

**GOLF CARTS ALLOWED ON CERTAIN
STREETS**

2006 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Carol Spackman Moss

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by authorizing golf carts to be operated on certain highways.

Highlighted Provisions:

This bill:

- ▶ defines "golf cart";
- ▶ authorizes a municipality or county to:
 - allow golf carts to be operated on specified highways under its jurisdiction; and
 - require the owner to pay a fee and be issued a permit for the golf cart;
- ▶ prohibits the operation of a golf cart on a highway with a posted speed limit of more than 25 miles per hour;
- ▶ provides that a golf cart, when operated on a highway, is considered a motor vehicle for purposes of traffic rules, driver licensing, insurance, and taxation with certain exceptions;
- ▶ requires a golf cart operated on a highway to be equipped with stop lamps and brakes and with head lamps if used during hours of darkness;
- ▶ exempts golf carts operated on the highway from vehicle registration, safety and emissions inspections, vehicle identification numbers, and odometer requirements;
- ▶ provides penalties; and



► makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

41-6a-102, as renumbered and amended by Chapter 2 and last amended by Chapter 111, Laws of Utah 2005

ENACTS:

41-6a-1509, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **41-6a-102** is amended to read:

41-6a-102. Definitions.

As used in this chapter:

(1) "Alley" means a street or highway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for through vehicular traffic.

(2) "All-terrain type I vehicle" has the same meaning as defined in Section 41-22-2.

(3) "Authorized emergency vehicle" includes:

(a) fire department vehicles;

(b) police vehicles;

(c) ambulances; and

(d) other publicly or privately owned vehicles as designated by the commissioner of the Department of Public Safety.

(4) (a) "Bicycle" means every device:

(i) propelled by human power;

(ii) upon which a person may ride; and

(iii) having two tandem wheels.

(b) "Bicycle" does not include scooters and similar devices.

(5) (a) "Bus" means a motor vehicle:

(i) designed for carrying more than 15 passengers and used for the transportation of persons; or

(ii) designed and used for the transportation of persons for compensation.

(b) "Bus" does not include a taxicab.

(6) (a) "Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection where traffic passes to the right of the island.

(b) "Circular intersection" includes:

(i) roundabouts;

(ii) rotaries; and

(iii) traffic circles.

(7) "Commissioner" means the commissioner of the Department of Public Safety.

(8) "Controlled-access highway" means a highway, street, or roadway:

(a) designed primarily for through traffic; and

(b) to or from which owners or occupants of abutting lands and other persons have no legal right of access, except at points as determined by the highway authority having jurisdiction over the highway, street, or roadway.

(9) "Crosswalk" means:

(a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from:

(i) (A) the curbs; or

(B) in the absence of curbs, from the edges of the traversable roadway; and

(ii) in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline; or

(b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

(10) "Department" means the Department of Public Safety.

(11) "Direct supervision" means oversight at a distance within which:

(a) visual contact is maintained; and

(b) advice and assistance can be given and received.

(12) "Divided highway" means a highway divided into two or more roadways by:

(a) an unpaved intervening space;

(b) a physical barrier; or

(c) a clearly indicated dividing section constructed to impede vehicular traffic.

(13) "Electric assisted bicycle" means a moped:

(a) with an electric motor with a power output of not more than 1,000 watts; and

(b) which is not capable of:

(i) propelling the device at a speed of more than 20 miles per hour on level ground; and

(ii) increasing the speed of the device when human power is used to propel the device at more than 20 miles per hour.

(14) "Explosives" means any chemical compound or mechanical mixture commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases, and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of causing death or serious bodily injury.

(15) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement, for drawing plows, mowing machines, and other implements of husbandry.

(16) "Flammable liquid" means a liquid which has a flashpoint of 100 degrees F. or less, as determined by a tagliabue or equivalent closed-cup test device.

(17) "Freeway" means a controlled-access highway that is part of the interstate system as defined in Section 72-1-102.

(18) (a) "Golf cart" means a motor vehicle that:

(i) is designed for transportation by players on a golf course;

(ii) has not less than three wheels in contact with the ground;

(iii) has an unladen weight of less than 1,800 pounds;

(iv) is designed to operate at a speed of not more than 25 miles per hour; and

(v) is designed to carry not more than six persons including the driver.

