

117TH CONGRESS
1ST SESSION

S. 2380

To amend title 23, United States Code, to improve the safety of children purchasing food items from frozen dessert trucks.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2021

Mr. BLUMENTHAL introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend title 23, United States Code, to improve the safety of children purchasing food items from frozen dessert trucks.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tristan’s Law”.

5 **SEC. 2. RESERVATION OF FUNDS TO INCREASE SAFETY OF**
6 **FROZEN DESSERT TRUCK PATRONS.**

7 (a) FINDINGS.—Congress finds that—

8 (1) in 2016, more than 20 percent of the 1,233
9 children killed in traffic crashes were pedestrians;

1 (2) frozen dessert trucks present a very specific
2 hazard for children;

3 (3) in approaching, or departing from, a frozen
4 dessert truck—

5 (A) children may pay little attention to
6 traffic; and

7 (B) the truck may screen the children from
8 driver visibility;

9 (4) States and units of local government have
10 issued ordinances to modify the behavior of drivers
11 in the vicinity of frozen dessert trucks to reduce
12 speeds and improve the safety of children approach-
13 ing, or departing from, the trucks;

14 (5) requiring drivers to come to a complete stop
15 before passing a frozen dessert truck that is stopped
16 to vend can reduce safety threats posed to children;

17 (6) requiring frozen dessert trucks to be
18 equipped with flashing signal lamps, a stop signal
19 arm, a convex mirror, and a front crossing arm can
20 reduce safety threats posed to children visiting the
21 trucks; and

22 (7) the Federal Government can play a role in
23 reducing pedestrian injuries associated with frozen
24 dessert truck operations.

1 (b) NATIONAL PRIORITY SAFETY PROGRAMS RES-
 2 ERVATION OF FUNDS.—Section 405 of title 23, United
 3 States Code, is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (7), by striking “5 per-
 6 cent” and inserting “4 percent”;

7 (B) in paragraph (8)—

8 (i) by striking “through (7)” and in-
 9 serting “through (8)”; and

10 (ii) by striking “through (h)” and in-
 11 serting “through (i)”;

12 (C) by redesignating paragraphs (8)
 13 through (10) as paragraphs (9) through (11),
 14 respectively; and

15 (D) by inserting after paragraph (7) the
 16 following:

17 “(8) SAFETY OF FROZEN DESSERT TRUCK PA-
 18 TRONS.—In each fiscal year, 1 percent of the funds
 19 provided under this section shall be allocated among
 20 States that adopt and implement laws to increase
 21 the safety of frozen dessert truck patrons (as de-
 22 scribed in subsection (i)).”; and

23 (2) by adding at the end the following:

24 “(i) SAFETY OF FROZEN DESSERT TRUCK PA-
 25 TRONS.—

1 “(1) DEFINITION OF FROZEN DESSERT
 2 TRUCK.—In this subsection, the term ‘frozen dessert
 3 truck’ means a motor vehicle in which 1 or more fro-
 4 zen desserts (within the meaning of part 135 of title
 5 21, Code of Federal Regulations (or successor regu-
 6 lations)) are carried on the highway for purposes of
 7 retail sale from a door or window of the motor vehi-
 8 cle to an individual consumer at any location.

9 “(2) GENERAL AUTHORITY.—Subject to the re-
 10 quirements of this subsection, the Secretary shall
 11 award grants to States for the purpose of estab-
 12 lishing and implementing laws (including regula-
 13 tions) that require frozen dessert trucks to be
 14 equipped as described in paragraph (3).

15 “(3) FROZEN DESSERT TRUCK EQUIPMENT.—
 16 For purposes of paragraph (2), a frozen dessert
 17 truck shall be equipped with each of the following:

18 “(A) SIGNAL LAMPS.—1 or more signal
 19 lamps that—

20 “(i) are mounted—

21 “(I) at the same level; and

22 “(II) as high on the frozen des-
 23 sert truck, and as widely spaced lat-
 24 erally, as is practicable;

1 “(ii) are not less than 5, and not more
2 than 7, inches in diameter; and

3 “(iii) display 2 alternately flashing red
4 lights visible at a distance of not less than
5 500 feet, to the front and rear of the fro-
6 zen dessert truck, in normal sunlight on a
7 straight, level highway.

