



Village of
Lake Isabella
INCORPORATED 1998

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To: The Honorable Members of the Michigan House of Representatives
Committee on Local Government

From: Tim Wolff, Village Manager

Re: HB 5045

Date: February 20, 2014

Dear Committee Members,

Thank you for taking the time to consider HB 5045. This bill comes before you today after my community approached our State Representative about addressing the regulations pertaining to the use of golf carts on public roads. For a small community of only 1,700 we have many residents that use their golf carts on a regular basis during the warm weather months. Our residents use their golf carts not only to travel to and from our local championship golf course, but also to drive from their home to their boat dock, or for a relaxing drive around the neighborhood in the evening. This activity has been increasing in recent years and to date have had no problems with respect to accidents, injuries, or complaints.

It is safe to say that Lake Isabella is not unique when it comes to this issue. Our experience tells us that the use of golf carts for recreational and leisure activity away from the game of golf, is on the rise. While increasing in popularity, the current statutory language through Michigan law largely prohibits the use of golf carts on public roads.

When we originally started to work on this issue we focused on ways to adopt a local ordinance that would allow golf carts to operate on our streets in the same manner that ORVs and ATVs can operate on streets with a local ordinance. As the saying goes, "*the devil is in the details.*" As we explored this option what we found is that with the definition and use requirements for ORVs, ATVs, and Low Speed Vehicles already written into state statute there was no practical way to include golf carts into a local ordinance along with ORVs and ATVs. It was the classic example of trying to fit a square peg into a round hole.

In our research we found a few other communities that in their ORV/ATV ordinance went ahead and included golf carts by adopting a different definition than what is written into state statute as their local standard. While on the surface this may appear to work, we believe that it in fact only creates more problems for the public. By taking this approach the municipality creates a scenario where they not only fail to enforce the Motor Vehicle Code properly, but also endorse their residents to act in a manner not

sanctioned by state statute. After conferring with our legal counsel, we firmly believe that a local ordinance that attempts to include golf carts into the definition of ORVs and ATVs written into statute would offer the golf cart user no legal protection in the event of an accident, or enforcement of the Motor Vehicle Code from a county or state law enforcement agency. In our opinion this also creates a liability risk for the municipality through the selective enforcement of the Motor Vehicle Code and the improper application of the Michigan Natural Resources Environmental and Protection Act.

Since no provisions currently exist under state law where a typical golf cart can legally operate on a public roadway, even via local ordinance, in the event of an accident the golf cart user would automatically be at least half at fault since he or she has no legal ability to operate the golf cart in the right-of-way. This concern also led our Village Council to not adopt a proposed ordinance to allow ORVs and ATVs to operate within our right-of-way. Our concern was that our residents would just assume that a golf cart could be operated in the same manner as an ORV or ATV via our local ordinance when in fact they do not conform to the definitions created in statute for ORVs and ATVs.

Since we approached our State Representative about this issue we have worked closely with his office and the Michigan Municipal League to modify the original draft to address concerns that have been raised by other stakeholders. I believe that the final draft of the bill will achieve a balanced and reasonable way to give local communities the option to allow golf carts on a limited number of their streets if they see fit. That is a very important point to take into consideration. This bill does not force a community to allow golf carts on their streets, rather it gives communities the ability to allow golf carts if they feel it is the best fit for their community.

One of the items that we requested be included in this bill was the ability of the local unit to create list of golf cart users in the community. Our intention with this clause was to give the local unit a database that could be used on an annual basis to send out a simple "rules of the road" type flyer to golf cart users. I have attached an example of operators clearly understand where and when they can operate a golf cart on our streets.

I look forward to testifying before the committee next week, and if you have concerns regarding this matter please do not hesitate to share that with the staff of Representative Cotter. His staff has worked closely with us on this bill, and I am more than able to help his staff address those concerns. Thank you again for your time and consideration of this bill.

A Quick Overview

A golf cart must be permitted. A permit may be obtained at any S.C. Department of Motor Vehicles branch office. A permit allows a *licensed driver* to operate a golf cart *during daylight hours only*, and only on a *secondary highway or street* with a posted speed limit of 35mph or less, *within four miles* of the registration holder's address. The operator must have the permit *and* registration on their person.

