

Golf Carts & Low-Speed Vehicles vs. ATVs, UTVs & Off-Road Vehicles

What Mississippi Law Actually Allows on Town Streets

Prepared for the Monthly Board Meeting — August 4, 2026

ALLOWED

Golf Carts & Low-Speed Vehicles (LSVs)

STATUTE: Miss. Code Ann. §§ 63-32-1, 63-32-3, 63-32-5

- The Board may adopt an ordinance letting golf carts and LSVs use certain town streets. (§ 63-32-3(1))
- Golf carts: top speed under 20 mph. LSVs: 20–25 mph. (§ 63-32-1)
- Driver must hold a valid license or permit, carried at all times. (§ 63-32-3(3))
- Required equipment: mirrors, headlights, taillights, turn signals, seat belts (49 C.F.R. § 571.500, via § 63-32-1).
- Vehicle must carry proof of insurance. (§ 63-32-3)
- Vehicle must be registered with the Town and display a decal. (§ 63-32-5)
- No non-interstate highways or interstates, except to cross them by the shortest route. (§ 63-32-3(2))

NOT ALLOWED

ATVs, UTVs, Side-by-Sides & Four-Wheelers

STATUTE: Miss. Code Ann. § 63-31-3(6)

- "Nothing in this section shall be construed to authorize operation of an off-road vehicle on a public road or highway of this state."*
- The Town cannot pass an ordinance allowing these vehicles on public streets — state law forecloses it outright.
 - Bills to create that authority failed in the Legislature: HB 431 (2016); HB 646, HB 836/837 (2024); HB 265, HB 529 (2025). None became law.
 - AG Opinion confirms it: municipalities may authorize golf carts/LSVs, but off-road vehicles stay unauthorized; police classify the vehicle. MS AG Op. to E. Kramer III (June 29, 2023), Op. No. OP-2022-00052.
 - Only the State Legislature can change this — a Bentonia ordinance cannot.

Why a Town Cannot Override State Law

Mississippi towns get their power from the State. Home-rule authority lets a town pass ordinances on local matters — but only if the ordinance does not conflict with state law. (Miss. Code Ann. § 21-17-5). Courts have repeatedly held that an ordinance which contradicts a state statute is void to the extent of the conflict:

- Jones v. City of Canton, 278 So. 3d 1129, 1133 (Miss. 2019)
- Delphi Oil, Inc. v. Forrest County Board of Supervisors, 114 So. 3d 719, 722–24 (Miss. 2013)
- Maynard v. City of Tupelo, 691 So. 2d 385, 387 (Miss. 1997)

THE BOTTOM LINE

YES — The Board can adopt an ordinance allowing golf carts and low-speed vehicles on designated town streets, with safety, licensing, insurance, and registration rules.

NO — The Board cannot legally allow ATVs, UTVs, side-by-sides, or four-wheelers on town streets. Changing that requires new state legislation — not a town ordinance.

Sources: Mississippi Code Annotated Title 63, Chapters 31 & 32 (law.justia.com/.../63-31-3, law.justia.com/.../63-32-3) · Jones v. City of Canton, 278 So. 3d 1129 (Miss. 2019) · Delphi Oil, Inc. v. Forrest Cnty. Bd. of Supervisors, 114 So. 3d 719 (Miss. 2013) · Maynard v. City of Tupelo, 691 So. 2d 385 (Miss. 1997) · MS AG Op. to E. Kramer III, Op. No. OP-2022-00052 (June 29, 2023). Prepared by the Office of the City Attorney, Town of Bentonia, Mississippi — not a substitute for individualized legal advice.