

**S B**

**483**

BILL NO: SB 483  
TITLE: An Act Relating to  
Golf Carts

DATE: March 28, 1990  
CONTACT: Charles R. Hosack  
269-5551

MAR 29 1990

DEPARTMENT OF PUBLIC SAFETY

Golf carts are classified as off-highway vehicles and, as such, they are not required to meet federal safety standards. Golf carts do not contain any of the protections or safety features included in a passenger vehicle, as the carts are not designed or intended for road use. Under existing law the Division of Motor Vehicles has the authority to refuse to register vehicles that are not safe for roadway use, and this authority has been used to prevent the registration of off-highway vehicles such as golf carts, ATVs, three-wheelers, etc. The Division's position on this has been upheld in administrative hearings concerning the registration of ATVs and off-highway vehicles.

A municipality or borough currently has the authority to allow operation of off-highway vehicles on municipal streets under 13 AAC 02.455(a)(3). State registration is not a requirement for this authority, and would serve no purpose since there is no safety inspection associated with registration.

This bill creates a special exception to require state registration of a vehicle that is not safe for road use. The Department of Public Safety opposes the bill for that reason. In our opinion, the authority that currently exists in regulation can be used by local governments to meet special needs if they deem it appropriate, therefore there is no reason to change the state law in this area.

  
Arthur English  
Commissioner

# Alaska State Legislature



SENATOR JIM DUNCAN

P. O. BOX V JUNEAU, ALASKA 99811-3100  
(907) 465-4766

COMMITTEES:  
FINANCE  
VICE CHAIR –  
HEALTH EDUCATION  
& SOCIAL SERVICES  
BUDGET & AUDIT  
BANKING &  
ECONOMIC  
DEVELOPMENT

MAR 02 1990 MEMORANDUM

TO: Senator Lloyd Jones  
Chairman, Senate Transportation Committee

FROM: Senator Jim Duncan

DATE: February 27, 1990

SUBJECT: Request for a hearing of Senate Bill 483

I am requesting that you consider scheduling Senate Bill 483 "An Act relating to golf carts." for a hearing before the Senate Transportation Committee.

This bill, if enacted, will allow the Department of Public Safety to issue a license to owners of golf carts that may be used in the tourism industry. The municipality where the golf carts are to be operated would have the opportunity to determine where in the municipality a licensed golf cart could be operated.

Please contact my office if I may be of any further assistance.

# STATE OF ALASKA

STEVE COWPER, GOVERNOR

## DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

April 9, 1990

Hon. Jim Duncan  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Re: Proposed CSSB 483  
(Transportation)

Dear Senator Duncan:

You have asked us to review and comment on the proposed CSSB 483 (Trsp). Senator Fischer has apparently raised some concerns regarding the potential liability to the state if the bill were to become law in the form proposed. Briefly, we do not believe the bill would expose the state to any new liability.

Proposed CSSB 483 (Trsp) creates a registration requirement for golf carts, similar to what is in current law for snowmobiles under AS 05.30. Each golf cart would have to be registered with the Department of Public Safety (proposed AS 05.32.010 - 030), and municipalities would be authorized to regulate their use on public roads by ordinance. (Proposed AS 05.32.100). Each cart would be required to contain certain equipment. (Proposed AS 05,32,110). Finally, if an operator were involved in an accident involving personal injury or property damage in excess of \$100, the operator would be required to report the accident to the local law enforcement agency. (Proposed AS 05.32.200).

We do not see anything in these provisions that would expose the state to potential liability. Although the state can, in some cases, be held liable for negligent inspections (See Adams v. State, 555 P.2d 235 (Alaska 1976)(state breached its duty to alleviate a known fire hazard following inspection of hotel), and recent cases have been brought where the state allegedly improperly issued a license to an individual (these cases tend to be in the area of day-care), the state cannot be held liable for the mere act of registering a vehicle. See Galvan v. Superior Court of City and County of San Francisco, 452 P.2d 930 (Cal. 1969)(the basic difference between licensing and registration is that licensing

REPLY TO:

1031 W 4th AVENUE SUITE 200  
ANCHORAGE, ALASKA 99501-1994  
PHONE: (907) 276-3550  
FAX: (907) 276-3697

1st NATIONAL CENTER  
103 CUSHMAN ST. SUITE 400  
FAIRBANKS, ALASKA 99701-4679  
PHONE: (907) 452-1568  
FAX: (907) 456-1317

P.O. BOX K—STATE CAPITOL  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600  
FAX: (907) 463-5295

Hon. Jim Duncan  
Alaska State Legislature

April 9, 1990  
Page 2

regulates activity based on determination of qualifications of the licensee, while registration catalogs all persons or things with respect to certain standards).

I hope this answers your questions. Please do not hesitate to contact me if I can do anything further.

Sincerely yours,

DOUGLAS B. BAILY  
ATTORNEY GENERAL

By:



Alexis Gabay  
Assistant Attorney General

AG:jf

cc: Senator Lloyd Jones, Chair, Senate Transportation Committee  
Senator Paul Fischer

STATE OF ALASKA  
ROUTE SLIP

TO: Mail Station	Department	Division
Attention <i>Dale Staley</i>		
<input type="checkbox"/> Approval <input type="checkbox"/> Signature <input type="checkbox"/> Comment <input type="checkbox"/> Contact Me <input type="checkbox"/> Prepare Reply <input type="checkbox"/> For Your File		
<input type="checkbox"/> Note & Return <input type="checkbox"/> Initial & Return <input type="checkbox"/> Return as Requested <input type="checkbox"/> Return for Approval <input type="checkbox"/> Necessary Action <input type="checkbox"/> For Your Information		
Remarks: <i>Draft of an option to adopt new action dealing just with jolt carts. 1) Two options on registration may vs shall 2) Fee would need to be set in section 20 3) Equipment - I don't know if multiplier necessary on battery powered veh.</i>		
FROM: Mail Station	Department <i>P.S</i>	Division <i>MV</i>
By <i>Bill Brown</i>	Date <i>4-2</i>	

02-002 (REV 3-84)

*Any questions - give me a call*

DRAFT

TITLE 5. Amusements and Sports

Chapter 31. Golf Carts.

Article 1. Registration.

Sec. 05.31.010. Registration. A golf cart may be registered with the Department of Public Safety as provided in this chapter.

Sec. 05.31.020. Registration and registration fee. A registration is valid for two years. The registration fee is \_\_\_\_\_, which shall be paid into the general fund.

Sec. 05.31.030. Registration certificate and decals. Upon registration of a golf cart, the registrant shall be issued a registration certificate and two numbered decals containing the registration number of the vehicle. Once a registration number has been issued for a golf cart, that number shall remain with that cart until it has been destroyed, abandoned, or permanently removed from the state. Numbered registration decals shall be displayed on each side of the golf cart.

Article 2. Regulation and Equipment.

Sec. 05.31.040. Regulation by political subdivision. A city of any class, or an organized borough in the area outside cities, may, by ordinance, regulate the use and operation of golf carts. Golf carts are not allowed to be operated on a roadway in the state, except where authorized by a local ordinance.

Sec. 05.31.050. Equipment required. A golf cart is required to contain the following equipment:

(1) brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation;

(2) at least one head lamp so aimed and of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions;

**DRAFT**

(3) a throttle which, when released by the hand, or foot, will return the engine speed to idle;

(4) at least two tail lights on the rear of the vehicle, one on each side, that are lite whenever the head lamp is is operation;

(5) at least two brake lights on the rear of the vehicle, one on each side, that operate whenever the brake pedal or control is pressed;

(6) turn signals, two in the front, and two in the back to be activated by a single control;

(7) an exhaust muffler in good working order.

### Article 3. General Provisions.

Sec. 05.31.060. Reporting of accidents. The operator of a golf cart involved in an accident resulting in injury to, or death of a person, or property damage other than to the operator's golf cart in the amount of \$100 or more, shall immediately, by the quickest means of communcation, give notice of the accident to the local police agency.

Sec. 05.31.070. Penalty. A person who violates a provision of this chapter is guilty of an infraction and, upon conviction, is punishable by a fine of not more than \$100 for each offense.

DRAFT

option to Section 05.31.010. Registration

Sec. 05.31.010. Registration. A golf cart shall be registered with the Department of Public Safety as provided in this chapter if operated on a roadway as authorized by local ordinance under Sec. 05.31.040.

(907) 269-5561

D R A F T

June 7, 1989

JUN 18 1990

Mr. James B. Bradley  
Ruddy, Bradley, & Kolkhorst  
P. O. Box 34338  
Juneau, Alaska 99803-4338

Dear Mr. Bradley:

I have reviewed the issue of licensing the golf carts with personnel from the Division of Motor Vehicles, and I have reviewed your letter to the Juneau Planning Commission. I can appreciate what your clients are trying to do for tourism; however, I do believe there is ample support and justification for our position in not registering the golf carts.

I think all parties involved will agree that golf carts are off-highway that are not normally designed for or intended for use on roads. Under AS.28.10.201(b), the owners of such vehicles may not apply for a title, nor may the division issue a title to these vehicles, and under AS.28.10.041(3) the division may refuse to register a vehicle if the owner is not entitled to issuance of a title. Further under AS 28.10.041(4), the division may refuse to register a vehicle that is unsafe to be driven on the roads. These statutes prevent an off-highway vehicle, including a golf cart, from being registered for road use and these statutes have been used to revoke a registration when the division finds that one has been erroneously issued.

The certification sticker Mr. Dulany spoke of is required by federal regulation on all vehicles that are to be used on the roads. In this

Public Safety draft letter

sticker, the manufacturer certifies that the vehicle meets all applicable safety standards. The sticker is required of all vehicles including motorcycles so the number of wheels has no bearing on this situation. The federal regulations place the burden of compliance and certification on the manufacturer so that there will be no need for federal or state inspection or approval procedures. The Division relies on the manufacturer's certification to determine if a vehicle is mechanically safe by complying with the applicable federal standards. As off-highways vehicles golf carts would not normally need this certification unless there is some clear action to put these into use on the roads. It certainly appears that your clients intend to take the action to put these vehicles on the road.

For the protection of the public, the regulations clearly establish the need for safety equipment on vehicles offered for rent. 13AAC 04.003 prohibit a person from renting a vehicle unless it is equipped for highway use. This paragraph is more explicit and pertinent than any other in that its reference to "any other law" certainly includes the federal laws and regulations.

The regulations, specifically 13AAC 02.455(3), do allow these vehicles to be used on the roads under certain circumstances, but these regulations do not authorize registration of these vehicles. The City and Borough of Juneau certainly does have the authority to allow the use of these vehicles on streets under their control, but at the same time, they cannot direct or require the State to take an action contrary to its statutes. The

James B. Bradley

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registration issued by the State is not restricted to a certain area, but instead is valid for use throughout the state. If the Division registers a vehicle, then in essence they are saying this vehicle can use any roadway in the state.

The Division has revoked registrations if it finds that an off-highway vehicle has been erroneously registered. Based on the information in your letter, the Division has started action to determine if the vehicle used by the Juneau Police Department is eligible for registration. The same standards will be applied to them as we would apply to your clients.

In answer to your last question, I am not aware of any accident involving golf carts and the reason for this is fairly obvious. Except for certain isolated instances, golf carts are not mixed in with other vehicles in a normal traffic setting as exists in Juneau.

