

1979 WL 43582 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 11, 1979

***1 SUBJECT: Size and Weight Limit Exemptions—Forestry Harvesting Equipment**

Forestry harvesting equipment is not within the definition of ‘implements and products of husbandry’ for the purposes of [§ 56-5-4020, Code of Laws of South Carolina \(Cum. Supp. 1978\)](#)

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Permit Supervisor

QUESTION PRESENTED:

Whether the exemptions of [Code of Laws of South Carolina \(Cum. Supp. 1978\) § 56-5-4020](#) applies to forestry harvesting equipment.

AUTHORITY:

Code of Laws of South Carolina
[§ 56-3-2017 \(1976\)](#)

[§ 56-5-220 \(1976\)](#)

[§ 56-5-4010 \(Cum. Supp. 1978\)](#)

[§ 56-5-4020 \(Cum. Supp. 1978\)](#)

[§ 56-5-4090 \(1976\)](#)

[Graham v. State, 109 S.C. 301, 96 S.E. 138 \(1918\)](#)

[McLeod v. Montgomery, 244 S.C. 308, 136 S.E.2d 778 \(1964\)](#)

Black's Law Dictionary, Revised Fourth Edition (1968)

DISCUSSION:

[Code of Laws of South Carolina § 56-5-4010 \(Cum. Supp. 1978\)](#), prohibits any person from operating any vehicle of a size or weight which exceeds the limitations stated in Article 33 of Title 56 on any highway of this State.

[Code of Laws of South Carolina \(Cum. Supp. 1978\), § 56-5-4020](#) sets forth size and weight exemptions as follows: ‘The provisions of this article governing size, weight and load shall not apply to fire apparatus, road machinery or implements and products of husbandry including farm tractors, liquid fertilizer storage facilities and vehicles or

combination of vehicles used to transport, store or spread lime, nitrogen or other soil improvement products for agricultural purposes’

The question, therefore, is whether forestry harvesting equipment should be construed as an implement of husbandry for the purposes of this statute.

‘Implements of husbandry’ are those tools, utensils, and equipment which are utilized in the cultivation of the soil for food and agricultural products.’ Black's Law Dictionary, Revised Fourth Edition (1968). The term is defined in Article 3 of Title 56 for registration and licensing purposes as ‘[E]very vehicle which is designed for agricultural purposes and exclusively used by the owner, thereof in the conduct of his agricultural operations.’ (Code of Laws of South Carolina, § 56-3-2017 (1976)). [Code of Laws of South Carolina § 56-5-220](#) provides that:

‘Every motor vehicle designed and used for driving, plows, mowing machines and other implements of husbandry is a farm tractor.’

A strict interpretation of this term in my opinion excludes forestry harvesting equipment from the statutory exemptions of [§ 56-5-4020](#). This construction is reinforced by the fact that specific provision is made with respect to vehicles transporting logs.

[Code of Laws of South Carolina \(1976\)](#), [§ 56-5-4090](#) specifies length limitations and permit requirements for vehicles handling poles, logs or pipes. If the General Assembly had intended for forestry harvesting equipment to be exempted by the language of [§ 56-5-4020](#), then that portion of [§ 56-5-4090](#) dealing with the transporting of logs would have been unnecessary. The General Assembly is presumed not to pass futile legislation. [Graham v. State](#), 109 S.C. 301, 96 S.E. 138 (1918); [McLeod v. Montgomery](#), 244 S.C. 308, 136 S.E.2d 778 (1964)

CONCLUSION:

***2** It is the opinion of this office that the exemptions provided for in [§ 56-5-4020](#) do not apply to forestry harvesting equipment, thus all such equipment must comply with the size, weight and load requirements found in Article 33 of Title 56.

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