

# SENATE NO. 939

## **AN ACT** PROHIBITING SEX OFFENDERS FROM OPERATING SCHOOL BUSES AND ICE CREAM TRUCKS

*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 1. Section 8A of chapter 90 of the General Laws, as appearing in the 2004 Official  
2 Edition, is hereby amended by striking out, in lines 23 to 24, “has been convicted of the crime of rape,  
3 unnatural act, sodomy, or ” and inserting in place thereof the following words:- is a sex offender, as  
4 defined in section 178C of chapter 6, or who had been convicted of

5           SECTION 2. Section 8A1/2 of said chapter 90, as so appearing, is hereby amended by striking  
6 out, in lines 20 to 21, “has been convicted of the crime of rape, unnatural act, sodomy, or ” and  
7 inserting in place thereof the following words:- is a sex offender, as defined in section 178C of chapter  
8 6, or who had been convicted of

9           SECTION 3. Chapter 265 of the General Laws is hereby amended by adding the following  
10 section:-

11           Section 45. A sex offender, as defined by section 178C of chapter 6, who engages in ice  
12 cream truck vending, as defined in section 25 of chapter 270, shall be punished by up to 2 ½ years in  
13 the house of correction or by a fine of \$1,000 or by both such fine and imprisonment. A police officer  
14 or officer authorized to serve criminal process may arrest without a warrant any person who he has  
15 probable cause to believe has violated this section.

16 SECTION 4. Chapter 270 of the General Laws is hereby amended by adding the following  
17 section:-

18 Section 25. (a) For the purposes of this section, the following words shall have the following  
19 meanings:-

20 “Ice cream”, any frozen dairy or water-based food product.

21 “Ice cream truck”, any motor vehicle used for selling, displaying or offering to sell ice cream  
22 or any other frozen dairy or frozen water-based food product.

23 “Ice cream truck vending”, the selling, displaying or offering to sell ice cream, water-based  
24 food product or any other prepackaged food product from an ice cream truck

25 “Permitting authority”, the chief of police or the board or officer having control of the police in  
26 a city or town or person authorized by them.

27 (b) No person shall engage in ice cream truck vending unless issued a valid permit to do so by  
28 the permitting authority within the municipality wherein the permit applicant lives or intends to  
29 operate such ice cream truck. Such permit shall be conspicuously displayed and clearly visible on the  
30 windshield of such truck. Whoever violates this section shall be assessed a fine of \$500. Each day  
31 that such person is in operation in violation of this section may be considered a separate violation.

32 SECTION 5. The department of public safety shall adopt regulations relative to the annual  
33 permitting of ice cream truck vendors. Such regulations shall include, but not be limited to:

34 (1) a requirement that all applications for such permit or applications for a renewal of such a  
35 permit include a current photo of the applicant and the applicant’s fingerprints;

36 (2) adoption of a uniform permit application and permit form, to be used by all municipalities;

37 (3) requiring that all permitting authorities, as defined by section 25 of chapter 270, conduct an  
38 investigation into the criminal history of a permit applicant to determine eligibility for a permit;

39           (4) restricting any permitting authority, as defined by section 25 of chapter 270, from issuing  
40 an ice cream truck vending permit to any sex offender, as defined by section 178C of chapter 6 of the  
41 General Laws; and

42           (5) establishing an appeal process for any persons denied such permit.

43           SECTION 6. The department of public safety shall adopt the regulations required under section  
44 3 not later than 90 days from the effective date of this act.

45           SECTION 7. Section 2 shall take effect 180 days from the effective date of this act.