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The State of South Carolina  
**OFFICE OF THE ATTORNEY GENERAL**

CHARLES M. CONDON  
ATTORNEY GENERAL

September 26, 2002

Earl A. Rodman  
Modoc Volunteer Fire Department  
13 Confederate Road  
Modoc, South Carolina 29838-9716

**Re: Your Letter of August 16, 2002**

Dear Mr. Rodman:

In your above referenced letter, you state that the Modoc Volunteer Fire Department recently purchased a new 35,000 GVWR (gross vehicle weight rating) pumper fire truck. Given that the fire truck has a gross vehicle weight rating greater than twenty-six thousand one pounds, the truck would be classified as a commercial motor vehicle, which subjects it to the provisions of the South Carolina Commercial Driver License Act. Thus, you ask whether members of a volunteer fire department need a commercial driver's license to operate an emergency vehicle.

**LAW/ANALYSIS**

S.C. Code Ann. §56-1-2070 (A) states the general rule that driving a commercial vehicle without a valid license is prohibited. However, S.C. Code Ann. §56-1-2070 (C) states the exception to the general rule that certain persons may operate commercial motor vehicles without a commercial driver's license. Furthermore, subsection (3) explicitly exempts "persons operating authorized emergency vehicles as defined in Section 56-5-170" from having to obtain a commercial driver's license.

In turning to S.C. Code Ann. §56-5-170, authorized emergency vehicles is defined as:

Fire department vehicles, police vehicles, ambulances and rescue squad vehicles which are publicly owned, other emergency vehicles designated by the

*Respectfully,*

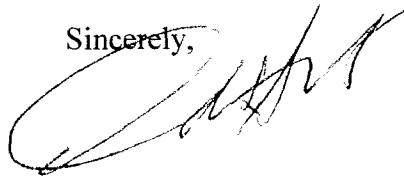
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Department or the chief of police of a municipality, and public and private vehicles while transporting individuals actually engaged in emergency activities because of the membership of one or more occupants of a fire department, police department or rescue squad are "authorized emergency vehicles".

Thus, it appears that the fire truck in question is considered an authorized emergency vehicle within the meaning of the statute. As such, S.C. Code Ann. §56-1-2070 (C)(3) would exempt certain persons, in this case, members of a volunteer fire department, from having to obtain a commercial driver's license so as to operate it.

This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

Sincerely,



David K. Avant  
Assistant Attorney General

DKA/jbc