



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

June 29, 2023

Edward N. Kramer III, Esq.
Attorney, City of Quitman
101 East Church Street
Quitman, Mississippi 39355-0016

Re: Off-Road Vehicle Use During Parades

Dear Mr. Kramer:

The Office of the Attorney General has received your request for an official opinion.

Question Presented

Does a municipality have the authority to allow golf carts, four-wheelers, and side-by-sides to participate in parades on city streets and state highways?

Brief Response

Mississippi Code Annotated Section 63-32-3(1) provides that municipalities “may . . . authorize the operation of golf carts and low-speed vehicles only on public roads and streets as designated by ordinance, within the corporate limits of the municipality.” However, Section 63-31-3(6) states that there is *no* authorization for the “operation of an off-road vehicle on a public road or highway of this state.” Whether a vehicle is a “low-speed vehicle” or an “off-road vehicle” is a question of fact for the governing authority.

Applicable Law and Discussion

You ask about a municipality’s authority to allow vehicles such as four wheelers, side-by-sides, and golf carts to participate in parades. Section 63-3-103(a) defines a “vehicle” as “every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.” A “motor vehicle” is defined as “every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.” Miss. Code Ann. § 63-3-103(b).

Section 63-3-211 provides that local authorities, with respect to streets and highways under their jurisdiction, have the power to regulate or prohibit processions or assemblages on highways, such

as parades. Local authorities' power to regulate parades is limited, however, by Section 63-3-209, which provides that "no local authority shall enact or enforce any rule or regulation in conflict with the provisions of this chapter unless expressly authorized herein." Accordingly, it is the opinion of this office that local authorities have the ability to regulate parades on streets and highways under their jurisdiction; however, when doing so, local authorities must still abide by state law applicable to motor vehicles, including but not limited to state law regarding golf carts and all-terrain vehicles as further addressed below.

Section 63-32-1(a) defines a "[g]olf cart" as "a motor vehicle that is designated and manufactured for operation on a golf course . . . , is not capable of exceeding speeds of twenty (20) miles per hour, and is equipped with safety equipment as required under 49 CFR Section 571.500." Section 63-32-1(b) defines a "[l]ow-speed vehicle" as "any four-wheeled electric or gasoline-powered vehicle that has a top speed greater than twenty (20) miles per hour but less than twenty-five (25) miles per hour and is equipped with safety equipment as required under 49 CFR Section 571.500." Section 63-32-3(1) allows municipalities to "authorize the operation of golf carts and low-speed vehicles only on public roads and streets as designated by ordinance, within the corporate limits of the municipality." Accordingly, it is the opinion of this office that municipalities have the authority to authorize the operation of golf carts and low-speed vehicles on public roads and streets within the corporate limits of the municipality during parades. To exercise this authority, municipalities must pass an ordinance as provided in Section 63-32-3(1).

Beyond this, Section 63-31-3 defines an "off-road vehicle" as "any all-terrain vehicle, dirt bike or recreational off-highway vehicle" with the exclusion of "electric bicycles." Pursuant to Section 63-31-3(6), there is *no* authorization for the "operation of an off-road vehicle on a public road or highway of this state." Accordingly, it is the opinion of this office that municipalities may not pass ordinances to allow for the operation of off-road vehicles on public roads and streets within the corporate limits of the municipality during parades. Whether a vehicle is a low-speed vehicle, as defined in Section 63-32-1(b), or an off-road vehicle, as defined in Section 63-31-3, is a question of fact for the governing authority.

All prior opinions to the contrary are modified prospectively to conform herewith.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Maggie Kate Bobo*

Maggie Kate Bobo
Special Assistant Attorney General