend: The word "STOP" shall appear in six-inch-high white letters not to exceed four inches in length in the middle of the signal arm; above the word "STOP", the phrase "IF SAFE" shall appear in two-inch-high white letters not to exceed one and three-fourths inches in length; below the word "STOP", the phrase "THEN GO" shall appear in two-inch-high white letters not to exceed one and three-fourths inches in length. The colors of the background and legend shall conform to the requirements set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration, as amended from time to time. The bottom of the extended signal arm shall be approximately forty-two inches above the street.

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

(4) A front crossing arm attached to the front bumper of the frozen dessert truck hinged from the truck's right side. The bottom of the front crossing arm shall be not less than sixteen and not more than twenty inches above the street. The front crossing arm shall be made of any durable material covered with a yellow or white reflective material and shall extend in conjunction with the stop signal arm described in subdivision (2) of this subsection. When extended outward in front of the truck, the front crossing arm shall extend not less than four and not more than six feet parallel to the ground. When retracted against the

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front of the truck, the front crossing arm shall not extend past the width of the truck on the operator's left side.

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

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

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

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

(c) Violation of any provision of this section shall, for a first offense, be deemed to have committed an infraction, and for a subsequent

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offense, shall be fined not less than one hundred dollars and not more than five hundred dollars.

Sec. 5. (NEW) (*Effective July 1, 2021*) (a) Except as provided in subsection (b) of this section, no person shall vend from a frozen dessert truck that is stopped or parked on any highway:

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

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

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

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

(5) To a person standing in the highway.

(b) A local traffic authority, as defined in section 14-297 of the general statutes, may authorize vending from a frozen dessert truck that is stopped or parked on a highway (1) that has a posted speed limit not greater than thirty-five miles per hour, or (2) that is less than one hundred feet from an intersection with another highway that has a posted speed limit not greater than thirty-five miles per hour.

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

(d) A person shall vend (1) when the frozen dessert truck is lawfully

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stopped or parked, and (2) from the side of the frozen dessert truck facing away from moving vehicular traffic and as close as practicable to the curb or edge of the highway.

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

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

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

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

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

(b) On and after July 15, 2021, the commissioner shall include the link to the Internet web site published by the Commissioner of Motor Vehicles pursuant to section 6 of this act on (1) the application for a

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license for a retail manufacturer to vend from a frozen dessert truck, as defined in section 1 of this act, and (2) the Internet web site of the Department of Consumer Protection.

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

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

(b) On and after July 15, 2021, any town that requires a person seeking

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to operate a frozen dessert truck within the limits of such municipality to obtain a permit pursuant to subsection (a) of this section shall include the link to the Internet web site published by the Commissioner of Motor Vehicles pursuant to section 6 of this act on (1) the application for such permit, and (2) the Internet web site of the municipality. For the purposes of this subsection, "frozen dessert truck" has the same meaning as provided in section 1 of this act.

(c) This section shall not apply to sales by farmers and gardeners of the produce of their farms, gardens and greenhouses, including fruit, vegetables and flowers, or to the sale, distribution and delivery of milk, teas, coffees, spices, groceries, meats and bakery goods, to sales on approval, to conditional sales of merchandise, or to the taking of orders for merchandise for future delivery when full payment is not required at the time of solicitation. Nothing in this section shall be construed to limit in any manner the Commissioner of Transportation's statutory authority concerning state highways. Nothing in this section shall be construed as empowering any municipality to prohibit, regulate, control or impose a fee on any person operating any business on any state highway or land abutting any state highway pursuant to a contract with the state.

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

(b) Except as provided in section 14-96q, flashing lights are prohibited on motor vehicles, except: (1) Red and yellow lights when used for the purpose of receiving or discharging students on school buses; (2) white lights that are located on the top rear of school buses; (3) when such lights are used as a means for indicating a right or left turn; [or] (4) when such lights are used in any manner to indicate (A) a disabled vehicle that is stopped in a hazardous location on the highway, or in close proximity thereto, (B) a motor vehicle that is unable to maintain the minimum

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speed of forty miles per hour on a limited access divided highway because of the grade of such highway, (C) a motor vehicle that is operating at such slow speed as to obstruct or endanger following traffic on any highway, or (D) a student transportation vehicle, as defined in section 14-212, accommodating fifteen or fewer students with disabilities that is receiving or discharging such students; or (5) red lights when used by a frozen dessert truck pursuant to section 4 of this act. For the [purpose] purposes of this subsection, [the term] "students with disabilities" means students who have intellectual disability, autism spectrum disorder, mental disability, visual impairment, blindness, deafness, speech impairment or orthopedic impairment, who are hard of hearing or who have another health impairment who, by reason thereof, require special education and related services, and "frozen dessert truck" has the same meaning as provided in section 1 of this act.