

118TH CONGRESS
2D SESSION

S. 4452

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

JUNE 4, 2024

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 (as amended by section 24105 of Public Law
4 117–58 (135 Stat. 795)), is amended—

5 (1) in subsection (a)—

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

8 (B) in paragraph (10)—

9 (i) by striking “through (9)” and in-
10 sserting “through (10)”; and

11 (ii) by striking “through (i)” and in-
12 sserting “through (j)”;

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

15 and

16 (D) by inserting after paragraph (9) the
17 following:

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

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

1 “(j) SAFETY OF FROZEN DESSERT TRUCK PA-
2 TRONS.—

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

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

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

20 “(A) SIGNAL LAMPS.—1 or more signal
21 lamps that—

22 “(i) are mounted—

23 “(I) at the same level; and

1 “(II) as high on the frozen des-
2 sert truck, and as widely spaced lat-
3 erally, as is practicable;

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

6 “(iii) display 2 alternately flashing red
7 lights visible at a distance of not less than
8 500 feet, to the front and rear of the fro-
9 zen dessert truck, in normal sunlight on a
10 straight, level highway.

11 “(B) STOP SIGNAL ARM.—

12 “(i) IN GENERAL.—A stop signal
13 arm—

14 “(I) that can be extended hori-
15 zontally from the left side of the fro-
16 zen dessert truck;

17 “(II) when extended—

18 “(aa) the side nearest the
19 frozen dessert truck of which
20 shall be—

21 “(AA) 7.25 inches long;

22 and

23 “(BB) parallel to the
24 side of the frozen dessert
25 truck;

1 “(bb) the side farthest from
2 the frozen dessert truck of which
3 shall be—

4 “(AA) 18 inches long;
5 and

6 “(BB) parallel to the
7 side nearest the frozen des-
8 sert truck;

9 “(cc) the 2 sides of which
10 shall be 18 inches apart, creating
11 a symmetrical, trapezoidal shape;
12 and

13 “(dd) the bottom of which
14 shall be approximately 42 inches
15 above the street;

16 “(III) the outside corners of
17 which—

18 “(aa) when extended, fea-
19 ture 2 alternately flashing red
20 lights, each of which shall be—

21 “(AA) not less than 3,
22 and not more than 5, inches
23 in diameter; and

24 “(BB) visible at a dis-
25 tance of not less than 300

1 feet, to the front and rear of
2 the frozen dessert truck, in
3 normal sunlight on a
4 straight, level highway; and

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

8 “(IV) both sides of which shall
9 feature—

10 “(aa) a red, reflectorized
11 background; and

12 “(bb) a legend described in
13 clause (ii).

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

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

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

1 “(III) below the word ‘STOP’,
2 the phrase ‘THEN GO’ appears in 2-
3 inch-high white letters, not to exceed
4 1.75 inches in length; and

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

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

20 “(D) FRONT CROSSING ARM.—A front
21 crossing arm—

22 “(i) that is—

23 “(I) attached to the front bumper
24 of the frozen dessert truck; and

1 “(II) hinged from the right side
2 of the frozen dessert truck;

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

6 “(iii) that is—

7 “(I) made of any durable mate-
8 rial; and

9 “(II) covered with yellow or white
10 reflective material; and

11 “(iv) that extends—

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

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

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

24 “(4) GRANT AMOUNT.—The allocation of grant
25 funds to a State under this subsection for a fiscal

1 year shall be in proportion to the apportionment of
2 the State under section 402 for fiscal year 2022.

3 “(5) STUDY.—

4 “(A) IN GENERAL.—The Secretary shall
5 conduct a study of—

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

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

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

22 “(B) COUNTERMEASURES FOR STATES.—

23 Based on the results of the study under sub-
24 paragraph (A), the Secretary, acting through
25 the Administrator of the National Highway

1 Traffic Safety Administration, shall issue guid-
2 ance for State highway safety officers relating
3 to methods of improving the safety of frozen
4 dessert trucks and frozen dessert truck patrons.

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

12 (c) EFFECTIVE DATE.—The amendments made by
13 subsection (b) shall take effect with respect to any grant
14 application or State highway safety plan submitted under
15 chapter 4 of title 23, United States Code, for fiscal year
16 2024 or thereafter.

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