A golf cart is different from a Low Speed Vehicle (LSV). An LSV must have a *license plate* and may operate after dark. A golf cart is restricted to *daylight hours* and is *permitted*.

Alcohol, Overcrowding, Children & Animals

The same laws that prohibit the *use and possession of alcohol* while operating a motor vehicle apply to the operation of a golf cart. This includes passengers.

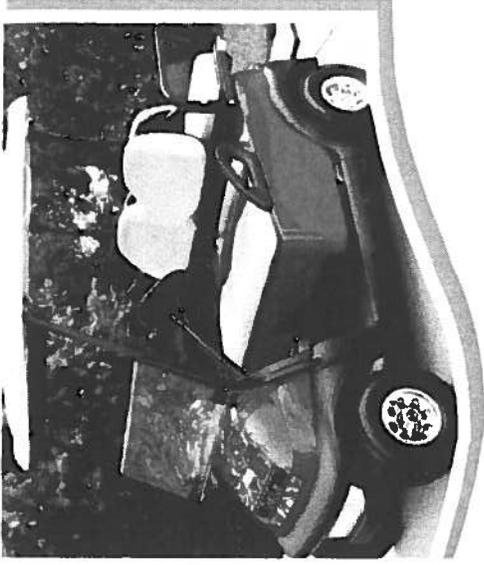
Do not exceed the number of occupants for which the golf cart was designed.

Do not carry children or animals on your lap while operating a golf cart.

Follow the same traffic laws that you would follow when operating a motor vehicle.

Stay off sidewalks.

Be aware at all times that golf cart occupants are extremely at risk when traveling in traffic. A golf cart offers no protection from collision. *Remain alert and drive defensively!*



GOLF CART RULES



North Myrtle Beach
Department of
Public Safety

Community Services
Division

1015 2nd Avenue South
North Myrtle Beach, SC 29582
(843) 280-5511

SOUTH CAROLINA'S GOLF CART LAW

South Carolina's golf cart law was amended effective October 1, 2011:

Golf carts must be permitted through the S.C. Department of Motor Vehicles.

A person operating a permitted golf cart must be at least 16 years of age and hold a valid driver's license.

The operator of a permitted golf cart being operated on a highway or street must have in their possession the registration certificate for the golf cart issued by the Department of Motor Vehicles, proof of financial responsibility for the golf cart, and their driver's license.

A golf cart permit must be replaced with a new permit every five years, or at the time the permit holder changes their address. Golf cart owners holding golf cart permits on or before October 1, 2011 will have until September 30, 2015 to obtain a replacement permit.

During daylight hours only:

A permitted golf cart may be operated within four miles of the address on the registration certificate and only on a secondary highway or street for which the posted speed limit is 35 mph or less.

A permitted golf cart may be operated within four miles of a point of ingress and egress to a gated community, and only on a secondary highway or street for which the posted speed limit is 35 mph or less.

Within four miles of the registration holder's address, and while traveling along a secondary highway or street for which the posted speed limit is 35 mph or less, a permitted golf cart may cross a highway or street at an intersection where the highway has a posted speed limit of more than 35 mph.

A permitted golf cart may be operated along a secondary highway or street for which the posted speed limit is 35 mph or less on an island not accessible by a bridge designed for use by automobiles.

A political subdivision may, on designated streets or roads within its jurisdiction, reduce the area in which a permitted golf cart may operate from four to no less than two miles. However, it may not reduce or amend the other restrictions placed on the operation of a permitted golf cart as contained in the state law.

The law does not apply to a golf cart used by a public safety agency in connection with the performance of its duties.

Please be aware that this law does not apply to "low speed vehicles." They are regulated by a separate state law.

Restricted Roads

Golf carts are not allowed on Highway 17, 27th Avenue South, Ocean Boulevard, and Sea Mountain Highway. However, golf carts may cross these roads.

Additional

Information Sources

For a complete copy of the state law regulating golf carts, please visit www.NMB.us and then look under "New City Laws" on the homepage.

To access South Carolina golf cart permitting requirements online, visit www.scdmvonline.com. Click on "Vehicle Licenses" at the top of the homepage, then scroll down to "Golf Cart." Once there, you can view the requirements and download a copy of the required form, GC-2 Golf Cart Registration.

