CHAPTER 2

Specialized Vehicles

Editor's Note

2005 Act No. 170, Section 1, eff 6 months after approval by the Governor (approved June 7, 2005) changed the title of this chapter. The former title was "Motor Vehicle Registration and Property Tax."

ARTICLE 1

Low Speed Vehicles

**SECTION 56‑2‑100.** Conditions for operation on street or highway.

 (A) A low speed vehicle may be operated only on a highway for which the posted speed limit is thirty‑five miles an hour or less.

 (B) A low speed vehicle may cross a highway at an intersection where the highway has a posted speed limit of more than thirty‑five miles an hour.

 (C) A low speed vehicle must meet the requirements of Federal Motor Vehicle Safety Standard 500 (Part 49 Section 571.500 of the Code of Federal Regulations) at all times when operated on any highway. A low speed vehicle that complies with the equipment requirements in 49 C.F.R. Section 571.500 complies with all equipment requirements of this title.

 (D) Nothing in this section prevents local governments from adopting more stringent local ordinances governing low speed vehicle operation.

 (E) A county or municipality may prohibit the operation of low speed vehicles on any street or highway if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.

 (F) The Department of Transportation may prohibit the operation of low speed vehicles on any street or highway if it determines that the prohibition is necessary in the interest of safety.

 (G) A farm vehicle, as defined in Section 56‑1‑2070(C)(2), is not a low speed vehicle for the purposes of this article.

HISTORY: 2005 Act No. 170, Section 2, eff 6 months after approval by the Governor (approved June 7, 2005); 2012 Act No. 264, Section 10, eff June 18, 2012.

Effect of Amendment

The 2012 amendment removed "secondary" before "highway" in subsection (A).

**SECTION 56‑2‑105.** Golf cart permit and the operation of a golf cart.

 (A) For the purposes of this section, "gated community" means any homeowners' community with at least one access controlled ingress and egress which includes the presence of a guard house, a mechanical barrier, or another method of controlled conveyance.

 (B) An individual or business owner of a vehicle commonly known as a golf cart may obtain a permit decal and registration from the Department of Motor Vehicles upon presenting proof of ownership and liability insurance for the golf cart and upon payment of a five dollar fee.

 (C) During daylight hours only:

 (1) A permitted golf cart may be operated within four miles of the address on the registration certificate and only on a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less.

 (2) A permitted golf cart may be operated within four miles of a point of ingress and egress to a gated community and only on a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less.

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

 (4) A permitted golf cart may be operated along a secondary highway or street for which the posted speed limit is thirty‑five miles an hour or less on an island not accessible by a bridge designed for use by automobiles.

 (D) A person operating a permitted golf cart must be at least sixteen years of age and hold a valid driver's license. The operator of a permitted golf cart being operated on a highway or street must have in his possession:

 (1) the registration certificate issued by the department;

 (2) proof of liability insurance for the golf cart; and

 (3) his driver's license.

 (E) A golf cart permit must be replaced with a new permit every five years, or at the time the permit holder changes his address.

 (F)(1) A political subdivision may, on designated streets or roads within the political subdivision's jurisdiction, reduce the area in which a permitted golf cart may operate from four miles to no less than two miles.

 (2) A political subdivision may, on primary highways, secondary highways, streets, or roads within the political subdivision's jurisdiction, create separate golf cart paths on the shoulder of its primary highways, secondary highways, streets and roads for the purpose of golf cart transportation, if:

 (a) the political subdivision obtains the necessary approvals, if any, to create the golf cart paths; and

 (b) the golf cart path is:

 (i) separated from the traffic lanes by a hard concrete curb;

 (ii) separated from the traffic lanes by parking spaces; or

 (iii) separated from the traffic lanes by a distance of four feet or more.

 (3) In a county with a population of no less than one hundred fifty thousand and no more than two hundred fifty thousand persons:

 (a) if a municipality has jurisdiction over a barrier island, the municipality may enact an ordinance allowing for the operation of a golf cart at night on designated portions of the barrier island within the municipality, provided the golf cart is equipped with working headlights and rear lights; or

 (b) if a barrier island is not within the jurisdiction of a municipality, the county in which the barrier island is located may enact an ordinance allowing for the operation of a golf cart at night on designated portions of the county, provided the golf cart is equipped with working headlights and rear lights.

 If a municipality or county enacts an ordinance allowing golf carts to operate at night on a barrier island, the requirements of subsection (C), other than operation in daylight hours only, shall still apply to all permitted golf carts.

 (4) A political subdivision may not reduce or otherwise amend the other restrictions placed on the operation of a permitted golf cart contained in this section.

 (G) The provisions of this section that restrict the use of a golf cart to certain streets, certain hours, and certain distances shall not apply to a golf cart used by a public safety agency in connection with the performance of its duties.

HISTORY: 2012 Act No. 177, Section 1, eff October 1, 2012; 2015 Act No. 86 (S.211), Section 1, eff June 8, 2015; 2016 Act No. 246 (H.5118), Section 1, eff June 6, 2016.

Editor's Note

2016 Act No. 246, Section 2, provides as follows:

"SECTION 2. Any municipal or county ordinance enacted pursuant to Section 56‑2‑105(F)(3) shall expire on January 1, 2021."

