

## MODEL LOCAL ORDINANCE

Title AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF THE [name of local jurisdiction], [name of state ], ENTITLED [name of state motor vehicle code], BY ADDING A NEW ARTICLE \_\_ ENTITLED "OPERATION OF GOLF CAR BASED PRODUCT VEHICLES," ("PTVs").

### ARTICLE \_\_. OPERATION OF GOLF CAR BASED PRODUCT VEHICLES, ("PTVs").

#### Section 1. Policy Statement.

This ordinance is adopted to address the interest of public safety. Some PTVs are not designed or manufactured to be used on public roads, and the [name of local jurisdiction] in no way advocates their operation on public roads. The [name of local government ], by regulating such operation, is merely addressing safety issues. Adoption of this Ordinance is not to be relied upon as a determination that operation of PTVs on roads is safe or advisable if done in accordance with this Ordinance. All persons who operate or ride in PTVs on roads do so at their risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. [name of local jurisdiction] has no liability under any theory of law, for permitting PTVs to be operated on roads under this ordinance. Any person who operates a PTV is responsible for procuring liability insurance as set forth in this Ordinance as a condition of using a PTV on the roads of the [name of local jurisdiction].

Notwithstanding the foregoing, [name of local jurisdiction] after considering the speed, volume and character of motor vehicle traffic using its public roads<sup>1</sup>, has reviewed and approved the use of PTVs on public roads under the conditions and limitations hereinafter prescribed.

#### Section 2. Definitions.

The following words and phrases when used in this ordinance shall have the definitions respectively ascribed to them in this section. Whenever any words or phrases used in this chapter are not defined but are defined in the [name of state motor vehicle code] and amendments thereto, such definitions shall apply.

"Controlled Operating Environment" means (i) that territory under the jurisdiction of [name of local jurisdiction] designated by it for PTV use,

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<sup>1</sup> See e.g., Florida Statutes Section 316.212

including the privately owned land of any owner that consents to [name of local jurisdiction] having jurisdiction to regulate the operation of PTVs on private property; and (ii) areas in which the posted speed for the road surface on which the PTVs operate does not exceed 25 mph.

“Dealer” means a person engaged in the business and licensed to sell, purchase, exchange PTVs and who has an established place of business within this [ name of state or commonwealth].

“PTV” means a self-propelled vehicle with a minimum of 4 wheels, capable of a maximum level ground speed of less than 20 mph (30 km/h), with a maximum gross vehicle unladen or empty weight of 1,375 pounds; and capable of transporting not more than eight persons and which complies with the safety operations standards established in this Act. A PTV chassis and drive mechanisms shall conform to the PTV profile.

“Profile” addresses the physical characteristics of the vehicle. The PTV “profile” is a four wheel vehicle built on a golf car chassis and drive mechanism with tires furnished or recommended by the applicable PTV OEM manufacturer and as is further set forth in either ANSI/ILTVA Z135 American National Standard for Personal Transport Vehicles –Safety and Performance Specifications or ANSI/ITSDF B56.8, Safety Standard for Personnel and Burden Carriers. Where applicable, battery electric PTVs will be recognized as “electric vehicles” or “zero emission vehicles” and hybrid PTVs will be recognized as “alternative fueled vehicles.”<sup>2</sup>

“Public Road” means the entire width between the boundary lines of every right of way or place open to the use of the public for purposes of vehicular travel in the [name of local jurisdiction], including the streets, thoroughfares, highways and alleys, and, for law-enforcement purposes, the entire width between the boundary lines of all private roads that have been specifically designated “roads,” “highways,” “alleys”, “thoroughfares,” or “streets” as those terms may be defined in the [name of state motor vehicle code], or by ordinance.

“Unladen weight” means the gross weight of a vehicle without a load.

“Valid driver’s license” means a current and unexpired certificate issued by the [ name of state or commonwealth], other state or territory of the United States of America, or international agency which permits persons to operate motor vehicles on the public roads of the [name of state or commonwealth].

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<sup>2</sup> The term “PTV” does not include all terrain vehicles (“ATVs) or other vehicles designed and used exclusively for off road use. Nor does the term encompass Low Speed Vehicles a/k/a LSVs or NEVs which are defined in FMVSS 500 and in numerous state statutes.

“Vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a public road, excepting devices used exclusively upon stationary rails or tracks.

Section 3. Operation of PTVs on Public Roads not otherwise designated for such operation.

It shall be unlawful for any person to operate a PTV on or over any public road in the [name of local jurisdiction], except as provided in this article.