(b) "Golf cart" does not include a low-speed vehicle or an off-highway vehicle.

~~[(18)]~~ (19) "Gore area" means the area delineated by two solid white lines that is

between a continuing lane of a through roadway and a lane used to enter or exit the continuing lane including similar areas between merging or splitting highways.

~~[(19)]~~ (20) "Gross weight" means the weight of a vehicle without a load plus the weight of any load on the vehicle.

~~[(20)]~~ (21) "Highway" means the entire width between property lines of every way or place of any nature when any part of it is open to the use of the public as a matter of right for vehicular travel.

~~[(21)]~~ (22) "Highway authority" has the same meaning as defined in Section 72-1-102.

~~[(22)]~~ (23) (a) "Intersection" means the area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two or more highways which join one another.

(b) Where a highway includes two roadways 30 feet or more apart:

(i) every crossing of each roadway of the divided highway by an intersecting highway is a separate intersection; and

(ii) if the intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of the highways is a separate intersection.

(c) "Intersection" does not include the junction of an alley with a street or highway.

~~[(23)]~~ (24) "Island" means an area between traffic lanes or at an intersection for control of vehicle movements or for pedestrian refuge designated by:

(a) pavement markings, which may include an area designated by two solid yellow lines surrounding the perimeter of the area;

(b) channelizing devices;

(c) curbs;

(d) pavement edges; or

(e) other devices.

~~[(24)]~~ (25) "Law enforcement agency" has the same meaning as defined in Section 53-1-102.

~~[(25)]~~ (26) "Limited access highway" means a highway:

(a) that is designated specifically for through traffic; and

(b) over, from, or to which neither owners nor occupants of abutting lands nor other persons have any right or easement, or have only a limited right or easement of access, light,

air, or view.

~~[(26)]~~ (27) "Local highway authority" means the legislative, executive, or governing body of a county, municipal, or other local board or body having authority to enact laws relating to traffic under the constitution and laws of the state.

~~[(27)]~~ (28) (a) "Low-speed vehicle" means a four wheeled electric motor vehicle that:

(i) is designed to be operated at speeds of not more than 25 miles per hour; and

(ii) has a capacity of not more than four passengers, including the driver.

(b) "Low-speed vehicle" does not include a golfcart or an off-highway vehicle.

~~[(28)]~~ (29) "Metal tire" means a tire, the surface of which in contact with the highway is wholly or partly of metal or other hard nonresilient material.

~~[(29)]~~ (30) (a) "Mini-motorcycle" means a motorcycle or motor-driven cycle that has a seat or saddle that is less than 24 inches from the ground as measured on a level surface with properly inflated tires.

(b) "Mini-motorcycle" does not include a moped or a motor assisted scooter.

(c) "Mini-motorcycle" does not include a motorcycle that is:

(i) designed for off-highway use; and

(ii) registered as an off-highway vehicle under Section 41-22-3.

~~[(30)]~~ (31) "Mobile home" means:

(a) a trailer or semitrailer which is:

(i) designed, constructed, and equipped as a dwelling place, living abode, or sleeping place either permanently or temporarily; and

(ii) equipped for use as a conveyance on streets and highways; or

(b) a trailer or a semitrailer whose chassis and exterior shell is designed and constructed for use as a mobile home, as defined in Subsection ~~[(30)]~~ (31)(a), but which is instead used permanently or temporarily for:

(i) the advertising, sale, display, or promotion of merchandise or services; or

(ii) any other commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.

~~[(31)]~~ (32) (a) "Moped" means a motor-driven cycle having:

(i) pedals to permit propulsion by human power; and

(ii) a motor which:

(A) produces not more than two brake horsepower; and
(B) is not capable of propelling the cycle at a speed in excess of 30 miles per hour on level ground.

(b) If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters and the moped shall have a power drive system that functions directly or automatically without clutching or shifting by the operator after the drive system is engaged.

(c) "Moped" includes an electric assisted bicycle and a motor assisted scooter.

