

Legal Q&A

By Christy Drake-Adams, TML Director of Legal Services

Q May golf carts be operated on city streets?

A Yes, Texas Transportation Code Chapter 551 authorizes the operation of golf carts in the following circumstances:

1. So long as it is not operated on a highway on which the city has prohibited the operation, a golf cart may be operated in a master planned community: (a) that is a residential subdivision as defined by Section 209.002(9), Property Code, or has in place a uniform set of restrictive covenants; and (b) for which the city or county has approved one or more plats. *See* TEX. TRANSP. CODE §§ 551.403(a)(1), 551.4031; *see also* Tex. Att'y Gen. Op. No. GA-0966 (2012) (declining to define the phrase "master planned community").
2. So long as it is not prohibited by the city, a golf cart may be operated on a public or private beach that is open to vehicular traffic. *See* TEX. TRANSP. CODE § 551.403(a)(2); TEX. NAT. RES. CODE § 61.011; 31 T.A.C. § 15.7.
3. So long as it is not operated on a highway on which the city has prohibited the operation, a golf cart may be operated on a highway for which the posted speed limit is not more than 35 miles per hour, if the cart is operated: (a) during the daytime; and (b) not more than five miles from the location where the golf cart is usually parked and for transportation to or from a golf course. *See* TEX. TRANSP. CODE §§ 551.403(a)(3), 551.4031. The attorney general concluded that the purpose of driving the golf cart on the highway under this provision 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 authorizes the operation, a golf cart may be operated on a highway in the city that has a posted speed limit of not more than 35 miles per hour. *See* TEX. TRANSP. CODE § 551.404.
5. For the purpose of retrieving or delivering mail and 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. *See id.* § 551.453.
6. For the purpose of retrieving or delivering mail and packages, a golf cart may be driven by a motor carrier on the property of certain subdivisions and condominiums. *See id.* § 551.454(c).
7. So long as the city authorizes it, a golf cart may be driven by a motor carrier for the purpose of retrieving or delivering mail and packages on all or part of any public highway that has a speed limit of not more than 35 miles per hour. *See id.* § 551.455.
8. A golf cart may cross a highway at an intersection, including an intersection with a highway that has a posted speed limit of more than 35 miles per hour. *See id.* §§ 551.405, 551.456. Presumably, the cart must otherwise be lawfully operated.

For purposes of the above provisions, the term “golf cart” is defined to mean “a motor vehicle designed by the manufacturer primarily for use on a golf course,” and the term “highway” is defined to mean “the width between the boundary lines of a publicly maintained way any part of which is open to the public for vehicular travel.” *Id.* §§ 541.302, 551.401, 551.451.

Q Must a golf cart have a license plate?

A With the exception of the operation in certain master planned communities, a golf cart must have a license plate when operated as described in the question above. *See* TEX. TRANSP. CODE §§ 551.402(b), 551.403(b), 551.453-551.455; *see also* 43 T.A.C. §§ 217.45, 217.182. This issue is also addressed on the Texas Department of Motor Vehicles website here: <https://www.txdmv.gov/motorists/buying-or-selling-a-vehicle/unique-vehicles>.

Q Must a golf cart be registered?

A No, neither the Texas Department of Motor Vehicles nor a county tax assessor-collector may register a golf cart. *See* TEX. TRANSP. CODE §§ 551.402(a), 551.453(b) (providing the Department of Motor Vehicles may not require the registration of a golf cart operated by a motor carrier delivering or retrieving packages unless the registration is required by other law); 43 T.A.C. § 217.45(j); *see also* Tex. Att’y Gen. Op. No. KP-0364 (2021) (“golf carts are exempted from registration requirements”).

Q Must an owner have liability insurance to operate a golf cart?

A An owner must have liability insurance unless the golf cart is operated under (1)-(3), as described in the first question, above. *See* TEX. TRANSP. CODE §§ 601.051-601.052.

Q Must a golf cart have certain equipment when operated on city streets?

A A golf cart must have headlamps, taillamps, reflectors, a parking brake, and mirrors when operated as described in the first question, above. *See id.* §§ 551.4041, 551.452(a). In addition, a golf cart that is operated at a speed of not more than 25 miles per hour is required to display a slow-moving-vehicle emblem when it is operated on a highway. *See id.* § 547.703(d).

This issue is also addressed on the Texas Department of Motor Vehicles website here: <https://www.txdmv.gov/motorists/buying-or-selling-a-vehicle/unique-vehicles>.

Q Must a golf cart be inspected?

A A vehicle required to display a slow-moving vehicle emblem is not subject to inspection. *See id.* § 548.052.

Q Must a golf cart operator be licensed when operating the golf cart on a city street?

A Yes, a golf cart operator must generally hold a driver license when operating a golf cart on a city street. The attorney general concluded that state law prohibits a person (unless expressly exempted) from operating a motor vehicle on a publicly maintained way any part of which is open to the public

for vehicular travel unless the person holds a driver's license. *See* Tex. Att'y Gen. No. KP-0364 (2021).