Sincerely,

Arthur English  
Commissioner

Jordan Creek Center  
8800 Glacier Highway, Suite 223  
Juneau, Alaska 99801

RUDDY, BRADLEY & KOLKHORST

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

P.O. Box 34338  
Juneau, Alaska 99803-4338  
Telephone (907) 789-0047  
Fax (907) 789-0783

William G. Ruddy  
James B. Bradley  
Kathryn M. Kolkhorst

June 2, 1989

Mr. Arthur English  
Commissioner of Public Safety  
450 Wittier Street  
Juneau, AK 99801

RE: Licensing of cruise carts for tourist use  
in Juneau

Dear Commissioner English:

I represent Alaskan Cart Rentals, Inc., an Alaska corporation which wishes to be in the business of renting in Juneau, for use primarily by tourists, golf carts modified by adding a full range of equipment such as headlights, taillights, turn signals, seat belts, a horn and so on.

Alaskan Cart Rentals has received clearance for a conditional use permit by the City and Borough of Juneau and now need only to be licensed to operate on the city streets. Attached is a copy of a letter to the Juneau Planning Commission setting forth Alaskan Cart's position.

I spoke yesterday on the telephone at some length with Jay Delaney, who was inclined to not license the carts because they do not carry the federal safety sticker required of automobiles. The problem which we have is that they are not automobiles. They are smaller than any automobile I ever saw (footprint approximately 25 square feet) and they are slower than any automobile in which I have ridden (governed to less than 20 mph). They are designed for use on golf courses, which, of course, means the carts are designed for use in all sorts of terrain and topography. Their low center of gravity is specifically designed to prevent turnovers and their low speed compliments that feature.

That these machines cannot be utilized for a very worthwhile purpose is a bad result. I think it may also be a misinterpretation of the law. 13 AAC 02.54(3) seems to me to authorize the licensing of the vehicles. That golf carts are contemplated by your regulations is evidenced by 13 AAC 04.420(b), which refers specifically

Mr. Arthur English, Commissioner  
June 2, 1989  
Page 2

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to "golf carts" and tells what equipment they must have in order to be used on the streets.

As I read the laws, these carts could be licensed as motorcycles if they had only three wheels and we put a funny seat on them. We add a fourth wheel, thereby substantially increasing the stability and safety of the vehicle, and all of a sudden are told that they cannot be licensed. The result does not seem to make a great deal of sense.

I am also troubled by an observed lack of consistency. The City and Borough of Juneau has a Dihatsu golf cart, four-wheeled with no safety sticker, which has been licensed and which is regularly used on the streets of Juneau for parking meter patrol. If it is okay for the City, it is difficult for me to understand why my clients should be subjected to a different standard.

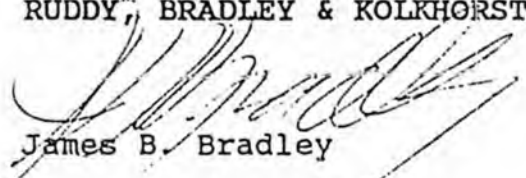
Juneau Police Chief Mike Gelston has test driven one of the carts, believes them to be safe, and is not opposed to their being licensed. Rentals will be made only to licensed drivers over the age of 25 years. Their area of use will be closely regulated. Also, we are willing to accept reasonable conditions imposed pursuant to the authority of 13 AAC 02.455(3).

Finally, on the subject of safety, let me ask you when was the last time you heard of somebody being injured either on or by a golf cart?

Thanks for you attention to this matter.

Very truly yours,

RUDDY, BRADLEY & KOLKHORST



James B. Bradley

JBB:gm  
cc: Alaskan Cart Rentals, Inc.

Jay Delaney/ DMV

RECEIVED OCT 12 1989

Jordan Creek Center  
8800 Glacier Highway, Suite 223  
Juneau, Alaska 99801

**RUDDY, BRADLEY & KOLKHORST**

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

P.O. Box 34338  
Juneau, Alaska 99803-4338  
Telephone (907) 789-0047  
Fax (907) 789-0783

William G. Ruddy  
James B. Bradley  
Kathryn M. Kolkhorst

October 11, 1989

Senator Jim Duncan  
PO Box 020690  
Juneau, AK 99802

RE: Possible legislation for licensing of golf carts

Dear Senator Duncan:

As I mentioned to you in our telephone conversation of this morning, I have received from Mr. Lundeen of Alaskan Cart Rentals, Inc., copies of relevant statutes from California, Florida and Arizona all dealing with the licensing of golf carts.

As you know, Alaska Cart Rentals is interested in renting golf carts to individuals during the tourist season so that accessibility to the city would not be denied to those many people who are physically handicapped or who simply are unwilling or unable to walk the steep hills.

At this point the chief impediment to going forward with the project appears to be the inability to get the vehicles licensed which, in turn, makes it impossible to obtain insurance for them. Conversely, if the vehicles were licensed, insurance could probably be obtained.

Your willingness to help is appreciated. If, after you have had a chance to review the statutes, you would give me a call, I would be pleased to try and answer any questions you have about the matter. Hopefully you will be able to see your way to introduce a bill which would provide for the licensing of these vehicles.

Again, thanks for your interest.

Regards,

RUDDY, BRADLEY & KOLKHORST

  
James B. Bradley

JBB:gm  
Enclosures  
cc: Ron Lundeen

RECEIVED MAY 17 1989

Jordan Creek Center  
8800 Glacier Highway, Suite 223  
Juneau, Alaska 99801

RUDDY, BRADLEY & KOLKHORST

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

P.O. Box 34338  
Juneau, Alaska 99803-4338  
Telephone (907) 789-0047  
Fax (907) 789-0783

William G. Ruddy  
James B. Bradley  
Kathryn M. Kolkhorst

May 17, 1989

City and Borough of Juneau  
Planning Commission  
155 S. Seward Street  
Juneau, AK 99801

RE: APPLICATION FOR CONDITIONAL USE PERMIT  
BY ALASKA CART RENTALS INC.

Commissioners:

I have been consulted by Alaska Cart Rentals, Inc., asked to assist them in obtaining their conditional use permit and would like to share a few thoughts with you.

We would all agree that tourism as an industry is of great importance to the economy of our community. It follows that whatever things can be reasonably done to make it a better and more complete tourist destination is in the best interests of all the members of our community.

Not all the tourists who visit Juneau want to take a bus tour and not all are physically able to walk up and down our hills. Nevertheless, between the buses and the Shank's mare, we offer only taxi cabs to accommodate the independent or mildly adventuresome tourist. The carts which are proposed for rental by Alaska Cart Rentals will help meet that need. With the availability of the carts, Juneau becomes available for viewing by the handicapped, by people who are unable because of age or inclination to walk our hills and hopefully by others who simply want to see Juneau.

Concerns have been voiced by some Juneauites. Those concerns involve mainly congestion and safety.

1. Congestion. Initially it should be understood that these carts are not very big. Depending upon the size car to which they are being compared, their footprint approximates 25% of an automobile. Stated differently, the 30 carts proposed would probably occupy less space than 8 Buicks.

Legal correspondence

City and Borough of Juneau  
Planning Commission  
May 17, 1989  
Page 2

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Our community has, for the past couple of years, had mopeds available as rentals. The mopeds obviously present a smaller footprint than even the carts. However, from the perspective of another vehicle attempting to pass, the moped is probably a greater problem than the cart since the four-wheeled cart offers a much greater margin of safety in terms of stability and direction of travel. Even at that, the mopeds do not appear to have presented any congestion problem of significance during the period of their use.

You are probably already aware that carts have been used for local transportation on Catalina Island for about a decade. The townspeople there have restricted regular vehicles in favor of cart use, obviously believing, among other things, that the carts actually cut down on congestion.

This is not to say that Alaska Cart expects to have no problems. In fact, they probably will have problems and will want to deal with them when and as they are identified.

The cart renters will be provided with a map showing the route which they are to follow with the carts. Their rental contract will call for confiscation of a cart found in a non-designated location. If congestion problems arise, the routing can be adjusted in a number of ways. The spectrum of possibilities ranges from banning the carts from the particular area on the one hand to requiring that the carts drive through the particular area without stopping on the other.

I suggest that the permit be issued with a provision for review, if deemed necessary, in 30-45 days when both the Commission and the operator have had an opportunity to gain a little Juneau experience. Problems, if any, can be identified and any needed adjustments made.

Alaska Cart Rentals wants each of its renters to have a memorable visit to Juneau. They want their passengers to leave happy with both Juneau and their cart trip, partly because it is good business and partly because they want Juneau to like the carts too.

City and Borough of Juneau  
Planning Commission  
May 17, 1989  
Page 3

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2. Safety. It seems to me that the question of the vehicle being safe enough to be on the streets is one which the State addresses in the licensing process. All vehicles will, of course, be licensed by the State of Alaska. Additionally, all drivers will be required to have a valid operator's license and carts will not be rented to anyone under 25 years of age. The carts will be governed to a maximum speed of 20 mph and will not be allowed to go on any major thoroughfares, such as Egan Drive.

At least one person has mentioned a concern about the cart's use on Juneau's hills. I can offer no personal insight on that at this time, but we all know that these carts are designed for use on golf courses which, of course, present a full range of topographies. Moreover, the brake pedal is one of only two floor controls and is disproportionately larger than the accelerator pedal, making it much easier to locate with the foot. There is, as is common in golf carts, a brake lock system which is available to lock the cart in any particular location.

Finally, if an accident does occur, the carts will be fully and adequately insured, thereby providing additional protection for both the cart users and others.

The leadership of Alaska Cart Rentals is anxious to cooperate with the community and to become a part of it. They want to provide a service which will make Juneau an even better place to visit and live.

Thank you for your consideration.

Sincerely,

RUDDY, BRADLEY & KOLKHORST



James B. Bradley

JBB:gm

cc: -Alaska Cart Rentals, Inc.

SENATE COMMITTEE REPORT  
FIRST COMMITTEE OF REFERRAL

DATE: 2/12/90

FURTHER:

Date of 5-Day Notice: 3-22-90  
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 4-9-90

Transportation Committee considered SB 483

"An Act relating to golf carts."

and recommended:

- replace with \_\_\_\_\_ CS SB 483 (Trsp)  same title
- attached amendment(s)  new title
- \_\_\_\_\_ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) SB & CS

zero fiscal note(s) \_\_\_\_\_

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

*[Handwritten signatures]*

OTHER RECOMMENDATIONS:

*Paul Fish (No Rev)*

*[Handwritten signature]*  
Chair: Signature and Recommendation

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
 Title: Licensing of golf carts BRU: Motor Vehicles  
 Sponsor: Duncan Component: Field Services  
 Requestor: Senate Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	1.0	-0-	1.0	-0-	1.0	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: (Attach a separate page if necessary)

It is estimated 30 golf carts would be licensed. Registration fee would be \$35.00 per cart, which would generate \$1,050 in revenue. Since it is a two year registration, the fee would be collected every other year.

*JM*  
4/2/90 Prepared by: Bill Brown  
Division: Motor Vehicles

Phone: 465-4325  
Date: 4-3-90

Approved by Commissioner: Arthur English  
Agency: Department of Public Safety

Date: 4-3-90

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
Title: Licensing of golf carts BRU: Motor Vehicles  
Sponsor: Duncan Component: Field Services  
Requestor: Senate Transportation

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	.1	.1	.1	.1	.1	.1
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	.1	.1	.1	.1	.1	.1

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	1.0	1.0	1.0	1.0	1.0	1.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	.1	.1	.1	.1	.1	.1
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER/PROG RCPT	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	.1	.1	.1	.1	.1	.1

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS: (Attach a separate page if necessary)

It is estimated 30 golf carts would be licensed. Registration fee would be \$35.00 per cart which would generate \$1,050 in revenue. The cost to purchase the license plates from the manufacturer would be \$2.40 per cart, for a total cost of \$72.

