

Ko Olina

RESORT & MARINA
HONOLULU

REGISTRATION PACKET

Golf Cart and Low Speed Vehicles

C. Rules for Use of Golf Carts and Low Speed Vehicles on Common Areas

1. Compliance with Law. No Golf Cart or Low Speed Vehicles shall be operated upon the roadways, driveways, parking lots or other Common Areas of KOCA except in strict compliance with all applicable federal, state and local laws and regulations and with these Rules. Nothing herein shall be deemed to regulate or restrict usage of Golf Carts or Low Speed Vehicles on property other than Common Areas.

2. Equipment.

(a) Definitions:

- "Golf Cart" means a 3 or 4-wheeled motor vehicle whose attainable speed is not more than 20 miles per hour on a paved level surface.
- "Low Speed Vehicle" means a 4-wheeled motor vehicle whose attainable speed in 1 mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface.
- Terms used herein shall have the same definitions as in the Declaration of Covenants for KOCA unless the context requires otherwise.

(b) Each Golf Cart must be equipped with such motor vehicle equipment as is compliant with federal, state and local laws and regulations and as is appropriate for motor vehicle safety, including, at a minimum:

- (i) reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear,
- (ii) an exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger side of the vehicle or an interior mirror and

- (i) headlamps,
- (ii) front and rear turn signal lamps,
- (iii) tail lamps,
- (iv) stop lamps,
- (v) reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear,
- (vi) an exterior mirror mounted on the driver's side of the vehicle and either an exterior mirror mounted on the passenger's side of the vehicle or an interior mirror,
- (vii) a parking brake,
- (viii) a windshield of AS-1 or AS-5 composition, that conforms to the American National Standard Institute's applicable Code,
- (ix) a VIN that conforms to the requirements of federal law, and
- (x) a seat belt assembly conforming to federal law.

(d) Each Golf Cart and Low Speed Vehicle must display a triangular slow moving vehicle emblem meeting ASAE Standard S276.2 as developed by the American Society of Agricultural Engineers, mounted on the rear of the vehicle base down and at a height of not less than 3 nor more than 5 feet from the ground to base.

3. Operators.

(a) All operators of Golf Carts and Low Speed Vehicles must be duly licensed in accordance with the laws of the State of Hawai'i to operate a passenger car or be exempt from such licensing requirements. The license must be carried on the operator at all times and shown to the Ko Olina Aloha Team (KAT) upon request.

(b) All operators must be a member or a guest, tenant, agent of a member of KOCA or must be authorized in writing by KOCA.

(c) All operators must read, understand obey and sign:

- (i) A copy of these Rules acknowledging that they understand and will strictly obey the same,
- (ii) A waiver of liability, and
- (iii) An indemnification agreement.

(d) All Golf Carts and Low Speed Vehicles must be registered with KOCA. KAT will issue a decal that must be displayed on driver's side of the hood of any Golf Cart or Low Speed Vehicle.

(e) All Golf Carts and Low Speed Vehicles must meet the following criteria:

- Condition: Must be in good condition, repair, and appearance. No rusty, dilapidated or otherwise decrepit equipment will be allowed. The acceptability of the appearance will be in the sole discretion of KOCA.
- Color: All colors must be approved in writing by KOCA.
- Logos: No unauthorized logos.

(f) The owner of the Golf Cart or Low Speed Vehicle must provide proof of adequate liability insurance.

4. General Rules.

(a) Golf Carts and Low Speed Vehicles are not allowed on any Common Areas except roadways, driveways and parking lots, unless authorized by KOCA.

(b) Golf Carts and Low Speed Vehicles shall be driven in a safe and cautious manner. Pedestrians shall always have the right of way. Operator must obey all traffic signs.

(c) Golf Carts can only be operated during daylight hours between sunrise and sunset unless equipped with all lamps cited in Paragraphs 2(C)(1)-(4), above and such other equipment as may be required by federal, state or local laws and regulations.

(d) Golf Carts and Low Speed Vehicles operated on any roadway shall be driven in the right-hand lane, or as close as practicable to the right-hand curb or edge of the roadway, exercising due care when passing a standing vehicle or one proceeding in the same direction, except in the following situations:

(i) For a distance not to exceed 1,000 feet when preparing for a left hand turn at an intersection or into a private road or driveway, except where prohibited by traffic control devices; or

(ii) When reasonably necessary to avoid conditions that make it unsafe to continue along the right-hand curb or on the edge of the roadway.

(e) Parking is allowed in designated areas only.

(f) Golf Carts and Low Speed Vehicles must always travel in a single file.

(g) A minimum safe following distance is at least three (3) cart lengths (about 20 to 25 feet). Under no circumstances is one cart allowed to push another.

(h) Golf Carts and Low Speed Vehicles must not carry more passengers than the designated capacity.

(i) The parking brake must be firmly set when parked.

(j) No loud music or ear phones are allowed on Golf Carts or Low Speed Vehicles.

(k) Hand signals must be used as follows:

- Left turn - Left arm straight out.
- Right turn - Left arm out and bent upwards at the elbow.
- Slow down or stop - Left arm out and bend down at the elbow.

(l) Before changing lanes, operators must visually confirm that the lane is clear of traffic, perform the correct hand signal and proceed.

(m) No Littering from Golf Carts or Low Speed Vehicles.