As to minors, state law prohibits a person younger than 17 years of age from operating a motor vehicle, which includes a golf cart, without a driver's license "on a: (1) public road or highway; (2) street or alley in a municipality; or (3) public beach as defined by Section 729.001." *Id.* n.4.

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

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

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

A No, an off-highway vehicle (OHV) is not the same thing as a golf cart. Transportation Code Section 551A.001 defines an OHV to encompass the following multiples types of motor vehicles: an all-terrain vehicle, a recreational off-highway vehicle, and a utility vehicle.

An OHV may be operated on a city street in some circumstances. For instance, a peace officer or other person who provides law enforcement, firefighting, ambulance, medical, or other emergency services may operate an unregistered OHV on a highway that is not an interstate or limited-access highway if: (1) the transportation is in connection with the performance of the operator's official duty; (2) the operator attaches to the back of the vehicle a triangular orange flag that is at least six feet above ground level; (3) the vehicle's headlights and taillights are illuminated; and (4) the operation of the vehicle does not exceed a distance of 10 miles from the point of origin to the destination. *See id.* § 551A.058.

Like a golf cart, an OHV may also be operated on a city street when driven by a motor carrier for the purpose of retrieving or delivering mail and packages. *See id.* §§ 551.451-456.

Sec. 28-109. - Operation of golf carts, neighborhood electric vehicles, or off-highway vehicles.

- (a) A person who holds a valid driver's license may operate a golf cart, neighborhood electric vehicle, or off-highway vehicle, as defined in V.T.C.A., Transportation Code Chapters 551 and 551A, provided that the vehicle has a valid license plate issued by the Texas Department of Motor Vehicles and operator operates under any of the following situations:
- (1) In a master planned community that has in place a uniform set of restrictive covenants and a county or municipality approved plat; or
 - (2) On a public or private beach that is open to vehicular traffic; or
 - (3) On a highway with a posted speed limit of thirty-five (35) miles per hour, during the daytime and not more than two (2) miles from the location where it is usually parked for transportation to and from a golf course; or
 - (4) To cross intersections, including an intersection with a highway that has a posted speed limit of more than thirty-five (35) miles per hour; or
 - (5) On any public road with a speed limit of thirty-five (35) miles per hour or less within the corporate boundaries of the city.
- (b) Display license plate. The vehicle owner of a golf cart, neighborhood electric vehicle or off-highway vehicle must display a license plate issued by the Texas Department of Motor Vehicles to operate the golf cart, neighborhood electric vehicle or off-highway vehicle within the corporate limits of the city. Such license plate does not expire, but its use does not transfer to a subsequent vehicle owner.
- (1) Exceptions. An off-highway vehicle may operate on a road without the issuance of a license plate if the vehicle is:
 - (a) Owned by a state, county or municipality and operated on a public beach or highway to maintain public safety and welfare; or
 - (b) Operated by a farmer or a rancher during the daytime and traveling no more than twenty-five (25) miles from the point of origin to the destination and used in connection with the production, cultivation, harvest of agricultural products; or
 - (c) Operated by a public utility worked during the day time for utility work and traveling no more than twenty-five (25) miles from the point of origin to the destination; or
 - (d) Operated by a law enforcement officer, or other person who provides firefighting, ambulance, medical or other emergency services, and traveling not more than ten (10) miles from the point of origin to the destination.
- (c) Slow-moving-vehicle emblem. A golf cart, neighborhood electric vehicle, or off-highway vehicle that is operated at a speed of not more than twenty-five (25) miles per hour is required to display a slowing moving-vehicle emblem when it is operated on a public highway. The slow-moving-

vehicle emblem must:

- (1) Have a reflective surface designed to be clearly visible in daylight or at night from the light of standard automobile headlamps at a distance of at least five hundred (500) feet;
 - (2) Be mounted base down on the rear of the vehicle and at a height that does not impair the visibility of the emblem; and
 - (3) Be maintained in a clean, reflective condition.
- (d) Golf cart equipment. A golf cart operated on a public highway within the city limits must be equipped with headlamps, tail lamps, reflectors, parking brake and mirrors.
- (e) Off-highway vehicles equipment. The following equipment requirements apply to off-highway vehicles operated within the city limits:
- (1) An off-highway vehicle that is operated on public off-highway vehicle land, a beach, or a highway must be equipped with:
 - a. A brake system maintained in good operating condition;
 - b. An adequate muffler system in good working condition; and
 - c. A United States Forest Service qualified spark arrester.
 - (2) An off-highway vehicle that is operated on public off-highway vehicle land, a beach, of a highway must display a lighted headlight and tail light;
 - a. During the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise; and
 - b. At any time when visibility is reduced because of insufficient light or atmospheric conditions.
- (f) Built-in seat or safety belt. The operator and any passengers of a golf cart, neighborhood electric vehicle, or off-highway vehicle must sit in a built-in seat and wear a safety belt if the vehicle is so equipped.
- (g) Display ordinance. Any person or entity that offers golf carts, neighborhood electric vehicles, or off-highway vehicles for rent within the city limits must display a copy of this ordinance within the location where the vehicles are picked up or rented and in every vehicle available for rent.

(Ord. No. 4346, § 1, 4-5-21)