

HB107 INTRODUCED



1 HB107
2 CCPLWJ-1
3 By Representatives Clouse, Paramore (Constitutional Amendment)
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5 RFD: Local Legislation
6 First Read: 06-Feb-24



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SYNOPSIS:

This bill would propose an amendment to the Constitution of Alabama of 2022, relating to Dale 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 Dale County; to propose an amendment to the Constitution of Alabama of 2022, 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 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.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed and shall become valid as a part of the constitution when all requirements of this act and



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29 applicable constitutional provisions are fulfilled:

30 PROPOSED AMENDMENT

31 (a) A municipality in Dale County may designate
32 municipal streets or public roads within the municipality for
33 use by golf carts. Before making that designation, the
34 municipality shall first determine that golf carts may safely
35 travel on or across the street or road. The municipality
36 making the safety determination shall consider factors
37 including, but not limited to, the speed, volume, and
38 character of motor vehicle traffic using the road or street.
39 Upon a determination that golf carts may be safely operated on
40 the designated street or road, the municipality shall post
41 appropriate signs to indicate that the operation of golf carts
42 is authorized.

43 (b) A municipality that authorizes the use of golf
44 carts pursuant to subsection (a) shall inspect any golf cart
45 that an owner wishes to use pursuant to subsection (a) to
46 determine if the safety equipment required by subsection (e)
47 is present on the golf cart and shall verify that the operator
48 of the golf cart on a municipal street or public road is
49 covered by a policy of liability insurance held by the owner
50 of the golf cart. The liability limits for operation of the
51 golf cart shall be the same as for operation of a motor
52 vehicle. If the proper safety equipment is present and the
53 golf cart is covered by liability insurance, the municipality
54 shall issue a permit to the owner upon payment of a permit
55 fee. The municipality may designate the appropriate department
56 of the municipality to inspect and permit golf carts and may



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57 adopt rules for permitting golf carts, including providing for
58 a permit fee.

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

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

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

67 (f) No person may operate a golf cart on a public
68 street or road without a driver license.

69 (g) A municipality may enact an ordinance regarding
70 golf cart operation and equipment that is more restrictive
71 than the restrictions enumerated in this section. Upon
72 enactment, the municipality shall post appropriate signs or
73 otherwise inform residents that the ordinance exists and will
74 be enforced within the jurisdictional limits of the
75 municipality.

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

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

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

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



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85 (1) The unauthorized operation of a golf cart on a
86 municipal street or public road is a violation for which the
87 municipality may collect a civil penalty of up to fifty
88 dollars (\$50).

89 (m) Notwithstanding any other provision of this
90 amendment, a municipality may enact an ordinance regarding
91 golf cart operation and equipment that is less restrictive
92 than the restrictions enumerated in this amendment authorizing
93 the use of golf carts for periods not to exceed 80 hours by
94 the municipality or a civic organization in conjunction with
95 civic events or events to raise funds, promote economic
96 development, or similar purposes as authorized in the
97 ordinance.

98 Upon ratification of this constitutional amendment, the
99 Code Commissioner shall number and place this amendment as
100 appropriate in the constitution omitting this instructional
101 paragraph and may make the following nonsubstantive revisions:
102 change capitalization, hierachy, spelling, and punctuation for
103 purposes of style and uniformity; correct manifest
104 grammatical, clerical, and typographical errors; revise
105 internal and external citations and cross-references; and
106 translate effective date.

107 Section 2. An election upon the proposed amendment
108 shall be held in accordance with Sections 284, 284.01, and 285
109 of the Constitution of Alabama of 2022, and the election laws
110 of this state.

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



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113 amendment on the election ballot and shall set forth the
114 following description of the substance or subject matter of
115 the proposed constitutional amendment:

116 "Relating to Dale County, proposing an amendment to the
117 Constitution of Alabama of 2022, to (a) A municipality in Dale
118 County may designate municipal streets or public roads within
119 the municipality for use by golf carts. Before making that
120 designation, the municipality shall first determine that golf
121 carts may safely travel on or across the street or road. The
122 municipality making the safety determination shall consider
123 factors including, but not limited to, the speed, volume, and
124 character of motor vehicle traffic using the road or street.
125 Upon a determination that golf carts may be safely operated on
126 the designated street or road, the municipality shall post
127 appropriate signs to indicate that the operation of golf carts
128 is authorized.

129 (b) A municipality that authorizes the use of golf
130 carts pursuant to subsection (a) shall inspect any golf cart
131 that an owner wishes to use pursuant to subsection (a) to
132 determine if the safety equipment required by subsection (e)
133 is present on the golf cart and shall verify that the operator
134 of the golf cart on a municipal street or public road is
135 covered by a policy of liability insurance held by the owner
136 of the golf cart. The liability limits for operation of the
137 golf cart shall be the same as for operation of a motor
138 vehicle. If the proper safety equipment is present and the
139 golf cart is covered by liability insurance, the municipality
140 shall issue a permit to the owner upon payment of a permit



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141 fee. The municipality may designate the appropriate department
142 of the municipality to inspect and permit golf carts and may
143 adopt rules for permitting golf carts, including providing for
144 a permit fee.

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

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

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

153 (f) No person may operate a golf cart on a public
154 street or road without a driver license.

155 (g) A municipality may enact an ordinance regarding
156 golf cart operation and equipment that is more restrictive
157 than the restrictions enumerated in this section. Upon
158 enactment, the municipality shall post appropriate signs or
159 otherwise inform residents that the ordinance exists and will
160 be enforced within the jurisdictional limits of the
161 municipality.

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

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

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



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

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

175 (m) Notwithstanding any other provision of this
176 amendment, a municipality may enact an ordinance regarding
177 golf cart operation and equipment that is less restrictive
178 than the restrictions enumerated in this amendment authorizing
179 the use of golf carts for periods not to exceed 80 hours by
180 the municipality or a civic organization in conjunction with
181 civic events or events to raise funds, promote economic
182 development, or similar purposes as authorized in the
183 ordinance.

184 Proposed by Act ____."

185 This description shall be followed by the following
186 language:

187 "Yes() No()."