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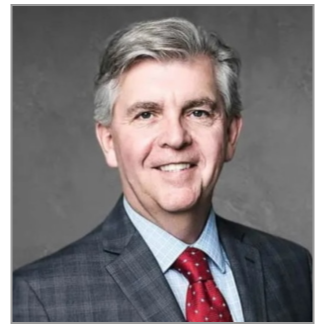
Hosel rockets: A golfer's biggest danger?

By **Michael Cochrane**

Law360 Canada (November 24, 2025, 11:21 AM EST) -- While Mark Twain described golf as "a good walk spoiled," I don't think he had in mind some of the serious injuries golfers have inflicted upon themselves and others during a round of golf.



Michael Cochrane

It is the prevalence of such injuries that brought me to the National Golf Course Owners Association annual meeting in Niagara Falls on Nov. 18, 2025. Having seen my recent Law360 Canada Hosel Rocket columns, they invited me to offer some insights on the topic of golf course liability. What do all these injuries mean for golfers and course operators and what can be done about it?

My presentation focused on the issues covered in my columns — personal injuries from golf balls, public and private nuisance issues affecting adjacent properties, lightning strikes on golf courses and, more recently, the new phenomenon — golf rage. There have been a number of startling incidents of golfers spoiling their walk by spoiling for a fight. Imagine, brawling in the middle of a round of golf. More than a few of the great classy golfers must be spinning in their graves. (See "Time to Drop The Glove(s)?")

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In addition to those issues, I addressed a different, surprisingly frightening problem for golfers. It concerns not walking, but rather the golf carts that now dominate golf courses. Every year they are responsible for thousands of accidents. One study found a 132 per cent increase in golf cart accidents over a 17-year period and hundreds of thousands of injuries.

On a recent golf trip to Bermuda, I watched in horror as an elderly couple tipped sideways and then rolled their golf cart (ass over tea kettle, as my mom would say) down the side of a steep hill. I flew to their aid, broke away the shattered windshield and helped them escape from the wreck. Later, when I spoke to the pro shop about how lucky they were to be alive, he agreed but added that it was the third time a cart had rolled over at that very spot in the last few weeks. Red flag anyone?

His words brought to mind the case of *American Golf Corporation v. Manley,* 222 Ga. App. 7, 473 S.E.2d 161 (1996), (nearly 30 years ago in Georgia) in which the court dealt with a similar golf cart accident. There, the 15th hole had not only a steep path, but a hairpin turn to boot, sometimes obscured by vegetation. The golf course was aware of the problem (there had been accidents) and staff had debated whether they should put in speed bumps or have a marshal guide golfers down the steep slope. The court even heard evidence from a golf course architect who had been at the course for other reasons just prior to the accident. Upon seeing the steep hill and hairpin turn on the 15th hole, he remarked, "Someone's going to get killed." Two brothers did nearly that, careening down the path, missing the turn and crashing. Notwithstanding all the red flags, the golf course had done nothing — it was too expensive since the lease on the land was up soon anyway.

Closer to home, just 10 years ago, on a course northwest of Toronto, a golfer was celebrating his birthday with a round of golf. It turned out to be his last because, while descending a similar path, he lost control of his cart, crashed into a rock face and died.

Golf carts can be a genuine danger on courses. The most prevalent injury suffered seems to be from golfers falling or jumping from carts, but they also drive them into ponds, trees, bunkers, other vehicles in parking lots and drainage ditches. They spin wild 360s down slippery hills. They try to drive the cart from the passenger seat. They drive with their legs hanging out. They pin one another between carts by not stopping quickly enough at tee boxes or by not setting the brake properly. Participants in company golf tournaments are sometimes not only swinging a club for the first time but are also golf cart newbies. The gas and the brake pedals can look an awful lot alike when trying to stop in an emergency.

Why do these accidents happen? There are a variety of reasons. Sometimes it is the course's fault, like the cases I mention above. Sometimes there is a defect in the cart. Often it is the operator's mistake in making a sharp turn or being careless. And often it is alcohol — too much alcohol.

Let's digress for a minute to consider a recent news flash published by Nudorra Capital, a company that provides litigation loans to plaintiffs in need of financial assistance until their case is settled or tried. The paper they shared with lawyers this month blared a headline drawn from the findings in an April 2025 JAMA Network Open medical publication.

Over half of MVA drivers use impairing substances.

Huh? More than half the people on the road who are in accidents are actually impaired?

I quote from their note:

"From January 2019 to June 2023 researchers measured blood levels of alcohol, THC, stimulants, opioids and depressants…. among 8,328 injured drivers treated at 15 trauma centres across 8 provinces in Canada …more than half (55%) tested positive for a harmful substance within 6 hours of their MVA."

