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# The State of South Carolina



## Office of the Attorney General

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January 29, 1985

The Honorable Peden B. McLeod  
Member, South Carolina Senate  
Post Office Box 142  
Columbia, South Carolina 29202

Dear Senator McLeod:

By your letter to Attorney General Medlock of January 21, 1985, you have asked this Office to interpret Section 56-3-130, Code of laws of South Carolina (1976). In particular, you wish to know whether the exemption contained therein applies to all farm trailers not for hire or to merely those farm trailers weighing less than 2,500 pounds empty.

Section 56-3-130 of the Code provides the following:

Boat trailers under twenty-five hundred pounds, farm trailers and other utility trailers which are privately owned and not for hire need not be licensed or registered.

This statute provides certain exemptions from the general vehicle registration requirements found in Section 56-3-110 of the Code. The answer to your inquiry depends upon whether the phrase "under twenty-five hundred pounds" refers to only boat trailers or to all three categories of trailers.

The primary objective in construing a statute is to ascertain and give effect to legislative intent. Bankers Trust of South Carolina v. Bruce, 275 S.C. 35, 267 S.E.2d 424 (1980). To determine legislative intent, words of a statute are examined and are given their plain and ordinary meaning, absent ambiguity. Worthington v. Belcher, 274 S.C. 366, 264 S.E.2d 148 (1980). Furthermore, it is a basic principle of statutory construction that "relative and qualifying words, phrases, or clauses are to

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be applied to the words, phrases, or clauses immediately preceding, and as not extending to or including other words, phrases, or clauses more remote." Montgomery Light and Traction Co. v. Avant, 202 Ala. 404, 80 So. 497, 498 (1918). See also 2A Sutherland Statutory Construction § 47.33; 73 Am.Jur.2d Statutes §§ 229, 230.

Applying these rules of construction to Section 56-3-130 of the Code, it clearly appears that the phrase "under twenty-five hundred pounds" is intended to modify only the words "boat trailers." The phrase concerning weight follows the one type of trailer and is set apart from the remainder of the sentence by a comma. Had the legislature intended all three types of trailers to be governed by the weight limit, the legislature presumably would have placed the weight restriction with the restrictions "privately owned" and "not for hire" in the concluding clause of the statute, which clause pertains to all three types of trailers.

Based on the foregoing, it is the opinion of this Office that the weight restriction "under twenty-five hundred pounds" applies to only boat trailers and not to farm trailers or utility trailers. Thus, a farm trailer of any weight would be exempt from licensure or registration requirements. This Office has, by this opinion, only interpreted Section 56-3-130 of the Code and does not comment upon any pending prosecution or lawsuit relative to the statute.

Please advise if this Office may provide clarification or additional assistance.

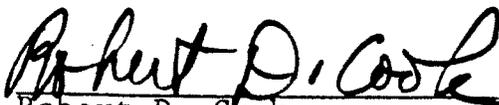
Sincerely,

*Patricia D. Petway*

Patricia D. Petway  
Assistant Attorney General

PDP:djg

REVIEWED AND APPROVED BY:



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