

1974 WL 27149 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 4, 1974

***1 In Re: Implement of Husbandry—Operation of—Driver License Requirements**

Colonel P. F. Thompson
Director of Law Enforcement
State Highway Patrol
Post Office Box 191
Columbia, South Carolina 29202

Dear Colonel Thompson:

You have inquired whether or not the driver of an implement of husbandry on a public highway is required to have a driver license when the purpose of such operation is to transport the driver, and is not solely for the purpose of conducting an agricultural operation.

Section 45-2[17], 1962 Code of Laws of South Carolina, defines 'Implement of husbandry:

'Every vehicle which is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of his agricultural operations.

Section 46-153[4] exempts from driver license requirements:

'Any person operating or driving implements of husbandry temporarily drawn, propelled or moved upon a highway.'

The foregoing subsections, read together, make it clear that it was the intent of the General Assembly to exempt from driver license requirements persons driving vehicles designed and used exclusively in agricultural operations and being temporarily upon a highway. All vehicles operated on a highway are being operated 'temporarily' in the technical sense of the word, i.e., existing or continuing for a limited time. To give meaning to the word 'temporarily' in the context of Subsection 46-153[4], it must be construed as meaning 'limited to its use as an implement of husbandry', or 'incidentally'.

In view of the foregoing, it is the opinion of this Office that the driver of a motor vehicle designed for agricultural purposes must have a valid driver license, unless such operation is only incidental to his agricultural operation [such as moving the vehicle from one place on a farm to another or from one farm to another]. When such vehicle is used for other purposes, it loses its exempt status for both registration and driver license purposes.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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