There's more:

- Over one fifth of impaired drivers had consumed two or more substances,
- Men made up two thirds of the impaired drivers,
- Depressants were the most frequently detected class,
- Alcohol was prevalent among the 19- to 34-year-olds,
- Impaired drivers from rural areas were more likely to have consumed multiple stimulants (alcohol, plus THC, plus depressants, plus opioids) than urban drivers.

Those figures should haunt you as you look into the headlights of every oncoming vehicle this holiday season.

But what has this got to do with golf cart accidents?

The levels of impairment quoted above are for people driving on our highways and streets, knowing full well that doing so is illegal. The consequences if caught could not be more publicized. So, let’s say that there are some legal/ moral guardrails in place for our highways and streets.

Not so on golf courses.

I’m not saying that golf courses are scenes of uncontrolled drinking and use of stimulants. Most courses follow Safe Serve practices, are aware of their potential liability as a social host and restrict, as best they can, alcohol coming on to the course from outside sources. I am not suggesting that every golf cart accident is caused by impairment. And yet there is clear recent video evidence in the cases of recent brawls on golf courses that excessive alcohol is a big factor and becoming worse.

Anecdotally all golfers can relate stories of generous alcohol consumption on a golf course, especially during corporate tournaments. All golfers know at least one fellow golfer who professes to need “swing lube” or “birdie juice” in order to relax and perform better. There aren’t too many sports, especially ones calling for superior hand eye co-ordination, that include alcohol consumption *while* playing and while operating a motorized vehicle. Golf is different.

So, if golf is different, then courses must have a strategy for dealing with it? Surely, you say, the operators have guests sign releases and waivers releasing the course from any liability for accidents and injuries suffered while on the course.

Nope. In the past 30 years I can count on one hand the number of times I have been asked to sign a release/waiver before playing golf on a public course or as a guest on a private course. Typically, a golfer checks in, pays the green fee, is handed a receipt and golf cart key and sent on their way with a friendly, “Show this to the starter.”

Let’s digress again for a moment and look at an analogous sporting activity — skiing. Ski hill operators have a lot in common with golf courses. They invite people onto their premises to enjoy an activity. Ski hills have lifts. Courses have carts. Invitees can both play alone and in groups. There are varying levels of expertise. Alcohol is served. However, there is one very big difference — every lift ticket or season’s pass for a ski hill comes with a specific release and waiver.

The back of the lift ticket is quite clear. One’s use of the ski hill and facilities is subject to some conditions. Signs are posted clearly. You are willingly accepting the risk of injury that is inherent in the sport. When I recently signed up for my seasons ski pass online I was sent a digital e-release. If I did not review, agree and submit it then I did not receive a pass. Period. Those releases will be enforced except in the most extraordinary cases of gross negligence.

Releases at golf courses? Not so much. They are late to the release and waiver party. Even though there seems to be no change in golfers’ behaviour (if anything it’s getting worse) only recently have operators started to think of ways to alert golfers to the fact that use of the course and carts involves willingly assuming some risks and that alcohol consumption will be no excuse for accidents and injury. A first line of defence is needed.

One reason for their reluctance seems to be avoiding delays at the pro shop while golfers review and sign releases they are not accustomed to seeing. This is being eased considerably by new products that in some cases offer a tablet at the cash. A release / waiver is presented at point of sale. The golfer signs and then he/she heads to the first tee. Given the level of potential injuries and the prevalence of alcohol consumption on the course, these releases should become standard operating procedure in short order.

A related idea that golf courses could adopt from the ski world is the Alpine Code of Conduct. It sets out some courtesy rules for the hill. It could easily be adapted for golf courses as a Spirit of the Game Code (The Alpine Code has no reference to prohibitions on fighting, so the Spirit of the Game Code may need an extra clause or two.)

During my presentation, one moment in particular brought an audible gulp as I explained the significance of joint and several liability in civil injury claims. When accidents happen lawyers instinctively look to include as many potential defendants as possible. The more potential sources of liability and compensation the better. Plaintiffs' counsel know full well that engaging a defendant for even one per cent of the ultimate liability could result in that defendant or their insurer being responsible for 100 per cent of the payout, if no one else has funds.

So while a golfer's biggest danger may be that innocent-looking golf cart, golf courses are becoming alive to the fact that carts may be their biggest source of potential liability. Watch out for releases and waivers coming to your golf pro shop soon! Fore!

Michael Cochrane is a Toronto lawyer and the author of Olympic Lyon: The Untold Story of the First Gold Medal for Golf about Canadian George Lyon's victory at the 1904 Summer Olympics. He is a member of the Golf Journalists Association of Canada, the Golf Historical Society of Canada and an avid golfer. See his other writings at michaelcochrane.ca.

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