

Reducing liability from golf cart injuries

by James Leatzow, president, Leatzow & Associates

In this modern age it seems as though we take too many things for granted. Golf carts, as innocent as they may seem, are an example. These small, wheeled, mobile recreational vehicles hold the potential for significant lawsuits in today's litigious society.

If an accident occurs involving a cart, it's likely that the injured party will allege it was poorly maintained. Unfortunately, it's up to the owner/operator to prove that the vehicle had been properly maintained and serviced. To prove this, you must be able to provide bona fide maintenance records as well as some form of formalized procedure manual covering the scope and frequency of the work performed to the golf cart in question.

You will help your case immeasurably by requesting a cart's maintenance procedures when you buy it. You should then follow its scheduled

maintenance to the letter. However, all of this effort is of little or no value unless you document and file records showing it—which should be standard procedure for virtually all golf course equipment.

Essential maintenance

Make sure that tires have enough tread to keep the cart from sliding on a slick or wet surface. Its pedals should be equipped with a rubber pad. Routine inspections should include checking for loose bolts, sharp objects and broken or missing parts—all of which could injure someone during a sudden stop or on rough terrain. Likewise, if the cart has shock absorbers to reduce its sway or roll, follow the manufacturer's maintenance instructions carefully.

It is also very important to replace safety placards on the carts. Though these stickers will be scratched and marred over time, it's still your re-

sponsibility to make sure they can be read at all times.

There are other dangerous exposures that aren't attributable to the cart itself. For instance, a cart path that passes by a steep incline with no safety fencing may lead to an accident. It is very important to make certain that cart paths and other areas where carts may be used are safe and free from dangerous situations. Golf cart paths that are properly maintained go a long way to show that your operations meet the test of safety and care for public health and welfare.

Posting terrain

If the golf course you are designing or involved with has terrain that might be dangerous for the typical cart user, make sure they fully understand all exposures. During the rental process, have them sign a readable, printed form that states they will be the only operator of the cart, that they understand the terrain might be dangerous if the golf cart is not used properly and that alcohol and other drugs will impair their judgement and ability to operate the equipment.

Obviously, there are no foolproof precautions you can take, but you should be interested in trying to educate the routine user about the potential dangers of golf cart use.

Remember that if you are drawn into court because of an alleged injury, the burden is on you to show that your carts and environment are safe and that all common sense dangerous exposures have been addressed to prevent injury. Anything short of that can ultimately lead to a large payout against your professional or general liability policy. **LM**

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