HB107

CCPLWJ-1

By Representatives Clouse, Paramore (Constitutional Amendment)

RFD: Local Legislation

First Read: 06-Feb-24

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

applicable constitutional provisions are fulfilled:

PROPOSED AMENDMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Proposed by Act ____."

This description shall be followed by the following language:

"Yes( ) No( )."