Prepared by: Bill Brown  
Division: Motor Vehicles

Phone: 465-4335  
Date: 03-26-90

Approved by Commissioner: J.A.H. English  
Agency: Department of Public Safety

Date: 3-28-90  
Page 1 of 1

*Handwritten:* 2/24/90

AK Administrative Code-related

## CHAPTER 04. MOTOR VEHICLE AND DRIVING OFFENSES: VEHICLE EQUIPMENT AND INSPECTION

### Article

1. Scope and Effect of Regulations — Standards and Inspections (13 AAC 04.001 — 13 AAC 04.009)
2. Lighting Equipment (13 AAC 04.010 — 13 AAC 04.160)
3. Repealed.
4. Brakes and Other Equipment (13 AAC 04.205 — 13 AAC 04.310)
5. Equipment on Motorcycles, Motor-Driven Cycles, and Bicycles (13 AAC 04.320 — 13 AAC 04.355)
6. Equipment on Snowmobiles and Off-Highway Vehicles (13 AAC 04.400 — 13 AAC 04.420)

### Article 1. Scope and Effect of Regulations—Standards and Inspections

Section	Section
1. Scope and effect of regulations	6. When inspection required; roadside inspection
2. Unlawful to drive unsafe vehicle or violate chapter	7. Unsafe or defectively equipped vehicle
3. Minimum equipment required on vehicle for sale, rent, lease, or loan	8. Disposition of equipment citation
4. Sale or use of equipment	9. Prohibited practices
5. Disconnection or alteration of equipment	

#### 13 AAC 04.001. SCOPE AND EFFECT OF REGULATIONS.

(a) Repealed 6/28/79.

(b) Nothing in this chapter may be construed to prohibit equipment required by the United States Department of Transportation or the use of a part or accessory on a vehicle not inconsistent with the provisions of this chapter. A federal motor vehicle safety standard which conflicts with a provision of this chapter supercedes the provision in this chapter with respect to a vehicle which must comply with the federal standard.

(c) The provisions of this chapter which require equipment on vehicles do not apply to implements of husbandry, special mobile equipment, motor-driven cycles, bicycles, or snowmobiles or other off-highway vehicles, except as specifically provided in this chapter.

(d) The requirements of secs. 35 — 40 of this chapter do not apply to a vehicle of the armed forces, except as specifically provided in secs. 25 — 35 of this chapter. In this chapter, "vehicle of the armed forces," means a combat vehicle or other vehicle participating in a combat training exercise where the use of lights or reflectors may be against combat principles, while operated in the immediate exercise area; it does not include a passenger vehicle, bus, truck, truck tractor, trailer, semitrailer, pole trailer, tow car or other vehicle using a highway in support of a military base or installation to transport persons, com-

modities or equipment, unless actually participating in a combat training exercise as provided in this section. (Eff. 6/28/79, Register 70)

Authority: AS 28.05.011

Editor's notes. — This section is based on 13 AAC 04.005.

**13 AAC 04.002. UNLAWFUL TO DRIVE UNSAFE VEHICLE OR VIOLATE CHAPTER.** No person may violate this chapter, drive or move or cause or knowingly permit to be driven or moved on a highway or other vehicular way or area, a vehicle or combination of vehicles which is in an unsafe condition, or is not equipped as required in this chapter or which is otherwise equipped in violation of this chapter. If an unsafe vehicle must, for any reason, be operated on a highway or vehicular way or area, the driver, owner, dealer or repair business having knowledge of the condition must notify the department. (Eff. 6/28/79, Register 70)

Authority: AS 28.05.011

Editor's notes. — This section is based in part on 13 AAC 06.010.

**13 AAC 04.003. MINIMUM EQUIPMENT REQUIRED ON VEHICLE FOR SALE, RENT, LEASE, OR LOAN.** No person may sell or offer for sale, rent, lease, or loan, a vehicle unless it is equipped with the devices and equipment required by this chapter or other law for operation on a highway or vehicular way or area, and is in a safe condition and in good working order. (Eff. 6/28/79, Register 70)

Authority: AS 28.05.011

Editor's notes. — This section is based on 13 AAC 04.305 and 310.

**13 AAC 04.004. SALE OR USE OF EQUIPMENT.** (a) No person may sell or offer for sale or use a vehicle, equipment or device which does not meet the requirements of this chapter or other law. The provisions of this section do not apply to equipment that complies with requirements in effect before the effective date of this section and in use when this chapter takes effect, or to replacement parts of that equipment.

(b) Any equipment described in this chapter or any package containing the equipment must, if practicable, bear the manufacturer's trade mark or brand name, unless the equipment complies with identification requirements of the United States Department of Transportation or other federal agencies.

a single lane by consent of both drivers; however, no motorcycles or motor-driven cycles may be driven more than two abreast in a single lane.

(b) No driver of a motorcycle or motor-driven cycle may overtake and pass another vehicle in the same lane occupied by the vehicle being overtaken. A driver of a motorcycle or motor-driven cycle may not drive between adjacent lanes or lines of traffic, or between adjacent lines or rows of vehicles.

(c) The provisions of this section do not apply to police officers in the performance of their official duties; however, this exception does not relieve the driver of a police vehicle from the duty to drive with regard for the safety of all persons. (Eff. 6/28/79, Register 70)

Authority: AS 28.05.011

### Article 10. Special Rules for Snowmobiles and Other Off-Highway Vehicles

Section	Section
430. Applicability of regulations; parental responsibility	450. (Repealed)
435. (Repealed)	455. Operation on highways and other locations
440. (Repealed)	460. (Repealed)
445. Riding on snowmobiles and other off-highway vehicles	465. (Repealed)

**13 AAC 02.430. APPLICABILITY OF REGULATIONS; PARENTAL RESPONSIBILITY.** (a) No parent or guardian may authorize or knowingly permit a child to violate a provision of secs. 430—455 of this chapter.

(b) Every person operating a snowmobile or other off-highway vehicle upon a highway has the rights and is subject to the duties applicable to the driver of any other vehicle under this chapter, except as otherwise provided in secs. 430—455 of this chapter, and except as to those provisions of this chapter which by their nature have no application. (Eff. 12/31/69, Register 31; am 6/28/79, Register 70)

Authority: AS 28.05.011

**13 AAC 02.435. APPLICATION OF SNOW VEHICLE PROVISIONS.** Repealed 6/28/79.

**13 AAC 02.440. TRAFFIC LAWS AND REGULATIONS APPLY TO OPERATION OF SNOW VEHICLE.** Repealed 6/28/79.

**13 AAC 02.445. RIDING ON SNOWMOBILES AND OTHER OFF-HIGHWAY VEHICLES.** (a) A person driving a snowmobile or other off-highway vehicle may ride only on a permanent seat attached

to the vehicle; no snowmobile or other off-highway vehicle, when driven on a highway, may be used to carry persons other than the driver, unless the vehicle is designed and equipped with a seat for a passenger.

(b) Repealed 6/28/79.  
(Eff. 12/31/69, Register 31; am 6/28/79, Register 70)

Authority: AS 28.05.011

**13 AAC 02.450. TOWING OTHER PERSON.** Repealed 6/28/79.

**13 AAC 02.455. OPERATION ON HIGHWAYS AND OTHER LOCATIONS.** (a) A snowmobile or an off-highway vehicle may be driven on a roadway or shoulder of a highway only under the following circumstances:

(1) when crossing a highway as provided in (f) of this section, or when traversing a bridge or culvert on a highway, but then only by driving at the extreme right-hand edge of the bridge or culvert and only when the traverse can be completed with safety and without interfering with other traffic on the highway;

(2) when use of the highway by other motor vehicles is impossible because of snow or ice accumulation or other natural conditions or when the highway is posted or otherwise designated as being open to travel by off-highway vehicles;

(3) when highway driving is authorized by an authority having jurisdiction over the highway, but only in accordance with restrictions which may be imposed by that authority with regard to highway use; or

(4) when driven on the right-of-way of a highway which is not a controlled-access highway, outside the roadway or shoulder, and no closer than three feet from the nearest edge of the roadway; night driving may be only on the right-hand side of the highway and in the same direction as the highway motor vehicle traffic in the nearest lane of the roadway; no person may drive an off-highway vehicle within the area dividing the roadways of a divided highway, except to cross the highway as provided in (f) of this section.

(b) Repealed 6/28/79.

(c) Repealed 6/28/79.

(d) Repealed 6/28/79.

(e) Repealed 6/28/79.

(f) A snowmobile or an off-highway vehicle may make a direct crossing of a highway if

(1) the crossing is made approximately at a right angle to the highway and at a location where visibility along the highway in both directions is clear for a sufficient distance to assure safety, and

the crossing can be completed safely and without interfering with other traffic on the highway; and

(2) the vehicle is brought to a complete stop before crossing the shoulder or roadway, and the driver yields the right-of-way to all traffic on the highway.

(g) No snowmobile or other off-highway vehicle may cross or travel on a sidewalk, a location intended for pedestrian or other nonmotorized traffic, an alley, or a vehicular way or area which is not open to snowmobile or off-highway vehicle operation, except as provided in (f) of this section. (Eff. 12/31/69, Register 31; am 7/23/70, Register 35; am 6/28/79, Register 70)

Authority: AS 28.05.011

**13 AAC 02.460. LAMPS AND OTHER EQUIPMENT ON SNOW VEHICLE.** Repealed 6/28/79.

**13 AAC 02.465. SPEED RESTRICTIONS.** Repealed 6/28/79.

#### Article 11. Miscellaneous Provisions

Section	Section
480. Unattended motor vehicle	515. Coasting prohibited
482. Limited use of vehicular ways and areas	517. Authorized and other emergency vehicles
485. Limitations on backing	520. Following authorized emergency vehicle; interference at scene of accident; crossing fire hose
487. Driving on sidewalk	525. (Repealed)
490. (Repealed)	530. Littering, depositing materials, and dragging objects prohibited
495. Riding in and on vehicles and towed objects; boarding and alighting; obstructing of driver's view or driving mechanism	532. Railroad trains not to block roadways
497. Funerals and other processions; permits	535. (Repealed)
500. (Repealed)	540. (Repealed)
505. Animals on highways and other areas	545. Drivers to exercise care
510. (Repealed)	550. (Repealed)

**13 AAC 02.480. UNATTENDED MOTOR VEHICLE.** No person driving or in charge of a motor vehicle may permit it to stand unattended by an adult person without first stopping the engine, placing the transmission in gear or in park position, locking the ignition, removing the key from the ignition and, if there is not a reasonable possibility of freezing, setting the brake. When standing upon a grade, a driver shall turn the front wheels toward the curb or near the edge of the highway in such a manner that if the unattended vehicle should roll from its standing position, the movement will be in the direction toward the curb or near the edge of the highway and away from the

roadway. (In effect before 7/28/59; am 12/15/61, Register 3; am 8/10/66, Register 22; am 12/31/69, Register 31; am 6/28/79, Register 70)

Authority: AS 28.05.011

**13 AAC 02.482. LIMITED USE OF VEHICULAR WAYS AND AREAS.** (a) No pedestrian, rider of a bicycle, or driver of a vehicle may travel on a vehicular way or area as defined in 13 AAC 40.010 when it is designated for use by a different mode of travel than that used by the pedestrian, rider of a bicycle, or driver of a vehicle.

