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TO: All Insurance Companies Authorized To Issue Motor Vehicle Policies in Florida

FROM: William R. Graves, Chief
Bureau of Motorist Compliance

DATE: September 22, 2015

SUBJECT: Insurance Requirements for Low-Speed / Mini-Trucks Vehicles, Golf Carts, and Off-Highway Vehicles

Recently, the Department of Highway Safety and Motor Vehicles has noted an increase in the number of financial responsibility registration cases that are being generated against customers who register low-speed vehicles (LSV) or mini-trucks in Florida and do not have the required Personal Injury Protection (PIP) and Property Damage Liability (PDL) coverage. These cases can cause a sanction to be placed on the vehicle owner's driving record, resulting in the suspension of the driver license and motor vehicle registrations.

Given that there may be some misunderstanding as to what type of insurance coverage and driver licensure is required for these types of vehicles, we wanted to communicate the following information in order to ensure our mutual customers are not negatively impacted by a lack of proper coverage.

Low-speed / mini-truck vehicles are considered motor vehicles and are required to be titled, registered, and insured with PIP/PDL, in order to be operated on Florida streets and highways. There are ways to identify low-speed / mini-truck vehicles using the associated paperwork.

If the customer still has the Manufacturer's Certificate of Origin (MCO), the middle of the MCO must contain the following language (a sample is attached for your convenience):

"The vehicle conforms to Federal Regulations under Title 49 CFR Part 571.500."

The MCO or title of the vehicle will also indicate a body type. The body type of a LSV can be two passenger (2P), four passenger (4P), six passenger (6P), or nine (9P) passenger.

Low-speed vehicles often resemble golf carts and a golf cart can be converted into a low-speed vehicle. To determine if a golf cart has been converted to a low-speed vehicle, inspect the vehicle or the title for a department assigned vehicle identification number beginning with "FLA".

You may also ask your customer if they intend to register the vehicle with the Department of Highway Safety and Motor Vehicles; if they indicate they will be registering the vehicle, then the vehicle should be considered an LSV or mini-truck and Personal Injury Protection (PIP) and Property Damage Liability (PDL) is required.

§316.2122, F.S. provides that the operation of a low-speed vehicle or mini-truck, as defined in §320.01, on any road as defined in §334.03(15) or (33), is authorized with the following restrictions:

- a. A low-speed vehicle or mini-truck may be operated only on streets where the posted speed limit is 35 miles per hour or less. This does not prohibit a low-speed vehicle or mini-truck from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.

- b. A low-speed vehicle or mini-truck must be equipped with headlamps, stop lamps, turn signal lamps, tail lamps, reflex reflectors, parking brakes, rearview mirrors, wind shield, seat belts, and vehicle identification number.
- c. A low-speed vehicle or mini-truck must be registered and insured in accordance with section 320.02, Florida Statutes and titled pursuant to Chapter 319, Florida Statutes.
- d. Any person operating a low-speed vehicle or mini-truck must have in his or her possession a valid driver license.

Golf carts, by comparison, are not required to be either titled or registered and as such are not required to be insured with PIP/PDL for those purposes. Golf carts cannot be operated on Florida roads, unless approved by local ordinance, and except in limited instances, do not require a valid license (§316.212, §316.2122, §316.2126, §322.04). Florida law defines golf carts as “a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour (§320.01, F.S.)” In addition, §320.105, F.S. exempts golf carts from registration and titling requirements as long as they are operated in accordance with §316.212 or §316.2126. It is important to note that this does not prevent the owner of a golf cart from obtaining personal injury protection or liability insurance. The insurance, however, is not connected to any titling, registration or sanctioning purpose.

Off-highway vehicles are required to be titled but not registered and are not required to be insured with PIP/PDL. §317.0003, F.S. provides definitions for off-highway vehicles as follows:

- (1) “ATV” means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 1,200 pounds or less, designed to travel on three or more nonhighway tires, and manufactured for recreational use by one or more persons.
- (5) “OHM” or “off-highway motorcycle” means any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.
- (9) “ROV” means any motorized recreational off-highway vehicle 65 inches or less in width, having a dry weight of 2,000 pounds or less, designed to travel on four or more nonhighway tires, and manufactured for recreational use by one or more persons. The term “ROV” does not include a golf cart as defined in ss. 316.003 and 320.01 or a low-speed vehicle as defined in s. 320.01.

As with golf carts, there is nothing to prevent the owner of an off-highway vehicle from obtaining personal injury protection or liability insurance. The insurance, however, is not connected to any titling, registration or sanctioning purpose. Off-highway vehicles are not allowed to be operated on Florida roads unless approved by local ordinance; a valid Florida driver license would be required at that time.

It is important for your customers to know that if they are required under Florida law to register the vehicle, it must be insured with PIP/PDL. We appreciate your cooperation in helping to ensure our mutual customers are provided with the correct insurance coverage that precludes a sanction against their driving record. Should you have any questions or need further clarification, please contact me at 850-617-2529 or RayGraves@flhsmv.gov.

To download a brochure with this information, visit www.flhsmv.gov/pdf/mv/lowspeedvehicles.pdf

cc: Colonel Gene Spaulding, Florida Highway Patrol
 Florida Insurance Council
 Department of Financial Services, Office of the Insurance Consumer Advocate
 Office of Insurance Regulation
 Florida Insurance Agents
 Florida Sheriffs Association
 Florida Police Chiefs Association
 Florida Tax Collectors
 Insurance Industry Committee on Motor Vehicle Administration

Sample

CERTIFICATE OF ORIGIN FOR A VEHICLE

Manufacturer's Name

DATE **Enter Date** REGISTERED **Enter Invoice No.**

VEHICLE IDENTIFICATION NO. **Enter Vehicle Identification No. (999...)** YEAR **Enter Year** MAKE **ABCD** **Line Make must appear here.**

BODY TYPE **Enter Body Type (Low Speed Vehicle)** SHIPPING WEIGHT **Enter Shipping Weight**

NET WT. **Enter H.P. (S.A.E.)** G.V.W.R. **Enter G.V.W.R.** NO. CYLS. **Enter No. CYLS.** SERIES OR MODEL **Enter Series or Model**

This Vehicle Conforms to Federal Regulations Under Title 49 CFR Part 571.500.

I, the undersigned authorized representative of the company, firm or corporation named below, hereby certify that the new vehicle described above is the property of the said company, firm or corporation and is transferred on the above date and under the invoice number indicated to the following distributor or dealer.

NAME OF DISTRIBUTOR OR DEALER, ETC.

Dealer Name
Dealer Address

Name of Manufacturer, Importer, or Distributor Licensed by the Department must appear here.

It is further certified that this was the first transfer of such new vehicle in ready for sale commerce.

Name (license number)

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BY **Signature**
(SIGNATURE OF AUTHORIZED REPRESENTATIVE)

Address
(ADDRESS OF AUTHORIZED REPRESENTATIVE)

Address of Manufacturer, Importer, or Distributor must appear here.

The full name and address of your dealer retailer must appear here.

Upon being assigned your license - your license number should appear next to your company's name.