

1 SB44  
2 197301-1  
3 By Senator Chambliss  
4 RFD: Governmental Affairs  
5 First Read: 05-MAR-19  
6 PFD: 02/27/2019

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8 SYNOPSIS: This bill would authorize any Class 6  
9 municipality to designate municipal streets in the  
10 municipality where golf carts may lawfully be  
11 operated. The bill would provide certain  
12 requirements for golf cart operation, including  
13 equipment required on a golf cart, insurance, and  
14 that the operator be licensed to drive. A  
15 municipality would be authorized by ordinance to  
16 provide more restrictive conditions on the  
17 operation of golf carts in the municipality. Any  
18 violation of the act or any ordinance of the  
19 municipality would be a traffic infraction  
20 punishable by a fine of up to \$50.

21 Amendment 621 of the Constitution of Alabama  
22 of 1901, now appearing as Section 111.05 of the  
23 Official Recompilation of the Constitution of  
24 Alabama of 1901, as amended, prohibits a general  
25 law whose purpose or effect would be to require a  
26 new or increased expenditure of local funds from  
27 becoming effective with regard to a local

1 governmental entity without enactment by a 2/3 vote  
2 unless: it comes within one of a number of  
3 specified exceptions; it is approved by the  
4 affected entity; or the Legislature appropriates  
5 funds, or provides a local source of revenue, to  
6 the entity for the purpose.

7 The purpose or effect of this bill would be  
8 to require a new or increased expenditure of local  
9 funds within the meaning of the amendment. However,  
10 the bill does not require approval of a local  
11 governmental entity or enactment by a 2/3 vote to  
12 become effective because it comes within one of the  
13 specified exceptions contained in the amendment

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT  
18

19 Relating to Class 6 municipalities; to authorize any  
20 Class 6 municipality to designate municipal streets within the  
21 municipality where golf carts may lawfully be operated; to  
22 provide for the requirements for golf cart operation; to  
23 authorize the municipality to enact by ordinance more  
24 restrictive conditions; to provide that any violation would be  
25 a traffic infraction punishable in municipal court; and in  
26 connection therewith would have as its purpose or effect the  
27 requirement of a new or increased expenditure of local funds

1 within the meaning of Amendment 621 of the Constitution of  
2 Alabama of 1901, now appearing as Section 111.05 of the  
3 Official Recompilation of the Constitution of Alabama of 1901,  
4 as amended.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. (a) Any Class 6 municipality may  
7 designate municipal streets or public roads within the  
8 municipality for use by golf carts. Before making that  
9 designation, the municipality shall first determine that golf  
10 carts may safely travel on or across the street or road. The  
11 municipality making the safety determination shall consider  
12 factors including, but not limited to, the speed, volume, and  
13 character of motor vehicle traffic using the road or street.

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

1 adopt rules for permitting golf carts, including providing for  
2 a permit fee.

3 (c) A Class 6 municipality may not allow a golf cart  
4 to operate on a municipal street or public road where the  
5 posted speed limit exceeds 25 miles per hour.

6 (d) Any golf cart permitted under this act shall be  
7 equipped with headlights, brake lights, and turn signals, and  
8 shall have high visibility markings as determined by the  
9 municipality.

10 (e) No person may operate a golf cart on a public  
11 street, road, or right-of-way without a driver's license.

12 (f) Any golf carts operated under this act shall be  
13 entitled to full use of a lane, and no motor vehicle shall be  
14 driven in such a manner as to deprive any golf cart of the  
15 full use of a lane.

16 (g) The operator of a golf cart may not overtake and  
17 pass in the same lane occupied by the vehicle being overtaken.

18 (h) A golf cart operated under this act may not be  
19 operated between lanes of traffic or between adjacent lines or  
20 rows of vehicles.

21 (i) Golf carts may not be operated under this act  
22 two or more abreast in a single lane.

23 (j) A municipality may enact an ordinance regarding  
24 golf cart operation and equipment that is more restrictive  
25 than the restrictions enumerated in this section. Upon  
26 enactment, the municipality shall post appropriate signs or  
27 otherwise inform residents that the ordinance exists and will

1 be enforced within the jurisdictional limits of the  
2 municipality.

3 (k) The unauthorized operation of a golf cart on a  
4 municipal street or public road in violation of this act or  
5 any ordinance enacted pursuant to this act is a traffic  
6 infraction in municipal court punishable by a fine of not more  
7 than fifty dollars (\$50).

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

17 Section 2. Although this bill would have as its  
18 purpose or effect the requirement of a new or increased  
19 expenditure of local funds, the bill is excluded from further  
20 requirements and application under Amendment 621, now  
21 appearing as Section 111.05 of the Official Recompilation of  
22 the Constitution of Alabama of 1901, as amended, because the  
23 bill defines a new crime or amends the definition of an  
24 existing crime.

25 Section 3. This act shall become effective  
26 immediately following its passage and approval by the  
27 Governor, or its otherwise becoming law.