(b) A driver of a nonmotorized vehicle traveling upon a vehicular way or area shall, regardless of whether an official traffic-control device is present, yield the right-of-way in the manner specified in sec. 130(c) of this chapter to any traffic using a roadway, driveway, or vehicular way or area on which motor vehicle traffic is authorized. (Eff. 6/28/79, Register 70)

Authority: AS 28.05.011

**13 AAC 02.485. LIMITATIONS ON BACKING.** (a) The driver of a vehicle may not back the vehicle unless the movement can be made with safety and without interfering with other traffic.

(b) The driver of a vehicle may not back the vehicle upon the roadway of a controlled-access highway or its entrance and exit ramps, except as may be directed by a police officer, a fireman, or an authorized flagman. (In effect before 7/28/59; am 12/15/61, Register 3; am 8/10/66, Register 22; am 12/31/69, Register 31; am 6/28/79, Register 70)

Authority: AS 28.05.011

**13 AAC 02.487. DRIVING ON SIDEWALK.** No person may drive a vehicle on a sidewalk or sidewalk area other than upon a permanent or temporary driveway, except as a municipality allows the riding of bicycles on sidewalks outside of a business district. (Eff. 6/28/79, Register 70)

Authority: AS 28.05.011

**13 AAC 02.490. RIDING ON MOTORCYCLE OR MOTOR SCOOTER.** Repealed 6/28/79.

**13 AAC 02.495. RIDING IN AND ON VEHICLES AND TOWED OBJECTS; BOARDING AND ALIGHTING; OBSTRUCTING OF DRIVER'S VIEW OR DRIVING MECHANISM.** (a) No person may drive a vehicle when it is so loaded, or when there are in the front or driver's seat more persons or objects than the

# Florida

GOOD

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left side of roadway within 100 feet of intersection, was not as a matter of law applicable. *Clark v. Sumner*, 72 So.2d 375 (1954).

"Intersection", did not include junction of state highway with level surfaced area reaching from highway to irrigation reservoir. *Osborne v. Lee*, 57 So.2d 652 (1952).

In action for injuries sustained when automobile in which plaintiffs were riding overturned in attempt to avoid collision when defendant's vehicle made left turn, whether place of accident was an intersection was properly removed from the jury and determined as a matter of law. *Id.*

#### 15. Motor vehicle

Uninsured motorist provision which did not contain definition of automobile, which defined utility automobile within coverage as truck type not used for business or commercial purposes and which excluded coverage while insured was occupying automobile, other than an insured automobile, owned by named insured, was sufficiently ambiguous as to whether insured's vehicle, which had passenger type cab and pick-up truck type rear area and which was required under statute to carry a truck license, was a "truck" or an "automobile" for the question to be resolved against the insurer. *Hodges v. National Union Indem. Co.*, 249 So.2d 679 (1971), conformed to 251 So.2d 894.

A trailer is not a "motor vehicle", and therefore is not a "dangerous instrumentality" within rule that motor vehicle operated on public highway is dangerous instrumentality and owner who entrusts it to another person to operate is liable for injury caused to others by negligence of person to whom it is entrusted. *Powell v. Henry*, App., 224 So.2d 730 (1969), certiorari dismissed 231 So.2d 518.

Definitions of "motor vehicle" appearing in statutes and judicial decisions and as generally understood connote something other than house trailer which is not self-propelled and is used primarily for housing ac-

commodations. *Paethorpe v. Thomson*, 171 So.2d 526 (1965).

Motorized carts, either gasoline or electric powered, such as those used as shopping vehicles and golf carts, were not motor vehicles within the purview of Const. 1885, Art. 9, § 13, which section provided in part, "motor vehicles, as property, shall be subject to only one form of taxation which shall be a license tax for the operation of such motor vehicles . . ." except when operated over the public highways, roads and streets of this state for the purpose of transporting persons and/or property. When driven over the highways and roads of the state they were subject to the regulations applicable to traffic on highways, including former chapter 317, and they are also liable to license taxes imposed by chapter 320, but were not subject to the ad valorem taxes under chapter 200. *Op. Atty. Gen.*, 084-8, Jan. 16, 1964.

Electrically propelled carts operated on public streets must carry license tags and persons operating them must have drivers' licenses. *Op. Atty. Gen.*, 055-311, Nov. 21, 1955.

#### 16. "Mule" tractors

Heavy duty tractors known as "mules" or "gouts" owned and operated by private firms, which haul 40 foot tractors known as "bogies" carrying containers between leased storage lots and shipside, which tractors must cross a public thoroughfare, are subject to the safety equipment requirements of this chapter. This chapter contains no exemptions relevant to these tractors and does not provide for administratively determined exemptions from safety equipment requirements. *Op. Atty. Gen.*, 074-225, Aug. 5, 1974.

#### 17. Owner

Where employee purchased demonstrator-automobile, title thereto was issued in his name, and he used automobile both in employer's business and for his own personal use, the only restriction upon his use being the requirement that he obtain per-

Ch. 320 MOTOR VEHICLE LICENSES, ETC. § 320.01

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of Florida. Op. Atty. Gen., 060-114, Nov. 24, 1960.

be subject to ad valorem taxation as tangible personal property. Op. Atty. Gen., 074-128, April 26, 1974.

17. Motorized golf carts

Motorized carts, either gasoline or electric powered, such as those used as shopping vehicles and golf carts, were not motor vehicles within the purview of Const. 1885, Art. 9, § 13, which section provided, in part, "motor vehicles, as property, shall be subject to only one form of taxation which shall be a license tax for the operation of such motor vehicles . . .", except when operated over the public highways, roads and streets of this state for the purpose of transporting persons and/or property. When driven over the highways and roads of the state they were subject to the regulations applicable to traffic on highways, and they were also liable for the license taxes imposed by this chapter but were not subject to the ad valorem taxes under chapter 200. Op. Atty. Gen., 064-8, Jan. 10, 1964.

18. Prefabricated modular homes

The initial decision of the mobile home owner-taxpayer to apply for an MH or RP tag is indicative of the intent to establish its character for tax purposes under the provisions of this chapter. Taxation of the mobile home is, however, subject to discretionary factual determination of the tax assessor. Op. Atty. Gen., 072-371, Oct. 27, 1972.

Prefabricated modular homes which are placed on foundations on homesites by the purchasers are subject to property taxes and not subject to license taxes as a motor vehicle. Op. Atty. Gen., 070-84, July 22, 1970.

19. Recreation vehicles

Motor vehicles, as defined by this section including recreation vehicle-type units, are subject to an annual license tax as provided by this chapter, in lieu of ad valorem taxes, regardless of their use, unless they are permanently affixed to land and taxed as real property. If a particular unit is not within the statutory definition of "motor vehicle" it would

20. Tires

Motor vehicles tires furnished by tire manufacturers to operators of motor vehicles, under a lease or other agreement, when carried as spares on such licensed motor vehicles, are subject to ad valorem taxation prior to their actual use on the vehicles, and they are likewise subject to ad valorem taxation when stored in state for use in the future on such motor vehicles. Op. Atty. Gen., 1940, p. 334.

21. "Tow-motor" vehicles

Where plaintiff while standing near lunch truck in a street end or extension located near a harbor dock area was injured by a small motor operated vehicle called a "tow-motor," evidence authorized finding that the injury occurred on a public street or highway maintained by the city and that the "tow-motor" was a motor vehicle so that the dangerous instrumentality doctrine was properly applied. *Eagle Stevedores, Inc. v. Thomas*, App., 145 So.2d 551 (1962).

22. Trailers and semi-trailers

"Aerocars" which were two-wheeled "semitrailleurs" used behind automobiles for transportation of passengers and luggage to and from hotels and some of which were operated for hire as sightseeing vehicles, were "motor vehicles" which, under Const. 1885, Art. 9, § 13, were subject to license taxes only and not to ad valorem taxes. *Wood v. Club Transp. Service*, 143 Fla. 440, 106 So. 843 (1940).

A unit of tractor and trailer, or a tractor, so constructed and used to haul merchandise or loads other than persons that it becomes a truck, must be licensed as a "motor vehicle." *Hurt v. Stinson*, 135 Fla. 331, 185 So. 130 (1930).

The provisions of this section defining a trailer as including all four wheel vehicles coupled to or drawn by a motor vehicle, and a semi-trailer

## Historical Note

## Derivation:

Fla.St.1975, § 816.287.

Laws 1971, c. 71-135, § 1.

Laws 1976, c. 76-31, § 1, renumbered without amendment sections contained in Fla.St.1976, Chapter 816, effective October 1, 1977. For text of the renumbered section as contained in Fla.St. 1975, see § 816.287 in the main volume.

Laws 1985, c. 85-329, § 1, eff. Oct. 1, 1985, added subsec. (5) and rewrote subsec. (4) which formerly provided:

"The department is authorized to approve or disapprove protective headgear and eye-protective devices required herein and to issue and enforce regulations establishing standards and specifications for the approval thereof. The department shall publish lists of all protective headgear and eye-protective devices by name and type which have been approved by it."

Laws 1987, c. 87-161, § 23, eff. Oct. 1, 1987, deleted subsec. (5) pertaining to protective headgear that include speakers or other listening devices.

Laws 1988, c. 88-405, § 2, eff. July 7, 1988, expanded subsec. (8) which previously applied to persons riding with an enclosed cab only, added a new subsec. (4), and renumbered former subsec. (4) as subsec. (5).

## Notes of Decisions

## Negligence 2

## Validity 1

## 1. Validity

This section requiring the operator of a motorcycle to wear protective headgear has a rational and valid purpose and is not subject to attacks of vagueness and unconstitutional delegation. *Hamm v. State*, 387 So.2d 946 (1980).

## 2. Negligence

Evidence, which indicated that motorcycle passenger wore helmet at time of accident and that helmet flew off at point of impact, was insufficient to establish comparative negligence based on alleged violation of statute requiring persons riding motorcycle to wear protective headgear securely fastened. *Nationwide Mut. Fire Ins. Co. v. Vosburgh*, App. 4 Dist., 480 So.2d 140 (1985).

In negligence action arising out of motorcycle accident, trial court did not err in precluding defendants from introducing evidence and later arguing to jury that plaintiffs' decedent was guilty of comparative negligence by failing to wear protective headgear at time of accident in violation of statute, since no evidence was adduced that the violation of the statute was the proximate cause of head injuries sustained by decedent. *Rex Utilities, Inc. v. Gaddy*, App., 413 So.2d 1232 (1982).

## 316.212. Operation of golf carts on certain roadways

The operation of a golf cart upon the public roads or streets of this state is prohibited except as provided herein:

(1) A golf cart may be operated only upon a county road which has been designated by a county, or a city street which has been designated by a city, for use by golf carts.

(2) A golf cart may only be operated within a 1-mile radius of a bona fide golf course and only when being used to transport the owner or operator between his residence and the golf course.

(3) A golf cart may only be operated on a part of the State Highway System under the following conditions:

(a) To cross a portion of the State Highway System which intersects a county road or city street that has been designated for use by golf carts if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(b) To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(c) The provisions of subsection (2) notwithstanding, a golf cart may be operated on a state road which has been designated for transfer to a local government unit pursuant to s. 835.04 if the Department of Transportation determines that the operation of a golf cart within the right-of-way of the road will not impede the safe and efficient flow of motor vehicular traffic. The department may authorize the operation of golf carts on such a road if:

1. The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and
2. The speed, volume, and character of motor vehicular traffic along the road is considered in making such determination.