5. Miscellaneous.

(a) Violations. KAT may prohibit any operator from using the roadways of Ko Olina in the event KAT determines in its sole discretion that the severity and/or frequency of infractions justifies such action.

(b) Accidents. In case of an accident please notify 911 (emergencies) and KAT at 676-6547 (routine). Please note all accidents involving personal injury or serious property damage should be reported to 911. KAT is not intended as a substitute for the appropriate emergency response agency.

GOLF CART CHECKLIST

“Golf Cart” means a 3 or 4-wheeled motor vehicle whose attainable speed is not more than 20 miles per hour on a paved level surface.

- Reflex reflectors: one red on each side as far to the rear as practicable, and one red on the rear.
 - An exterior mirror mounted on the driver’s side of the vehicle and either an exterior mirror mounted on the passenger’s side of the vehicle or an interior mirror
-
- A parking brake.
 - Triangular slow moving vehicle emblem meeting ASAE Standard S276.2 as developed by the American Society of Agricultural Engineers, mounted on the rear of the vehicle base down and at a height of not less than 3 nor more than 5 feet from the ground to base.
 - All operators of Golf Carts and Low Speed Vehicles must be duly licensed in accordance with the laws of the State of Hawaii to operate a passenger car or be exempt from such licensing requirements.
 - Conditions: Must be in good condition, repair, and appearance.
 - Color: Original factory colors only.
 - Logos: No unauthorized logos.
 - A waiver of liability and an indemnification agreement.
 - Proof of adequate liability insurance.

LOW SPEED VEHICLE CHECKLIST

“Low Speed Vehicle” means a 4-wheeled motor vehicle whose attainable speed is 1 mile is more than 20 miles per hour and not more than 25 miles per hour on a paved level surface.

Each Low Speed Vehicle must be equipped with such motor vehicle equipment as is compliant with federal, state and local laws and regulations and as is appropriate for motor vehicle safety, including, at a minimum:

- Headlamps.
- Front and rear turn signal lamps.
- Tail lamps.
- Stop lamps.
- Reflex reflectors: one red on each side as far to the rear as practicable, more on red on the rear.
- An exterior mirror mounted on the driver’s side of the vehicle and either an exterior mirror mounted on the passenger’s side of the vehicle or an interior mirror.
- A parking brake.
- A windshield of AS-1 or AS-5 composition, that conforms to the American National Standard Institute’s applicable Code.
- A VIN that conforms to the requirements of federal laws.
- A seat belt assembly conforming to federal laws.
- Triangular slow moving vehicle emblem meeting ASAE Standard S276.2 as developed by the American Society of Agricultural Engineers, mounted on the rear of the vehicle base down and at a height of not less than 3 nor more than 5 feet from the ground to base.
- All operators of Golf Carts and Low Speed Vehicles must be duly licensed in accordance with the laws of the State of Hawaii to operate a passenger car or be exempt from such licensing requirements.
- Conditions: Must be in good condition, repair, and appearance.
- Color: Original factory colors only.
- Logos: No unauthorized logos.
- A waiver of liability and an indemnification agreement.
- Proof of adequate liability insurance.

PROOF OF ADEQUATE LIABILITY INSURANCE

- If an individual is using a golf cart or something similar that IS NOT licensed for road use, liability insurance would come under their homeowners policy, and it typically needs to be scheduled. A standard liability limit for homeowners is usually around \$100,000.

- If an individual is using a Low Speed Vehicle (like a GEM Electric or something similar), liability insurance would come under a personal auto policy. Minimum limits required by law are \$20,000 bodily injury per person, \$40,000 bodily injury per accident, and \$10,000 property damage per accident.

**GOLF CART AND LOW SPEED VEHICLE
WAIVER OF LIABILITY AND INDEMNIFICATION**

I, _____, hereby register my Golf Cart/Low Speed Vehicle ("Vehicle")
(Owner's Full Name)

for use at the Ko Olina Resort & Marina, and agree to use and operate such Vehicle in accordance with the attached Rules for Use of Golf Carts and Low Speed Vehicles on Common Areas ("Rules"). I agree to register my Vehicle on a regular basis, as required by Ko Olina Community Association Inc.

I hereby waive any and all losses, liabilities, damages or claims against the Ko Olina Community Association Inc., Ko Olina Development, LLC and all of their respective members, managers, officers, directors, shareholders, attorneys, accountants, agents, employees, representatives contractors and assigns, (all such persons are hereinafter referred to collectively as the "KOCA Parties") for property damage or personal injury of any kind and every nature whatsoever, whether known or unknown, suspected or unsuspected, resulting from or arising out of or caused by or connected with, directly or indirectly, the use of said Vehicle.

I also agree to indemnify and hold the KOCA Parties harmless from any and all losses, liabilities, damages or claims for property damage or personal injury, of any kind and every nature whatsoever, whether known or unknown, suspected or unsuspected, resulting from arising out of or caused by or connected with, directly or indirectly, the use of said Vehicle. I shall promptly reimburse the attorneys' fees, incurred by the KOCA Parties in connection with this indemnity.

Owner's Signature

Date

Print Name: _____

Address: _____

Vehicle Make: _____

Vehicle Model: _____

Driver's License or SSN: _____

VIN #: _____

Phone Number: _____