

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

SYNOPSIS: This bill would propose an amendment to the Constitution of Alabama of 1901, relating to Butler County, to authorize municipalities in the county to permit the limited operation of golf carts on municipal streets or public roads subject to restrictions and civil penalties for violations.

A BILL
TO BE ENTITLED
AN ACT

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

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 PROPOSED AMENDMENT

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

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

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

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

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

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

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

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

25 (h) All golf carts shall be entitled to full use of
26 a lane, and no motor vehicle shall be driven in such a manner
27 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 Upon ratification of this constitutional amendment
21 and contingent upon the ratification of the Constitution of
22 Alabama of 2022, the Code Commissioner shall number and place
23 this amendment as appropriate in the constitution based upon a
24 logical sequence and the particular subject or topic of the
25 amendment. In this amendment, the Code Commissioner may change
26 capitalization, spelling, and punctuation for the purpose of
27 style and uniformity; correct manifest grammatical, clerical,

1 and typographical errors; and correct incorrect
2 cross-references. When publishing the Constitution of Alabama
3 of 2022, the Code Commissioner may omit this instructional
4 paragraph.

5 Section 2. An election upon the proposed amendment
6 shall be held in accordance with Section 284.01 of the
7 Constitution of Alabama of 1901, now appearing as Section
8 284.01 of the Official Recompilation of the Constitution of
9 Alabama of 1901, as amended, and the election laws of this
10 state.

11 Section 3. The appropriate election official shall
12 assign a ballot number for the proposed constitutional
13 amendment on the election ballot and shall set forth the
14 following description of the substance or subject matter of
15 the proposed constitutional amendment:

16 Relating to Butler County, proposing an amendment to
17 the Constitution of Alabama of 1901, to authorize any
18 municipality in the county to allow limited operation of golf
19 carts on designated municipal streets or public roads subject
20 to restrictions and civil penalties for violations.

21 "Proposed by Act _____"

22 This description shall be followed by the following
23 language:

24 "Yes () No ()."