Section 4. Designation of public roads of [ name of local jurisdiction] for PTV operation; posting of signs.

(1) Pursuant to Section \_\_\_\_\_ of the [name of state motor vehicle code], the [name of local jurisdiction's legislative body] may authorize by ordinance, the operation of PTVs on designated public roads within the [ name of local jurisdiction] after (i) considering the speed, volume, and character of motor vehicle traffic using public roads, and (ii) determining that PTV operation on particular roads is compatible with state and local transportation plans and consistent with the [State's] statewide pedestrian policy. No public road of [ name of local jurisdiction] shall be designated for use by PTVs if PTV operation will impede the safe and efficient flow of motor vehicle traffic, or if the road's posted speed limit is greater than twenty-five (25) miles per hour.

(2) All requests made to have specific roads designated for PTV use shall be directed to the [title of responsible official].

(3) Any public road of the [ name of local jurisdiction] designated for PTV operations shall be posted with signs indicating this designation.

(4) Maps that clearly indicate locations of Controlled Operating Environments should be posted on the [name of local jurisdiction]'s web site [insert URL of web site] and be distributed or made available in printed form to all known users.

Section 5. Limitations and Safety Criteria.

PTV operation on designated public roads of the [name of local government] shall be in accordance with the following limitations:

(1) No person shall operate a PTV on a public road of the [name of local jurisdiction] unless that road is designated for PTV operation and is posted with the required sign(s).

(2) PTVs may only be driven on roads designated on a map maintained by the [name of local jurisdiction's law enforcement department]. The map shall also be posted on the [ name of local jurisdiction]'s website, distributed to PTV registrants and made available in print form, to all known users. The [name of local jurisdiction's legislative body ] will periodically review the map. Citizens may request the addition of specific roads to the map. The [name of local jurisdiction's law enforcement department] will review the request and recommend to the [name of local jurisdiction's legislative body] whether to add roads based on an assessment of traffic volume, topography, intersections and other relevant public safety variables.

(3) No PTV shall be driven across any road at an intersection where the road being crossed has a posted speed limit of more than thirty-five (35) miles per hour. Any crossing should be conspicuously marked by signage and apparent to oncoming motor vehicles.

(4) The maximum occupancy of a PTV traveling on roads will be one person per designated seat.

(5) The use or consumption of alcoholic beverages or other mind altering substances while operating or occupying a PTV on public roads is prohibited.

(6) No person shall operate any PTV on any designated public road of the [name of local government] unless the person possesses a valid driver's license<sup>3</sup> or is at least 16 years old<sup>4</sup> and has successfully completed an state approved driver education course.

(7) PTV operators shall maintain their PTVs in a safe condition and ensure that an unobstructed view to the rear is maintained at all times the PTV is in operation on public roads.

#### (8) Rules of the Road

(a) All PTVs are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any PTV of the full use of a lane.

(b) The operator of a PTV shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

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<sup>3</sup> Some states allow for operation of a PTV without the necessity of a driver's license. See e.g., Florida Statutes 332.04 (1)(e) exempting from the requirement of a driver's license "[a]ny person operating a golf cart, as defined in s. 320.01, which is operated in accordance with the provisions of s. 316.212."

<sup>4</sup> See, e.g., North Carolina Statutes § 160A-300.6 and § 153A-245. No person less than 16 years of age may operate a golf cart on a public street, road, or highway.

(c) No person shall operate a PTV between lanes of traffic or between adjacent lines or rows of vehicles.

(d) PTVs shall not be operated two or more abreast in a single lane.

(9) Equipment. [omitted].<sup>5</sup>

Section 6. Registration, Proof of Insurance and Permit Process.[omitted].<sup>6</sup>

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<sup>5</sup> Some state statutes, e.g., Florida and Georgia, mandate designated equipment for PTVs if operated on public roads. Florida Statutes 316.212 states: . . . (5) A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear. ) A golf cart may be operated only during the hours between sunrise and sunset, unless the responsible governmental entity has determined that 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. "Where the Legislature has prescribed the manner in which something is to done, it operates as a prohibition against its being done in any other way. Thus, the city is precluded from requiring additional safety equipment or imposing more restrictive operational requirements for golf carts operating within its jurisdiction." Moreover, a mandatory local inspection program to ensure compliance with the equipment requirements enumerated in section 316.212, Florida Statutes, would appear to exceed the specific provisions of subsection (7) for enforcement of golf cart operation and equipment, making noncompliance a noncriminal traffic infraction punishable under Chapter 318, Florida Statutes. There is no apparent obstacle to the city offering a voluntary inspection and registration program as a service to those persons operating golf carts within the city's boundaries." Fla. Attorney General's Advisory Legal Opinion Number: AGO 2003-58 Date: December 15, 2003.