Upon its determination that golf carts may be operated on a given road, the department shall post appropriate signs on the road to indicate that such operation is allowed.

(4) Any other provision of this section to the contrary notwithstanding, a golf cart may be operated for the purpose of crossing a street or highway where a single mobile home park is located on both sides of the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway shall review and approve the location of the crossing and require implementation of any traffic controls needed for safety purposes. This subsection shall apply only to residents or guests of the mobile home park. Any other provision of law to the contrary notwithstanding, if notice is posted at the entrance and exit to any mobile home park that residents of the park utilize golf carts or electric vehicles within the confines of the park it shall not be necessary that the park have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.

(5) A golf cart may only be operated during the hours between sunrise and sunset.

(6) 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.

Added by Laws 1983, c. 88-188, § 2, eff. Oct. 1, 1983. Amended by Laws 1984, c. 88-111, § 1, eff. June 7, 1984; Laws 1988, c. 88-253, § 2, eff. Oct. 1, 1988.

**Historical Note**

Laws 1984, c. 84-111, § 1, deleted the second sentence of subsec. (1) which read: "A golf cart may not be operated on any part of the state highway system", interpolated subsec. (3), redesignated former subsecs. (3) and (4) as subsecs. (4) and (5), and deleted former subsec. (5) which read: "A golf cart must be operated by a person possessing a valid motor vehicle operator's or chauffeur's license".

Laws 1988, c. 88-253, § 2, eff. Oct. 1, 1988, added a new subsec. (4), and renumbered former subsecs. (4) and (5) as subsecs. (5) and (6).

**Cross References**

Registration and licensing of golf carts, exemption, see § 320.105.

**Library References**

Automobiles ⇐ 2.  
C.J.S. Motor Vehicles §§ 11, 22 et seq.

**Notes of Decisions**

**1. Construction and application**

Dangerous instrumentality doctrine, which imposed liability on owner of dangerous agency, was applicable where country club rented golf cart to golfer who, while operating cart, struck other golfers' cart, causing personal injuries. *Meister v. Fisher*, 462 So.2d 1071 (1984).

Golf cart when negligently operated on golf course has same ability to cause serious injury as does any motor vehicle operated on public highway and, therefore, golf cart operated on golf course is "dangerous instrumentality." *Meister v. Fisher*, 462 So.2d 1071 (1984).

A golf cart may not cross a state road at a controlled intersection of a city street and a state road in light of the express language of this section prohibiting the operation of golf carts on any part of the state highway system. *Op. Atty. Gen.*, 89-101, Dec. 29, 1983.

**316.2125. Operation of golf carts within a retirement community**

(1) Notwithstanding the provisions of s. 316.212, the reasonable operation of a golf cart, equipped as provided in s. 316.212(6), within any self-contained retirement community is permitted unless prohibited under subsection (2).

(2)(a) A county or municipality may prohibit the operation of golf carts on any street or highway under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.

(b) The Department of Transportation may prohibit the operation of golf carts on any street or highway under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

Laws 1988, c. 88-253, § 1, eff. Oct. 1, 1988.

## MOTOR VEHICLES

§ 316.221

### 316.216. Scope and effect of regulations

Laws 1976, c. 76-31, § 1, renumbered without amendment sections contained in Fla.St.1975, Chapter 316, effective October 1, 1977. For text of the renumbered section as contained in Fla.St.1975, see § 316.059 in the main volume.

#### Notes of Decisions

Construction and application 1/2  
Court costs 2

See Notes of Decisions in main volume under § 316.059.

#### 1/2. Construction and application

This section making it violation of uniform traffic control law to operate ill-equipped vehicle applies to motorcycles, and, therefore, defendant could, by operating motorcycle which generated

excessive sound levels and which may have been ill-equipped to prevent that noise, cause police officer to entertain reasonable suspicion that violation of that section was being committed in his presence. State v. Cobbs, App., 411 So.2d 212 (1982).

#### 2. Court costs

Imposition of court costs on defendant convicted of offenses under this chapter was improper where defendant had been adjudicated insolvent. Cox v. State, 334 So.2d 568 (1976) on remand 336 So.2d 143.

### 316.217. When lighted lamps are required

(1) Every vehicle operated upon a highway within this state shall display lighted lamps and illuminating devices as herein respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, under the following conditions:

(a) Any time from sunset to sunrise;

(b) During any time when, due to rain, smoke, fog, insufficient light, or unfavorable atmospheric conditions, the visibility is reduced to a degree whereby persons or vehicles are not clearly discernible at a distance of 1,000 feet ahead;

(c) Stop lights, turn signals, and other signaling devices shall be lighted as prescribed for use of such devices.

Amended by Laws 1976, c. 76-218, § 4, eff. July 1, 1976.

[See main volume for text of (2) and (3)]

#### Historical Note

Laws 1976, c. 76-218, rewrote subsec. (1).

#### Cross References

Additional fine or penalty, assessment and payment to good drivers' incentive fund, see § 318.22.

316.218. Renumbered as 316.2396 by Laws 1976, c. 76-31, § 1, eff. Oct. 1, 1977

316.219. Renumbered as 316.2395 by Laws 1976, c. 76-31, § 1, eff. Oct. 1, 1977

### 316.221. Taillamps

(1) Every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two taillamps mounted on the rear, which, when lighted as required in s. 316.217, shall emit a red light plainly visible from a distance of 1,000 feet to the rear, except that passenger cars and pickup trucks manufactured or assembled prior to January 1, 1972, which were originally equipped with only one taillamp shall have at least one taillamp. On a combination of vehicles, only the taillamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one taillamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

Amended by Laws 1979, c. 79-87, § 1, eff. Oct. 1, 1979.

[See main volume for text of (2)]

for review and repeal in accordance with § 11.61, §§ 820.77 to 820.866 are not to be repealed on Oct. 1, 1988 but continued in full force in effect as amended. Section 20 of the 1988 law provides for subsequent review as indicated in the italicized note at the head of the chapter.

#### Notes of Decisions

Camping trailers 5.5  
Golf carts 9.5

### 2. Construction and application

Legislature's primary concern in dealing with motor vehicles is their regulation while operated over public streets and highways of state. *Sherman v. Reserve Ins. Co.*, App., 350 So.2d 349 (1977).

Statutory amendment to this chapter by Laws 1977, c. 77-357 enacted in 1977 was remedial, in that it was designed to correct error of Department of Statutory Revision by which law was changed to require that applications for motor vehicle dealer licenses be heard and ruled upon by Department of Highway Safety and Motor Vehicles, that is, governor and cabinet, rather than Director of Division of Motor Vehicles, and fell within exception to general rule against retrospective operation of statutes. *Kawasaki of Tampa, Inc. v. Calvin*, App., 348 So.2d 897 (1977).

#### 5.5. Camping trailers

Agricultural inspector had probable cause to believe that pick-up truck with camper was a truck subject to agricultural inspection, despite contention that the vehicle was a "camping trailer." *Turner v. State*, App., 388 So.2d 254 (1980).

#### 9.5. Golf carts

Dangerous instrumentality doctrine, which imposed liability on owner of dangerous agency, was applicable where country club rented golf cart to golfer who, while operating cart, struck other golfers' cart, causing personal injuries. *Meister v. Fisher*, 462 So.2d 1071 (1984).

Golf cart when negligently operated on golf course has same ability to cause serious injury as does any motor vehicle operated on public highway and, therefore, golf cart operated on golf course is "dangerous instrumentality." *Meister v. Fisher*, 462 So.2d 1071 (1984).

### 13. Mobile homes

Despite defendant's contention that his van was customized in such a fashion that it was a motor home, his vehicle came within meaning of "truck," under this section making it unlawful for truck to pass inspection station without stopping for inspection, where rear compartment of van, although evidently not intended to be used for cargo carrying alone, did not appear to have been designed solely to carry passengers and their effects either, therefore, detention and

search of defendant's van were not illegal. *Martin v. State*, 411 So.2d 169 (1982).

Since mobile homes were considered to be personal property under the valued policy law (§ 627.702 as it read prior to the 1979 amendment) and since personal property was excluded from the provisions of such act, the trial court, in suit brought by owners of fire-destroyed mobile home against their two insurers for full coverage under each policy, erred in finding the policies' "other insurance" clauses to be contrary to the act; thus, those clauses were valid and enabled the insurers to apportion the loss. *Foremost Ins. Co. v. Medders*, App., 399 So.2d 128 (1981).

After perfecting its security interest, by notation on title issued for mobile home by department of highway safety and motor vehicles, bank was not required to reperfect its security interest when home became fixture to real property; thus when land on which home was situated was sold at sheriff's sale, purchasers received interest in mobile home subject to bank's perfected security interest, even though purchasers, who had not searched department's records, had no actual notice of bank's lien, and mobile home bore no tags or other evidence that it was registered with department. *Barnett Bank of Clearwater, N.A. v. Rompon*, App., 377 So.2d 981 (1979).

### 16. Motor vehicles

At time of accident in which plaintiff was struck and injured by automobile while walking along roadside, plaintiff's truck was not a motor vehicle with respect to which security was required under § 627.730 et seq., and therefore plaintiff was not barred from claiming personal injury protection coverage under automobile driver's policy on grounds that at time of accident plaintiff's truck was uninsured where, notwithstanding that at time of accident truck was registered and licensed, they were allowed to lapse at next possible date, plaintiff testified that he did not have cash to pay for repair which would have rendered truck operable, plaintiff withdrew it from operation on public streets and put it in "storage" for a substantial period of time and testified that he had no intention of driving truck or having it driven until his license was restored and clutch was repaired. *Fortune Ins. Co. v. Oehme*, App. 5 Dist., 453 So.2d 920 (1984).

Only those motor vehicles which are required by Florida law to be registered are subject to security requirements of § 627.733 and there are no registration or security requirements for motor vehicles which are neither operated over public streets of Florida nor maintained for that purpose. *Bedgood v. Hartford Acc. & Ind. Co.*, App., 384 So.2d 1363 (1980).

A vehicle previously required to be registered is excused from registration requirements, and its owner correspondingly excused from security requirements of Florida Automobile Reparations

**Historical Note**

**Prior Provisions for Legislative Review of Regulatory Statutes:**

Laws 1983, c. 83-227, § 13, which provided for the repeal of this section on October 1, 1984, was repealed by Laws 1984, c. 84-94, § 7.

Laws 1983, c. 83-318, § 57, provided for repeal of this section on October 1, 1985, and for review by the legislature pursuant to the Regulatory Sunset Act as contained in § 11.61. Laws 1985, c. 85-343, § 2, provides that notwithstanding the provisions of Laws 1983, c. 83-318, this section shall not stand repealed October 1, 1985, as scheduled by such act, but such section, as amended, is revived and readopted.

Laws 1977, c. 77-104, a reviser's bill corrected errors and deleted obsolete or expired provisions. See Reviser's Note—1977.

Laws 1977, c. 77-357, amending subsec. (2) increased the fee from \$2 to \$3 and substituted "license" for "number" plate.

Laws 1977, c. 77-454, repealed subsec. (1)(f).

Laws 1979, c. 79-79, substituted "owned or exclusively operated" for "owned and operated" in subssecs. (1)(a), (1)(c), and (2).

