

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 988

SPONSOR: Transportation Committee and Senator Sebesta

SUBJECT: Golf/Utility Carts

DATE: March 23, 1999 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McAuliffe</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

The CS amends a provision of law that authorizes municipalities over 400 years old to use golf carts on public roads within their jurisdiction. SB 988 expands such use to all municipalities in Florida, subject to the following safety requirements:

- Golf and utility carts may only be used by municipal employees in the performance of their official duties and for municipal purposes. Such purposes include, but are not limited to, police patrol, traffic enforcement, and inspection of public facilities.
- Golf and utility carts must be equipped with lighting and turn signal equipment.
- Golf and utility carts may only be operated on state roads having a speed limit of 30 m.p.h. or less.

In addition, the CS exempts utility type vehicles from motor vehicle registration and license plate display requirements and emissions inspections. Golf carts are currently exempt from these requirements.

This CS defines a “low speed vehicle” as any four wheeled electric vehicle whose top speed is more than 20 miles per hour but less than 25 miles per hour, and authorizes the operation of such vehicles on public roads where the posted speed-limit does not exceed 35 miles per hour. The CS requires low-speed vehicles to be equipped with headlamps, stop lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers. The CS further requires operators of low-speed vehicles to be licensed and insured. The CS limits the speed at which a golf cart may operate to 20 miles per hour.

The CS prohibits the operation of a golf cart upon public roads by any person under the age of 16.

The CS has no fiscal impact.

This CS substantially amends sections 316.212, 316.2126, 320.01, 320.08001, 320.105, 322.04, 325.203, and creates section 316.2122, of the Florida Statutes.

II. Present Situation:

Municipalities have started to use golf carts and utility vehicles more and more to provide municipal services. Golf carts and utility vehicles are often used to provide landscaping, maintenance, and security services. As these vehicles have increased in numbers and use, they are being driven on public roads even though current law does not authorize such use.

Section 316.2126, F.S., authorizes the use of golf carts on public roads subject to the following safety conditions:

- Golf carts may only be used by municipal employees in the performance of their official duties and for municipal purposes. Such purposes include, but are not limited to, police patrol, traffic enforcement, and inspection of public facilities.
- Golf carts must be equipped with lighting and turn signal equipment.
- Golf carts may only be operated on state roads having a speed limit of 30 m.p.h. or less.

The law, however, limits such use to municipalities over 400 years old. The City of St. Augustine was founded in 1565 and is the only Florida municipality over 400 years old.

Section 320.01(22), F.S., defines a golf cart as a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes. There is no current definition in Florida law for a low-speed vehicle. Any vehicle, which is configured like a golf cart, regardless of speed capabilities, is defined as a golf cart.

Golf carts are exempt from registration and license taxes under s. 320.105, F.S., and pursuant to s. 322.04, F.S., golf cart drivers are not required to have a driver's license or insurance.

Pursuant to s. 316.2125(2)(a), F.S., the operation of golf carts on local roads is allowed. After making a safety determination, a city or county may designate county or city roads for golf cart use. A city or county may prohibit the use of golf carts on any road under its jurisdiction in the interest of safety.

Pursuant to s. 316.212(2), F.S., the operation of a golf cart on state highways is allowed if the Florida Department of Transportation (FDOT) determines: the safe and efficient flow of traffic will not be impeded; the road is the only available public road along which the golf carts may travel or the road provides the safest travel route among alternative routes available; and, the speed, volume, and character of motor vehicle traffic using the road is considered.

Pursuant to s. 316.212(5), F.S., a golf cart operated on a public road must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized

warning devices in both the front and the rear. A golf cart may be operated only during the hours between sunrise and sunset, unless the FDOT or local government has determined a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield, in addition to the other equipment requirements.

Pursuant to s. 316.2125, F.S., golf carts may operate on roads within a self-contained retirement community unless the roads within the community are state or local roads and the FDOT or local government prohibits such use for safety reasons. Golf carts operating within a self-contained retirement community must also be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and the rear. Golf carts operating at night within a self-contained retirement community must also be equipped with headlights, brake lights, turn signals, and a windshield.

The National Highway Traffic Safety Administration (NHTSA) recently developed rules regarding the appropriate classification and safety regulations for golf carts and other small, lightweight vehicles which proposed a category of motor vehicles called “low-speed vehicles” be established. The agency recently acknowledged the design and use of some of these vehicles are changing, and regulations to provide for safer operation are appropriate. This CS reflects the NHTSA safety standards for low-speed vehicles.

Current law does not provide an age restriction on the operation of a golf cart.

III. Effect of Proposed Changes:

The CS amends a provision of law that authorizes municipalities over 400 years old to use golf carts on public roads within their jurisdiction. CS/SB 988 expands such use to all municipalities in Florida. The municipalities would be required to comply with the current provisions and restrictions that apply to the City of St. Augustine’s use of golf carts, which includes the following safety requirements:

- Golf and utility carts may only be used by municipal employees in the performance of their official duties and for municipal purposes. Such purposes include, but are not limited to, police patrol, traffic enforcement, and inspection of public facilities.
- Golf and utility carts must be equipped with lighting and turn signal equipment.
- Golf and utility carts may only be operated on state roads having a speed limit of 30 m.p.h. or less.

In addition, the CS exempts utility type vehicles from motor vehicle registration and license plate display requirements and emissions inspections. Golf carts are currently exempt from these requirements.

Section 316.212, F.S., is amended to prohibit the operation of a golf cart upon public roads by any person under the age of 16.

Section 316.2122, F.S., is created to authorize the use of low-speed vehicles on public roads and streets of this state with the following restrictions:

(1) A low speed vehicle may only be operated on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

(2) A low speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.

(3) A low speed vehicle must be registered and insured in accordance with s. 320.02.

(4) Any person operating a low speed vehicle must have in their possession a valid drivers license.

(5) A county or municipality may prohibit the operation of low speed vehicles on any street or highway under its jurisdiction if the governing body of the county or municipality determines such prohibition is necessary in the interest of safety.

(6) The Department of Transportation may prohibit the operation of low speed vehicles on any street or highway under its jurisdiction if it determines such prohibition is necessary in the interest of safety.

Section 320.01, F.S., is amended to provide a golf cart may not exceed speeds of 20 miles-per-hour. The section is further amended to provide that a low-speed vehicle means any four-wheeled vehicle whose top speed is greater than 20 miles-per-hour but not greater than 25 miles-per-hour. The definition of a low-speed vehicle includes neighborhood electric vehicles. The section provides low-speed vehicles must comply with the safety standards provided in 49 CFR 571.500 and s. 316.2122, F.S.

Section 320.08001, F.S., is amended to provide the license tax for a low-speed vehicle be the same as that prescribed in s. 320.08, F.S., for a standard vehicle.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