~~[(32)]~~ (33) "Motor assisted scooter" means a self-propelled device with:

- (a) at least two wheels in contact with the ground;
- (b) a braking system capable of stopping the unit under typical operating conditions;
- (c) a gas or electric motor not exceeding 40 cubic centimeters;
- (d) either:
 - (i) a deck design for a person to stand while operating the device; or
 - (ii) a deck and seat designed for a person to sit, straddle, or stand while operating the device; and

(e) a design for the ability to be propelled by human power alone.

~~[(33)]~~ (34) (a) "Motor vehicle" means a vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(b) "Motor vehicle" does not include vehicles moved solely by human power and motorized wheel chairs.

~~[(34)]~~ (35) "Motorcycle" means a motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel with not more than three wheels in contact with the ground.

~~[(35)]~~ (36) "Motor-driven cycle" means every motorcycle, motor scooter, personal motorized mobility device, moped, electric assisted bicycle, motor assisted scooter, and every motorized bicycle having:

- (a) an engine with less than 150 cubic centimeters displacement; or
- (b) a motor which produces not more than five horsepower.

~~[(36)]~~ (37) "Off-highway implement of husbandry" has the same meaning as defined under Section 41-22-2.

[~~(37)~~] (38) "Off-highway vehicle" has the same meaning as defined under Section 41-22-2.

[~~(38)~~] (39) "Operator" means a person who is in actual physical control of a vehicle.

[~~(39)~~] (40) (a) "Park" or "parking" means the standing of a vehicle, whether occupied or not.

(b) "Park" or "parking" does not include the standing of a vehicle temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.

[~~(40)~~] (41) "Peace officer" means a peace officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to direct or regulate traffic or to make arrests for violations of traffic laws.

[~~(41)~~] (42) "Pedestrian" means a person traveling:

(a) on foot; or

(b) in a wheelchair.

[~~(42)~~] (43) "Pedestrian traffic-control signal" means a traffic-control signal used to regulate pedestrians.

[~~(43)~~] (44) "Person" means every natural person, firm, copartnership, association, or corporation.

[~~(44)~~] (45) (a) "Personal motorized mobility device" means a self-propelled device with:

(i) two nontandem wheels in contact with the ground;

(ii) a system capable of steering and stopping the unit under typical operating conditions;

(iii) a motor not exceeding one horse power or 750 watts; and

(iv) a deck design for a person to stand while operating the device.

(b) "Personal motorized mobility device" does not include a wheelchair.

[~~(45)~~] (46) "Pole trailer" means every vehicle without motive power:

(a) designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle; and

(b) that is ordinarily used for transporting long or irregular shaped loads including poles, pipes, or structural members generally capable of sustaining themselves as beams between the supporting connections.

245 ~~[(46)]~~ (47) "Private road or driveway" means every way or place in private ownership
246 and used for vehicular travel by the owner and those having express or implied permission
247 from the owner, but not by other persons.

248 ~~[(47)]~~ (48) "Railroad" means a carrier of persons or property upon cars operated on
249 stationary rails.

250 ~~[(48)]~~ (49) "Railroad sign or signal" means a sign, signal, or device erected by
251 authority of a public body or official or by a railroad and intended to give notice of the presence
252 of railroad tracks or the approach of a railroad train.

253 ~~[(49)]~~ (50) "Railroad train" means a locomotive propelled by any form of energy,
254 coupled with or operated without cars, and operated upon rails.

255 ~~[(50)]~~ (51) "Right-of-way" means the right of one vehicle or pedestrian to proceed in a
256 lawful manner in preference to another vehicle or pedestrian approaching under circumstances
257 of direction, speed, and proximity which give rise to danger of collision unless one grants
258 precedence to the other.

259 ~~[(51)]~~ (52) (a) "Roadway" means that portion of highway improved, designed, or
260 ordinarily used for vehicular travel.

261 (b) "Roadway" does not include the sidewalk, berm, or shoulder, even though any of
262 them are used by persons riding bicycles or other human-powered vehicles.

263 (c) "Roadway" refers to any roadway separately but not to all roadways collectively, if a
264 highway includes two or more separate roadways.