Laws 1982, c. 82-17, § 1, inserted subsec. (1)(a), renumbered the following paragraphs of subsec. (1) accordingly, deleted "trailer or semitrailer" following "Any motor vehicle" in subsec. (1)(b) as redesignated, deleted "or station wagons" following "Motor vehicles" at the beginning of subsec. (1)(f) as redesignated, and rewrote the first sentence of subsec. (2). Section 3 of Laws

1982, c. 82-17 provides that the section take effect upon becoming law (March 15, 1982) and operate retroactively to Dec. 1, 1982.

Laws 1983, c. 83-218, was a reviser's correction bill.

Laws 1983, c. 83-227 and Laws 1983, c. 83-318, § 36, substantially rewrote this section.

Laws 1985, c. 85-343, § 1, eff. June 24, 1985, rewrote subsec. (1); deleted the third sentence in subsec. (2), which pertained to the issuance of "X" license plates to nationally chartered veterans' organizations that maintain state headquarters in this state; and added subsec. (3).

Laws 1986, c. 86-185, § 7, eff. Oct. 1, 1986, added subsec. (1)(i).

**Reviser's Note—1977:**

[Laws 1977, c. 77-104] amended [subsec. (2)] to conform to s. 320.08(12), F.S., which provides for a \$3 fee for exempted "X" tags.

**Reviser's Note—1983:**

The amendment of s. 320.10 by s. 36 of ch. 83-82 during the special session of June 15-24, 1983, failed to incorporate the amendments to the same section made by s. 12 of ch. 83-227 during the regular session. Although the circumstance that separate sessions were involved takes the transaction out of the operation of s. 1.04, there was no apparent legislative intent to nullify the amendment of the regular session. Therefore, the section as published gives full effect to both amendments.

**320.105. Golf carts; exemption**

Golf carts, as defined in s. 320.01, when operated in accordance with s. 316.212, are exempt from provisions of this chapter which require the registration of vehicles or the display of license plates.

Added by Laws 1983, c. 83-188, § 4, eff. Oct. 1, 1983. Amended by Laws 1987, c. 87-198, § 30, eff. Sept. 1, 1988.

**Historical Note**

Laws 1987, c. 87-198, § 30, eff. Sept. 1, 1988, deleted subsection reference in statute reference for § 320.01.

**Library References**

Automobiles ¶37.  
C.J.S. Motor Vehicles § 63 et seq.

**320.13. Dealer license plates and alternative method of registration**

(1)(a) Any licensed motor vehicle dealer and any licensed mobile home dealer may, upon payment of the license tax imposed by s. 320.08(11), secure one or more dealer license plates, which are valid for use on motor vehicles or mobile homes owned by the dealer to whom such plates are issued while the motor vehicles are in inventory and for sale, or while being operated in connection with such dealer's business, but are not valid for use for hire.

(b) 1. Marine boat trailer dealers and manufacturers may, upon payment of the license taxes imposed by s. 320.08(11), secure one or more dealer plates, which are valid for use on boat trailers owned by the dealer to whom such plates are issued while being used in connection with such dealer's business, but are not valid for use for hire.

2. It is the intent of the Legislature that the method currently used to license marine boat trailer dealers to do business in the state, that is, by an occupational license issued

# California

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## DEFINITIONS

§ 345

### NOTES OF DECISIONS

Though specific regulations apply to freeways and not to highways in general, no regulation forces the conclusion that Veh Code, § 530, which defines a roadway as that portion of a highway improved, designed, or ordinarily used for vehicular traffic, and which applies to highways in general, is inapplicable to a freeway. *Pitcher v Kniss* (1970) 10 CA3d 931, 89 Cal Rptr 676.

#### § 335. "Gantry truck"

A "gantry truck" is a motor vehicle so designed and constructed that it straddles the load to be transported and by means of appropriate mechanism picks up the load and supports it during transportation.

Enacted Stats 1959 ch 3.

##### Prior Law:

(a) Former Veh C § 694 subd (h) 2d sent, as amended by Stats 1935 ch 714 p 1929, Stats 1939 ch 788 § 7 p 2318, Stats 1941 ch 402 § 2 p 1686, Stats 1945 ch 519 § 1 p 1049, Stats 1947 ch 1409 § 1 p 2970, Stats 1949 ch 1316 § 1 p 2302, Stats 1951 ch 1380 § 1 p 3302.

(b) Stats 1923 ch 266 § 83 p 540, as amended by Stats 1929 ch 253 § 29 p 526.

##### Cross References:

"Vehicle": § 670.

#### § 340. "Garage"

A "garage" is a building or other place wherein the business of storing or safekeeping vehicles of a type required to be registered under this code and which belong to members of the general public is conducted for compensation.

Enacted Stats 1959 ch 3.

##### Prior Law:

(a) Former Veh C § 75.

(b) Stats 1923 ch 266 § 28 p 520, as amended by Stats 1927 ch 752 § 6 p 1422.

##### Cross References:

"Vehicle": § 670.

Records and reports of garages: §§ 10650 et seq.

##### Collateral References:

35 Cal Jur 3d Garages, Service Stations, and Parking Facilities § 1.

Am Jur 2d Garages, and Filling and Parking Stations § 1.

##### Annotations:

Liability of owner or operator of parking lot or garage for loss of or damage to contents of parked motor vehicle. 78 ALR3d 1057.

#### § 345. "Golf cart"

A "golf cart" is a motor vehicle having not less than three wheels in contact with the ground, having an unladen weight less than 1,300 pounds, which is designed to be and is operated at not more than 15

miles per hour and designed to carry golf equipment and not more than two persons, including the driver.

Added Stats 1968 ch 1303 § 1 p 2456.

Former Section: Former § 345, similar to § 36000, was enacted by Stats 1959 ch 3 and repealed by Stats 1963 ch 2149 § 2 p 4486.

**Cross References:**

"Driver": § 305.

"Motor vehicle": § 415.

"Person": § 470.

"Vehicle": § 670.

**§ 350. "Good moral character"**

The term "good moral character" shall have the same meaning as specified in Division 1.5 (commencing with Section 475) of the Business and Professions Code.

Added Stats 1973 ch 996 § 8.5, operative July 1, 1974.

Former Section: Former § 350, similar to present § 36005, was enacted by Stats 1959 ch 3, amended by Stats 1959 ch 1996 § 2 p 4615, and repealed by Stats 1963 ch 2149 § 3 p 4486.

**§ 351.** [Added by Stats 1961 ch 2131 § 2 p 4395, amended by Stats 1963 ch 268 § 1 p 1025, and repealed by Stats 1963 ch 2149 § 4 p 4486.]

See §§ 36015, 36300.

**§ 353. "Hazardous material"**

"Hazardous material" is any substance, material, or device posing an unreasonable risk to health, safety, or property during transportation, as defined by regulations adopted pursuant to Section 2402.7. "Hazardous material" includes explosives and hazardous wastes or substances as defined by regulations adopted pursuant to Section 25141 of the Health and Safety Code.

Added Stats 1977 ch 825 § 3; Amended Stats 1981 ch 860 § 1.

**Amendments:**

1981 Amendment: (1) Substituted "substance, material, or device" for "material or device" in the first sentence; and (2) added the second sentence.

**Cross References:**

Adoption by commissioner of highway patrol of federal definitions relating to hazardous materials, substances, or wastes: § 2402.7.

**§ 355.** [Enacted by Stats 1959 ch 3, amended by Stats 1961 ch 1275 § 1 p 3052, ch 1338 § 1 p 3118, and renumbered § 324 by Stats 1965 ch 1500 § 1 p 3522.]

**§ 360. "Highway"**

"Highway" is a way or place of whatever nature, publicly maintained

## § 4015

## REGISTRATION AND TITLE

### Collateral References:

8 Cal Jur 3d Automobiles § 17.

## § 4016. Loading and unloading by dealer

Notwithstanding the provisions of Section 4000, unregistered vehicle may be left standing upon a highway adjacent to a vehicle dealer's place of business when done so in connection with the loading and unloading of vehicles to be used in the dealer's business, unless otherwise prohibited by law.

Added Stats 1959 ch 1233 § 2.

### Cross References:

"Dealer": §§ 285, 286.

Necessity of registration and payment of fees: §§ 4000, 4000.4.

### Collateral References:

8 Cal Jur 3d Automobiles § 17.

## § 4017. Operating of vehicle pending registration

The provisions of Section 4000 shall not apply to the moving or operating of a vehicle during the period of time in which application may be made for registration of the vehicle without penalty as provided in Section 4152.5.

Added Stats 1959 ch 1 § 5 p 594 as § 4014; Renumbered Stats 1961 ch 58 § 10 p 100 effective March 31, 1961; Amended Stats 1973 ch 889 § 25, effective September 26, 1973; Stats 1974 ch 1330 § 15, effective September 26, 1974, operative March 10, 1975.

### Amendments:

1973 Amendment: Deleted "as provided in Sections 4602 and 4611" after "penalty".

1974 Amendment: Added "as provided in Section 4152.5".

### Cross References:

Necessity of registration and payment of fees: §§ 4000, 4000.4.

### Collateral References:

8 Cal Jur 3d Automobiles § 17.

## § 4018. Logging vehicle

Any logging vehicle is exempt from registration.

Added Stats 1975 ch 517 § 2.

Former Section: Former § 4018, relating to vehicles with special identification plates, was added by Stats 1961 ch 1285 § 1 p 3065, operative January 1, 1962, and repealed by Stats 1971 ch 1437 § 3, ch 1448 § 3. See § 5004.

### Cross References:

"Logging vehicle": § 379.

## § 4019. Golf carts

A golf cart operated pursuant to Section 21115 is exempt from registration.

Added Stats 1968 ch 1303 § 2 p 2456.

VEHICLES SUBJECT TO REGISTRATION

§ 4020

Cross References:

"Golf cart": § 345.

Local regulation of golf carts on local highways: § 21115.

Collateral References:

8 Cal Jur 3d Automobiles § 17.

§ 4020. Motorized bicycles

A motorized bicycle operated upon a highway is exempt from registration.

Added Stats 1975 ch 987 § 4.

Former Section: Former § 4020 relating to snowmobiles, was added by Stats 1969 ch 1075 § 2 p 2062 and repealed by Stats 1972 ch 973 § 5, effective August 16, 1972.

Cross References:

"Motorized bicycle": § 406.

**2. State hospital grounds**

A hospital district is not a "state institution or building" within the meaning of this section, and, therefore, a hospital district is not entitled to require city police to enforce traffic regulations, including parking regulations, on hospital grounds. 42 Ops.Atty.Gen. 50.

State hospitals are authorized to regulate vehicular traffic upon their grounds

with respect to speed, places of parking, and type of vehicle permitted to enter, and such regulations may be established and enforced by business manager of institution and those employees designated by him as police officers and by officers of the regularly constituted police authority having jurisdiction of the area. 15 Ops.Atty.Gen. 291.

**§ 21114. Aircraft on local roads**

If a local authority finds that a city street or county road under its jurisdiction adjacent to an airport has been specifically designed and constructed, with the prior approval of the local authority, so as to safely permit the use thereof by regular vehicular traffic and also the taxiing of aircraft thereon between the airport and the place where such aircraft are hangared or tied down, the local authority may by resolution or ordinance designate such street or road or portion thereof for such combined use and prescribe rules and regulations therefor which shall have the force of law. No such street or road shall be so designated for a distance of more than one-half mile from the airport, provided, the finding of the local authority in this respect shall be conclusive. Upon such designation becoming effective, it shall be the sole responsibility of the local authority to enforce the provisions of the Vehicle Code and all rules and regulations adopted by it upon such street or road. Upon such designation becoming effective it shall be lawful to taxi aircraft upon such street or road in accordance with the rules and regulations prescribed as aforesaid and said aircraft need not be licensed under this code or comply with other provisions thereof.

