

1 HB456
2 175821-1
3 By Representatives McMillan, Shiver, Baker and Faust
4 (Constitutional Amendment)
5 RFD: Baldwin County Legislation
6 First Read: 22-MAR-16

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8 SYNOPSIS: Under existing law, low speed vehicles as
9 defined by federal regulation are registered in the
10 same manner as any other motor vehicle and may be
11 operated on the public roads and highways of the
12 state. Under existing law, a low speed vehicle that
13 is registered to operate on the public roads and
14 highways must be covered by liability insurance.
15 Under existing law, golf carts that do not meet the
16 definition of a low speed vehicle may not be
17 registered or operated on the public roads and
18 highways.

19 This bill would propose an amendment to the
20 Constitution of Alabama of 1901, relating to
21 Baldwin County, providing a process by which a
22 municipality in the county could permit limited
23 operation of golf carts on municipal streets or
24 public roads within the municipality. This bill
25 would require the owner of a golf cart operating on
26 a municipal street or public highway within a
27 municipality in the county to register the golf

1 cart and to carry a liability insurance policy such
2 as a homeowner's policy or special rider which
3 covers operation of the golf cart on the municipal
4 streets or public roads within the municipality.

5 This bill would require the municipality to
6 inspect the golf cart for the presence of required
7 safety equipment and to verify that operation of
8 the golf cart is covered by a policy of liability
9 insurance.

10 This bill would authorize the municipality
11 to assess a civil penalty for violations.

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13 A BILL
14 TO BE ENTITLED
15 AN ACT

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17 Relating to Baldwin County; to propose an amendment
18 to the Constitution of Alabama of 1901, authorizing a
19 municipality in the county to permit the limited operation of
20 golf carts on a municipal street or public road; to provide
21 limitations; to require the driver to have a driver's license;
22 to require the operator of a golf cart on a municipal street
23 or public roadway to be covered by liability insurance; and to
24 authorize the municipality to assess a civil penalty for
25 violations.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. The following amendment to the
2 Constitution of Alabama of 1901, is proposed and shall become
3 valid as a part of the Constitution when all requirements of
4 this act are fulfilled:

5 PROPOSED AMENDMENT

6 (a) A municipality in Baldwin County may designate
7 municipal streets or public roads within the municipality for
8 use by golf carts. Before making that designation, the
9 municipality shall first determine that golf carts may safely
10 travel on or across the street or road. The municipality
11 making the safety determination shall consider factors
12 including, but not limited to, the speed, volume, and
13 character of motor vehicle traffic using the road or street.
14 Upon a determination that golf carts may be safely operated on
15 the designated street or road, the municipality shall post
16 appropriate signs to indicate that the operation of golf carts
17 is authorized.

18 (b) A municipality that authorizes the use of golf
19 carts pursuant to subsection (a) shall inspect any golf cart
20 that an owner wishes to use pursuant to subsection (a) to
21 determine if the safety equipment required by subsection (e)
22 is present on the golf cart and shall verify that the operator
23 of the golf cart on a municipal street or public road is
24 covered by a policy of liability insurance held by the owner
25 of the golf cart. The liability limits for operation of the
26 golf cart shall be the same as for operation of a motor
27 vehicle. If the proper safety equipment is present and the

1 golf cart is covered by liability insurance, the municipality
2 shall issue a permit to the owner upon payment of a permit
3 fee. The municipality may designate the appropriate department
4 of the municipality to inspect and permit golf carts and may
5 adopt rules for permitting golf carts, including providing for
6 a permit fee.

7 (c) A municipality may not allow a golf cart to
8 operate on a municipal street or public road where the posted
9 speed limit exceeds 25 miles per hour.

10 (d) A municipality may limit the operation of a golf
11 cart pursuant to this section to only between the hours of
12 sunrise and sunset.

13 (e) The golf cart shall be equipped with headlights,
14 brake lights, turn signals, and a windshield.

15 (f) No person may operate a golf cart on a public
16 street or road without a driver's license.

17 (g) A municipality may enact an ordinance regarding
18 golf cart operation and equipment that is more restrictive
19 than the restrictions enumerated in this section. Upon
20 enactment, the municipality shall post appropriate signs or
21 otherwise inform residents that the ordinance exists and will
22 be enforced within the jurisdictional limits of the
23 municipality.

24 (h) All golf carts shall be entitled to full use of
25 a lane, and no motor vehicle shall be driven in such a manner
26 as to deprive any golf cart of the full use of a lane.

1 (i) The operator of a golf cart may not overtake and
2 pass in the same lane occupied by the vehicle being overtaken.

3 (j) A golf cart may not be operated between lanes of
4 traffic or between adjacent lines or rows of vehicles.

5 (k) Golf carts may not be operated two or more
6 abreast in a single lane.

7 (l) The unauthorized operation of a golf cart on a
8 municipal street or public road is a violation for which the
9 municipality may collect a civil penalty of up to fifty
10 dollars (\$50).

11 (m) Notwithstanding any other provision of this
12 amendment, a municipality may enact an ordinance regarding
13 golf cart operation and equipment that is less restrictive
14 than the restrictions enumerated in this amendment authorizing
15 the use of golf carts for periods not to exceed 80 hours by
16 the municipality or a civic organization in conjunction with
17 civic events or events to raise funds, promote economic
18 development, or similar purposes as authorized in the
19 ordinance.

20 Section 2. An election upon the proposed amendment
21 shall be held in accordance with Amendment 555 to the
22 Constitution of Alabama of 1901, now appearing as Section
23 284.01 of the Official Recompilation of the Constitution of
24 Alabama of 1901, as amended, and the election laws of this
25 state.

26 Section 3. The appropriate election official shall
27 assign a ballot number for the proposed constitutional

1 amendment on the election ballot and shall set forth the
2 following description of the substance or subject matter of
3 the proposed constitutional amendment:

4 "Relating to Baldwin County; proposing an amendment
5 to the Constitution of Alabama of 1901, authorizing any
6 municipality in the county to allow the limited operation of
7 golf carts on designated municipal streets or public roads
8 subject to restrictions and civil penalties for violations.

9 "Proposed by Act _____"

10 This description shall be followed by the following
11 language:

12 "Yes () No ()."