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HOUSE BILL NO. 1972

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact §§ 46.2-916.2 and 46.2-916.3 of the Code of Virginia, relating to operation of golf carts and utility vehicles on certain highways by Department of Conservation and Recreation employees.

 Patron—Robinson

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-916.2 and 46.2-916.3 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-916.2. Designation of public highways for golf cart and utility vehicle operations.

A. No portion of the public highways may be designated for use by golf carts and utility vehicles unless the governing body of the county, city, or town in which that portion of the highway is located has reviewed and approved such highway usage.

B. The governing body of any county, city or town may by ordinance authorize the operation of golf carts and utility vehicles on designated public highways within its boundaries after (i) considering the speed, volume, and character of motor vehicle traffic using such highways, and (ii) determining that golf cart and utility vehicle operation on particular highways is compatible with state and local transportation plans and consistent with the Commonwealth's Statewide Pedestrian Policy provided for in § 33.1-23.03:001.

C. Notwithstanding the other provisions of this section, no town that has not established its own police department, as defined in § 9.1-165, may authorize the operation of golf carts or utility vehicles. The provision of this subsection shall not apply to the Towns of Claremont, Irvington, or Saxis.

D. No public highway shall be designated for use by golf carts and utility vehicles if such golf cart and utility vehicle operations will impede the safe and efficient flow of motor vehicle traffic.

E. The county, city or town that has authorized the operation of golf carts or utility vehicles shall be responsible for the installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles. Such county, city or town may include in its ordinance for designating highways the ability to recover its costs of the signs and maintenance pertaining thereto from organizations, individuals or entities requesting the designations. The cost of installation and continuing maintenance of any signs pertaining to the operation of golf carts or utility vehicles shall not be paid by the Virginia Department of Transportation.

F. Notwithstanding the other provisions of this section, employees of the Department of Conservation and Recreation may operate golf carts and utility vehicles on those portions of public highways located within Department of Conservation and Recreation property and on Virginia Department of Transportation-maintained highways that are adjacent to Department of Conservation and Recreation property, provided the golf cart or utility vehicle is being operated on highways with speed limits of no more than 35 miles per hour.

§ 46.2-916.3. Limitations on golf cart and utility vehicle operations on designated public highways.

A. Golf cart and utility vehicle operations on designated public highways shall be in accordance with the following limitations:

1. A golf cart or utility vehicle may be operated only on designated public highways where the posted speed limit is 25 miles per hour or less. A golf cart or utility vehicle may cross a highway at an intersection controlled by a traffic light and in the Town of Colonial Beach at an intersection conspicuously marked as a golf cart crossing by signs posted by the Virginia Department of Transportation if the highway has a posted speed limit of no more than 35 miles per hour;

2. In towns with a population of 2,000 or less, a golf cart or utility vehicle may cross a highway at an intersection conspicuously marked as a golf cart crossing by signs posted by the Virginia Department of Transportation if the highway has a posted speed limit of no more than 35 miles per hour and the crossing is required as the only means to provide golf cart access from one part of the town to another part of the town;

3. No person shall operate any golf cart or utility vehicle on any public highway unless he has in his possession a valid driver's license;

4. Every golf cart or utility vehicle, whenever operated on a public highway, shall display a slow-moving vehicle emblem in conformity with § 46.2-1081; and

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59 5. Golf carts and utility vehicles shall be operated upon the public highways only between sunrise
60 and sunset, unless equipped with such lights as are required in Article 3 (§ 46.2-1010 et seq.) of Chapter
61 10 of this title, for different classes of vehicles.

62 B. The limitations of subdivision A 1 shall not apply to golf carts and utility vehicles being operated
63 as follows:

64 1. To cross a highway from one portion of a golf course to another portion thereof or to another
65 adjacent golf course; or to travel between a person's home and golf course if (i) the trip would not be
66 longer than one-half mile in either direction; and (ii) the speed limit on the road is no more than 35
67 miles per hour;

68 2. To the extent necessary for local government employees, operating only upon highways located
69 within the locality, to fulfill a governmental purpose, provided the golf cart or utility vehicle is being
70 operated on highways with speed limits of 35 miles per hour or less;

71 3. As necessary by employees of public or private two-year or four-year institutions of higher
72 education if operating on highways within the property limits of such institutions, provided the golf cart
73 or utility vehicle is being operated on highways with speed limits of 35 miles per hour or less; and

74 4. On a secondary highway system component that has a posted speed limit of no more than 35
75 miles per hour and is within three miles of a motor speedway with a seating capacity of at least 25,000
76 but less than 90,000 on the same day as any race or race-related event conducted on that speedway; and

77 5. *To the extent necessary for employees of the Department of Conservation and Recreation,*
78 *operating only on highways located within Department of Conservation and Recreation property or*
79 *upon Virginia Department of Transportation-maintained highways that are adjacent to Department of*
80 *Conservation and Recreation property, to fulfill a governmental purpose, provided that the golf cart or*
81 *utility vehicle is being operated on highways with speed limits of no more than 35 miles per hour.*

82 C. The governing body of any county, city, or town may by ordinance impose additional restrictions
83 or limitations on operations of golf carts, utility vehicles, or both, on public highways within its
84 boundaries, provided that the restrictions or limitations imposed by any such ordinance are no less
85 stringent than the restrictions and limitations contained in this article. In the event that any provision of
86 any such ordinance conflicts with any provision of this section *other than subdivision B 5*, the provision
87 of the ordinance shall be controlling.