

1977 S.C. Op. Atty. Gen. 254 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-321, 1977 WL 24660

Office of the Attorney General

State of South Carolina

Opinion No. 77-321

October 13, 1977

*1 TO: William E. McLeod
Magistrate

QUESTION PRESENTED

Is a pole trailer carrying dismembered logs, stacked and end to end, exempted from the length limitations of Code of Laws of South Carolina Section 56-5-4070 (1976) by Code of Laws of South Carolina Section 56-5-4090 (1976)?

AUTHORITIES

Code of Laws of South Carolina Section 56-3-20(15) (1976).

Code of Laws of South Carolina Section 56-5-4070 (1976).

Code of Laws of South Carolina Section 56-5-4090 (1976).

1967-68 Op. Att'y Gen'l. No. 2584, p. 288.

DISCUSSION

You have requested an opinion of this office as to whether a pole trailer carrying dismembered logs, stacked and end to end, is exempted by Code of Laws of South Carolina Section 56-5-4090 (1976) from the length limitations found in Code of Laws of South Carolina Section 46-5-4070 (1976). At the outset it should be noted that while Section 56-5-4090 makes reference to Section 56-5-4060, rather than Section 56-5-4070, this is an error in codification and we are in actuality concerned with Section 56-5-4070. see, 1967-68 Op. Att'y Gen'l, No. 2584, p. 288. Section 46-5-4070 deals with the permissible length of motor vehicles and provides, where applicable, that:

[n]o combination of vehicles coupled together shall consist of more than two units, and no such combination of vehicles including any load thereon shall have an overall length, inclusive of front and rear bumpers, in excess of fifty-five feet . . . except as otherwise provided in respect to the use of a pole trailer as authorized in § 56-5-4090;

Section 56-5-4090 states that:

The limitations as to length of vehicles and loads stated in §§ 56-5-4060 and 56-5-4080 shall not apply to any load upon the pole trailer or self-propelled pole carrier when transporting poles, logs, pipes nor to structural material which cannot be dismembered; provided, that no pole, log, pipe, or other material exceeding 80 feet in length shall be transported unless a permit has first been obtained as authorized in § 56-5-4170.

It is my opinion that the modifying phrase 'which cannot be dismembered' applies to any load which may be transported on a pole trailer, including logs. The definition of pole trailer, found at Code of Laws of South Carolina, Section 56-3-20(15) (1976), provides that:

Every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being lashed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

It is evidence from the above definition that loads transported on pole trailers must be capable of sustaining themselves as beams between the supporting connections. Of course, logs placed end to end would be incapable of such support, but would have to rely on some other structure for support and to hold the pole trailer together. Therefore such loads would be outside the narrow exemption granted by Section 56-5-4090.

CONCLUSION

*2 A pole trailer used to carry dismembered logs, end to end, does not fall within the exemption provided for by Section 56-5-4090 and must therefore meet the length restrictions contained in Section 56-5-4090 and other applicable statutes.

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