

TRANSPORTATION

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What looks like a modified golf car that you see in your neighborhoods or at your favorite IADC resort is in fact not a golf car, but rather a specific kind of vehicle that is governed by detailed industry standards. This article will point out the differences and give you a framework to assess risk and use as these vehicles become even more prevalent in our communities.

It is Not a Toy – Standards and Risks Involved with Personal Transportation Vehicles

ABOUT THE AUTHOR



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ABOUT THE COMMITTEE

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Throughout the South, and increasingly in other parts of the country, folks park their cars at home and then, when they need to go a short distance in the neighborhood, they hop into a small electric or gas vehicle to pop around the corner. Whole neighborhoods are even being planned and laid out so that shopping centers, schools, and other places where errands are run are within range of these small vehicles. Many readers may have learned how to drive on one of these vehicles or may have taught a child how to drive using this smaller vehicle that is less likely to cause damage if driven into the shrubs. And I bet you called it your “golf cart”. These small, lightweight vehicles have transformed transportation in many communities, but users must remember that despite their size and speed, they still pose risks to the users and others.

Before we get too far, let’s distinguish between the 3 types of vehicles often called “golf carts”.

- A golf car (*not a golf “cart” – you pull a cart, you drive a car!*) is governed by the ANSI Z130.1 industry standard, and is a vehicle used to convey a person or persons and equipment to play the game of golf in an area designated as a golf course. To qualify as a golf car, the vehicle's average speed must be less than 15 MPH. Neither headlamps nor seatbelts are required on golf cars. Adding a back seat instead of the well for your golf bags takes the vehicle out

of Z130.1 and moves it into the Z135/PTV category of vehicle.

- A personal transportation vehicle, or PTV, is governed by ANSI Z135 and is a vehicle that can carry up to 4 people with a maximum ground speed of less than 20 MPH. Headlamps and tail lamps, a horn and mirrors are required on PTVs, but seatbelts are not. PTVs may be operated on designated roadways or within closed communities where permitted by law or regulatory authority. This is the type of vehicle one sees with a rear facing seat on what might otherwise look like a golf car.
- While less common in neighborhoods and outside of resort properties, 5+ person vehicles can be based on golf cars (they usually employ a stretched version of a golf car chassis that can accommodate three or more rows of seats). They can fit in a couple of industry standards: the SAE J2258 standard as off-highway light utility vehicles, or, particularly in commercial applications where they will be operated on improved surfaces (e.g., resort or airport shuttles); or, the ANSI B56.8 standard for personnel/burden carriers. Horns are mandatory on both types of vehicles but lights are not. For J2258 vehicles, seat belts are only required if there is an

Occupant Protective Structure (like a canopy) on the vehicle.

- A low speed vehicle or LSV, must comply with the Federal Motor Vehicle Safety Standards, 49 CFR 571.500, because it is, for all intents and purposes, an on-road motor vehicle with a maximum speed between 20 and 25 MPH. SAE provides an industry standard, J2358, that sets forth additional performance and safety requirements for LSVs. Headlamps, tail lights, horns, mirrors and seatbelts are required on LSVs. Most states allow LSVs on public roads, so long as the speed limit on the road is 35 MPH or less.

I will dispense with discussing golf cars because they really are not “transportation” vehicles – a true golf car is a vehicle for use in a prescribed manner and location: a golf course. And I will not spend a lot of time on LSVs because there are far fewer of those on the roads. PTVs, however, are becoming ubiquitous and worthy of discussion. The design and risk issues for the J2258 and B56.8 vehicles are akin to those for PTVs.

A PTV is born in one of two ways. First, it might be purpose-built in the factory as a multi-seat transportation vehicle. Second, and more commonly, a PTV is a “second life” vehicle built by a non-manufacturer third party from a Z130.1 golf car that has previously seen use at a golf course. The PTV fabricator will take the golf car frame and engine and add to it the safety items required by Z135 (horn, lights). At the same

time, it will add additional seating and adjust the governor on the engine to allow for a speed between 15 and 20 MPH. The dealer should give the buyer a manual explaining these changes, and the intended use of the PTV.

Though not required by the standard, the fabricator will more often than not install a canopy. Unlike the canopy structure on Multiuse Off-Highway Utility Vehicles governed by ANSI B71.9, this PTV canopy is not required to meet the requirements of an “Occupant Protective Structure” (OPS) providing a crush-resistant environment for passengers. This is extremely important because the PTV canopy may not provide the rigidity of a full-blown OPS or Roll Over Protective System in the event of a tip over. Another popular modification to the typically low riding golf car as it becomes a PTV (or J2258 and B56.8 vehicles) is the addition of a lift kit that raises up the suspension and makes the PTV ride higher off the ground. With the lift kit often comes bigger tires and fancier rims. While such a modification might make the PTV look cooler, it also may alter the handling characteristics of the vehicle. PTVs are subject to rigorous stability requirements under Z135 with regard to lateral stability. By lifting the vehicle suspension and putting the vehicle on taller wheels, the center of gravity changes, and as a result on slopes or when subjected to tight fast turns, the vehicle might tip over when otherwise it would not in an un-lifted condition. Also, larger tires may cause the vehicle to actually go faster than the standard’s upper limit notwithstanding the governed engine.

For lawyers that defend PTV cases, these most common unheeded warnings called out in Z135 are:

- Limitation on occupancy based on number of seats
- Operate from driver's seat by authorized persons only
- Operate only in designated areas;
- Do not start the vehicle until all occupants are fully seated;
- Remain fully seated and hold on when in motion;
- Keep entire body inside vehicle;
- Drive slowly in turns; and
- Do not operate PTV when under the influence of alcohol or drugs.

And unfortunately, many violators are young persons entrusted with the PTV by their parents, who then become sympathetic plaintiffs in subsequent litigation. Of course, there are intoxicated adults that turn too quickly or run over a curb, but for the most part the greatest risk is minors treating the PTV as a toy and giving thrill rides to their friends. Because it is essentially an open vehicle, the protective envelope found in a car is not present: riders will fall out, vehicles will tip over, objects will be hit, and injuries will occur.

In the event of litigation, something to remember is that the entity that modified or created the PTV is deemed the original equipment manufacturer of the modified vehicle under Z135, and is responsible for making sure that the vehicle meets the PTV

standard. Using my own company as an example, the proper entity to sue should be XYZ Custom Carts, not E-Z-Go. So when you buy a PTV from the dealer down the road, be sure to think about its solvency and insurance because you may need to be pointing at that entity in the event of a third party claim against you.

Considerable public demand for low cost, private, local vehicular transportation will continue to grow. PTVs present a readily and economically acceptable alternative to a second or third automobile for many families, and if electric, reduce air pollution and carbon emissions and reduce traffic congestion. Across the country, legislation and ordinances allow and encourage the use of PTVs. Those laws and ordinances often mimic the safety warnings found in Z135. But as we know, accidents will happen. I hope this short piece gives you food for thought when you go shopping for a PTV, or you hop into your PTV to head to the pool or sit on your HOA board, or your child asks to borrow the "toy" to go see a friend. And remember, it is "Golf Car", not "Golf Cart".

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