

# Golf Carts Called as Much a Hazard As Cars

TALLAHASSEE — Mildred Meister, pausing for a drink of water before the eighth tee at a Hollywood-area golf club, was stepping out of her E-Z-GO cart in August 1978 when a runaway cart pinned her against a rest-area building.

She wants to collect damages from the golf club, but an appellate court said she can't because a golf club is not responsible for its golf carts as long as they are in good working condition.

But Mrs. Mesiter's attorney, Mark Hicks, argued before the Florida Supreme Court Thursday that carts like the one that injured Mrs. Meister are as dangerous as automobiles.

Just as much as the driver of the vehicle, Emerald Hills Country Club should be responsible for paying for the multiple, painful fractures to her leg, Hicks argued.

If the high court accepts Hicks' argument, country clubs, airports and any other owners of similar carts would be responsible for injuries caused by the carts, even if there is no way they could have prevented them.

The "dangerous instrumentality" doctrine, a rule that dates to the era of the Model T, covers cars and several other motor vehicles, making the owners liable for their use.

The Sunshine State, with its ever-present golf courses, should include golf carts in that rule, Hicks contended. In fact, every motorized vehicle, including lawn mowers and possibly electric wheelchairs, can be dangerous instruments, he said.

"A golf cart is a car," the attorney said. "Some cars are motorized with gas engines, some have electric engines. I think we're getting hung up on the definition of a golf cart."

But Joseph Kashi, attorney representing Emerald Hills, argued that golf carts are not motor vehicles and are not dangerous instruments. They are not as dangerous as cars, nor as widely found on public thoroughfares, the attorney argued.

"Golf carts on golf courses are not used on a highway," he said. "We feel that the fact that a vehicle . . . is principally designed for use off the public highways takes away from its menacing nature."

The justices seemed fascinated by this argument that depends largely on comparing the varying safety of vehicles, from mopeds to tractors.

Justice Parker McDonald asked with a smile how much a ruling that carts are dangerous might affect cart fees.

Much of the questioning sought the shades of difference between injuries from a car and those from a cart.

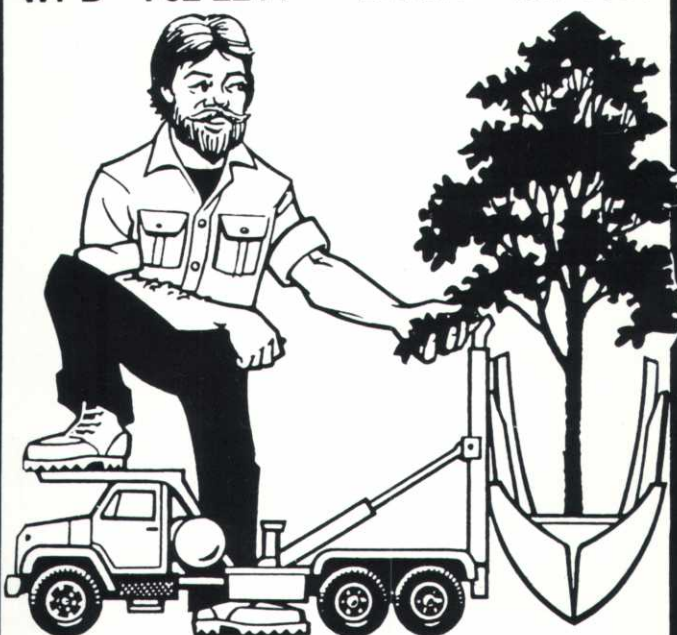
The suit against the driver of the cart, who was a friend of Mrs. Meister's is pending until the golf cart issue is settled. Mrs. Meister named the country club in the same suit.

Last fall, the 4th District Court of Appeal in West Palm Beach ruled that golf carts are motor vehicles but declined to consider them dangerous instruments.

The state Supreme Court is expected to issue a decision on the status of golf carts in several months.

Credit: Fort Lauderdale News

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