

## **A GOLF CART WITH LICENSE PLATES?**

With the recent donation of 246 neighborhood electric vehicles (NEVs) to Vermont charities and non-profit organizations by the Global Electric Motors subsidiary of DaimlerChrysler, local officials should be aware of their authority to prohibit the use of NEVs on highways under their jurisdiction.

By definition, a “neighborhood electric vehicle” is a self-propelled, electrically-powered motor vehicle which, according to 23 V.S.A. § 4(73):

- A. is emission free;
- B. is designed to carry four or fewer persons;
- C. is designed to be, and is, operated at speeds of 25 miles per hour or less;
- D. has at least four wheels in contact with the ground;
- E. has an unladen weight of less than 1,800 pounds; and
- F. conforms to the minimum safety requirements as adopted in the Federal Motor Vehicle Safety Standard No. 500, Low Speed Vehicles (49 C.F.R. 571, 500).

Although the maximum speed for NEVs is set by statute at 25 miles per hour (23 V.S.A. § 1007a), NEVs may only be operated on a highway with a speed limit of 35 miles per hour or less (23 V.S.A. § 1043(a)). In addition, an NEV operator may only cross a highway which has a speed limit of 50 miles per hour or less if the crossing begins and ends on a highway authorized for their use and the intersection is controlled by traffic control signals (23 V.S.A. § 1043(c)(1)).

Since NEVs are, for lack of a better term, glorified golf carts, a municipality may decide that the combination of their light weight, open design, and low speed poses a threat to public safety, especially considering the growing size and weight of conventional motor vehicles and the tendency of their operators to drive them above posted speed limits. As a result, under 23 V.S.A. § 1043(b), the legislative body of a municipality may prohibit the use of neighborhood electric vehicles on highways under their jurisdiction when it is deemed to be in the interest of public safety. Alternatively, a municipality can just prohibit NEVs from traversing highways with speed limits greater than 35 miles per hour when deemed in the interest of public safety (23 V.S.A. § 1043(c)(2)).

If your municipality is considering prohibiting the use of NEVs on your highways, VLCT encourages you to contact our Municipal Assistance Center at 800/649-7915. As part of the act which authorized the use of NEVs in the state, the State Traffic Committee (19 V.S.A. § 1(22)), in consultation with VLCT, will prepare and submit to the General Assembly not later than December 31, 2004 a report evaluating the safety of NEV operation in the state. The report will also include recommended amendments, if any, to the provisions of 2003 Vt. Acts & Resolves 8.

*- Todd Odit, Associate, VLCT Legislative and Membership Services*

**VLCT News**, September 2003