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At its August 27, 2020 meeting the Board of Directors of the Breakers West Association (BWA) voted to adopt a set of regulations governing the registration and operation of golf carts within the common areas of Breakers West.

At the same time, the Board decided that a set of regulations covering the operation of Low-Speed Vehicles (“LSVs”) and All-Terrain Vehicles (“ATVs”) should be developed since **LSVs and ATVs each differ from golf carts, and from each other, both in their speed and also in the manner in which the State of Florida regulates them.**

As a result, at its September 15, 2020 meeting the Board voted to adopt the Regulations for Low-Speed Vehicles and All-Terrain Vehicles.

### **Low-Speed Vehicles**

LSVs are designed and manufactured to operate at a top speed of between 20 MPH and 25 MPH, faster than golf carts which operate at a top speed below 20 MPH. While many LSVs resemble golf carts, there are differences. Below are pictures of common types of LSV:



Additionally, the Florida statutes that apply to LSVs are also very different than those that apply to golf carts or ATVs. For LSVs, Florida requires that:

- an LSV be **registered with the Department of Highway Safety and Motor Vehicles**
- the owner(s) of an LSV **must obtain personal injury protection (“PIP”) and property damage liability (“PDL”) insurance** covering the operation of the LSV
- LSVs can only be driven by persons who **possess a valid driver’s license.**

## **All-Terrain Vehicles**

ATVs are designed to be used off-road, have either three wheels or four wheels. There is no top speed limit in the Florida rules for ATVs, but they must be less than 55 inches wide and weight less than 1,500 pounds.

Pictured below is a common type of ATV:



In Florida ATVs cannot be driven on paved roads or streets. In Palm Beach County, the operation of ATVs is also governed by Palm Beach County Ordinance Number 2007-003 (Palm Beach County Ordinances Section 19-4 which:

- prohibits operating ATVs on unpaved public roads or streets
- allows the operation of ATVs in certain Wildlife Management areas
- allows the operation of ATV on private property only with the permission of the owner of the property
- requires that ATV drivers under the age of 16 wear a helmet, be supervised by a licensed driver, and have completed a state approved ATV safety course.

## **BWA Rules**

As was explained in the letter that accompanied the Golf Cart Regulations, under Florida law, the BWA has a fiduciary duty to act in the best interests of all the residents. Someone injured in an accident, whether it be one involving an LSV or an ATV, or some other type of accident, could sue the BWA both for a breach of its fiduciary duty and for negligence if the BWA failed to take reasonable steps to establish and enforce rules that could have prevented, reduced the likelihood of or mitigated the accident.

In establishing the rules for LSVs and ATVs, the Board decided that the rules within Breakers West should be no less protective of walkers, bicycle riders, drivers of other vehicles and anyone else, nor more permissive, than those that apply outside Breakers West. Therefore the Board patterned the rules for Breakers West along the lines of the Florida and Palm Beach County rules.

**The rules for LSVs are different from the rules for ATVs, and therefore you need to determine whether your vehicle is an LSV or an ATV (or a golf cart).**

If you are unsure as to whether your vehicle is a golf cart, an LSV or an ATV, we recommend that you contact either the dealer or the manufacturer and ask whether your vehicle is a golf cart, an LSV or an ATV under the definitions in the Florida statutes (Florida Statutes Section 320.01(22) for golf carts, Section 320.01(41) for LSVs, and Section 317.0003(1) for ATVs).

Additionally, there are some ATVs that can also satisfy the definition of an LSV because they have four wheels and operate at a top speed between 20 miles per hour and 25 miles per hour. Since the rules for LSVs are less restrictive than the rules for ATVs, the owners of ATVs that can qualify as LSVs have the option to classify and register their vehicle as an LSV, provided they meet the state registration and insurance and BWA registration requirements for LSVs.

### Rules for LSVs

With respect to LSVs, the Board voted to adopt rules that require:

- LSVs to be operated in Breakers West must be **registered with the Florida Department of Highway Safety and Motor Vehicles.**
- the owner(s) of LSVs should be required to obtain and maintain the PIP and PDL **insurance required by the state of Florida.**
- LSVs can only be driven by persons who possess a **valid driver's license.**
- LSVs should be registered with BWA and BWA be **provided with the information on the compliance with the Florida registration and insurance requirements.**
- LSVs should be driven only on the streets, and **not on the sidewalks, except that sidewalks can be used** when car(s) or truck(s) parked in the street and oncoming traffic make it unsafe for the LSV to pass the parked vehicle(s) using the oncoming lane; and
- **Citations** can be issued for unsafe driving, driving on sidewalks, or if an LSV cart is being driven by someone who does not have a driver's license.

### Rules for ATVs

With respect to ATVs the Board voted to follow Palm Beach County Ordinances Section 19-4 and therefore the BWA rules:

- Prohibit the operation of ATVs on any paved roads and streets within Breakers West.
- Do not require the registration of ATVs, since there are no unpaved areas in the common areas of Breakers West where an ATV could be operated
- Indicate that ATVs can be operated on private property (including the Mayacoo and Flagler parcels) only with the permission of the owner of the property.

A copy of those regulations for LSVs and ATVs is enclosed, as well as the form that will be used to register LSVs.

Please read these regulations carefully, and make sure that anyone who uses your LSV or ATV knows what is in the regulations concerning where LSVs and ATVs can be driven and who can drive them.

The registration requirement for LSVs is for a one-time registration, except that residents will need to update their LSV registration with BWA if the Florida registration number changes, or the information about the name of the insurance company(s) or policy number(s) changes.