

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2151 Session of  
2005

INTRODUCED BY ADOLPH, MICOZZIE, ARMSTRONG, BOYD, CALTAGIRONE,  
CRAHALLA, CREIGHTON, DeWEESE, D. EVANS, HARPER, HENNESSEY,  
HERSHEY, KILLION, LEACH, PISTELLA, WALKO, WATSON AND  
YOUNGBLOOD, OCTOBER 31, 2005

REFERRED TO COMMITTEE ON TRANSPORTATION, OCTOBER 31, 2005

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, defining "frozen dessert," "frozen dessert truck"  
3 and "vend"; and providing for approaching or overtaking  
4 stopped frozen dessert truck and for frozen dessert truck  
5 equipment.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 102 of Title 75 of the Pennsylvania  
9 Consolidated Statutes is amended by adding definitions to read:

10 § 102. Definitions.

11 Subject to additional definitions contained in subsequent  
12 provisions of this title which are applicable to specific  
13 provisions of this title, the following words and phrases when  
14 used in this title shall have, unless the context clearly  
15 indicates otherwise, the meanings given to them in this section:

16 \* \* \*

17 "Frozen dessert." Ice cream, frozen custard, French ice  
18 cream, French custard ice cream, sherbet, fruit sherbet, ice

1 milk, ice, water ice, nonfruit sherbets, nonfruit water ices,  
2 freezer-made milkshakes, quiescently frozen confection,  
3 quiescently frozen dairy confection, whipped cream confection,  
4 bisque tortoni, artificially sweetened ice cream, artificially  
5 sweetened ice milk, special frozen dietary foods, frozen yogurt,  
6 mellorine frozen desserts, as all such products are commonly  
7 known, together with any mix used in frozen desserts and any  
8 products which are similar in appearance, odor or taste to these  
9 products or are prepared or frozen as these products are  
10 customarily prepared or frozen whether made with dairy or  
11 nondairy products and ice flavored with syrup.

12 "Frozen dessert truck." A motor vehicle in which frozen  
13 desserts are carried for purposes of retail sale on the streets  
14 of this Commonwealth.

15 \* \* \*

16 "Vend." Offering frozen desserts for sale from a motor  
17 vehicle on the streets of this Commonwealth.

18 \* \* \*

19 Section 2. Title 75 is amended by adding sections to read:

20 § 3347. Approaching or overtaking stopped frozen dessert truck.

21 (a) Duty of approaching driver.--The driver of a vehicle  
22 approaching or overtaking from either direction a frozen dessert  
23 truck stopped on the highway or trafficway shall stop before  
24 reaching the truck when the flashing red lights and side stop  
25 signal arm described in section 4574 (relating to frozen dessert  
26 truck equipment) are in use. After stopping, a driver may  
27 proceed past the frozen dessert truck at a reasonable and  
28 prudent speed, not exceeding 15 miles per hour, and shall yield  
29 the right-of-way to any pedestrian who crosses the roadway to or  
30 from the truck.

1     (b) Exception.--The driver of a vehicle on a highway or  
2     trafficway having dual or multiple roadways separated by safety  
3     islands or physical traffic separation installations need not  
4     stop upon meeting or passing a frozen dessert truck on another  
5     roadway.

6     § 4574. Frozen dessert truck equipment.

7     In addition to other equipment required by law, a frozen  
8     dessert truck may be equipped with:

9         (1) Signal lamps mounted at the same level and as high  
10        and as widely spaced laterally as practicable. These lamps  
11        shall be five to seven inches in diameter and shall display  
12        two alternately flashing red lights visible at 500 feet to  
13        the front and rear in normal sunlight upon a straight level  
14        highway.

15        (2) A side stop signal arm that can be extended  
16        horizontally from the left side of the truck. When the signal  
17        arm is extended, the side of the signal arm nearest the truck  
18        shall be seven and one-fourth inches long and parallel to the  
19        side of the truck. The side farthest from the truck shall be  
20        18 inches long and parallel to the side nearest the truck.  
21        The two sides shall be 18 inches apart creating a  
22        symmetrical, trapezoidal shape. Two alternately flashing red  
23        lights shall be located in the outside corners of the  
24        extended signal arm, and the corners shall be rounded to  
25        conform with the shape of the lights. Each red light shall be  
26        three to five inches in diameter and visible at 300 feet to  
27        the front and rear in normal sunlight upon a straight and  
28        level street. Both sides of the signal arm shall have a red  
29        reflectorized background and the following legend: The word  
30        "STOP" shall appear in six-inch-high, one-inch-wide white

1 letters in the middle of the signal arm. Above the word  
2 "STOP," the phrase "IF SAFE" shall appear in two-inch-high,  
3 one-fourth-inch-wide white letters. Below the word "STOP,"  
4 the phrase "THEN GO" shall appear in two-inch-high, one-  
5 fourth-inch-wide white letters. All colors shall meet  
6 specifications in the most recently published Federal Highway  
7 Administration standard color charts. The bottom of the  
8 extended signal arm shall be 42 inches above the street.

9 (3) A convex mirror mounted on the front so the driver  
10 in his normal seating position can see the area in front of  
11 the truck obscured by the hood.

12 Section 3. This act shall take effect in 60 days.