

Legal Q&A

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May golf carts be driven on city streets?

Texas Transportation Code Chapter 551 contains the relevant state law provisions and authorizes a golf cart to be driven on city streets in the following circumstances:

1. So long as the city has not adopted an ordinance prohibiting it, a golf cart may be driven in a master planned community that meets certain conditions. TEX. TRANSP. CODE §§ 551.403(a)(1), 551.403(b). There appears to be no case or attorney general opinion defining the phrase “master planned community.” *See, e.g.*, Tex. Att’y Gen. Op. No. GA-0966 (2012) (declining to define the phrase). Thus, each city should look to its local regulations and consult local legal counsel for guidance regarding the meaning of the phrase.
2. So long as the city has not adopted an ordinance prohibiting it, a golf cart may be operated on a public or private beach. TEX. TRANSP. CODE §§ 551.403(a)(2), 551.403(b); *see also* TEX. NAT. RES. CODE § 61.011(d); 31 T.A.C. § 15.7 (relating to beach accessibility for disabled persons).
3. So long as the city has not adopted an ordinance prohibiting it, a golf cart may be operated on a public highway inside the city if the posted speed limit is not more than 35 miles per hour and the cart is operated: (a) during the daytime; and (b) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course. TEX. TRANSP. CODE §§ 551.403(a)(3); 551.403(b). The attorney general concluded that the purpose of driving the golf cart on the highway under this subsection must be to transport a person to and from a golf course. *See* Tex. Att’y Gen. Op. No. GA-0966 (2012).
4. So long as the city has adopted an ordinance authorizing it, a golf cart may be operated on any public highway in the city that has a posted speed limit of not more than 35 miles per hour. TEX. TRANSP. CODE § 551.404.
5. For the purpose of retrieving or delivering packages, a golf cart may be driven by a motor carrier (e.g., UPS) on a public highway if the posted speed limit is not more than 35 miles per hour so long as the highway is not an interstate or a limited-access or controlled-access highway. *Id.* § 551.453.
6. For the purpose of retrieving or delivering packages, a golf cart may be driven by a motor carrier on the property of certain subdivisions and condominiums. *Id.* § 551.454(c).
7. So long as the city has adopted an ordinance authorizing it, a golf cart may be driven by a motor carrier for the purpose of retrieving or delivering packages on all or part of any public highway that has a speed limit of not more than 35 miles per hour. *Id.* § 551.455.
8. A golf cart may be driven across an intersection of any highway or street if the cart is being lawfully operated under one of the provisions above. *Id.* §§ 551.405, 551.456.

For purposes of the above provisions, the term “public highway” is defined to “include[] a road, street, way, thoroughfare, or bridge: (A) that is in this state; (B) that is for the use of vehicles; (C) that is not privately owned or controlled; and (D) over which the state has legislative jurisdiction under its police power.” *Id.* §§ 502.001(35), 551.401(1), 551.451(5).

Must a golf cart have certain equipment if it is driven on city streets?

Yes. If a golf cart is driven under (1)-(3), as described in the first question (above), the cart must have a slow-moving vehicle emblem. *Id.* § 547.703.

If a golf cart is driven under any other authority described above, the cart must have headlamps, tail lamps, reflectors, a parking brake, mirrors, and a slow-moving vehicle emblem to be driven on any city street. *Id.* §§ 547.703; 551.404, 551.452(a).

Must an owner have liability insurance to drive a golf cart on city streets?

An owner must have liability insurance, the same as for a car, unless the cart is driven under (1)-(3), as described in the first question (above). *Id.* § 601.052(a).

Must a golf cart be inspected?

No. A vehicle required to display a slow-moving vehicle emblem is not subject to inspection. *Id.* § 548.052.

Must a golf cart have a license plate?

If the golf cart is driven by a motor carrier for the purpose of retrieving or delivering packages it must have license plates. *Id.* §§ 551.453-551.455. Otherwise, the Texas Department of Motor Vehicles may issue license plates for golf carts when operated in compliance with Transportation Code Sections 501.403 or 501.404 (described in (1)-(4) of the first question, above). *Id.* § 551.402.; *see also* 43 T.A.C. §§ 217.45(j); 217.182.

How is the term “golf cart” defined?

The Texas Department of Motor Vehicles classifies a vehicle as a “golf cart” if it has no less than three wheels, has a maximum speed of between 15-25 mph, and is manufactured primarily for operation on golf courses. *See* <http://www.txdmv.gov/motorists/buying-or-selling-a-vehicle/off-highway-vehicles>.

Must a golf cart follow the rules of the road under the Transportation Code?

