Published on *The National Law Review* https://natlawreview.com

What Has Four Wheels And Is An “Auto” But Not A “Car”?

Article By:

Patrick M. McDermott

Yaniel Abreu

A golf cart, at least according to a recent Eleventh Circuit ruling about insurance coverage for a minor driving a golf cart. *GEICO Gen. Ins. Co. v. Gonalez*, No. 21-13304.

The policy covered bodily injury arising from the use of a “private passenger, farm, or utility auto.” It defined “private passenger auto” as “a four-wheel private passenger, station wagon or jeep-type auto, including a farm or utility auto as defined.”

The court found that definition included a golf cart because it was “a four-wheeled, privately owned, passenger vehicle.” That remained true even when reading that definition in the context of “farm auto” and “utility auto.” A Florida state court had interpreted similar definitions to incorporate “a common—‘albeit implicit’—element”: “as an inherent design characteristic the capacity to be driven legally and safely on public highways.” Citing Florida statutes allowing golf carts on public roads and golf carts’ “ubiquitous” nature “on public roads in golfing and beach communities throughout Florida,” the court decided that implicit element was satisfied.

The court also distinguished a prior Eleventh Circuit case finding that a golf cart was not a “car” under an insurance policy. *State Farm Mut. Auto. Ins. Co. v. Baldassini*, 545 F. App’x 842, 843-44 (11th Cir. 2013). There, the policy defined “car” as “a four-wheeled motor vehicle ‘designed for use mainly on public roads.’” But there was no similar limitation in *Gonalez*. Thus, the Eleventh Circuit concluded that a golf cart was an “auto” under the policy at issue even if it was not a “car” under another policy.

National Law Review, Volumess XII, Number 277