(Added by Stats.1963, c. 537, p. 1417, § 1.)

**Library References**

Automobiles ↪10.  
Aviation ↪224.

C.J.S. Aerial Navigation § 35 et seq.  
C.J.S. Motor Vehicles § 26 et seq.

**§ 21115. Golf carts on local highways**

If a local authority finds that a highway under its jurisdiction is located adjacent to a golf course and between the golf course and the place where golf carts are parked or stored or is within or bounded by a real estate development offering golf facilities and is designed and constructed, so as to safely permit the use thereof of regular vehicular traffic and also the driving of golf carts thereon, the local authority may by resolution or ordinance designate such highway or portion thereof for such combined use and prescribe rules and regulations therefor which shall have the force of law. No such highway shall be so designated for a distance of more than one-half mile from

the golf course if such highway is not located within such a development or beyond the area of such development, provided, the finding of the local authority in this respect shall be conclusive. Upon such designation becoming effective it shall be lawful to drive golf carts upon such highway in accordance with the rules and regulations prescribed as aforesaid. Such rules and regulations may establish speed limits and other operating standards but shall not require that the golf carts conform to any requirements of this code with respect to equipment, registration, or licensing.

The rules and regulations shall not be effective until appropriate signs giving notice thereof are posted along the highway affected.

A "real estate development offering golf facilities," for purposes of this section, means an area of single-family or multiple-family residences, with a security gate, the owners or occupants of which are eligible for membership in, or the use of, one or more golf courses within such development by virtue of their ownership or occupancy of a residential dwelling unit in such development.

(Added by Stats.1968, c. 1303, p. 2456, § 3. Amended by Stats.1970, c. 792, p. 1507, § 1.)

#### Cross References

Golf carts defined, see § 345.

### § 21116. Levees, banks of waterways, and pipeline rights-of-way

(a) No person shall drive any motor vehicle upon a roadway located on a levee, canal bank, natural watercourse bank, or pipeline right-of-way if the responsibility for maintenance of the levee, canal bank, natural watercourse bank, or pipeline right-of-way is vested in the state or in a reclamation, levee, drainage, water or irrigation district, or other local agency, unless such person has received permission to drive upon such roadway from the agency responsible for such maintenance, or unless such roadway has been dedicated as a public right-of-way.

(b) For this section to be applicable to a particular levee, canal bank, natural watercourse bank, or pipeline right-of-way, the state or other agency having responsibility for maintenance of the levee, canal bank, natural watercourse bank, or pipeline right-of-way shall erect or place appropriate signs giving notice that permission is required to be obtained to drive a motor vehicle thereon and giving notice of any special conditions or regulations that are imposed pursuant to this section and shall prepare and keep available at the principal office of the state agency or other agency affected or of the board of such agency, for examination by all interested persons, a written statement, in conformity with the existing rights of such agency to control access to the roadway, describing the nature of the

area and it is not possible to have each ambulance operated or attended by persons with the qualifications required by this section.

(Added by Stats.1959, c. 1657, p. 4034, § 1. Amended by Stats.1968, c. 1309, p. 2473, § 10, operative Jan. 1, 1969; Stats. 1970, c. 1469, p. 2901, § 2.)

**Historical Note**

The subject of revocation, removed from this section in 1908, is now covered by section 2542.

**Administrative Code References**

Ambulance operation regulations, see 13 Cal. Adm. Code 1100 et seq.  
Operation and equipment of ambulances used for emergency services, see 13 Cal. Adm. Code 1101.

**§ 21715. Passenger vehicle combinations**

No passenger vehicle regardless of weight, or any other motor vehicle under 4,000 pounds unladen, shall draw or tow more than one vehicle in combination, except that an auxiliary dolly may be used with the towed vehicle.

(Added by Stats.1961, c. 643, p. 1849, § 1. Amended by Stats.1963, c. 134, p. 807, § 1; Stats.1963, c. 850, p. 2074, § 1; Stats.1963, c. 2149, p. 4487, § 13.5.)

**Historical Note**

The exemption from this section of implements of husbandry, inserted by Stats. 1963, c. 850, p. 2074, § 1, was deleted and the substance thereof incorporated into new section 36625 by Stats.1963, c. 2149, p. 4487, §§ 13.5, 24.

**Cross References**

Cotton trailers, see § 36626.  
Vehicle drawing or towing unladen implements of husbandry, see § 36625.

**Library References**

Automobiles ⇨ 174(2).	Interim Committee on Agriculture, 1901-1903, vol. 17, No. 10, p. 51.
C.J.S. Motor Vehicles §§ 35, 339.	Vol. 2 of Appendix to Journal of the Assembly, Reg.Sess., 1963.
Operation of cotton trailers on commercial highways. Reports of Assembly	

**§ 21716. Golf carts**

No person shall operate a golf cart on any highway except in a speed zone of 25 miles per hour or less.

(Added by Stats.1968, c. 1303, p. 2457, § 4.)

**Cross References**

Golf carts defined, see § 345.

**Library References**

Automobiles ⇨ 1.	C.J.S. Motor Vehicles § 10 et seq.
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## GENERAL PROVISIONS

§ 24002

Ch. 1

### § 24001.5. Golf cart

A golf cart as defined in Section 345 shall only be subject to the provisions of this division which are applicable to a motorcycle.

(Added by Stats.1968, c. 1303, p. 2457, § 5. Amended by Stats.1969, c. 1075, p. 2064, § 10; Stats.1972, c. 973, p. 1759, § 18, eff. Aug. 16, 1972.)

#### Historical Note

The 1969 amendment inserted "and a snowmobile as defined in Section 557 having an unladen weight of less than 1,500 pounds" (later deleted; see 1972 amendment note).

The 1972 amendment deleted the reference to snowmobiles added by the 1969 amendment.

#### Cross References

Motorcycles,

Authorized emergency vehicle, see § 165.

Defined, see § 400.

Required equipment, see § 27800 et seq.

Operation of golf carts during darkness on local highways, see § 21115.

#### Library References

Automobiles ~~1~~.

C.J.S. Motor Vehicles § 1 et seq.

### § 24002. Vehicle not equipped or unsafe

It is unlawful to operate any vehicle or combination of vehicles which is in an unsafe condition, which is not equipped as required by this code, or which is not safely loaded.

(Stats.1959, c. 3, p. 1713, § 24002.)

#### Historical Note

Derivation: Veh.C.1935, § 679 (Stats. 1935, c. 27, p. 225, amended by Stats.1941, c. 1058, p. 2726, § 1.) Stats.1923, c. 266, p. 517, § 93½, added Stats.1931, c. 1026, p. 2115, § 26.

#### Cross References

Required equipment,

Brake equipment, see § 26301 et seq.

Exhaust systems, see § 27150.

Horns and sirens, see § 27000 et seq.

Lighting equipment, see § 24250 et seq.

Safety belts, see § 27302 et seq.

Tires, see § 27450 et seq.

Windshields and mirrors, see § 26700 et seq.

Unsafe condition, modification of vehicle, see § 24008.5.

Vehicles incidentally operated over highway, applicability of this section, see § 25802.

NOTES TO DECISIONS

**Applicability of chapter.** — This chapter, specifically AS 05.25.040, was intended to cover nondocumented vessels temporarily devoted to recreational purposes, even though generally used com-

mercially. *Churchill v. F/V Fjord*, 744 F.2d 677 (9th Cir. 1984), rev'd on other grounds, 857 F.2d 571 (9th Cir. 1988).

Quoted in *Churchill v. F/V Fjord*, 857 F.2d 571 (9th Cir. 1988).

**Chapter 30. Snow Vehicles.**

**Article**

- 1. Registration (§§ 05.30.010 — 05.30.050)
- 2. Regulation and Equipment (§§ 05.30.070 — 05.30.080)
- 3. General Provisions (§§ 05.30.100 — 05.30.120)

**Article 1. Registration.**

**Section**

- 10. Unlawful to operate unregistered vehicle
- 20. Registration and registration fee

**Section**

- 30. Exemption from registration fee
- 40. Registration certificate and decals
- 50. Transfer of ownership

**Sec. 05.30.010. Unlawful to operate unregistered vehicle.** Except for operation on the owner's private property, a person may not operate a snow vehicle unless the snow vehicle has been registered with the Department of Public Safety under this chapter. (§ 1 ch 182 SLA 1968; am § 1 ch 214 SLA 1975)

**Collateral references.** — 7A Am. Jur. 60 C.J.S., *Motor Vehicles*, §§ 58-65, 2d. *Automobiles and Highway Traffic*, 97-101, 105-145. §§ 5, 55, 58, 215.

**Sec. 05.30.020. Registration and registration fee.** A registration is valid for two years commencing September 1, 1968. The registration fee is \$5, which shall be paid into the general fund. (§ 1 ch 182 SLA 1968)

**Sec. 05.30.030. Exemption from registration fee.** Snow vehicles owned by the federal or state government or a political subdivision of the federal or state government shall be registered but are not required to pay a registration fee. (§ 1 ch 182 SLA 1968)

**Sec. 05.30.040. Registration certificate and decals.** (a) Upon registration of a snow vehicle, the registrant shall be issued a registration certificate and two numbered decals containing the registration number of the vehicle. Once a snow vehicle has been issued a number, it retains that number until the vehicle is destroyed, abandoned, or permanently removed from the state. Numbered registration decals shall be displayed on each side of the cowl of a snow vehicle.

(b) As used in this section "cowling" means the forward or rear portion of a snow vehicle surrounding the motor and clutch assembly. (§ 1 ch 182 SLA 1968)

**Revisor's notes.** — Subsection (b) was formerly AS 05.30.120(1). Renumbered in 1981.

**Sec. 05.30.050. Transfer of ownership.** The Department of Public Safety shall adopt regulations to accomplish transfer of ownership of snow vehicles. (§ 1 ch 182 SLA 1968; am § 2 ch 214 SLA 1975)

## Article 2. Regulation and Equipment.

### Section

70. Regulation by political subdivision

80. Equipment required

**Sec. 05.30.070. Regulation by political subdivision.** A city of any class, or an organized borough in the area outside cities, may, by ordinance, regulate the use and operation of snow vehicles. (§ 1 ch 182 SLA 1968)

**Opinions of attorney general.** — This section does not authorize a municipality to allow use of a snow machine on a public roadway without a valid driver's license, since such activity would be directly contrary to the provisions of AS 28.15.011(b), which requires a valid driver's license for

operating a vehicle on a public roadway. June 25, 1986, Op. Att'y Gen.

**Collateral references.** — 7A Am. Jur. 2d, Automobiles and Highway Traffic, §§ 5, 58, 59, 61, 215.

Criminal liability based on violation of statute specifically regulating operation of snowmobile. 45 ALR3d 1438.

**Sec. 05.30.080. Equipment required.** (a) A snow vehicle must contain the following equipment:

(1) brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation;

(2) at least one head lamp so aimed and of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions;

(3) a throttle that, when released by the hand, will return the engine speed to idle;

(4) an exhaust muffler in good working order.