265 ~~[(52)]~~ (53) "Safety zone" means the area or space officially set apart within a roadway
266 for the exclusive use of pedestrians and which is protected, marked, or indicated by adequate
267 signs as to be plainly visible at all times while set apart as a safety zone.

268 ~~[(53)]~~ (54) (a) "School bus" means a motor vehicle that:

269 (i) complies with the color and identification requirements of the most recent edition of
270 "Minimum Standards for School Buses"; and

271 (ii) is used to transport school children to or from school or school activities.

272 (b) "School bus" does not include a vehicle operated by a common carrier in
273 transportation of school children to or from school or school activities.

274 ~~[(54)]~~ (55) (a) "Semitrailer" means a vehicle with or without motive power:

275 (i) designed for carrying persons or property and for being drawn by a motor vehicle;

and

(ii) constructed so that some part of its weight and that of its load rests on or is carried by another vehicle.

(b) "Semitrailer" does not include a pole trailer.

~~[(55)]~~ (56) "Shoulder area" means:

(a) that area of the hard-surfaced highway separated from the roadway by a pavement edge line as established in the current approved "Manual on Uniform Traffic Control Devices"; or

(b) that portion of the road contiguous to the roadway for accommodation of stopped vehicles, for emergency use, and lateral support.

~~[(56)]~~ (57) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

~~[(57)]~~ (58) "Solid rubber tire" means a tire of rubber or other resilient material which does not depend on compressed air for the support of the load.

~~[(58)]~~ (59) "Stand" or "standing" means the temporary halting of a vehicle, whether occupied or not, for the purpose of and while actually engaged in receiving or discharging passengers.

~~[(59)]~~ (60) "Stop" when required means complete cessation from movement.

~~[(60)]~~ (61) "Stop" or "stopping" when prohibited means any halting even momentarily of a vehicle, whether occupied or not, except when:

(a) necessary to avoid conflict with other traffic; or

(b) in compliance with the directions of a peace officer or traffic-control device.

~~[(61)]~~ (62) "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together while using any highway for the purpose of travel.

~~[(62)]~~ (63) "Traffic-control device" means a sign, signal, marking, or device not inconsistent with this chapter placed or erected by a highway authority for the purpose of regulating, warning, or guiding traffic.

~~[(63)]~~ (64) "Traffic-control signal" means a device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

~~[(64)]~~ (65) "Traffic signal preemption device" means an instrument or mechanism designed, intended, or used to interfere with the operation or cycle of a traffic-control signal.

[~~(65)~~] (66) (a) "Trailer" means a vehicle with or without motive power designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle.

(b) "Trailer" does not include a pole trailer.

[~~(66)~~] (67) "Truck" means a motor vehicle designed, used, or maintained primarily for the transportation of property.

[~~(67)~~] (68) "Truck tractor" means a motor vehicle:

(a) designed and used primarily for drawing other vehicles; and

(b) constructed to carry a part of the weight of the vehicle and load drawn by the truck tractor.

[~~(68)~~] (69) "Two-way left turn lane" means a lane:

(a) provided for vehicle operators making left turns in either direction;

(b) that is not used for passing, overtaking, or through travel; and

(c) that has been indicated by a lane traffic-control device which may include lane markings.

[~~(69)~~] (70) "Urban district" means the territory contiguous to and including any street, in which structures devoted to business, industry, or dwelling houses are situated at intervals of less than 100 feet, for a distance of a quarter of a mile or more.

[~~(70)~~] (71) "Vehicle" means a device in, on, or by which a person or property is or may be transported or drawn on a highway, except devices used exclusively on stationary rails or tracks.

Section 2. Section **41-6a-1509** is enacted to read:

41-6a-1509. Golf carts allowed on certain streets -- Restrictions -- Penalties.

(1) (a) (i) In accordance with this section, a municipality or county may, by ordinance, allow a golf cart to be operated on a highway under its jurisdiction if the municipality or county adopts an ordinance specifying the highways that are open for golf cart use.