8 “(B) STOP SIGNAL ARM.—

9 “(i) IN GENERAL.—A stop signal
10 arm—

11 “(I) that can be extended hori-
12 zontally from the left side of the fro-
13 zen dessert truck;

14 “(II) when extended—

15 “(aa) the side nearest the
16 frozen dessert truck of which
17 shall be—

18 “(AA) 7.25 inches long;

19 and

20 “(BB) parallel to the
21 side of the frozen dessert
22 truck;

23 “(bb) the side farthest from
24 the frozen dessert truck of which
25 shall be—

1 “(AA) 18 inches long;

2 and

3 “(BB) parallel to the

4 side nearest the frozen des-

5 sert truck;

6 “(cc) the 2 sides of which

7 shall be 18 inches apart, creating

8 a symmetrical, trapezoidal shape;

9 and

10 “(dd) the bottom of which

11 shall be approximately 42 inches

12 above the street;

13 “(III) the outside corners of

14 which—

15 “(aa) when extended, fea-

16 ture 2 alternately flashing red

17 lights, each of which shall be—

18 “(AA) not less than 3,

19 and not more than 5, inches

20 in diameter; and

21 “(BB) visible at a dis-

22 tance of not less than 300

23 feet, to the front and rear of

24 the frozen dessert truck, in

1 normal sunlight on a
2 straight, level highway; and

3 “(bb) are rounded to con-
4 form to the shape of the lights
5 described in item (aa); and

6 “(IV) both sides of which shall
7 feature—

8 “(aa) a red, reflectorized
9 background; and

10 “(bb) a legend described in
11 clause (ii).

12 “(ii) DESCRIPTION OF LEGEND.—A
13 legend referred to in clause (i)(IV)(bb) is
14 a legend in which—

15 “(I) the word ‘STOP’ appears in
16 6-inch-high white letters, not to ex-
17 ceed 4 inches in length, in the middle
18 of the stop signal arm;

19 “(II) above the word ‘STOP’, the
20 phrase ‘IF SAFE’ appears in 2-inch-
21 high white letters, not to exceed 1.75
22 inches in length;

23 “(III) below the word ‘STOP’,
24 the phrase ‘THEN GO’ appears in 2-

1 inch-high white letters, not to exceed
2 1.75 inches in length; and

3 “(IV) the colors (including the
4 colors of the background) conform to
5 the requirements described in the
6 Manual on Uniform Traffic Control
7 Devices for Streets and Highways
8 published by the Federal Highway
9 Administration.

10 “(C) MIRROR.—A convex mirror mounted
11 on the front of the frozen dessert truck in a
12 manner that ensures that the operator of the
13 frozen dessert truck, when sitting in a normal
14 operating seating position, is capable of seeing
15 the area in front of the frozen dessert truck
16 that, absent the mirror, would be obscured by
17 the hood of the frozen dessert truck.

18 “(D) FRONT CROSSING ARM.—A front
19 crossing arm—

20 “(i) that is—

21 “(I) attached to the front bumper
22 of the frozen dessert truck; and

23 “(II) hinged from the right side
24 of the frozen dessert truck;

1 “(ii) the bottom of which shall be not
 2 less than 16, and not more than 20, inches
 3 above the street;

4 “(iii) that is—

5 “(I) made of any durable mate-
 6 rial; and

7 “(II) covered with yellow or white
 8 reflective material; and

9 “(iv) that extends—

10 “(I) in conjunction with the stop
 11 signal arm described in subparagraph
 12 (B);

13 “(II) when extended outward in
 14 front of the frozen dessert truck, not
 15 less than 4, and not more than 6, feet
 16 parallel to the street; and

17 “(III) when retracted against the
 18 front of the frozen dessert truck, not
 19 past the width of the frozen dessert
 20 truck on the left side of the frozen
 21 dessert truck operator.

22 “(4) GRANT AMOUNT.—The allocation of grant
 23 funds to a State under this subsection for a fiscal
 24 year shall be in proportion to the apportionment of
 25 the State under section 402 for fiscal year 2009.

1 “(5) STUDY.—

2 “(A) IN GENERAL.—The Secretary shall
3 conduct a study of—

4 “(i) the extent of pedestrian injuries
5 and fatalities relating to frozen dessert
6 trucks, including the percentage of those
7 injuries and fatalities experienced by chil-
8 dren;

9 “(ii) potential countermeasures to
10 modify the behavior of drivers in the vicin-
11 ity of frozen dessert trucks to reduce
12 speeds and improve safety when children
13 approach the frozen dessert trucks; and

14 “(iii) the feasibility of requiring oper-
15 ators of frozen dessert trucks not to stop
16 or park the frozen dessert trucks to vend
17 to a child in any location at which the
18 child would be required to cross a highway
19 to approach the frozen dessert truck.

20 “(B) COUNTERMEASURES FOR STATES.—

21 Based on the results of the study under sub-
22 paragraph (A), the Secretary, acting through
23 the Administrator of the National Highway
24 Traffic Safety Administration, shall issue guid-
25 ance for State highway safety officers relating

1 to methods of improving the safety of frozen
2 dessert trucks and frozen dessert truck patrons.

3 “(C) REPORT.—The Secretary shall sub-
4 mit to the Committee on Commerce, Science,
5 and Transportation of the Senate and the Com-
6 mittee on Transportation and Infrastructure of
7 the House of Representatives a report describ-
8 ing the results of the study under subparagraph
9 (A).”.

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