



39:4-128.3 to 39:4-128.10

LEGISLATIVE HISTORY CHECKLIST

(Ice cream trucks--  
safety, etc.)

WJSA 39:4-128.3 to 39:4-128.10

LAWS OF 1979

CHAPTER 438

Bill No. A.324

Sponsor(s) Bassano and Karcher

Date Introduced Pre-filed

Committee: Assembly Transportation and Communications

Senate Labor, Industry and Professions; Law, Public Safety  
& Defense

Amended during passage Yes ~~XX~~ Amendments during  
Date of Passage: Assembly May 18, 1978 passage denoted  
Senate Dec. 17, 1979 by asterisks

Date of approval February 15, 1980

Following statements are attached if available:

Sponsor statement	Yes	<del>XX</del>
Committee Statement: Assembly	Yes	<del>XX</del>
Senate	Yes	<del>XX</del> 2-26-79 & 12-3-79
Fiscal Note	<del>XXX</del>	No
Veto message	<del>XXX</del>	No
Message on signing	Yes	<del>XX</del>

Following were printed.

Reports	<del>XXX</del>	No
Hearings	<del>XXX</del>	No

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ASSEMBLY, No. 324

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1978 SESSION

By Assemblymen BASSANO and KARCHER

AN ACT concerning the safety of customers while purchasing **\*[ice cream]\*** *\*frozen desserts\** and related products from a vendor in a motor vehicle.

1 BE IT ENACTED by the Senate and General Assembly of the State  
2 of New Jersey:

1 1. For the purposes of this act:

2 a. "Division" means the Division of Motor Vehicles.

3 b. **\*[Ice cream]\*** *\*Frozen dessert\** truck" means every motor  
4 vehicle in which **\*[ice cream, ice milk, frozen dairy products or ice**  
5 **flavored with syrup]\*** *\*frozen desserts\** are carried for purposes  
5A of retail sale on the streets of the State.

6 c. "Vend" or "vending" means offering **\*[ice cream, ice milk,]\***  
7 **frozen \*[dairy products or ice flavored with syrup]\*** *\*desserts\** for  
8 sale from a motor vehicle on the streets of the State.

9 *\*d. "Frozen desserts" means ice cream\*\*, \*\* frozen custard,*  
10 *French ice cream, French custard ice cream, sherbet, fruit sherbet,*  
11 *ice milk, ice, water ice, nonfruit sherbets, nonfruit water ices, freezer*  
12 *made milk shakes, quiescently frozen confection, quiescently frozen*  
13 *dairy confection, whipped cream confection, bisque tortoni, arti-*  
14 *ficially sweetened ice cream, or artificially sweetened ice milk,*  
15 *special frozen dietary foods, frozen yogurt, mellorine frozen des-*  
16 *serts, as all such products are commonly known, together with any*  
17 *such mix used in frozen desserts and any products which are similar*  
18 *in appearance, odor or taste to such products or are prepared or*  
19 *frozen as such products are customarily prepared or frozen*  
20 *whether made with dairy or non-dairy products and ice flavored*  
21 *with syrup.\**

1 2. a. The driver of a vehicle approaching or overtaking from  
2 either direction **\*[an ice cream]\*** *\*a frozen dessert\** truck stopped  
3 on the highway shall stop before reaching the truck when the flash-

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill  
is not enacted and is intended to be omitted in the law.

4 ing red lights and stop signal arm described in section 3 are in use.  
 5 After stopping, a driver may proceed past such truck at a reason-  
 6 able and prudent speed, not exceeding 15 miles per hour, and  
 7 shall yield the right of way to any pedestrian who crosses the  
 8 roadway to or from the \***[ice cream]**\* *\*frozen dessert\** truck.

9 b. The driver of a vehicle on a highway having dual or multiple  
 10 roadways separated by safety islands or physical traffic separation  
 11 installations need not stop upon meeting or passing \***[an ice**  
 12 **cream]**\* *\*a frozen dessert\** truck on another roadway.

1 3. In addition to other equipment required by law, every \***[ice**  
 2 **cream]**\* *\*frozen dessert\** truck shall be equipped with:

