

## Ice Cream Truck Traffic Safety Laws

By: Heather Poole, Associate Analyst

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### Issue

Provide examples of state and local laws concerning traffic safety around ice cream trucks, which are also known as frozen dessert trucks.

### Summary

At least three states (California, New Jersey, and New York) and 21 localities (municipalities or counties) in 17 states have laws or ordinances concerning traffic safety around ice cream trucks. Their provisions generally fall under two categories: equipment requirements and operating restrictions.

The ice cream truck equipment requirements are generally designed to: (1) increase the truck's visibility to other drivers (e.g., flashing signal lamps), (2) warn drivers that children may be present and influence their behavior (e.g., signal arms and caution signs), or (3) help the ice cream truck driver see around the truck (e.g., front convex mirrors and rear visibility equipment).

The operating rules generally limit where ice cream trucks can drive and stop and the conditions under which they may vend. They include such things as (1) restricting operation to low speed limit roads, (2) prohibiting stopping and vending in locations that put children or customers at risk, (3) limiting when they can back up, and (4) prohibiting selling when it is dark outside.

In addition to equipment and operating rules for the ice cream trucks, New Jersey imposes rules on drivers passing stopped ice cream trucks.

The statutory penalties imposed by California, New Jersey, and New York for violating the requirements are fines ranging from \$50 to \$238, with applicable surcharges.

## State Laws

At least three states have laws about traffic safety around ice cream trucks: California, New Jersey, and New York. The laws' provisions fall under three categories: ice cream truck equipment, ice cream truck operation, and passing ice cream trucks. Each state subjects violators to fines.

### *Equipment*

Each state requires ice cream trucks to have certain equipment, but the requirements vary. The equipment is generally intended to increase the truck's visibility to other drivers, encourage safer crossing by patrons, or enable the truck's driver to see pedestrians.

*Signal Arms.* New Jersey and New York require ice cream trucks to have signal arms that can be extended from the left side of the truck when it is stopped to vend ice cream, similar to school bus "stop arms."

In New York, the sign must, among other things, be reflective yellow, have the words "SLOW CHILDREN CROSSING" on both sides, and have flashing yellow lights ([N.Y. Comp. Codes R. Regs. tit 15, §§ 69.2 & 69.3](#)). The signs in New Jersey must be reflective red, bear the words "STOP" and "IF SAFE THEN GO" on both sides, have flashing red lights, and meet other regulatory specifications ([N.J. Stat. Ann. § 39:4-128.5\(b\)](#)).

Both states require ice cream truck drivers to (1) extend the signs when the truck is stopped and selling ice cream and (2) retract them when it is moving or not selling.

*Front Crossing Arms.* In addition to a signal arm, New York requires ice cream trucks to have front crossing arms similar to those required for school buses. The arm must extend (1) approximately 4 to 6 feet from the front of the truck and (2) at the same time as the caution arm. It is intended to keep people from being too close to the truck when they cross the road ([N.Y. Comp. Codes R. Regs. tit 15, §§ 69.4 & 69.5](#)).

*On-Truck Caution Signs.* California requires an ice cream truck vending in a residential area to have signs on its front and back that bear the words "WARNING" and "CHILDREN CROSSING." The signs must be legible from at least 100 feet away in daylight, be at least 12 inches high and 48 inches wide, and have dark letters and a sharply contrasting background, among other requirements ([Cal. Veh. Code § 22456](#)).



*New York Ice Cream Truck Caution Arm*



*New Jersey Ice Cream Truck Stop Arm*

*Flashing Signal Lamps.* New Jersey requires ice cream trucks to have signal lamps mounted at the same level and as high and as widely spaced laterally as possible. The lamps must be five to seven inches in diameter and display two red flashing lights that are visible at 500 feet from the front and rear of the truck in normal sunlight ([N.J. Stat. Ann. § 39:4-128.5 \(a\)](#)). Drivers must activate the lights whenever they stop on the road for vending and keep them off at all other times ([N.J. Stat. Ann. § 39:4-128.6](#)).

*Convex Mirror.* Ice cream trucks in New Jersey must have a convex mirror mounted on their front that enables the driver, in normal seating position, to see the front of the truck obscured by the hood ([N.J. Stat. Ann. § 39:4-128.5\(a\)](#)).

## ***Operating Rules***

All three states set rules for ice cream truck operation, limiting where they can stop and setting conditions under which they can sell.

*Road Speed Limit Restrictions.* California and New Jersey prohibit ice cream trucks from vending on streets with speed limits above a specified maximum (25 miles per hour in California and 30 miles per hour in New Jersey). California also prohibits vending within 100 feet of an intersection with an opposing highway that has a speed limit greater than 25 miles per hour ([Cal. Veh. Code § 22456\(e\)\(1\) & \(2\)](#); [N.J. Stat. Ann. § 39:4-128.7\(a\)](#)).

