

1 SB63
2 203923-1
3 By Senator Chambliss
4 RFD: Governmental Affairs
5 First Read: 04-FEB-20
6 PFD: 01/30/2020

8 SYNOPSIS: Under existing law, a low-speed vehicle,
9 such as a golf cart, may not be operated upon the
10 public highways of the state unless the
11 manufacturer of the low-speed vehicle certifies
12 that it conforms with 49 C.F.R. § 571.500 and is
13 properly registered.

14 Also under existing law, municipalities in
15 Baldwin County and Class 2 municipalities, by
16 ordinance, may authorize the use of golf carts or
17 other low-speed vehicles that do not comply with 49
18 C.F.R. § 571.500.

19 This bill would provide that a person is
20 prohibited from operating a nonconforming low-speed
21 vehicle on the public highways unless authorized by
22 ordinance or resolution under certain conditions.

23 This bill would establish a fine for a
24 violation.

25 Amendment 621 of the Constitution of Alabama
26 of 1901, now appearing as Section 111.05 of the
27 Official ReCompilation of the Constitution of

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

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

18
19 A BILL
20 TO BE ENTITLED
21 AN ACT
22

23 Relating to motor vehicles; to prohibit the use of
24 nonconforming low-speed vehicles on the public highways unless
25 authorized by ordinance or resolution; to provide conditions
26 for authorization; to provide a fine for a violation; to
27 provide certain exemptions; and in connection therewith would

1 have as its purpose or effect the requirement of a new or
2 increased expenditure of local funds within the meaning of
3 Amendment 621 of the Constitution of Alabama of 1901, now
4 appearing as Section 111.05 of the Official Recompilation of
5 the Constitution of Alabama of 1901, as amended.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) As used in this section, the term
8 nonconforming low-speed vehicle means a four-wheeled motor
9 vehicle with a top speed not greater than 35 miles per hour,
10 which has a gross vehicle weight rating of less than 3,000
11 pounds and which does not comply with 49 C.F.R. § Section
12 571.500.

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

16 (c) The governing body of a county or municipality,
17 by resolution or ordinance, may authorize the operation of
18 nonconforming low-speed vehicles on the public highways of the
19 county or municipality, so long as the ordinance provides for
20 all of the following minimum standards:

21 (1) The nonconforming low-speed vehicle may not be
22 operated on a public highway with a speed limit greater than
23 35 miles per hour, except a nonconforming low-speed vehicle
24 may be permitted to cross a public highway.

25 (2) The driver of the nonconforming low-speed
26 vehicle must have a valid driver's license.

1 (3) The vehicle may only be operated between sunrise
2 and sunset, unless the vehicle is equipped with headlights,
3 brake lights, turn signals, and a windshield.

4 (d) A person who violates subsection (b) is guilty
5 of a traffic violation, punishable by a fine of twenty-five
6 dollars (\$25).

7 (e) This section does not apply to the operation of
8 any farm tractor or agricultural implement, agricultural
9 equipment, or agricultural product.

10 (f) This section does not apply to mini-trucks
11 registered under Section 32-6-59, Code of Alabama 1975.

12 (g) Conforming and nonconforming low-speed vehicles
13 that are owned or operated by a public institution of higher
14 education are exempt from the requirements of this section and
15 are not required to be registered when operated on property
16 owned by those public institutions.

17 (h) This section does not supersede, repeal, or
18 affect any local legislation relating to the operation of
19 low-speed vehicles that is in effect prior to the effective
20 date of this act.

21 Section 2. Although this bill would have as its
22 purpose or effect the requirement of a new or increased
23 expenditure of local funds, the bill is excluded from further
24 requirements and application under Amendment 621, now
25 appearing as Section 111.05 of the Official Recompilation of
26 the Constitution of Alabama of 1901, as amended, because the

1 bill defines a new crime or amends the definition of an
2 existing crime.

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