

1 HB525
2 148196-2
3 By Representatives McMillan, Shiver, Baker, Drake, Mask,
4 Williams (P) and Faust
5 RFD: County and Municipal Government
6 First Read: 02-APR-13

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8 SYNOPSIS: Existing law does not authorize the
9 operation of low speed vehicles such as golf carts
10 on the municipal public streets.

11 This bill would define low speed vehicle and
12 would authorize the limited operation of low speed
13 vehicles on municipal public streets. This bill
14 would specify safety and operation standards for a
15 low speed vehicle operating on a municipal public
16 street. This bill would provide that a person must
17 posses a valid driver's license in order to operate
18 a low speed vehicle on a municipal public street.
19 This bill would authorize a municipality to enact
20 an ordinance regarding the low speed vehicle
21 operation and equipment that is more restrictive
22 than the restrictions enumerated herein.

23 Amendment 621 of the Constitution of Alabama
24 of 1901, now appearing as Section 111.05 of the
25 Official Recompilation of the Constitution of
26 Alabama of 1901, as amended, prohibits a general
27 law whose purpose or effect would be to require a

1 new or increased expenditure of local funds from
2 becoming effective with regard to a local
3 governmental entity without enactment by a 2/3 vote
4 unless: it comes within one of a number of
5 specified exceptions; it is approved by the
6 affected entity; or the Legislature appropriates
7 funds, or provides a local source of revenue, to
8 the entity for the purpose.

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10 A BILL

11 TO BE ENTITLED

12 AN ACT

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14 To amend Section 32-19-1, Code of Alabama 1975,
15 relating to low speed vehicles; to define low speed vehicle
16 and to authorize the limited operation of low speed vehicles
17 on the municipal public streets; to provide that a person must
18 possess a valid driver's license in order to operate a low
19 speed vehicle on a municipal public street; to authorize a
20 municipality to enact an ordinance regarding the low speed
21 vehicle operation and equipment that is more restrictive than
22 the restrictions enumerated herein; and in connection
23 therewith would have as its purpose or effect the requirement
24 of a new or increased expenditure of local funds within the
25 meaning of Amendment 621 of the Constitution of Alabama of
26 1901, now appearing as Section 111.05 of the Official

1 Recompilation of the Constitution of Alabama of 1901, as
2 amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 32-19-1, Code of Alabama 1975, is
5 amended to read as follows:

6 "§32-19-1.

7 "(a) Nothing in this title or in Alabama law shall
8 be construed to limit the operation of an electric personal
9 assistive mobility device on public highways, sidewalks, and
10 bike ways of this state or a low speed vehicle on the
11 municipal public streets except that a person operating an
12 electric personal assistive mobility device or low speed
13 vehicle shall obey all speed limits and shall yield the
14 right-of-way to pedestrians and human powered devices at all
15 times. An operator shall also give an audible signal before
16 overtaking and passing any pedestrian.

17 "(b) An electric personal assistive mobility device
18 or low speed vehicle shall not require a license plate or be
19 registered by the Department of Revenue.

20 "(c) An electric personal assistive mobility device
21 may be operated at night provided that the operator wears
22 reflectors and a headlight. A person may operate a low speed
23 vehicle pursuant to this section only between the hours of
24 sunrise and sunset unless the low speed vehicle is equipped
25 with headlights, brake lights, turn signals, and a windshield.

26 "(d) Municipalities may prohibit the operation of an
27 electric personal assistive mobility device or low speed

1 vehicle on a public highways right-of-way where the speed
2 limit is greater than 25 miles per hour, but shall not
3 otherwise restrict the operation of an electric personal
4 assistive mobility device or a low speed vehicle.

5 "(e) (1) For purposes of this section, a "low speed
6 vehicle" is any four-wheeled electric or gas powered vehicle
7 whose top speed attainable in one mile is not less than 20
8 miles per hour but not more than 25 miles per hour on a paved
9 level surface.

10 "(2) A low speed vehicle operated pursuant to this
11 section shall be subject to all of the following limitations:

12 "a. In order to operate on a municipal public street
13 or right-of-way, the low speed vehicle shall comply with the
14 safety standards specified by the Department of Public Safety.

15 "b. The operator of the low speed vehicle shall
16 possess a valid driver's license.

17 "c. A low speed vehicle is entitled to full use of a
18 lane, and no motor vehicle shall be driven in such a manner as
19 to deprive any low speed vehicle of the full use of a lane.

20 "d. The operator of a low speed vehicle shall not
21 overtake and pass in the same lane occupied by the vehicle
22 being overtaken.

23 "e. No person shall operate a low speed vehicle
24 between lanes of traffic or between adjacent lines or rows of
25 vehicles.

26 "f. Low speed vehicles shall not be operated two or
27 more abreast in a single lane.

1 "(3) A municipality may enact an ordinance regarding
2 low speed vehicle operation and equipment that is more
3 restrictive than the restrictions enumerated in this section.
4 Upon enactment, a municipality shall post appropriate signs or
5 otherwise inform residents that the ordinance exists and will
6 be enforced within the jurisdictional limits of the
7 municipality."

8 Section 2. Although this bill would have as its
9 purpose or effect the requirement of a new or increased
10 expenditure of local funds, the bill is excluded from further
11 requirements and application under Amendment 621, now
12 appearing as Section 111.05 of the Official Recompilation of
13 the Constitution of Alabama of 1901, as amended, because the
14 bill defines a new crime or amends the definition of an
15 existing crime.

16 Section 3. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.