

TOWN COUNCIL



STAFF REPORT Department of Administration

MEETING DATE:	September 13, 2016
PROJECT:	Resolution Requesting Beaufort County Council incorporate certain Town of Bluffton streets in a future County Ordinance to allow the operation of golf carts at night, pursuant to South Carolina Act 246 of the 121 st Session of the South Carolina General Assembly
PROJECT MANAGER:	Scott Marshall, Deputy Town Manager

REQUEST: Town Council approve a Resolution requesting Beaufort County Council incorporate certain Town of Bluffton streets in a future County Ordinance to allow the operation of golf carts at night, pursuant to South Carolina Act 246 of the 121st Session of the South Carolina General Assembly.

BACKGROUND: The operation of golf carts is regulated by the South Carolina Code of Laws Section 56-2-105 ("SC Code"). Previously, the SC Code only permitted the operation of golf carts during daytime hours. On June 6, 2016 Governor Hailey signed Act 246 of the 121st Session of the South Carolina General Assembly ("Act") which incorporates provisions allowing for the operation of golf carts at night.

Per the Act, Counties with a population of no less than one hundred fifty thousand and no more than two hundred fifty thousand persons who have jurisdiction over a barrier island may enact an ordinance authorizing the operation of golf carts at night. As such, the Town would like to forward a formal request to County Council to adopt an ordinance authorizing nighttime operation of golf carts which is inclusive of applicable roadways within the Town's municipal boundary as well as roads and streets adjacent to the Town's boundaries. The inclusion of the adjacent unincorporated areas in the request will allow residents and visitors, such as those in the Alljoy area, to travel via golf cart to patronize Town businesses and support the local economy.

Upon Beaufort County Council's adoption of the ordinance incorporating the Town's request, golf carts will be permitted to travel at night along secondary highways and streets with a posted speed limit of 35 miles per hour or less within the Town and adjacent unincorporated areas.

ATTACHMENTS:

1. Resolution
2. South Carolina Act 246

RESOLUTION

RESOLUTION REQUESTING BEAUFORT COUNTY COUNCIL INCORPORATE CERTAIN TOWN OF BLUFFTON AND ADJACENT AREA STREETS IN A FUTURE COUNTY ORDINANCE TO ALLOW THE OPERATION OF GOLF CARTS AT NIGHT, PURSUANT TO SOUTH CAROLINA ACT 246 OF THE 121ST SESSION OF THE SOUTH CAROLINA GENERAL ASSEMBLY

WHEREAS, the Town of Bluffton recognizes that golf carts can provide an alternative and energy efficient means of transportation on local roads; and

WHEREAS, the South Carolina Code of Laws, Section 56-2-105 provides that 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 during daytime hours; and

WHEREAS, Governor Niki Haley signed and ratified Act 246 of the 121ST Session of the South Carolina General Assembly on June 6, 2016 which amended S.C. Code Ann. § 56-2-105 to further allow for the operation of golf carts at night; and

WHEREAS, the Town of Bluffton Town Council recognizes that Act 246 of the 121ST Session of the South Carolina General Assembly specifically provides authority for naming secondary highways and streets upon which permitted golf carts may be operated at night to Counties in which barrier island communities are located; and

WHEREAS, the Town of Bluffton Town Council is an advocate for extending the permission to operate golf carts at night on Town streets and streets adjacent to the Town to the extent allowed by public law.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF BLUFFTON TOWN COUNCIL, that the Town respectfully requests Beaufort County Council to adopt an ordinance pursuant to Act 246 of the 121ST Session of the South Carolina General Assembly to permit night-time golf cart usage which would be inclusive of public or private secondary highways or streets within the incorporated boundaries of the Town of Bluffton with posted speed limits of thirty-five miles per hour or less; and

BE IT FURTHER RESOLVED BY THE TOWN OF BLUFFTON TOWN COUNCIL, that the Town requests that any such ordinance adopted by Beaufort County Council also include those sections of public or private secondary highways and streets in the unincorporated sections of Beaufort County that are adjacent to the municipal boundaries of the Town of Bluffton.

