

1984 WL 249838 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 7, 1984

\*1 H. Fulton Ross, Jr., Esquire  
City Attorney  
P. O. Box 308  
Gaffney, South Carolina 29342

Dear Mr. Ross:

You requested an opinion from this office on the following questions:

1. Can a contractor or home builder prepare his own plans from which a building permit may be obtained?
2. Can a duly licensed professional engineer prepare the plans from which a building permit can be obtained?
3. Does the term 'house plans' contemplate single or multi-family dwellings?

As you are probably aware, this office represented the State through its Board of Architectural Examiners in an action in Horry County entitled State ex rel: Love vs. George L. Howell, d/b/a George L. Howell and Associates. On November 24, 1981, the Honorable David H. Maring, Special Circuit Judge, issued an Order, which answers your first and third questions as follows:

1. [Section 40-3-160\(1\) of the South Carolina Code](#) of Laws (1976) does not permit contractors to prepare complete architectural plans but only permits the drafting of 'shop drawings' which detail integral parts of construction such as details of a staircase, ceiling motors, etc.

2. The plain and ordinary meaning of the phrase 'house plans' does not encompass complex multi-family structures such as townhouses and condominiums. The Court indicates that a 'house plan' refers to an unattached, single-family, subdivision-type residence.

Your second question, which inquires as to whether a professional engineer can prepare plans, cannot be answered without reference to a factual situation. Obviously, if the project is an engineering project, an engineer can prepare such plans. On the other hand, if the project is an architectural project, then such plans would have to be prepared by an architect and not an engineer. Therefore, the the decision would require a case-by-case decision as to whether the particular project for which a building permit is sought is an architectural or engineering project.

The State ex rel: Love vs. Howell decision is currently on appeal to the South Carolina Supreme Court. Nevertheless, the Circuit Court's opinion is in full force and effect.

With kindest personal regards, I am  
Very truly yours,

Richard B. Kale, Jr.  
Senior Assistant Attorney General

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