

1 SB3
2 197329-2
3 By Senator Holley
4 RFD: Transportation and Energy
5 First Read: 06-MAR-19

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, a golf cart may not be
9 operated upon the public highways of the state
10 unless the manufacturer of the golf cart certifies
11 that a particular golf cart is designed for use on
12 the streets and highways of the state and the golf
13 cart meets several statutory requirements,
14 including having a license plate tag, being
15 equipped with safety belts, rearview mirrors,
16 horns, and head and tail lamps.

17 Also under existing law, municipalities in
18 Baldwin County and Class 2 municipalities, by
19 ordinance, may authorize the use of golf carts or
20 other low-speed vehicles.

21 This bill would provide that, except as
22 authorized in Class 2 municipalities and Baldwin
23 County, and except as may be authorized by local
24 law or municipal ordinance under certain
25 conditions, a person is prohibited from operating a
26 low-speed vehicle on the public highways of the
27 state.

1 This bill would establish a fine for a
2 violation.

3 Amendment 621 of the Constitution of Alabama
4 of 1901, now appearing as Section 111.05 of the
5 Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, prohibits a general
7 law whose purpose or effect would be to require a
8 new or increased expenditure of local funds from
9 becoming effective with regard to a local
10 governmental entity without enactment by a 2/3 vote
11 unless: it comes within one of a number of
12 specified exceptions; it is approved by the
13 affected entity; or the Legislature appropriates
14 funds, or provides a local source of revenue, to
15 the entity for the purpose.

16 The purpose or effect of this bill would be
17 to require a new or increased expenditure of local
18 funds within the meaning of the amendment. However,
19 the bill does not require approval of a local
20 governmental entity or enactment by a 2/3 vote to
21 become effective because it comes within one of the
22 specified exceptions contained in the amendment.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to motor vehicles; to prohibit the use of
2 low-speed vehicles on the public highways of the state, with
3 exceptions; and in connection therewith would have as its
4 purpose or effect the requirement of a new or increased
5 expenditure of local funds within the meaning of Amendment 621
6 of the Constitution of Alabama of 1901, now appearing as
7 Section 111.05 of the Official Recompilation of the
8 Constitution of Alabama of 1901, as amended.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. (a) As used in this section, the term
11 low-speed vehicle means a four-wheeled motor vehicle with a
12 top speed not greater than 25 miles per hour, which has a
13 gross vehicle weight rating of less than 3,000 pounds.

14 (b) Except as provided in subsection (c) or (d), a
15 person may not operate a low-speed vehicle on any public
16 highway of this state.

17 (c) This section does not apply to a Class 2
18 municipality, as provided in Chapter 73 of Title 11, Code of
19 Alabama 1975, or Baldwin County, as provided in Amendment 921
20 of the Constitution of Alabama of 1901, now appearing as
21 Section 15.70, Baldwin County Local Amendments, Official
22 Recompilation of the Constitution of Alabama of 1901, as
23 amended.

24 (d) A county or municipality, by resolution or
25 ordinance, may authorize the operation of low-speed vehicles
26 on the public highways of the state, so long as the resolution

1 or ordinance provides for all of the following minimum
2 standards:

3 (1) The vehicle may not be operated on a public
4 highway with a speed limit greater than 25 miles per hour,
5 except a low-speed vehicle may be permitted to cross a public
6 highway.

7 (2) The driver of a vehicle must have a valid
8 driver's license.

9 (3) The vehicle must have a current valid license
10 plate.

11 (4) The vehicle may only be operated between sunrise
12 and sunset, unless the vehicle is equipped with headlights,
13 brake lights, turn signals, and a windshield.

14 (5) The vehicle must be certified as meeting all
15 federal and state laws, rules, and regulations governing
16 safety, emissions, and antitheft standards, including the
17 requirements under 49 C.F.R. Section 571.500, which relate to
18 the operation and minimum equipment requirements of low-speed
19 vehicles.

20 (e) A person who violates subsection (b) is guilty
21 of a traffic violation, punishable by a fine of twenty-five
22 dollars (\$25).

23 Section 2. Although this bill would have as its
24 purpose or effect the requirement of a new or increased
25 expenditure of local funds, the bill is excluded from further
26 requirements and application under Amendment 621, now
27 appearing as Section 111.05 of the Official Recompilation of

1 the Constitution of Alabama of 1901, as amended, because the
2 bill defines a new crime or amends the definition of an
3 existing crime.

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