

1979 S.C. Op. Atty. Gen. 115 (S.C.A.G.), 1979 S.C. Op. Atty. Gen. No. 79-83, 1979 WL 29088

Office of the Attorney General

State of South Carolina

Opinion No. 79-83

June 28, 1979

***1 SUBJECT: Applicability of vehicle size and weight limitations and classified drivers license requirements to drivers of city or county owned vehicles.**

City or county owned vehicles are subject to the general size and weight limitations of §§ 56–5–4010 et. seq. and drivers of city and county owned vehicles must obtain a classified license prior to operating vehicles in excess of twenty four thousand pounds gross weight.

TO: Colonel W. J. Seaborn, Director
Law Enforcement Division

QUESTIONS PRESENTED:

I. Whether city or county owned vehicles must comply with the general size and weight limitations of [Code of Laws of South Carolina §§ 56–5–4010 et. seq. \(Cum. Supp. 1978\)](#)?

II. Whether drivers of city or county owned vehicles exceeding twenty four thousand pounds gross weight should be required to have classified drivers licenses?

STATUTES AND CASES:

[Code of Laws of South Carolina § 56–1–30](#)

[Code of Laws of South Carolina § 56–1–50](#)

[Code of Laws of South Carolina § 56–1–130](#)

[Code of Laws of South Carolina § 56–5–4010](#)

[Code of Laws of South Carolina § 56–5–4020](#)

[Code of Laws of South Carolina § 56–5–4030](#)

[Code of Laws of South Carolina § 56–5–4040](#)

[Code of Laws of South Carolina § 56–5–4050](#)

[Code of Laws of South Carolina § 56–5–4070](#)

[Code of Laws of South Carolina § 56–5–4080](#)

[Code of Laws of South Carolina § 56-5-4090](#)

[Code of Laws of South Carolina § 56-5-4140](#)

Code of Laws of South Carolina § 1623 (1942) 40 Acts and Joint Resolutions 1739 (1938) 45 Acts and Joint Resolutions 1933 (1948) [Vernon v. Harleysville Mutual Casualty Co.](#), 244 S.C. 152, 135 S.E.2d 841 (1964)

DISCUSSION:

QUESTION I

Whether city or county owned vehicles must comply with the general size and weight limitations of [Code of Laws of South Carolina § 56-5-4010](#) et. seq.?

South Carolina sets forth its weight limitations in [Code of Laws of South Carolina § 56-5-4140](#). Size limitations are found in [Code of Laws of South Carolina §§ 56-5-4030](#) (width of vehicles), 56-5-4040 (width of motor buses and trolley coaches), 56-5-4050 (side projecting loads on passenger vehicles), 56-5-4060 (height of vehicles), 56-5-4070 (length of vehicles; combinations), 56-5-4080 (length of loads), and 56-5-4090 (length of load on pole trailers and carriers). [Section 56-5-4010](#) describes to whom size and weight limits apply as follows:

‘It shall be unlawful for any person to drive or move . . . on any highway any vehicle of a size or weight exceeding the limitations stated in this article or otherwise in violation of this article. The maximum size and weight of vehicles herein specified shall be lawful throughout the State, and local authorities shall have no power or authority to alter such limitations except as express authority may be granted in this article. Provided, that municipalities and their franchisees may operate combinations of vehicles of not more than four units and not more than sixty-five feet in length on city streets within their corporate limits and the operation of such combinations of units shall be limited to speeds not in excess of twenty miles per hour and such combination units shall be equipped with brakes meeting braking requirements of § 56-5-4860 and the rear vehicle shall be equipped with at least one stoplight.’

*2 The term ‘any person’ appears to make this statute applicable to individuals operating city or county owned vehicles. This interpretation is reinforced by the proviso which prohibits local authorities from altering the size and weight limitations. Furthermore, the proviso authorizing municipalities to operate combinations of vehicles of up to four units evidences the General Assembly's awareness that without such a provision the municipalities would have to comply with [Code of Laws of South Carolina § 56-5-4070](#) which limits combinations of vehicles to two units. Finally, it should be noted that the General Assembly at one time did exempt county and city owned vehicles from size and weight limitations. See [Code of Laws of South Carolina § 1623 \(1942\) \(Act No. 845, 40 Acts and Joint Resolutions 1739 \(1938\)\)](#). This exemption was subsequently repealed by Act No. 778, 45 Acts and Joint Resolutions 1933 (1948) and the General Assembly is presumed to have intended some change in the existing law when it took such action. [Vernon v. Harleysville Mutual Casualty Co.](#), 244 S.C. 152, 135 S.E.2d 841 (1964).

It is the opinion of this office that city and county owned vehicles are subject to the general size and weight limitations of the South Carolina Codes which are cited above. It should be noted that city owned vehicles are authorized to operate combinations of vehicles of not more than four units as provided by [§ 56-5-4010](#) and that city and county owned vehicles which meet the qualifications of [§ 56-5-4020](#) (fire apparatus, road machinery, implements of husbandry, etc.) are exempt from the general size and weight limitations proscribed by the General Assembly.

QUESTION II

Whether drivers of city or county owned vehicles exceeding twenty four thousand pounds gross weight shall be required to have classified drivers licenses?

Code of Laws of South Carolina § 56–1–130, in pertinent part, provides:

‘No persons except those exempted under § 56–1–30 and § 56–1–60^{*} or those holding beginner's permits under § 56–1–50, shall operate any classification of motor vehicles without first being examined and duly licensed by the driver examiners as a qualified driver of that classification of motor vehicle.

. . . .

‘A classified drivers license shall authorize the licensee to operate a motorcycle or those vehicles in excess of Twenty-four Thousand pounds gross vehicle weight which are indicated by endorsement on the license.’

It is assumed that the drivers of city or county owned vehicles do not fit within any of the exemptions of §§ 56–1–30 or 56–1–50 which relate to nonresidents and beginner permits. Therefore, it is the opinion of this office that they must obtain a classified drivers license prior to operating vehicles in excess of twenty four thousand pounds gross weight.

CONCLUSION:

City or county owned vehicles are subject to the general size and weight limitations of §§ 56–5–4010 et. seq. and drivers of city and county owned vehicles must obtain a classified license prior to operating vehicles in excess of twenty four thousand pounds gross weight.

*3 Richard D. Bybee
Assistant Attorney General

Footnotes

* § 56–1–60 was repealed by Act No. 738 of 1976.

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