

1 HB188
2 188543-1
3 By Representatives McCampbell, Jackson and Howard
4 (Constitutional Amendment)
5 RFD: Local Legislation
6 First Read: 11-JAN-18

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8 SYNOPSIS: This bill would propose an amendment to the
9 Constitution of Alabama of 1901, relating to
10 Marengo County, to provide a process by which a
11 municipality in the county could permit limited
12 operation of golf carts on municipal streets or
13 public roads within the municipality, require the
14 owner of a golf cart operating on a municipal
15 street or public highway within a municipality in
16 the county to register the golf cart and to carry a
17 liability insurance policy such as a homeowner's
18 policy or special rider which covers operation of
19 the golf cart on the municipal streets or public
20 roads within the municipality, require the
21 municipality to inspect the golf cart for the
22 presence of required safety equipment and to verify
23 that operation of the golf cart is covered by a
24 policy of liability insurance, and authorize the
25 municipality to assess a civil penalty for
26 violations.
27

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

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

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 PROPOSED AMENDMENT

20 (a) A municipality in Marengo County may designate
21 municipal streets or public roads within the municipality for
22 use by golf carts. Before making that designation, the
23 municipality shall first determine that golf carts may safely
24 travel on or across the street or road. The municipality
25 making the safety determination shall consider factors
26 including, but not limited to, the speed, volume, and
27 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. If the liability limits for operation of the
13 golf cart shall be the same as for the operation of a motor
14 vehicle. The proper safety equipment is present and the golf
15 cart is covered by liability insurance, the municipality shall
16 issue a permit to the owner upon payment of a permit fee. The
17 municipality may designate the appropriate department of the
18 municipality to inspect and permit golf carts and may adopt
19 rules for permitting golf carts, including providing for a
20 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.

24 (d) A municipality may limit the operation of a golf
25 cart pursuant to this amendment to only between the hours of
26 sunrise and sunset.

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

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

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

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

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

17 (j) A golf cart may be operated between lanes of
18 traffic or between adjacent lines or rows of vehicles.

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

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

25 (m) Notwithstanding any other provision of this
26 amendment, a municipality may enact an ordinance regarding
27 golf cart operation and equipment that is less restrictive

1 than the restrictions enumerated in this amendment authorizing
2 the use of golf carts for periods not to exceed 80 hours by
3 the municipality or a civic organization in conjunction with
4 civic events or events to raise funds, promote economic
5 development, or similar purposes as authorized in the
6 ordinance.

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

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

18 "Relating to Marengo County, proposing an amendment
19 to the Constitution of Alabama of 1901, to provide a process
20 by which a municipality in the county could permit limited
21 operation of golf carts on municipal streets or public roads
22 within the municipality, require the owner of a golf cart
23 operating on a municipal street or public highway within a
24 municipality in the county to register the golf cart and to
25 carry a liability insurance policy such as a homeowner's
26 policy or special rider which covers operation of the golf
27 cart on the municipal streets or public roads within the

1 municipality, require the municipality to inspect the golf
2 cart for the presence of required safety equipment and to
3 verify that operation of the golf cart is covered by a policy
4 of liability insurance, and authorize the municipality to
5 assess a civil penalty for violations.

6 "Proposed by Act _____"

7 This description shall be followed by the following
8 language:

9 "Yes () No ()."