Effect of Amendment

2015 Act No. 86, Section 1, in (E), added the paragraph designators, added (2), and redesignated the former second sentence as (3).

2016 Act No. 246, Section 1, in (A), deleted the hyphen between "access" and "controlled"; added (C); inserted former (B)(1) through (B)(4) under (C); in (C)(1) through (C)(4), deleted "During daylight hours only," at the beginning; redesignated former (C) through (F) as (D) through (G); in (E), deleted designator (1), and deleted (2), relating to golf cart owners holding permits on or before October 1, 2012; added (F)(3), including (a), (b), and the undesignated paragraph following (b), relating to a county with a population of no less than one hundred fifty thousand and no more than two hundred fifty thousand persons; and redesignated former (E)(3) as (F)(4).

**SECTION 56‑2‑110.** Driver's license and registration card.

 A person operating a low speed vehicle must be at least sixteen years of age and shall hold a valid driver's license. The operator of a low speed vehicle being operated on a highway must have in his possession:

 (1) the registration card issued by the department or the registration card issued by the state in which the low speed vehicle is registered; and

 (2) his driver's license.

HISTORY: 2005 Act No. 170, Section 2, eff 6 months after approval by the Governor (approved June 7, 2005).

**SECTION 56‑2‑120.** Title requirement; title applications by nonresidents; license plates.

 (A) A low speed vehicle must be titled as specified in this title. The manufacturer's or importer's certificate of origin must identify clearly the vehicle as a low speed vehicle and must certify that the vehicle was manufactured in compliance with the equipment requirements for low speed vehicles in 49 C.F.R. Section 571.500. The State shall not issue vehicle identification numbers to homemade low speed vehicles, retrofitted golf carts, or any other similar vehicles, and these vehicles shall not qualify as low speed vehicles in this State.

 (B) If the vehicle is owned by a nonresident, but is subject to issuance of a certificate of title in this State, the application must also contain his:

 (1) full legal name, social security number, or, if the primary user does not have a social security number but has a passport, his passport number;

 (2) driver's license number, whether the license was issued by this State or another jurisdiction;

 (3) date of birth;

 (4) bona fide principal residence address;

 (5) address in this State where the low speed vehicle will be housed and used; and

 (6) mailing address of the primary user of the vehicle. If the primary user is a firm, association, or corporation, the application must contain the business address and federal employer identification number of the primary user.

 (C) A low speed vehicle must be registered and licensed in the same fashion as passenger vehicles pursuant to this title and is subject to the same insurance requirements applicable to other motor vehicles under this title.

 (D) The Department of Motor Vehicles shall establish a special size and class of license plate for low speed vehicles that clearly identifies the vehicle as a low speed vehicle.

HISTORY: 2005 Act No. 170, Section 2, eff 6 months after approval by the Governor (approved June 7, 2005).

**SECTION 56‑2‑130.** Dealer licensing.

 A person engaged in the wholesale or retail sale of low speed vehicles must comply with the motor vehicle dealer licensing laws of this State as specified in this title.

HISTORY: 2005 Act No. 170, Section 2, eff 6 months after approval by the Governor (approved June 7, 2005).

ARTICLE 2

Motor Vehicle Registration and Property Tax

Code Commissioner's Note

ARTICLE 2 was added at the direction of the Code Commissioner to accommodate existing Section 56‑2‑2740 in light of the change to the chapter 2 title and addition of

ARTICLE 1 by 2005 Act No. 170, Section 1.

**SECTION 56‑2‑2740.** Refusal to renew license and registration for non‑payment of property tax; biennial plates; validation and revalidation decals; fees.

 (A) The Department of Motor Vehicles must refuse to renew the driver's license and motor vehicle registration of a person who has not paid personal property taxes within the time limits prescribed in this chapter. A county treasurer or municipal clerk treasurer must forward notification to the department of persons violating the provisions of this chapter. Notification of individuals violating this chapter must be forwarded to the department in the time and manner determined by the department for the proper administration of this section.

 (B) The department shall issue biennial license plates and revalidation decals. The department may enter into contracts with persons, corporations, or governmental subdivisions to issue license plates and revalidation decals. The department, person, corporation, or governmental subdivision shall give a motor vehicle owner a license plate or revalidation decal for the tax year for which personal property taxes and biennial fees have been paid pursuant to Section 56‑3‑253.

 (C) All validation decals must be issued for a period not to exceed twelve months.

 (D) A person or corporation that issues license plates or revalidation decals pursuant to this section may charge a fee in excess of the fee charged by the department.

 (E) A governmental subdivision that issues license plates or revalidation decals pursuant to this section may charge a one‑dollar fee to defray the expenses associated with the issuance of license plates and revalidation decals.

 (F) The department shall supervise the provision of services contained in this section.

HISTORY: 1996 Act No. 459, Section 129; 1997 Act No. 40, Section 1; 2003 Act No. 51, Section 15.

Code Commissioner's Note

Pursuant to the direction to the Code Commissioner in 2003 Act No. 51, Section 18, "Department of Motor Vehicles" was substituted for "department" in subsection (A) and "department" for "Department of Public Safety" in subsection (B).