(b) The provisions of (a)(4) of this section do not apply to a snow vehicle while the vehicle is operated in a racing event permitted under AS 05.90.001. (§ 1 ch 182 SLA 1968; am § 3 ch 192 SLA 1970; am § 3 ch 59 SLA 1982)

Collateral references. — 60 C.J.S., similar noise-preventing devices on motor  
 Motor Vehicles, § 26. vehicles, aircraft or boats. 49 ALR2d  
 Public regulation requiring mufflers or 1202.

**Article 3. General Provisions.**

<b>Section</b>	<b>Section</b>
100. Reporting of accidents	120. Definition
110. Penalty	

**Sec. 05.30.100. Reporting of accidents.** The operator of a snow vehicle involved in an accident resulting in injury to, or death of a person, or property damage other than to the operator's snow vehicle the estimated amount of which is \$100 or more, shall immediately, by the quickest means of communication, give notice of the accident to the nearest state trooper or city police officer. (§ 1 ch 182 SLA 1968)

Collateral references. — Accidents involving negligence in operation of snowmobile, skimobile, or similar vehicle. 42 ALR3d 1422.	Liability for injury or death allegedly caused by defect in snowmobile or other recreational-purpose vehicle. 81 ALR3d 394.
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**Sec. 05.30.110. Penalty.** A person who violates a provision of this chapter or a regulation adopted under this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$100 for each offense. (§ 1 ch 182 SLA 1968)

**Sec. 05.30.120. Definition.** In this chapter "snow vehicle" means a vehicle propelled by mechanical power, supported in part by skis, belts, cleats, or low pressure tires, and primarily designed to travel over ice or snow. (§ 1 ch 182 SLA 1968)

**Chapter 35. Sports Facilities Grants and Sports Funds.**

- Article**
1. Sports Facilities Grants (§§ 05.35.010 — 05.35.070)
  2. Sport Funds (§§ 05.35.100 — 05.35.150)

**Article 1. Sports Facilities Grants.**

<b>Section</b>	<b>Section</b>
10. Grant of funds for sports facilities	40. Power of municipality
20. Application and disbursement	50. Limitation
30. Maintenance and employment of facility	60. Administration
	70. Definitions

## NOTES TO DECISIONS

**Applicability of chapter.** — This chapter, specifically AS 05.25.040, was intended to cover nondocumented vessels temporarily devoted to recreational purposes, even though generally used commercially. *Churchill v. F/V Fjord*, 744 F.2d 677 (9th Cir. 1984), rev'd on other grounds, 857 F.2d 571 (9th Cir. 1988). Quoted in *Churchill v. F/V Fjord*, 857 F.2d 571 (9th Cir. 1988).

## Chapter 30. Snow Vehicles.

## Article

1. Registration (§§ 05.30.010 — 05.30.050)
2. Regulation and Equipment (§§ 05.30.070 — 05.30.080)
3. General Provisions (§§ 05.30.100 — 05.30.120)

## Article 1. Registration.

## Section

10. Unlawful to operate unregistered vehicle
20. Registration and registration fee

## Section

30. Exemption from registration fee
40. Registration certificate and decals
50. Transfer of ownership

**Sec. 05.30.010. Unlawful to operate unregistered vehicle.** Except for operation on the owner's private property, a person may not operate a snow vehicle unless the snow vehicle has been registered with the Department of Public Safety under this chapter. (§ 1 ch 182 SLA 1968; am § 1 ch 214 SLA 1975)

**Collateral references.** — 7A Am. Jur. 60 C.J.S., *Motor Vehicles*, §§ 58-65, 2d, *Automobiles and Highway Traffic*, 97-101, 105-145. §§ 5, 55, 58, 215.

**Sec. 05.30.020. Registration and registration fee.** A registration is valid for two years commencing September 1, 1968. The registration fee is \$5, which shall be paid into the general fund. (§ 1 ch 182 SLA 1968)

**Sec. 05.30.030. Exemption from registration fee.** Snow vehicles owned by the federal or state government or a political subdivision of the federal or state government shall be registered but are not required to pay a registration fee. (§ 1 ch 182 SLA 1968)

**Sec. 05.30.040. Registration certificate and decals.** (a) Upon registration of a snow vehicle, the registrant shall be issued a registration certificate and two numbered decals containing the registration number of the vehicle. Once a snow vehicle has been issued a number, it retains that number until the vehicle is destroyed, abandoned, or permanently removed from the state. Numbered registration decals shall be displayed on each side of the cowling of a snow vehicle.

(b) As used in this section "cowling" means the forward or rear portion of a snow vehicle surrounding the motor and clutch assembly. (§ 1 ch 182 SLA 1968)

Revisor's notes. — Subsection (b) was formerly AS 05.30.120(1). Renumbered in 1981.

**Sec. 05.30.050. Transfer of ownership.** The Department of Public Safety shall adopt regulations to accomplish transfer of ownership of snow vehicles. (§ 1 ch 182 SLA 1968; am § 2 ch 214 SLA 1975)

## Article 2. Regulation and Equipment.

### Section

70. Regulation by political subdivision  
80. Equipment required

**Sec. 05.30.070. Regulation by political subdivision.** A city of any class, or an organized borough in the area outside cities, may, by ordinance, regulate the use and operation of snow vehicles. (§ 1 ch 182 SLA 1968)

**Opinions of attorney general.** — This section does not authorize a municipality to allow use of a snow machine on a public roadway without a valid driver's license, since such activity would be directly contrary to the provisions of AS 28.15.011(b), which requires a valid driver's license for

operating a vehicle on a public roadway. June 25, 1986, Op. Att'y Gen.

**Collateral references.** — 7A Am. Jur. 2d, Automobiles and Highway Traffic, §§ 5, 58, 59, 61, 215.

**Criminal liability based on violation of statute specifically regulating operation of snowmobile.** 45 ALR3d 1438.

**Sec. 05.30.080. Equipment required.** (a) A snow vehicle must contain the following equipment:

- (1) brakes adequate to control the movement of and to stop and to hold the vehicle under normal conditions of operation;
- (2) at least one head lamp so aimed and of sufficient intensity to reveal persons and objects at a distance of at least 100 feet ahead during hours of darkness under normal atmospheric conditions;
- (3) a throttle that, when released by the hand, will return the engine speed to idle;
- (4) an exhaust muffler in good working order.

(b) The provisions of (a)(4) of this section do not apply to a snow vehicle while the vehicle is operated in a racing event permitted under AS 05.90.001. (§ 1 ch 182 SLA 1968; am § 3 ch 192 SLA 1970; am § 3 ch 59 SLA 1982)

**Collateral references.** — 60 C.J.S. similar noise-preventing devices on motor vehicles, aircraft or boats. 49 ALR2d Motor Vehicles, § 26. Public regulation requiring mufflers or 1202.

**Article 3. General Provisions.**

<b>Section</b>	<b>Section</b>
100. Reporting of accidents	120. Definition
110. Penalty	

**Sec. 05.30.100. Reporting of accidents.** The operator of a snow vehicle involved in an accident resulting in injury to, or death of a person, or property damage other than to the operator's snow vehicle the estimated amount of which is \$100 or more, shall immediately, by the quickest means of communication, give notice of the accident to the nearest state trooper or city police officer. (§ 1 ch 182 SLA 1968)

<b>Collateral references.</b> — Accidents involving negligence in operation of snowmobile, skimobile, or similar vehicle. 42 ALR3d 1422.	<b>Liability</b> for injury or death allegedly caused by defect in snowmobile or other recreational-purpose vehicle. 81 ALR3d 394.
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**Sec. 05.30.110. Penalty.** A person who violates a provision of this chapter or a regulation adopted under this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$100 for each offense. (§ 1 ch 182 SLA 1968)

**Sec. 05.30.120. Definition.** In this chapter "snow vehicle" means a vehicle propelled by mechanical power, supported in part by skis, belts, cleats, or low pressure tires, and primarily designed to travel over ice or snow. (§ 1 ch 182 SLA 1968)

**Chapter 35. Sports Facilities Grants and Sports Funds.**

**Article**  
 1. Sports Facilities Grants (§§ 05.35.010 — 05.35.070)  
 2. Sport Funds (§§ 05.35.100 — 05.35.150)

**Article 1. Sports Facilities Grants.**

<b>Section</b>	<b>Section</b>
10. Grant of funds for sports facilities	40. Power of municipality
20. Application and disbursement	50. Limitation
30. Maintenance and employment of facility	60. Administration
	70. Definitions

6-1856E -  
Ford  
4/2/90

Original sponsor(s): SEN. DUNCAN

1 IN THE SENATE BY THE TRANSPORTATION COMMITTEE

2 CS FOR SENATE BILL NO. 483 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to golf carts."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 05 is amended by adding a new chapter to read:

9 CHAPTER 32. GOLF CARTS.

10 ARTICLE 1. REGISTRATION.

11 Sec. 05.32.010. REGISTRATION. A person who operates a golf cart  
12 on a public road as authorized by municipal ordinance shall register  
13 the golf cart with the Department of Public Safety as provided in this  
14 chapter.

15 Sec. 05.32.020. REGISTRATION AND REGISTRATION FEE. A registra-  
16 tion issued under this chapter is valid for two years. The registra-  
17 tion fee is \$35. Money received by the Department of Public Safety  
18 under this chapter shall be deposited into the general fund.

19 Sec. 05.32.030. REGISTRATION CERTIFICATE AND DECALS. Upon  
20 registration of a golf cart, the registrant shall be issued a regis-  
21 tration certificate and two numbered decals containing the registra-  
22 tion number of the vehicle. Once a registration number has been  
23 issued for a golf cart, that number remains with that cart until the  
24 cart has been destroyed, abandoned, or permanently removed from the  
25 state. Numbered registration decals shall be displayed on each side  
26 of the golf cart.

27 ARTICLE 2. REGULATION AND EQUIPMENT.

28 Sec. 05.32.100. MUNICIPAL REGULATION. A city, or a borough in  
29 the area of the borough outside a city, may by ordinance regulate the

1 use and operation of a golf cart. A golf cart may not be operated on  
2 a public road in the state, except as authorized by municipal ordi-  
3 nance.

4 Sec. 05.32.110. EQUIPMENT REQUIRED. A golf cart must contain  
5 the following equipment:

6 (1) brakes adequate to control the movement of, to stop,  
7 and to hold the vehicle under normal conditions of operation;

8 (2) at least one head lamp aimed and of sufficient intensi-  
9 ty to reveal persons and objects at a distance of at least 100 feet  
10 ahead during hours of darkness under normal atmospheric conditions;

11 (3) a throttle that, when released by the hand or foot,  
12 will return the engine speed to idle;

13 (4) at least two tail lights on the rear of the vehicle,  
14 one on each side, that are illuminated when the head lamp is in opera-  
15 tion;

16 (5) at least two brake lights on the rear of the vehicle,  
17 one on each side, that operate when the brake pedal or control is  
18 pressed;

19 (6) turn signals, two in the front and two in the back  
20 activated by a single control;

21 (7) unless the golf cart is operated by electricity, an ex-  
22 haust muffler in good working order.

23 ARTICLE 3. GENERAL PROVISIONS.

24 Sec. 05.32.200. REPORTING OF ACCIDENTS. The operator of a golf  
25 cart involved in an accident that results in injury to, or death of a  
26 person, or property damage in the amount of \$100 or more, other than  
27 property damage to the operator's golf cart, shall immediately and by  
28 the quickest means of communication give notice of the accident to the  
29 local law enforcement agency.

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Sec. 05.32.210. PENALTY. A person who violates a provision of this chapter is guilty of a violation.