Yes. The Transportation Code, Chapters 541-600, outlines the rules of the road for all “self-propelled” vehicles. TEX. TRANSP. CODE § 541.201; *id.* ch. 545. A golf cart is a self-propelled vehicle and must follow the rules of the road, except when state law provides otherwise. For example, a golf cart operating under Section 551.403 (as described in (1)-(3) in the first question, above) does not have to follow the general vehicular equipment requirements if it is driven as allowed under that Section. *Id.* § 547.002(7).

Must a golf cart driver, while driving on a city street, be licensed?

Yes, if required by city ordinance. *See, e.g.*, GALVESTON, TEX. CODE OF ORDINANCES, § 34-207. Where there is no relevant city ordinance, there appears to be disagreement. Some argue that no Texas driver's license is required to operate a golf cart. However, at least one Texas Department of Public Safety (DPS) representative has been quoted as saying the DPS's "interpretation of the law, which is not binding on other law enforcement agencies, is that a driver's license is required to operate a golf cart on a publicly maintained roadway." Leslee Bassman, *Government Agencies Grapple with Golf Cart Use on Suburban Streets*, COMMUNITY IMPACT NEWSPAPER, Apr. 10, 2013, available at <https://communityimpact.com/austin/news/2013/04/10/government-agencies-grapple-with-golf-cart-use-on-suburban-streets/>. Presumably, DPS would argue that a golf cart is a motor vehicle under Transportation Code Section 521.021. Each city should make a final decision about this matter after consultation with local legal counsel.

Is a "neighborhood electric vehicle" the same thing as a golf cart and may such a vehicle be driven on a city street?

No, golf carts should not be confused with neighborhood electric vehicles (NEVs), which are larger than golf carts but smaller than most passenger vehicles. The Transportation Code defines NEV to mean "a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500)." TEX. TRANSP. CODE § 551.301.

The Federal Motor Vehicle Safety Standard requires that NEVs be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, certain mirrors, a windshield, seat belts, vehicle identification numbers, as well as comply with certain rear visibility and sound alert requirements.

NEVs may be driven in areas similar to where golf carts may be driven. *See id.* §§ 551.303-.304, 551.451-456.

Is an "off-highway vehicle" the same thing as a golf cart and may such a vehicle be driven on a city street?

Transportation Code Section 663.001 provides that an "off-highway vehicle" (OHV) encompasses all of the following types of motor vehicles:

1. an all-terrain vehicle: a motor vehicle with one or more seats, three or more tires, designed for off-highway use but not primarily for farming or lawn care, and not more than 50 inches wide. *Id.* § 502.001.
2. a recreational off-highway vehicle: a motor vehicle with one or more seats, four or more tires, designed for off-highway use but not primarily for farming or lawn care. *Id.*
3. a utility vehicle: a motor vehicle that is not a golf cart or lawn mower and is equipped with side-by-side seating for an operator and passenger, four or more tires, and designed for off-highway use only and primarily for utility work (and not recreational purposes). *Id.* § 663.001.

An OHV *generally* may only be driven on a public street if: (1) the street is not an interstate or limited-access highway; (2) the transportation is associated with an agricultural or utility use; (3) the vehicle has a triangular orange flag that is at least six feet above ground level; (4) the vehicle has headlights and taillights; (5) the driver has a driver's license; (6) the vehicle is operated during the day; and (7) the distance driven does not exceed a total distance of 25 miles from beginning to end.

Id. § 663.037. An OHV may also be driven on some beaches that are open to the public, so long as the operator holds a driver's license. *Id.* § 663.0371.

There are at least two exceptions to this general rule. First, when operated by a peace officer, firefighter, and certain other emergency service personnel in the performance of the person's official duties, an OHV may be driven on a public street (excluding an interstate or limited-access highway) when: (1) the vehicle has a triangular orange flag that is at least six feet above ground level; (2) the headlights and taillights are illuminated; (3) the operator has a driver's license; and (e) the distance driven does not exceed a distance of 10 miles from beginning to end. *Id.* § 663.037. Second, when driven by a motor carrier for the purpose of retrieving or delivering packages, an OHV may be driven in the same locations as a golf cart may be driven when operated by a motor carrier for retrieving or delivering packages (described in question 1, above). *See id.* §§ 551.451-456.

Are there any other resources that address requirements related to the various motor vehicles described here?

The laws described in this legal Q&A reflect changes that were adopted during the 2017 legislative session. *See, e.g.*, Tex. H.B. 561, 85th Leg., R.S. (2017), Tex. H.B. 920, 85th Leg., R.S. (2017), Tex. H.B. 1956, 85th Leg., R.S. (2017).

The resources published by the Texas Department of Motor Vehicles and the Texas Department of Public Safety on the issues addressed here do not appear to have been updated to reflect these recent changes. *See, e.g.*, <http://www.txdmv.gov/motorists/buying-or-selling-a-vehicle/off-highway-vehicles> and <https://www.dps.texas.gov/msb/>.

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