

1979 WL 43491 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 30, 1979

**\*1 Re: Fuel Tag Stickers and Motor Vehicle Inspection Requirements for Farm Trucks**

Corporal C. B. Kinard  
Post Office Box 163  
Allendale, South Carolina 29810

Dear Corporal Kinard:

You have asked me to confirm whether you acted properly in citing the driver of a three axle farm truck for failure to display a fuel tag sticker and a valid motor vehicle inspection sticker.

Section 12-31-10 defines 'motor carrier' and included in the definition is 'any truck having more than two axles . . .'. Nowhere is there an exception for farm vehicles. Section 12-31-210 requires motor carriers to have registration cards and identification markers for any vehicle which he operates, and Section 12-31-270 requires that the registration card be carried in the vehicle and that the identification marker be attached and clearly displayed on the vehicle for which is was issued. Section 12-31-50 provides that it shall be unlawful for anyone to operate a vehicle in violation of the provisions of Title 12, Chapter 31. Section 12-31-640 provides the penalties for failure to carry the registration card and for failure to display the identification marker.

Thus, based on the facts as they were presented to me, it seems that it is correct for the farmer to receive a summons for operating a vehicle without an identification marker.

Section 56-5-5350(a) requires that 'every vehicle registered in this State, except house trailers, shall be inspected at least once a year and have displayed at all times a Highway Department-approved certificate of inspection and approval in a practical location specified by the Department. No person shall drive or move on any highway any vehicle, except house trailers, unless there shall be in effect and properly displayed thereon a current certificate of inspection.' (emphasis added).

Section 56-5-5440 prescribes that violators of the provisions of the article shall be punished in the same manner as provided for in Section 56-5-6190, and that section provides that violations shall be misdemeanors punishable by a fine of not more than \$100.00 or by imprisonment of not more than 30 days.

Section 56-3-110 requires that 'every motor vehicle . . . driven, operated or moved upon a highway in this State shall be registered and licensed . . .'. Section 56-3-20(2) defines motor vehicles as 'every vehicle which is self-propelled . . .'. Section 56-3-20(1) defines vehicle as '[e]very device, in, upon or by which any person or property is or may be transported or drawn upon a highway . . .'.

Section 56-3-120 specifically exempts a number of vehicles from the registration requirement. Subsection (2) exempts '[a]ny implement of husbandry whether of a type otherwise subject to registration and license which is only incidentally operated or moved upon a highway.'

Sections 56-3-670 and 690 establishes special license and registration fees for farm trucks which are defined as ‘a truck used exclusively by the owner for agricultural, horticultural and dairying operations or livestock and poultry raising.’ These sections indicate that the legislature did not intend for the exemption of Section 56-3-120(2) to apply to farm trucks.

**\*2** A person operating a three axle farm truck is subject to a penalty for his failure to display a motor fuel tax identification marker or a motor vehicle inspection sticker on the truck.

Sincerely yours,

Scott Elliott  
State Attorney

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