THIS RESOLUTION SHALL BE EFFECTIVE IMMEDIATELY UPON ADOPTION,
SIGNED, SEALED AND DELIVERED AS OF THIS _____ DAY OF ____, 2016.

Lisa Sulka, Mayor
Town of Bluffton, South Carolina

ATTEST:

Sandra Lunceford, Town Clerk
Town of Bluffton, South Carolina

South Carolina Act 246**South Carolina General Assembly**
121st Session, 2015-2016

A246, R284, H5118

STATUS INFORMATION

General Bill

Sponsors: Reps. Herbkersman and Newton

Document Path: I:\council\bills\gt\5094cm16.docx

Companion/Similar bill(s): 4998

Introduced in the House on March 16, 2016

Introduced in the Senate on April 28, 2016

Last Amended on June 1, 2016

Passed by the General Assembly on June 2, 2016

Governor's Action: June 6, 2016, Signed

Summary: Golf carts

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
3/16/2016	House	Introduced and read first time (House Journal-page 30)
3/16/2016	House	Referred to Committee on Education and Public Works (House Journal-page 30)
4/26/2016	House	Recalled from Committee on Education and Public Works (House Journal-page 63)
4/27/2016	House	Amended (House Journal-page 52)
4/27/2016	House	Read second time (House Journal-page 52)
4/27/2016	House	Roll call Yeas-83 Nays-1 (House Journal-page 54)
4/28/2016	House	Read third time and sent to Senate (House Journal-page 22)
4/28/2016	Senate	Introduced and read first time (Senate Journal-page 17)
4/28/2016	Senate	Referred to Committee on Transportation (Senate Journal-page 17)
4/28/2016		Scrivener's error corrected
5/25/2016	Senate	Polled out of committee Transportation (Senate Journal-page 8)
5/25/2016	Senate	Committee report: Favorable Transportation (Senate Journal-page 8)
5/26/2016		Scrivener's error corrected
5/31/2016	Senate	Amended (Senate Journal-page 67)
5/31/2016	Senate	Read second time (Senate Journal-page 67)
6/1/2016	Senate	Amended (Senate Journal-page 31)
6/1/2016	Senate	Read third time and returned to House with amendments (Senate Journal-page 31)
6/1/2016	Senate	Roll call Ayes-40 Nays-0 (Senate Journal-page 31)
6/2/2016	House	Concurred in Senate amendment and enrolled (House Journal-page 23)
6/2/2016	House	Roll call Yeas-97 Nays-1 (House Journal-page 23)
6/2/2016		Ratified R 284
6/6/2016		Signed By Governor
6/10/2016		Effective date 06/06/16
6/13/2016		Act No. 246

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VERSIONS OF THIS BILL

[3/16/2016](#)

[4/26/2016](#)

[4/27/2016](#)

[4/28/2016](#)

[5/25/2016](#)

[5/26/2016](#)

[6/1/2016](#)

(A246, R284, H5118)

AN ACT TO AMEND SECTION 56-2-105, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ISSUANCE OF GOLF CART DECALS, THE REGISTRATION OF GOLF CARTS, AND THE OPERATION OF GOLF CARTS ALONG THE STATE'S HIGHWAYS, SO AS TO MAKE TECHNICAL CHANGES, TO DELETE AN OBSOLETE PROVISION, TO PROVIDE THAT CERTAIN MUNICIPALITIES AND COUNTIES THAT HAVE BARRIER ISLANDS WITHIN THEIR JURISDICTIONS MAY ADOPT ORDINANCES THAT ALLOW GOLF CARTS TO BE OPERATED AT NIGHT, AND TO PROVIDE THAT THE ORDINANCES SHALL EXPIRE ON JANUARY 1, 2021.

Be it enacted by the General Assembly of the State of South Carolina:

Golf cart operation

SECTION 1. Section 56-2-105 of the 1976 Code, as last amended by Act 86 of 2015, is further amended to read:

“Section 56-2-105. (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.”

Sunset provision

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

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 2nd day of June, 2016.

Approved the 6th day of June, 2016.
