

HOUSE No. 3616

By Ms. Reinstein of Revere, petition of Kathi-Anne Reinstein and Michael E. Festa for legislation to require that ice cream trucks, so called, be equipped with warning signals in such vehicles. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO ICE CREAM TRUCKS AND VENDORS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 7 of Chapter 90 of the General Laws, as appearing in the
2 2004 Official Edition, is hereby amended by adding at the end
3 thereof the following:—

4 As used in this section, the following terms shall have the
5 following meanings:—

6 “Ice cream truck or ice cream vehicle”, every motor vehicle in
7 which ice cream, ice milk, frozen dairy products or ice that is fla-
8 vored with syrup are carried for purposes of retail sale on the streets
9 of the Commonwealth;

10 “Ice cream vendor”, a person offering ice cream, ice milk, frozen
11 dairy products or ice that is flavored with syrup for sale from a
12 motor vehicle on the streets of the Commonwealth.

13 In addition to other equipment required by law, every ice cream
14 truck shall be equipped with:—

15 (a) signal lamps, clearly visible to passing traffic. These signal
16 lamps shall be at least four inches in diameter and shall display two
17 alternately flashing orange lights on the front of the vehicle, and two
18 on the back of the vehicle, having both lights on each side mounted
19 at the same level;

20 (b) a “SLOW FOR CHILDREN CROSSING” signal arm that can
21 be extended horizontally from the left side of the vehicle. This arm
22 shall be orange with white lettering and contain two alternately
23 flashing orange lights that are at least three inches in diameter and
24 visible to the front and rear upon a straight roadway.

25 (c) a convex mirror mounted on the front of the vehicle so the
26 driver in his normal seating position can see the area in front of the
27 vehicle obscured by the hood.

28 (d) signs or decals on both the front and rear of the vehicle identi-
29 fying the vehicle as an ice cream truck. The truck must also contain
30 either the words “CHILDREN CROSSING,” “WATCH CHIL-
31 DREN,” “CAUTION CHILDREN” or “SLOW FOR CHILDREN”
32 on both the front and rear of the vehicle in distinctive lettering vis-
33 ible at 300 feet upon a straight level roadway; and

34 (e) an outside passenger side mirror that provided visibility to the
35 complete right side of the vehicle.

36 The driver of an ice cream truck stopped on the road for the pur-
37 pose of vending shall actuate the special orange flashing lights and
38 extend the “SLOW FOR CHILDREN CROSSING” arm. These
39 lights and the “SLOW FOR CHILDREN CROSSING” arm shall not
40 be used when the truck is in motion nor at any time the truck is
41 stopped for a purpose other than vending.

42 These lights and the “SLOW FOR CHILDREN CROSSING” arm
43 are not required to be flashing when the ice cream truck is parked
44 and vending at a sporting or any other type of event, unless traffic is
45 passing the ice cream truck and the truck’s ordering window is on
46 the opposite side of the sporting or other event. These lights will also
47 not be required to be in use while the truck is parked and vending at
48 a parade, fair, private property location, or at a specially permitted or
49 approved stationary location in which the vendor is there for more
50 than 20 minutes.

51 The driver of a vehicle approaching from either direction an ice
52 cream truck stopped on the road, with its safety lights flashing, shall
53 stop first, make sure it is safe to proceed, and then proceed with cau-
54 tion at a speed that is not in excess of 15 mph until that driver is at
55 least 300 feet away from the ice cream truck. Furthermore, drivers
56 must yield that right of way to any pedestrian who crosses the
57 roadway to or from the ice cream truck.

58 No person shall vend in residential neighborhoods before 10 a.m.
59 or after one half hour after sundown, not to exceed 10 p.m. during
60 daylight savings time, except on a holiday or holiday celebration
61 (i.e., 4th of July).

62 A person shall not vend on streets where the speed limit exceeds
63 30 miles per hour.

64 A person shall vend only when the ice cream truck is lawfully
65 parked or stopped.

66 A person shall vend only from the curbside of the vehicle.

67 A person shall not vend to a person standing in the roadway on
68 the driver side of the truck.

69 A person shall not stop on the left side of a one way street to
70 vend.

71 The driver of an ice cream vehicle shall not back up to make or
72 attempt to make a sale.

73 The driver of an ice cream vehicle shall not permit any unautho-
74 rized person to ride in or on the vehicle. This includes any person
75 who does not have a valid hawkers and peddlers permit in their
76 name, excluding trainees and persons who are learning the ice cream
77 business and safety procedures for possible employment.

78 Children under the age of 14 under no circumstances may ride in
79 an ice cream truck, unless the vehicle has one seat belt per person,
80 and the child is related to the driver.

81 Sounds of the ice cream vehicle shall be restricted to a traditional
82 bell and a traditional professional street vendor's musical chime box.
83 Music that is considered "vocal" or music originating from a cas-
84 sette, CD, or other format is prohibited.

85 The interior and exterior of each ice cream truck, and all equip-
86 ment therein shall be kept clean and sanitary and maintained in good
87 repair at all times.

88 Ice cream trucks must have a trash barrel to dispose litter gener-
89 ated from products sold on the truck.

90 Every ice cream truck shall be inspected by the local health
91 department once each year prior to its use in the city or town for the
92 purpose of retail sales of frozen products. The department shall
93 inspect each ice cream truck to determine whether it complies with
94 all health and safety requirements of this ordinance and all city,
95 state, and federal motor vehicle regulations.

96 A fee of \$25 shall be collected for this inspection.

97 Any ice cream truck driver or company that does not comply with
98 the provisions of this section shall be punished with a fine of not less
99 than \$1,000 and immediately be forced to cease its business until
100 such safety equipment is installed and used on the vehicle. Likewise,
101 any vendor caught vending without a peddlers license or health-
102 permit, if required at their locale, will receive the same such fine, per
103 violation.