

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations

BILL: CS/CS/SB 1238

INTRODUCER: Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations; Transportation Committee; and Senators Hays and Benacquisto

SUBJECT: Low-speed Vehicles

DATE: February 29, 2012 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Weidenbenner</u>	<u>Buford</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Carey</u>	<u>Meyer, R.</u>	<u>BTA</u>	<u>Fav/CS</u>
3.	_____	_____	<u>BC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

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|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill establishes procedures to allow the conversion of a vehicle titled or branded and registered as a low-speed vehicle to a golf cart upon payment of a \$40 administrative fee, and verification of the conversion by the Department of Highway Safety and Motor Vehicles (department).

This bill substantially amends section 319.14 of the Florida Statutes.

II. Present Situation:

Low-speed Vehicles

Section 320.01(42), F.S., defines “low-speed vehicle” as any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122, F.S.

Section 316.2122, F.S., authorizes operation of a low-speed vehicle on any road with the following restrictions:

- A low-speed vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.
- A low-speed vehicle must be equipped with headlamps, stop lamps, turn signal lamps, taillamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts, and vehicle identification numbers.
- A low-speed vehicle must be registered and insured in accordance with s. 320.02, F.S., and titled pursuant to ch. 319, F.S.
- Any person operating a low-speed vehicle must have in his or her possession a valid driver's license.
- A county or municipality may prohibit the operation of low-speed vehicles on any road under its jurisdiction if the governing body of the county or municipality determines that such prohibition is necessary in the interest of safety.
- The Florida Department of Transportation (FDOT) may prohibit the operation of low-speed vehicles on any road under its jurisdiction if it determines that such prohibition is necessary in the interest of safety.

Golf Carts

Section 320.01(22), F.S., defines a golf cart as a motor vehicle designed and manufactured for operation on a golf course for sporting or recreational purposes and is not capable of exceeding speeds of 20 miles per hour.

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

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

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

Pursuant to s. 316.212(6), F.S., a golf cart operated on a public road must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and the rear. A golf cart may be operated only during the hours between sunrise and sunset, unless the FDOT or local government has determined a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield, in addition to the other equipment requirements.

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

Low Speed Vehicles Versus Golf Carts

The significant differences for an owner of a low speed vehicle and a golf cart are:

- The golf cart does not have to be driven by a licensed driver;
- The golf cart does not have to be registered or titled; and
- The golf cart does not have to be insured.

In 1999, the Florida Legislature first authorized the use of low speed vehicles on certain public roads and set speed limits for golf carts.¹ Golf carts have become the symbol of liberation in active, self contained-retirement communities. There is one such community in Florida that boasts of more than 83,000 residents, 50,000 golf carts and 100 miles of golf cart trails that will allow residents to go to the hairdresser, grocery store, bank, dancing, movies, and even play golf.² It has been estimated that license and insurance costs for low speed vehicles can approach \$600 annually.³ The rising costs of insurance is burdensome on residents in retirement communities who are living on fixed incomes and have seen annual premiums rise from as low as \$150 to as much as \$1,000 despite the fact that these low speed vehicles are being driven primarily on the same paths as golf carts and there has been no documented history of accidents involving these vehicles.⁴ Many residents in retirement communities own low speed vehicles and desire to convert to a slower speed vehicle to eliminate insurance and registration costs. This conversion can be accomplished by reprogramming the controller board or by changing the controller which is not a highly complex undertaking.⁵ Current Florida law does not allow for rebranding of a low speed vehicle as a golf cart after the conversion is performed.

III. Effect of Proposed Changes:

The bill creates s. 319.14(10)(a), F.S., to authorize a vehicle titled or branded and registered as a low-speed vehicle to be converted to a golf cart pursuant to the following procedures:

- The owner of the converted vehicle must contact the regional office of the department to verify the conversion, surrender the registration license plate and the current certificate of title, and pay the \$40 administrative fee.
- Upon verification of the conversion, the department shall note in the vehicle record that the low-speed vehicle has been converted to a golf cart and cancel the certificate of title and registration of the vehicle.

¹ L.O.F. 99-163.

² http://www.slate.com/articles/life/silver_lining/2011/02/slow_ride_take_it_easy.single.html. Site last visited 1/17/2012.

³ <http://m.tcpalm.com/news/2011/dec/30/tradition-resident-pushing-for-use-of-golf-carts/>. Site last visited 1/17/2012.

⁴ Oral conversation on 1/17/2012 with Jerry Dillon, representative of Tomberlin Ambassador Group, a club for golf cart owners in The Villages, Florida.

⁵ Oral conversation on 1/17/2012 with Jose Mateo, sole proprietor, dba BV Golf Carts, Tallahassee, Florida.

Section 319.14(10)(b), F.S., provides the department shall establish a fee of \$40 to cover the cost of verification and associated administrative costs for carrying out its responsibilities under s. 319.14(10).F.S.

This act shall take effect July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Vehicle owners choosing to convert his or her low speed vehicle to a golf cart must pay the \$40 verification fee. The practical effect of a conversion is to eliminate the need to register and insure the vehicle.

C. Government Sector Impact:

The number of low-speed vehicles that will be converted to a golf cart is indeterminate; therefore the fiscal impact is not known.⁶

According to the department, its Information Systems Administration (ISA) will require approximately 93 hours, non-recurring, in order to implement the provisions of this bill; however, these hours can be incorporated into ISA's normal workload.

VI. Technical Deficiencies:

None.

⁶ Department of Highway Safety and Motor Vehicles, *Agency Bill Analysis: SB 1238 (December 21, 2011)* (on file with the Senate Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations).

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by BTA on February 28, 2012:

The CS clarifies the definition of low speed vehicles to mean any four-wheeled vehicle whose top speed is greater than 20 mph but not greater than 25 mph rather than only electric four-wheeled vehicles. The CS also clarifies that the definition is not limited to neighborhood electric vehicles.

CS by Transportation on January 19, 2012:

The CS eliminates references to an “inspection” by the Department of Highway Safety and Motor Vehicles as verification of a conversion can be performed without a physical inspection.

- B. **Amendments:**

None.