

**ASSEMBLY BILL**

**No. 1311**

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**Introduced by Assembly Member Miller**

February 18, 2011

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An act to amend Section 22456 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1311, as introduced, Miller. Vehicles: ice cream trucks: safety Existing law, the Destiny Nicole Stout Memorial Act, requires an ice cream truck to be equipped at all time, while engaged in vending in a residential area, with warning signs mounted on both the front and rear and clearly legible from a distance of 100 feet under daylight conditions, as provided.

This bill would make technical, nonsubstantive changes to that law. Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 22456 of the Vehicle Code is amended  
2 to read:  
3       22456. (a) This section shall be known and may be cited as  
4 the Destiny Nicole Stout Memorial Act.  
5       (b) The Legislature finds and declares that motor vehicles  
6 engaged in vending ice cream and similar food items in residential  
7 neighborhoods can increase the danger to children; and it is  
8 necessary that these vehicles are clearly seen and noticed by  
9 motorists and pedestrians to protect public safety.

1       (c) As used in this section, the term “ice cream truck” means a  
2 motor vehicle engaged in the curbside vending or sale of frozen  
3 or refrigerated desserts, confections, or novelties commonly known  
4 as ice cream, or prepackaged candies, prepackaged snack foods,  
5 or soft drinks, primarily intended for the sale to children under 12  
6 years of age.

7       (d) ~~An~~ An ice cream truck shall be equipped at all times, while  
8 engaged in vending in a residential area, with signs mounted on  
9 both the front and the rear and clearly legible from a distance of  
10 100 feet under daylight conditions, incorporating the words  
11 “WARNING” and “CHILDREN CROSSING.” Each sign shall  
12 be at least 12 inches high by 48 inches wide, with letters of a dark  
13 color and at least four inches in height, a one-inch wide solid  
14 border, and a sharply contrasting background.

15      (e) A person ~~may~~ *shall* not vend from an ice cream truck that  
16 is stopped, parked, or standing ~~on~~*any* a public street, alley, or  
17 highway under any of the following conditions:

18       (1) On a street, alley, or highway with a posted speed limit  
19 greater than 25 miles per hour.

20       (2) If the street, alley, or highway is within 100 feet of an  
21 intersection with an opposing highway that has a posted speed  
22 limit greater than 25 miles per hour.

23       (3) If the vendor does not have an unobstructed view for 200  
24 feet in both directions along the highway and of ~~any~~ traffic on the  
25 highway.