

1979 S.C. Op. Atty. Gen. 35 (S.C.A.G.), 1979 S.C. Op. Atty. Gen. No. 79-24, 1979 WL 29030

Office of the Attorney General

State of South Carolina

Opinion No. 79-24

February 8, 1979

***1 SUBJECT: Mobile Homes-Responsibility of Licensing Agent.**

The officer charged with the duty of issuing mobile home licenses provided by § 31-17-320 should, prior to the issuance of the license, require evidence of compliance with the conditions of §§ 37-17-70 and 44-55-820.

TO: Honorable Robert S. Floyd
Florence County Tax Assessor

QUESTION:

What are the duties and responsibilities of the county officer that issues the mobile home licenses as the same relate to §§ 44-55-820 and 31-17-70 of the 1976 South Carolina Code of Laws.

APPLICABLE LAW:

Sections 31-17-320, 31-17-70 and 44-55-820 of the 1976 South Carolina Code of Laws.

DISCUSSION:

Section 31-17-320 provides that:

‘Within fifteen days after bringing a mobile home into this State, or the purchase of a mobile home in this State, for dwelling purposes, the owner, rental agent or person in possession shall obtain a license from the governing body of the county or its designated agent hereinafter referred to as licensing agent, in which such mobile home is located.’

The license is thus required and §§ 31-17-70 and 44-55-820 provide certain conditions for issuance. Section 31-17-70 states that:

‘In municipalities and counties where building, construction or tax permits are issued, no supplier of electricity in this State shall connect electrical power to any mobile home manufactured after April 1, 1972, unless the owner of such mobile home first presents to the supplier of electricity a permit which may be part of a building, construction, or tax permit from a duly authorized officer of a municipality or county where the mobile home is located, that the mobile home meets the requirements of this article. A sworn affidavit or other proof from the owner of the mobile home that the mobile home bears the label or seal or compliance number of an approved independent third-party testing and inspecting agent, or of a foreign state granted reciprocity herein is sufficient evidence of compliance for the municipal or county official to issue the electrical permit required.’

Section 31-17-330 provides in part that:

‘Licenses required by this article shall be in lieu of any building or construction permit now required by local act or ordinance.’

The license is thus the exclusive means of furnishing the electrical supplier with certification of compliance with § 31-17-70.

The license must, therefore, provide that the mobile home meets the requirements of Article 1 of Chapter 17 of Title 31 (§ 31-17-10, et seq.).

In addition to the above, § 44-55-820 also provides that no electricity shall be connected to the mobile home until the conditions prescribed by the Section are satisfied. The statute further provides:

‘No such certificate, license, or permit shall be issued by the county or municipality without a permit from the county health department approving the method of sewage disposal; nor shall such permit, certificate or license be issued until evidence is presented that all other appropriate safety and health regulations, permits, codes and ordinances have been complied with. Such permits, certificates or licenses shall state the location of the approval site.’

*2 It is also necessary that this requirement be satisfied prior to the issuance of the license.

CONCLUSION:

The officer charged with the duty of issuing mobile home licenses provided by § 31-17-320 should, prior to the issuance of the license, require evidence of compliance with the conditions of §§ 37-17-70 and 44-55-820.

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