

The State of South Carolina

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November 24, 1987

The Honorable Alex Harvin III
The Majority Leader Emeritus
House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Representative Harvin:

By your letter of November 17, 1987, you have asked for the opinion of this Office as to whether vehicles used to transport timber from the forest to the sawmill would be entitled to use farm truck license plates.

Section 56-3-670, Code of Laws of South Carolina (1986 Cum. Supp.), specifies fees to be paid for special farm truck vehicle licenses, upon certification to the South Carolina Department of Highways and Public Transportation by an individual that he is a bona fide farmer as required by Section 56-3-670. In relevant part, that Code section specifies that "[f]or the purpose of this section 'farm truck' is defined as a truck used exclusively by the owner for agricultural, horticultural and dairying operations or livestock and poultry raising." To be entitled to use such licenses on his vehicles, an individual must be a farmer and must use the vehicles exclusively for "agricultural, horticultural and dairying operations or livestock and poultry raising."

Webster's Third New International Dictionary defines "agricultural" as "of, relating to, or used in agriculture." Id., page 43. The term "agriculture" is defined as "the science or art of cultivating the soil, harvesting crops, and raising livestock." Id., page 44. Similarly, "horticultural" is defined as "relating to horticulture." Id., page 1093. Further, "horticulture" is defined as "the science and art of growing fruits, vegetables, flowers, or ornamental plants." Id.

Clearly, timber operations fall outside the activities commonly thought of in relation to livestock and poultry raising, dairying operations, and horticulture, since timber would

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not be considered fruits, vegetables, flowers, or ornamental plants. A closer question is presented as to whether timber operations fall within the definition of "agricultural operations;" but the plain meaning of the terms "agricultural" and "agriculture," which must be used absent ambiguity, Hartford Acc. and Indem. Co. v. Lindsay, 273 S.C. 79, 254 S.E.2d 301 (1979), seems to encompass those activities traditionally thought of as farm-type activities. While some farmers may engage in timber operations and thus might be entitled to use of the special farm truck license as a part of their overall agricultural operation, it is doubtful that one engaged in timber operations not incidental to other agricultural operations would qualify as a farmer entitled to use the special license. Because a certified statement as to the use of the vehicle must be filed with the Department of Highways and Public Transportation, that agency would make the final decision as to who would be qualified to use the farm truck vehicle license, however.

As you point out in your letter, timber operations represent a large part of the economy of this State. It may be advisable to seek clarification of this issue through the General Assembly, to finally resolve this close question.

With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP/rhm

REVIEWED AND APPROVED BY:



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