



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

April 5, 2021

The Honorable Brett W. Ligon
Montgomery County District Attorney
207 West Phillips, 2nd Floor
Conroe, Texas 77301

The Honorable B.D. Griffin
Montgomery County Attorney
501 North Thompson, Suite 300
Conroe, Texas 77301

Opinion No. KP-0364

Re: Whether a driver's license is required to operate a golf cart on a publicly maintained road, as authorized by sections 551.403 and 551.404 of the Transportation Code (RQ-0381-KP)

Dear Mr. Ligon and Mr. Griffin:

You ask whether a person must hold a driver's license to operate a golf cart on a publicly maintained road, as authorized by sections 551.403 and 551.404 of the Transportation Code.¹ You tell us that local and state officials have expressed conflicting opinions about the necessity of a driver's license to operate a golf cart on public streets as authorized in these statutes. Request Letter at 2. Sections 551.403 and 551.404 authorize the operation of golf carts on certain highways and other locations, but they do not address the necessity of a driver's license to do so. *See* TEX. TRANSP. CODE §§ 551.403, .404.

Title 7 of the Transportation Code regulates different aspects of the operation of vehicles, such as vehicle registration (subtitle A), driver's license requirements (subtitle B), rules of the road (subtitle C), financial responsibility (subtitle D), and other matters. *See id.* §§ 501.001–1006.155 (Title 7). Within subtitle B, section 521.021 provides that “[a] person, other than a person expressly exempted under this chapter [521], may not operate a motor vehicle on a highway in this state unless the person holds a driver's license issued under this chapter.” *Id.* § 521.021. Chapter 521 borrows definitions for some of its terms from subtitle C. *See id.* § 521.001(b) (“A word or phrase that is not defined by this chapter but is defined by Subtitle C has the meaning in this chapter

¹*See* Letter from Honorable Brett W. Ligon, Montgomery Cnty. Dist. Att’y, and Honorable B.D. Griffin, Montgomery Cnty. Att’y, to Honorable Ken Paxton, Tex. Att’y Gen. at 1 (Sept. 10, 2020), <https://www2.texasattorneygeneral.gov/opinions/opinions/51paxton/rq/2020/pdf/RQ0381KP.pdf> (“Request Letter”).

that is assigned by that subtitle.”). In subtitle C, a “motor vehicle” is defined to include “a self-propelled vehicle.”² *Id.* § 541.201(11). A “highway or street” is “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(5). Thus, section 521.021 requires a driver’s license to operate a self-propelled vehicle on a publicly maintained way open to the public for vehicular travel. *Id.* §§ 521.021, 541.201(11), 541.302(5); *see also Hicks v. State*, 18 S.W.3d 743, 744 (Tex. App.—San Antonio 2000, no pet.) (“It is well established the State of Texas can and does require a valid driver’s license for all persons operating motor vehicles on the roads of the State.”).

Subtitle C, “Rules of the Road,” specifically regulates the operation of golf carts in chapter 551, subchapter F. Chapter 551 defines “golf cart” as “a *motor vehicle* designed by the manufacturer primarily for use on a golf course.” TEX. TRANSP. CODE § 551.401 (emphasis added). Section 551.403 authorizes operation of golf carts in certain locations:

An operator may operate a golf cart:

(1) in a master planned community:

(A) that has in place a uniform set of restrictive covenants;
and

(B) for which a county or municipality has approved a plat;

(2) on a public or private beach that is open to vehicular traffic;
or

(3) on a highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:

(A) during the daytime; and

(B) not more than two miles from the location where the golf cart is usually parked and for transportation to or from a golf course.

Id. § 551.403; *see generally* Tex. Att’y Gen. Op. No. GA-0966 (2012) (discussing requirements of the statute). Additionally, municipalities and counties in some parts of the State may authorize the operation of a golf cart on certain highways:

(a) In addition to the operation authorized by Section 551.403, the governing body of a municipality may allow an operator to operate a golf cart on all or part of a highway that:

²This definition of “motor vehicle” expressly excludes electric bicycles or a specific type of electric personal assistive mobility device but not other types of vehicles such as golf carts. *See* TEX. TRANSP. CODE § 541.201(11).

(1) is in the corporate boundaries of the municipality; and

(2) has a posted speed limit of not more than 35 miles per hour.

(b) In addition to the operation authorized by Section 551.403, the commissioners court of a county [as described] may allow an operator to operate a golf cart on all or part of a highway that:

(1) is located in the unincorporated area of the county; and

(2) has a speed limit of not more than 35 miles per hour.

TEX. TRANSP. CODE § 551.404(a), (b); *but see id.* § 551.4031 (authorizing a municipality, county, or the Department of Transportation to prohibit the operation of a golf cart under section 551.404 if necessary for public safety).³

The Legislature exempts the operation of golf carts under chapter 551 from some generally applicable statutes. For example, golf carts are exempted from registration requirements. *Id.* § 551.402(a). They are subject to their own license plate requirements. *See id.* § 551.402(b), (c). Golf carts are generally exempt from the usual vehicle equipment requirements. *See id.* § 547.002(7); *but see id.* §§ 547.703(d) (additional equipment required for golf carts and other slow-moving vehicles), 551.4041 (equipment for golf carts operating under section 551.404). Section 601.051 of the Motor Vehicle Responsibility Act does not apply to “a golf cart that is operated only as authorized by Section 551.403.” *Id.* § 601.052(a)(2-a); *see also id.* § 601.051 (generally requiring a motor vehicle insurance policy or other specified proof of financial responsibility to operate a motor vehicle).

No statute exempts the operator of a golf cart under chapter 551 from the license-holding requirement of section 521.021.⁴ We must assume that the lack of an exemption was intentional. “A court may not write special exceptions into a statute so as to make it inapplicable under certain circumstances not mentioned in the statute.” *Pub. Util. Comm’n v. Cofer*, 754 S.W.2d 121, 124 (Tex. 1988). Thus, section 521.021 of the Transportation Code requires a person to hold a driver’s license to operate a golf cart on a publicly maintained way open to the public for vehicular traffic as authorized by sections 551.403 and 551.404 of the Code.

³Montgomery County is not among the counties authorized to allow an operator to operate a golf cart under subsection 551.404(b), and we find no Montgomery County ordinances relating to the operation of golf carts.

⁴Specific to minors, section 729.002 prohibits a person younger than 17 years of age from “operat[ing] a motor vehicle without a driver’s license authorizing the operation of a *motor vehicle* on a: (1) public road or highway; (2) street or alley in a municipality; or (3) public beach as defined by Section 729.001.” TEX. TRANSP. CODE § 729.002(a) (emphasis added). As “golf cart” is defined as “a *motor vehicle* designed by the manufacturer primarily for use on a golf course,” the prohibition applies to the operation of a golf cart on a public road or highway. *Id.* § 551.401 (emphasis added).

S U M M A R Y

Section 521.021 of the Transportation Code 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. Sections 551.403 and 551.404 of the Code, which authorize a person to operate a golf cart in certain locations, do not exempt such persons from the driver's license-holding requirement of section 521.021.

Very truly yours,

A handwritten signature in black ink that reads "Ken Paxton". The signature is written in a cursive, flowing style.

KEN PAXTON
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