

1 HB436
2 217925-2
3 By Representative Sells (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 02-MAR-22

1
2 ENROLLED, An Act,

3 Relating to Butler County; to propose an amendment
4 to the Constitution of Alabama of 1901, authorizing a
5 municipality in the county to permit the limited operation of
6 golf carts on a municipal street or public road; to provide
7 limitations; to require the driver to have a driver's license;
8 to require the operator of a golf cart on a municipal street
9 or public roadway to be covered by liability insurance; and to
10 authorize the municipality to assess a civil penalty for
11 violations.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 PROPOSED AMENDMENT

18 (a) A municipality in Butler County may designate
19 municipal streets or public roads within the municipality for
20 use by golf carts. Before making that designation, the
21 municipality shall first determine that golf carts may safely
22 travel on or across the street or road. The municipality
23 making the safety determination shall consider factors
24 including, but not limited to, the speed, volume, and
25 character of motor vehicle traffic using the road or street.

1 Upon a determination that golf carts may be safely operated on
2 the designated street or road, the municipality shall post
3 appropriate signs to indicate that the operation of golf carts
4 is authorized.

5 (b) A municipality that authorizes the use of golf
6 carts pursuant to subsection (a) shall inspect any golf cart
7 that an owner wishes to use pursuant to subsection (a) to
8 determine if the safety equipment required by subsection (e)
9 is present on the golf cart and shall verify that the operator
10 of the golf cart on a municipal street or public road is
11 covered by a policy of liability insurance held by the owner
12 of the golf cart. The liability limits for operation of the
13 golf cart shall be the same as for operation of a motor
14 vehicle. If the proper safety equipment is present and the
15 golf cart is covered by liability insurance, the municipality
16 shall issue a permit to the owner upon payment of a permit
17 fee. The municipality may designate the appropriate department
18 of the municipality to inspect and permit golf carts and may
19 adopt rules for permitting golf carts, including providing for
20 a permit fee.

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

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

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

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

8 (g) A municipality may enact an ordinance regarding
9 golf cart operation and equipment that is more restrictive
10 than the restrictions enumerated in this section. Upon
11 enactment, the municipality shall post appropriate signs or
12 otherwise inform residents that the ordinance exists and will
13 be enforced within the jurisdictional limits of the
14 municipality.

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

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

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

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

24 (l) The unauthorized operation of a golf cart on a
25 municipal street or public road is a violation for which the

1 municipality may collect a civil penalty of up to fifty
2 dollars (\$50).

3 (m) Notwithstanding any other provision of this
4 amendment, a municipality may enact an ordinance regarding
5 golf cart operation and equipment that is less restrictive
6 than the restrictions enumerated in this amendment authorizing
7 the use of golf carts for periods not to exceed 80 hours by
8 the municipality or a civic organization in conjunction with
9 civic events or events to raise funds, promote economic
10 development, or similar purposes as authorized in the
11 ordinance.

12 Upon ratification of this constitutional amendment
13 and contingent upon the ratification of the Constitution of
14 Alabama of 2022, the Code Commissioner shall number and place
15 this amendment as appropriate in the constitution based upon a
16 logical sequence and the particular subject or topic of the
17 amendment. In this amendment, the Code Commissioner may change
18 capitalization, spelling, and punctuation for the purpose of
19 style and uniformity; correct manifest grammatical, clerical,
20 and typographical errors; and correct incorrect
21 cross-references. When publishing the Constitution of Alabama
22 of 2022, the Code Commissioner may omit this instructional
23 paragraph.

24 Section 2. An election upon the proposed amendment
25 shall be held in accordance with Section 284.01 of the

1 Constitution of Alabama of 1901, now appearing as Section
2 284.01 of the Official ReCompilation of the Constitution of
3 Alabama of 1901, as amended, and the election laws of this
4 state.

5 Section 3. The appropriate election official shall
6 assign a ballot number for the proposed constitutional
7 amendment on the election ballot and shall set forth the
8 following description of the substance or subject matter of
9 the proposed constitutional amendment:

10 Relating to Butler County, proposing an amendment to
11 the Constitution of Alabama of 1901, to authorize any
12 municipality in the county to allow limited operation of golf
13 carts on designated municipal streets or public roads subject
14 to restrictions and civil penalties for violations.

15 "Proposed by Act _____"

16 This description shall be followed by the following
17 language:

18 "Yes () No ()."