(ii) An ordinance under Subsection (1)(a)(i) may require that a golf cart operated on a highway specified under Subsection (1)(a)(i):

(A) be issued a permit for the golf cart by the municipality or county; and

(B) display a sticker or other indicia that identifies that the golf cart is permitted to be operated on specified highways within the municipality or county.

(b) Except to cross a highway at an intersection, a golf cart may not be operated on a highway with a posted speed limit of more than 25 miles per hour.

(c) (i) A person may not operate a golf cart on a highway without displaying on the rear of the golf cart a slow-moving vehicle identification emblem that complies with the Society of 243 Automotive Engineers standard SAE J943.

(ii) This Subsection (1)(c) is an exception to the provisions of Subsection 41-6a-1608(6)(c).

(d) In addition to the restrictions under this section, a municipality or county may provide additional restrictions, if the county or municipality determines that the restrictions will enhance public safety.

(2) Except as otherwise provided in this section, if operated on any specified highway under Subsection (1), and for purposes of the Utah Code, a golf cart is considered a:

(a) motor vehicle for traffic rules under Title 41, Chapter 6a, Traffic Code;

(b) motor vehicle for driver licensing under Title 53, Chapter 3, Uniform Driver License Act;

(c) motor vehicle for motor vehicle insurance under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, except that equivalent coverage may be provided under a property insurance policy of the owner or operator of the golf cart in lieu of a motor vehicle insurance policy;

(d) motor vehicle for fuel taxation under Title 59, Chapter 13, Motor and Special Fuel Tax Act, except that if a golf cart that is powered by a clean special fuel as defined under Section 59-13-102, the owner shall pay only 25% of the cost of a clean special fuel tax certificate under Section 59-13-304 as applicable; and

(e) motor vehicle for safety belt requirements under Title 41, Chapter 6a, Part 18, Motor Vehicle Safety Belt Usage Act, if equipped with a safety belt system by the original manufacturer.

(3) (a) If operated on a highway specified as open for golf cart use under Subsection (1), a golf cart shall be equipped with:

(i) head lamps, tail lamps, and turn signal lamps;

(ii) stop lamps;

(iii) reflex reflectors, one on the rear of the vehicle and one on the left and right side

and as far to the rear of the vehicle as practical;

(iv) a parking brake;

(v) a braking system in compliance with the provisions of Section 41-6a-1623; and

(vi) a serial number for permitting purposes under Subsection (1)(a).

(b) The provisions of Subsection (3)(a)(i) do not apply if the golf cart is not operated during hours of darkness as specified under Section 41-6a-1603.

(c) A golf cart that complies with Subsections (2) and (3) and that is not altered from the manufacturer's original design is considered to comply with the equipment requirements in Title 41, Chapter 6a, Part 16, Vehicle Equipment.

(4) A person may not operate a golf cart on a highway specified under Subsection (1) as open for golf cart use if the golf cart has been structurally altered from the original manufacturer's design.

(5) A golf cart is exempt from:

(a) vehicle registration, license plate, titling, and registration fee requirements under Title 41, Chapter 1a, Motor Vehicle Act;

(b) motor vehicle emissions inspection and maintenance program requirements under Section 41-6a-1642;

(c) motor vehicle safety inspection requirements under Section 53-8-205;

(d) vehicle identification numbers under Title 41, Chapter 1a, Part 8, Identification Numbers; and

(e) odometer requirements under Title 41, Chapter 1a, Part 9, Odometers.

(6) The provisions of this section do not apply to a golf cart that is not used on a highway except to cross a highway in connection with a game of golf or to follow a golf cart path.

(7) (a) A person who violates Subsection (1), (3), or (4) is guilty of a class C misdemeanor.

(b) A person who violates Subsection (2) is subject to the same penalties provided under law for violating the provisions of the parts identified under Subsection (2).

Legislative Review Note

as of 12-19-05 2:09 PM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note**Bill Number HB0280****Golf Carts Allowed on Certain Streets***24-Jan-06**7:58 AM*

State Impact

Provisions of this bill can be implemented with existing resources.

Individual and Business Impact

Violators of the bill's provisions may have to pay fines.

Office of the Legislative Fiscal Analyst