

ClubPac News

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Risk Management in Power Cart Operations

There is an old saying that: "Familiarity breeds contempt". In the case of golf carts it is probably more appropriate to say that "Familiarity breeds Complacency".

These little workhorses are so common, efficient and reliable that it is easy to forget that in the hands of an inexperienced, inebriated or careless operator, they can be lethal. Believe it or not, one of the most common causes of both Bodily Injury and/or Property Damage at golf clubs is the operation of Golf Carts. The owner / operator of a fleet of carts, the club and/or the golf professional, are almost always brought into any lawsuit and are often found "jointly" responsible.

The unfortunate fact of the matter is that with a little effort and virtually no cost, the cart fleet owner / operator could dramatically reduce this exposure.

The following are a few simple Loss Control procedures that every Golf Club and Golf Professional should implement:

Regular Maintenance: The manufacturer provides a recommended maintenance schedule to ensure the safe and trouble free operation of the carts. This is the absolute minimum that should be done. Your proshop / backshop staff should be trained to routinely check brakes, steering and protective devices (hand rails, etc) after EVERY rental, or at least daily.

Record these inspections !

You have an absolute legal duty to provide "safe" equipment to your customers and being able to prove that you carry out regular safety inspections 100% of the time, may be your only defense.

Control Usage: Remember, these are MOTORIZED VEHICLES. Allowing children; alcohol impaired golfers, or completely untrained people to drive these vehicles is almost guaranteed to get you into trouble.

- Set a MINIMUM operator age. At least 16 years and preferably older.
- Limit the number of passengers to TWO.
- Limit operators to those who have a Provincial Drivers License. At least they have been trained to drive something.
- Ask if the renter is familiar with power carts and if he/she has operated one before. You have a legal obligation to establish this and to provide instruction.
- Train shop staff and course marshals to watch for erratic driving and alcohol consumption and empower them to repossess the cart where appropriate.
- Ensure that operating instructions are posted on labels or signs in each cart.
- DO NOT ALLOW power cart operation in the parking lots. (Install barrier posts if necessary)

Impose Rules of Operation: Create a list of rules and regulations for the proper use of power carts at your facility. Make sure that they are read, followed and enforced.

- Print the rules on large signs posted in the proshop and near the cart pickup area.
- Print the rules of operation in the club newsletters and policy booklets

- Print the rules on the back of your “Rental Agreement” form.
- Print the operating rules on adhesive labels and stick them on the carts
- Post clear and visible warning signs at restricted areas or danger zones. (Steep hills, hidden embankments, driving range perimeters, loose surfaces, etc.
- Make sure that your staff follow the rules. The majority of claims for minor property damage losses result from staff drivers.

Rental Agreement: Create and print a Rental Agreement that MUST be SIGNED by EVERY renter. Club members can sign an annual agreement. Pay as you play golfers should sign one EVERY time they rent a cart. In addition to the rules noted above, these agreements should include:

- Name, address and signature of the renter. (Drivers license number &/or credit card number would also be nice.) The form is useless if you cannot identify the person.
- An agreement to accept responsibility for any damage to your cart and to reimburse you the costs to repair or replace it.
- A waiver, holding you harmless for any damage or injury suffered by the renter.
- An agreement to accept responsibility for any damage or injury suffered by anyone else and to indemnify you in the event that a court requires you to compensate these parties.
- An acknowledgement that the renter has read the agreement and accepts its terms.

Keep these forms. Lawsuits for injuries and or property damage are often filed 12 to 24 months after the event.

Enforce the Rules & Processes:

- Train your staff to follow the processes that you have developed and make it a mandatory part of they job descriptions. Their ability to testify in court, often years later, that processes and rules were ALWAYS enforced without exception is often the only proof that is available. An admission in court or during examination that “we didn’t always enforce the rules” or “we sometimes skipped that procedure if we were really busy” completely destroys any credibility in your claim of providing a “safe” premises.
- Train your staff to watch for and point out poor driving practices to golfers. (Extra passengers in the cart; operators driving with one leg hanging out of the cart; operators consuming alcohol while driving; renters driving in restricted areas, etc.)
- LEAD BY EXAMPLE. If you and your staff do not follow safe operating rules at all times, you can’t expect your golfers to do so.

None of these suggested processes are expensive or particularly difficult to implement. The law in every province in Canada imposes upon every business a “Duty to provide a safe premises and operation”. That standard of care is of course the “Reasonable Person Rule”. What would YOU expect from a reasonable person if you were the customer ?

Since “Familiarity breeds complacency” it is sometimes beneficial to look at what reasonable people are doing in other industries and compare your processes to theirs. Think of: the lifeguards looking after your young children at the swimming pool; safety officers at the construction site where you son works, the car or boat rental agency that last rented you a vehicle or the hotel or banquet facility where you held your daughter’s wedding. Are these reasonable people doing more in their businesses to protect their customers and their interests than you are in yours ? They are the standard to which you are going to be compared.

It starts with attitude and ends with training.