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

8 b. A stop signal arm that can be extended horizontally from the  
 9 left side of the truck\*\*.\* **[with the words "stop" and "if safe**  
 10 **then go"** on it. This arm shall be red and white in color and contain  
 11 two alternately flashing red lights 3 to 5 inches in diameter visible at  
 12 300 feet to the front and rear in normal sunlight upon a straight  
 13 level highway. The bottom of the signal arm shall be 42 inches  
 14 above the highway. Such items as the size of the letters and the  
 15 position of the words shall be determined by the division]\*  
 16 *\*When such arm is extended, the side of the stop signal arm nearest*  
 17 *the truck shall be 7 1/4 inches long and parallel to the side of the*  
 18 *truck. The side furthest from the truck shall be 18 inches long and*  
 19 *parallel to the side nearest the truck. The two sides shall be 18*  
 20 *inches apart creating a symmetrical, trapezoidal shape. Two alter-*  
 21 *nately flashing red lights shall be located in the outside corners of*  
 22 *the extended signal arm and such corners shall be rounded to*  
 23 *conform with the shape of the lights. Each red light shall be 3 to 5*  
 24 *inches in diameter and visible at 300 feet to the front and rear in*  
 25 *normal sunlight upon a straight and level street. Both sides of the*  
 26 *signal arm shall have a red reflectorized background and the fol-*  
 27 *lowing legend: The word "STOP" shall appear in 6-inch high,*  
 28 *1 inch wide white letters in the middle of the signal arm; above the*  
 29 *word "STOP," the phrase "IF SAFE" shall appear in 2 inch*  
 30 *high, one-quarter inch wide white letters; below the word "STOP,"*  
 31 *the phrase "THEN GO" shall appear in 2 inch high, one-quarter*  
 32 *inch wide white letters. All colors shall meet specifications in the*  
 33 *most recently published Federal Highway Administration Standard*  
 34 *Color Charts. The bottom of the extended signal arm shall be 42*  
 35 *inches above the street.\**

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36 c. A convex mirror mounted on the front so the driver in his  
37 normal seating position can see the area in front of the truck  
38 obscured by the hood.

1 4. a. The driver of **\*[an ice cream]\*** *\*a frozen dessert\** truck  
2 stopped on the highway for the purpose of vending shall actuate  
3 the special red flashing lights and extend the stop signal arm  
3A required by section 3.

4 b. These lights and the stop signal arm shall not be used when  
5 the truck is in motion nor at any time the truck is stopped for a  
6 purpose other than vending.

1 **\*\*[5. Every [ice cream] frozen dessert truck shall be in-**  
2 **spected by the division once each year prior to its use in the State**  
3 **for the purpose of retail sales of frozen dairy products. The depart-**  
4 **ment shall inspect each [ice cream] frozen dessert truck to de-**  
5 **termine whether it complies with this act and other State and local**  
6 **laws. A fee of \$25.00 shall be collected for this inspection.]\*\***

1 **\*\*[6.]\*\*** **\*\*5.\*\*** a. A person shall not vend on streets where the  
2 speed limit exceeds 30 miles per hour.

3 b. A person shall not vend within 500 feet of any property used  
4 as a grade or junior high or middle school from 1 hour before  
5 the regular school day to 1 hour after the regular school day;  
6 provided, this subsection shall not apply on days when school is  
7 not attended by children nor on school property when vending has  
8 been approved in writing by the board of education.

9 c. A person shall vend only when the **\*[ice cream]\*** *\*frozen*  
10 *dessert\** truck is lawfully parked or stopped.

11 d. A person shall vend only from the side of the truck away  
12 from moving traffic and as near as possible to the curb or edge  
13 of the highway.

14 e. A person shall not vend to a person standing in the roadway.

15 f. A person shall not stop on the left side of a one-way highway  
16 to vend.

1 **\*\*[7.]\*\*** **\*\*6.\*\*** The driver of **\*[an ice cream]\*** *\*a frozen dessert\**  
2 truck shall not back up the same to make or attempt a sale.

1 **\*\*[8.]\*\*** **\*\*7.\*\*** a. The driver of **\*[an ice cream]\*** *\*a frozen des-*  
2 *sert\** truck shall not permit any unauthorized person to ride in or  
2A on the vehicle.

3 b. A person shall not ride in or on **\*[an ice cream]\*** *\*a frozen*  
4 *dessert\** truck unless employed by its owner or unless authorized in  
5 writing to do so by the owner or police department.

1 **\*\*[9.]\*\*** **\*\*8.\*\*** Any person violating any provision of this act  
2 shall be liable for a penalty of not more than \$100.00 for each  
3 offense, which may be enforced by summary proceedings.

1 **\*\*[10.]\*\*** **\*\*9.\*\*** This act shall take effect **\*[120]\*** *\*365\** days  
2 after its enactment.

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

1 9. Any person violating any provision of this act shall be liable  
2 for a penalty of not more than \$100.00 for each offense, which may  
3 be enforced by summary proceedings.

1 10. This act shall take effect 120 days after its enactment.

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#### STATEMENT

Accidents are sometimes caused when people cross streets on their way to and from ice cream trucks. This bill addresses this issue by requiring equipment — flashing lights, stop signal arm, etc. — similar to that found on school buses. Vendors in the process of selling will be required to use this safety equipment to caution oncoming cars. The cars will have to stop upon approaching the vendor's vehicle, and if no one is crossing they may proceed slowly.

This bill also outlines the streets and places where a vendor may stop in the course of business, provides for an annual inspection of trucks by the Division of Motor Vehicles and provides for certain exemptions.