Georgia Code § 40-1-1(43.1) requires (1) A braking system sufficient for the weight and passenger capacity of the vehicle, including a parking brake; (2) A reverse warning device functional at all times when the directional control is in the reverse position; (3) A main power switch. When the switch is in the 'off' position, or the key or other device that activates the switch is removed, the motive power circuit shall be inoperative. If the switch uses a key, it shall be removable only in the 'off' position; (4) Head lamps; (5) Reflex reflectors; (6) Tail lamps; (7) A horn; (8) A rearview mirror; (9) Safety warning labels; and (10) Hip restraints and hand holds."

<sup>6</sup> If Registration, proof of insurance and permitting is desired, the following might be used: A fee of \$\_\_\_\_\_.00 to register a PTV for use on public roads will be charged by the [name of local jurisdiction's law enforcement department] to cover the costs of implementing and maintaining this Ordinance. If costs of maintenance exceed the fees collected, PTV owners may be assessed to cover the additional costs. PTV owners must complete the registration form provided for the foregoing purpose. The [name of local jurisdiction's law enforcement department] will issue visible proof of compliance, (certification decal), that must be attached to the driver's side of the PTV. the certification decal shall remain permanently with such cart unless such cart is sold or the license is destroyed. The completed forms will be maintained by the Department. Registration shall be denied vehicles capable of seating more than eight persons. However, it is prudent to review the state enabling legislation as a preliminary matter. For example, while Florida law permits a voluntary inspection and registration program for golf carts operating within its jurisdiction, it may not require that all golf carts operated on its streets undergo annual registration and safety inspections and display a decal providing verification of such

B. Section 7. Enforcement of PTV transportation plan; Sanctions.[omitted].<sup>7</sup>

Section 8. Exceptions.

The limitations set forth in Section 5.(1) and (2) above shall not apply to PTVs being operated as follows:

(1) To cross a road from one portion of a golf course to another portion thereof or to another adjacent golf course; or to travel between a person's home and golf course if (i) the trip would not be longer than \_\_\_\_ mile(s) in either direction, and (ii) the speed limit on the road is no more than twenty-five (25) miles per hour; or to cross a road at an intersection where the road has a posted speed limit of not more than 35 miles per hour.

(2) To the extent necessary for [ name of local jurisdiction] employees and [name of local jurisdiction] contractors to fulfill a governmental purpose, or as otherwise authorized by the [name of local jurisdiction ] manager or his designee, provided the PTV is not operated on a public road of the [name of local jurisdiction ] with a posted speed limit over thirty-five (35) miles per hour;

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registration and inspection. See Attorney General's Advisory Legal Opinion Number: AGO 2003-58 Date: December 15, 2003.

(2) An education and information package describing the requirements of [name of local jurisdiction]'s PTV transportation program to be distributed with the PTV registration decal.

(3) Insurance. A PTV must be insured as required by [cite the State's mandatory motor vehicle insurance law], and the operator must carry proof of insurance when operating the PTV.

<sup>7</sup> If desired, the following may be added:

The [name of local jurisdiction's legislative body] finds and determines that it shall provide law enforcement for the PTV transportation plan and enforce the rules and regulations of the [name of local jurisdiction] Code, the [name of state motor vehicle safety code].

Any act constituting a violation of this Ordinance or a failure to comply with any of its requirements shall subject the offender to a civil penalty of one hundred dollars (\$100.00), plus the court costs and attorneys' fees incurred by the [local government classification]. If the offender fails to pay the penalty within ten (10) days of receiving final written notice of a violation, the penalty may be recovered by the [local government classification] in a civil action in the nature of a debt. Repeat offenders may have the privileges granted by this Ordinance revoked.

(3) As necessary by employees of public or private institutions of higher education if operating on roads within the property limits of such institutions, provided the PTV is being operated on roads with speed limits of twenty-five (25) miles per hour or less.

#### Section 9. Conflict with State Law

An ordinance adopted under this subsection shall not conflict with or duplicate another state law.

#### Section 10. Effective Date.

This Ordinance shall become effective \_\_\_\_\_.

#### Sections 11. – 20. [RESERVED]

Signed by \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_, [title of authenticating  
official]

Attested by \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Clerk of the [name of the local jurisdiction legislative body]

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