*Sightline Requirements.* California prohibits ice cream trucks from vending on roads that do not provide the vendor with an unobstructed view for 200 feet in both directions along the highway and of any traffic on the highway ([Cal. Veh. Code § 22456\(e\)\(3\)](#)).

*School Restrictions.* New Jersey prohibits ice cream trucks from vending within 500 feet of an elementary or middle school in the time between one hour before the regular school day starts and one hour after it ends. This restriction does not apply (1) on days children do not attend school or (2) if the school board approves the vending ([N.J. Stat. Ann. § 39:4-128.7\(b\)](#)).

*Customer Location Restrictions.* New Jersey and New York require ice cream trucks to only vend from the side of the truck that is away from moving traffic and as close as possible to the road's edge. Both states prohibit sales to people standing in the roadway ([N.J. Stat. Ann. § 39:4-128.7\(d\) & \(e\)](#); [N.Y. Veh. & Traf. § 1225-b](#)).

*Backing Restriction.* New Jersey prohibits ice cream truck drivers from backing up to make or attempt a sale ([N.J. Stat. Ann. § 39:4-128.8](#)).

*Other Stopping Rules.* New York and New Jersey prohibit ice cream trucks from vending when they are not lawfully parked or stopped. New Jersey also bans them from stopping on the left side of a one-way highway to vend ([N.J. Stat. Ann. § 39:4-128.7\(c\) & \(f\)](#); [N.Y. Veh. & Traf. § 1225-b](#)).

## ***Passing Ice Cream Trucks***

New Jersey imposes restrictions on drivers passing ice cream trucks. It requires drivers, when approaching an ice cream truck with its stop arm extended and flashing lights activated, to stop before reaching the truck. After stopping, the driver may pass the truck at a reasonable speed, but not exceeding 15 miles per hour. The driver must also yield to anyone crossing the road to or from the ice cream truck, unless the road has multiple lanes separated by safety islands or other physical barriers and the driver is on the opposite side of the barrier from the truck ([N.J. Stat. Ann. § 39:4-128.4](#)).

## ***Penalties***

The states' penalties for violations are as follows:

1. in California, violations are infractions and subject to total fines and fees between \$197 and \$238, depending on the violation (see California's [table on penalties](#));
2. in New Jersey, violators are subject to a fine of up to \$100 ([N.J.S.A. § 39:4-128.10](#));
3. in New York, the penalty is (a) up to \$150, plus a \$58 surcharge, for violating the equipment provisions and (b) up to \$50 for violating the operating rules ([N.Y. Veh. & Traf. §§ 1225-b & 1800\(b\)](#)).

## **Local Laws**

At least 21 localities in 17 states have ordinances related to traffic safety around ice cream trucks, with five in New England (Portland and Scarborough in Maine and Norwood, Randolph, and Wellesley in Massachusetts).

The ordinances' provisions fall under two categories: equipment requirements and operating rules. Table 1 describes the different types of equipment required by the local ordinances and Table 2 provides the categories of operating rules, with descriptions of each. Table 3 lists the localities with ice cream truck ordinances and provides the combination of equipment requirements and operating rules each locality imposes.

**Table 1: Types of Equipment Required by Local Ordinances**

<b>Equipment Type</b>	<b>Description</b>
<b>Signal arm</b>	an arm reading “stop,” “slow,” or “caution,” depending on the locality, that extends from the truck’s left side when it is stopped
<b>Caution signs</b>	highly visible signs reading “CAUTION—CHILDREN,” or a similar message, which may also include flashing lights
<b>Flashing signal lamps</b>	lights mounted on the vehicle, typically either (1) one on the top of the vehicle or (2) two mounted high at the same level
<b>Emergency flasher use</b>	activating the vehicle’s existing emergency flashers when stopped
<b>Front convex mirror</b>	convex mirror mounted on the front of the vehicle to allow the driver to see the part of the road that is obscured by the hood
<b>Front obstacle detection system</b>	system that detects and alerts the ice cream truck driver to obstacles in front of the truck
<b>Back up alarm</b>	alarm that sounds when the vehicle is backing up to alert people outside the truck
<b>Rear visibility equipment</b>	equipment, such as mirrors, back up cameras, or obstacle detection systems, that allow a driver to see behind the truck

**Table 2: Categories of Operating Rules in Local Ordinances**

<b>Rule Category</b>	<b>Description</b>
<b>Low speed roads</b>	prohibiting selling on roads with speed limits above a certain speed, often 25 to 35 miles per hour
<b>Stopping location restrictions</b>	restricting where trucks may park or stop to vend ice cream (e.g., right side of road only, away from intersections, as close as possible to the curb, or where the driver has an adequate view of the road)
<b>Customer location restrictions</b>	restricting where customers may be located for a vendor to sell to them (e.g., the customer cannot be in the street or sitting in another vehicle, sales must occur from the right side of the truck)
<b>Child area restrictions</b>	restricting or banning sales near schools, parks, playgrounds, or other places where children may be
<b>Daylight only</b>	limiting the time during which an ice cream truck may operate to daylight hours so that vending does not occur when it is dark and hard to see pedestrians
<b>Backing restriction</b>	prohibiting vendors from backing up their truck to make a sale or, in some cases, after making a sale