A 324 (1979)

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ASSEMBLY TRANSPORTATION AND COMMUNICATIONS  
COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 324**

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**STATE OF NEW JERSEY**

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DATED: APRIL 24, 1978

Accidents are sometimes caused when people cross streets on their way to and from ice cream trucks. This bill addresses this issue by requiring equipment—flashing lights, stop signal arm, and a convex mirror—similar to that found on school buses. Vendors in the process of selling will be required to use this safety equipment to caution oncoming cars. The cars will have to stop upon approaching the vendor's vehicle, and if no one is crossing they may proceed slowly past such vehicle at a speed not exceeding 15 miles per hour.

This bill also outlines the streets and places where a vendor may stop in the course of business, provides for an annual inspection of trucks by the Division of Motor Vehicles and provides for certain exemptions. A fee of \$25.00 shall be collected for this inspection.

In addition, the bill provides that a person shall not vend on any street where the speed limit is more than 30 miles per hour.

A penalty provision in the bill states that any person violating any provision of this act shall be liable for a penalty of not more than \$100.00 for each offense.

SENATE LABOR, INDUSTRY AND  
PROFESSIONS COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 324**  
with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: FEBRUARY 26, 1979

This bill provides that every frozen dessert truck must be equipped with front and rear flashing red lights, a stop signal arm that can be extended horizontally from the left side of the truck, and a convex mirror mounted on the front of the truck so that the driver can see the front of the truck obscured by the hood.

The red flashing lights and the signal arm must be in use when the truck is stopped on a highway for the purpose of vending, and must not be in use at other times.

The bill provides that all cars approaching a frozen dessert truck must stop before reaching the truck when the red flashing lights and the signal arm are in use. A driver may proceed, after stopping, past the truck at a speed of not more than 15 mph. Frozen dessert trucks may not vend on streets where the speed limit exceeds 30 mph.

Frozen dessert truck related accidents account for from 3% to 5% of all pedestrian accidents involving school age children. An ice cream truck safety ordinance enacted by the City of Indianapolis in 1971 reduced this type of accident by over 90%. A similar Detroit ordinance, adopted in 1976 achieved a 77% reduction in vendor-related pedestrian accidents. The provisions of Assembly Bill No. 324 are the same as those in the Detroit ordinance, except that no inspection is required in Detroit.

The Senate Labor, Industry, and Professions Committee amended the bill to delete the requirement for a yearly inspection of the safety features on each ice cream truck. It was felt that providing for a special inspection of such a small number of vehicles would be extremely expensive to the State of New Jersey.

The committee also made technical amendments to the bill.



SENATE LAW, PUBLIC SAFETY AND DEFENSE  
COMMITTEE

STATEMENT TO  
ASSEMBLY, No. 324

STATE OF NEW JERSEY

DATED: DECEMBER 3, 1979

This bill provides that every frozen dessert truck in this State must be equipped with safety equipment in the form of front and rear flashing red lights, a stop signal arm which operates horizontally from the left side of the truck and a convex mirror mounted in the front of the truck so that the driver is able to view portions of the front of the vehicle which may be obscured by the hood. The signal arm is required to contain the lighted legend "STOP" and the phrases "IF SAFE" and "THEN GO," the former in 6 inch high letters and the latter phrases in 2 inch high letters. The colors are required to meet the specifications of the latest Federal Highway Administration Standard Color Charts. The equipment would be required to be used when the frozen dessert truck is stopped for the purpose of vending.

Frozen dessert truck related accidents account for from 3% to 5% of all pedestrian accidents involving school age children. An ice cream truck safety ordinance enacted by the city of Indianapolis in 1971 reduced this type of accident by over 90%. A similar Detroit ordinance adopted in 1976 achieved a 77% reduction in vendor-related pedestrian accidents. The provisions of Assembly Bill No. 324 are the same as those in the Detroit ordinance, except that no inspection is required in Detroit. The cost of fitting the trucks with the equipment was estimated at \$150.00 per truck by a recent contract Federal study which concluded that it was an "extremely cost effective countermeasure. . ."

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FROM THE OFFICE OF THE GOVERNOR

FOR IMMEDIATE RELEASE

FOR FURTHER INFORMATION

FEBRUARY 15, 1980

KATHRYN FORSYTH

Governor Brendan Byrne has signed the following bill into law:

A-324, sponsored by Assemblyman C. Louis Bassano (R-Union), which requires the installation of safety equipment including flashing lights, stop signal arms and convex mirrors -- on ice cream trucks. The measure is effective one year from today.

The purpose of the bill is to reduce the number of accidents involving children who cross the streets in order to buy ice cream. Statistics show that from three to five percent of pedestrian accidents involving school-aged children occur in such situations.

Under the bill, ice cream vendors in the process of selling will be required to use the safety devices to caution oncoming cars. Motorists will have to stop upon approaching the vehicle and then, if no pedestrians are crossing, may pass the truck at a speed not exceeding 15 miles per hour.

Violators of the act, either motorists or ice cream vendors, will be subject to a penalty of not more than \$100.

The bill also provides that vendors cannot sell ice cream on any street with a speed limit of more than 30 miles per hour.

In signing the measure, the Governor said he hopes to have legislation introduced this session which would make the penalties for violators of this bill enforceable in municipal court.

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