

By Mr. Mariano of Quincy, petition of Ronald Mariano for legislation to require that ice cream trucks, so-called, be equipped with warning arms on such vehicles. Public Safety.

The Commonwealth of Massachusetts

In the Year Two Thousand and Three.

AN ACT REQUIRING WARNING ARMS ON VEHICLES VENDING FROZEN DESSERTS TO CHILDREN.

*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. Definitions. (a) Ice cream truck. Every motor  
2 vehicle in which ice cream, ice milk, frozen dairy products or ice  
3 flavored with syrup are carried for the purpose of retail sale on the  
4 streets of Massachusetts.

5 (b) Vend or vending. Offering ice cream, ice milk, frozen dairy  
6 products or ice flavored with syrup for sale from a motor vehicle  
7 on the streets of Massachusetts.

1 SECTION 2. (a) The driver of a vehicle meeting or overtaking  
2 from either direction an ice cream truck stopped on the street shall  
3 stop before reaching the truck when the flashing red lights and  
4 stop signal arm described in section 3 are in use. After stopping,  
5 a driver may proceed past such truck at a reasonable and prudent  
6 speed, not exceeding 15 miles per hour, and shall yield the right  
7 of way to any pedestrian who crosses the roadway to or from  
8 the truck.

9 (b) The driver of a vehicle on a street with separate roadways  
10 need not stop upon meeting or passing an ice cream truck on a  
11 different roadway.

1 SECTION 3. In addition to other equipment required by law,  
2 every ice cream truck shall be equipped with:—

3 (a) Signal lamps mounted at the same level and as high as  
4 widely spaced laterally as practicable. These lamps shall be five to  
5 seven inches in diameter and shall display two alternately flashing  
6 red lights visible at 500 feet to the front and rear in normal sun-  
7 light upon a straight level street.

8 (b) A stop signal arm that can be extended horizontally from  
9 the left side of the truck. The arm shall be red and white in color  
10 and contain two alternately flashing red lights duplicating the  
11 design, size and specifications shown in subsection (d), and three  
12 to five inches in diameter visible at 300 feet to the front and rear  
13 in normal sunlight upon a straight level street. The bottom of the  
14 signal arm shall be 42 inches above the street.

15 (c) A convex mirror mounted on the front so the driver in his  
16 normal seating position can see the area in front of the truck  
17 obscured by the hood.

18 (d) The stop signal arm required by subsection (b) shall be as  
19 shown on the illustration.

1 SECTION 4. (a) The driver of an ice cream truck stopped  
2 on the street for the purpose of vending shall actuate the  
3 special red flashing lights and extend the stop signal arm  
4 required by section 3.

5 (b) These lights and the stop signal arm shall not be used when  
6 the truck is in motion or at any time the truck is stopped for a pur-  
7 pose other than vending.

1 SECTION 5. Every ice cream truck shall be inspected by (some  
2 appropriate inspection agency or the police department) once each  
3 year prior to its use in this city for the purpose of retail sales of  
4 frozen dairy products. The department shall inspect each ice  
5 cream truck to determine whether it complies with this ordinance  
6 and other state and local laws. A fee of \$300.00 shall be collected  
7 for this inspection.

8 (a) A person shall not vend (on arterial streets) (on through  
9 highways) (on streets shown on an official thoroughfare plan) (in  
10 the central business district, on streets where the speed limit  
11 exceeds 30 miles per hour) (on divided highways where the speed  
12 limit exceeds 30 miles per hour).

13 (b) A person shall not vend within 500 feet of any property  
14 used as a grade, as a junior high (middle) school from one hour

15 before the regular school day to one hour after the regular school  
16 day; provided, this subsection shall not apply on days when  
17 school is not attended by children nor on school property when  
18 vending has been approved in writing by the principal.

19 (c) A person shall vend only when the ice cream truck is  
20 lawfully parked or stopped.

21 (d) A person shall vend only from the side of the truck away  
22 from moving traffic and as near as possible to the curb or edge of  
23 the street.

24 (e) A person shall not vend to a person standing in the roadway.

25 (f) A person shall not stop on the left side of a one-way street  
26 to vend.

27 (g) A person shall not vend on a street unless there is a clear  
28 view of the ice cream truck for a distance of 200 feet in each  
29 direction.

1 SECTION 6. The driver of an ice cream truck shall not back the  
2 same to make or attempt a sale.

1 SECTION 7. (a) The driver of an ice cream truck shall not  
2 permit any unauthorized person to ride in or on the vehicle.

3 (b) A person shall not ride in or on the ice cream truck unless  
4 authorized by its owner or unless authorized in writing to do so by  
5 the owner or police department.

1 SECTION 8. The Chief of police (or other appropriate official)  
2 may except from the requirements of this ordinance any ice cream  
3 truck which is not used to vend to persons under 12 years of age.