**Table 3: Required Equipment and Operating Rules in Local Ice Cream Truck Traffic Safety Ordinances**

<b>State and Locality</b>	<b>Required Equipment</b>	<b>Operating Rules</b>
<b>Alaska</b> <a href="#">Anchorage</a>	Caution signs Flashing signal lamps Emergency flasher use Rear visibility equipment	Low speed roads Stopping location restrictions Child area restriction Backing restriction
<b>Arkansas</b> <a href="#">Springdale</a>	Signal arms Caution signs Front convex mirror Rear visibility equipment	Low speed roads Stopping location restrictions Customer location restrictions Child area restriction Daylight only Backing restriction
<b>California</b> <a href="#">San Jacinto</a>	Signal arm Caution signs Flashing signal lamps Front convex mirror Back up alarm	Low speed roads Stopping location restrictions Customer location restrictions Child area restrictions Daylight only Backing restriction
<b>Florida</b> <a href="#">Manatee County</a>	Signal arm Caution signs Flashing signal lamps Front convex mirror Back up alarm Rear visibility equipment	Low speed roads Stopping location restrictions Customer location restrictions Child area restriction Daylight only Backing restriction
<b>Illinois</b> <a href="#">Elgin City</a>	Caution signs Flashing signal lamps Front convex mirror Rear visibility equipment	Low speed roads Stopping location restrictions Customer location restrictions Child area restriction Daylight only Backing restriction
<b>Kansas</b> <a href="#">Wichita</a>	Caution signs Flashing signal lamps	Stopping location restrictions Customer location restrictions Child area restrictions Backing restriction Limits ice cream truck speed to 15 miles per hour when seeking sales
<b>Louisiana</b> <a href="#">New Orleans</a>	Emergency flasher use	Low speed roads Stopping location restrictions Customer location restrictions

**Table 3 (continued)**

<b>State and Locality</b>	<b>Required Equipment</b>	<b>Operating Rules</b>
<b>Maine</b> <a href="#">Portland</a>	Emergency flasher use	Low speed road Stopping location restrictions
<b>Maine</b> <a href="#">Scarborough</a>	Emergency flasher use	Low speed roads Stopping location restrictions Child area restriction
<b>Massachusetts</b> <a href="#">Norwood</a>	Flashing signal lamps	Stopping location restrictions Trucks must have two employees and one must exit truck to maintain safe conditions when stopped to vend
<b>Massachusetts</b> <a href="#">Randolph</a>	Emergency flasher use	Stopping location restrictions Customer location restrictions Backing restriction Child area restriction
<b>Massachusetts</b> <a href="#">Wellesley</a>	Flashing signal lamps	Customer location restrictions Daylight only
<b>Michigan</b> <a href="#">Detroit</a>	Signal arm Flashing signal lamps Front convex mirror	Low speed roads Stopping location restrictions Customer location restrictions Child area restriction Backing restriction
<b>Mississippi</b> <a href="#">Amory</a>	Caution signs Emergency flasher use	Low speed road Stopping location restrictions Customer location restrictions Child area restriction
<b>Missouri</b> <a href="#">St. Charles County</a>	Caution signs Front convex mirror Front obstacle detection system Back up alarm Rear visibility equipment	None
<b>Nevada</b> <a href="#">Las Vegas</a>	Signal arm Caution signs Flashing signal lamps Front convex mirror Rear visibility equipment	Low speed roads Stopping location restrictions Customer location restrictions Backing restriction Child area restriction
<b>Ohio</b> <a href="#">Akron</a>	Signal arm Flashing signal lamps Front convex mirror	Stopping location restrictions Customer location restrictions Backing restriction



**Table 3 (continued)**

<b>State and Locality</b>	<b>Required Equipment</b>	<b>Operating Rules</b>
<b>Oregon</b> <a href="#">Redmond</a>	Caution signs Flashing signal lamps Emergency flasher use	Low speed roads Stopping location restrictions Customer location restrictions Child area restriction Backing restriction
<b>South Dakota</b> <a href="#">Rapid City</a>	Caution signs Front convex mirror Emergency flasher use	Low speed roads Stopping location restrictions Customer location restrictions Backing restriction Daylight only
<b>Texas</b> <a href="#">Dallas</a>	Caution signs Flashing signal lamps Rear visibility equipment	Child area restriction Daylight only
<b>Texas</b> <a href="#">Houston</a>	Caution signs	Stopping location restrictions

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