

1979 S.C. Op. Atty. Gen. 5 (S.C.A.G.), 1979 S.C. Op. Atty. Gen. No. 79-2, 1979 WL 29008

Office of the Attorney General

State of South Carolina

Opinion No. 79-2

January 3, 1979

***1 SUBJECT: Contractors**

A person who contracts to sell and installs carpet, the cost of which is in excess of thirty thousand (\$30,000.00), is not required to be licensed by the South Carolina Licensing Board for Contractors as a general contractor.

TO: H. B. Ross

Executive Director

South Carolina Licensing Board for Contractors

QUESTION:

Is it necessary that a person who contracts to sell and install carpet, the cost of which is in excess of thirty thousand (\$30,000.00) dollars, be licensed by the South Carolina Licensing Board for Contractors as a general contractor?

AUTHORITIES:

Section 40–11–10, Code of Laws of South Carolina, 1976, as amended; [Muirhead v. Pilot Properties](#), 258 So. 2d 232 (1972); [Olney v. Hutt](#), 105 N.W. 2d 515 (1960).

DISCUSSION:

By Section 40–11–10 of the Code of Laws of South Carolina, 1976, as amended, a general contractor is defined as:
... one who for a fixed price, commission, fee or wage undertakes or offers to undertake the construction or superintending of construction of any building, highway, sewer, grading, improvement, reimprovement, structure, or part thereof, when the cost of the undertaking is thirty thousand dollars or more.

As to the work involved as outlined in your question, it appears that inasmuch as the installation of carpeting does not involve any actual construction of a structure or building or part of a structure or building, the pertinent parts of this section would be:
... one who ... undertakes or offers to undertake the construction ... of any ... improvement ...

A previous opinion of this Office, a letter dated December 5, 1973 from Mr. J. C. Coleman, indicated that the above portion of the definition of a general contractor may be considered to be two-pronged, *viz*:

1. the item under consideration must be an 'improvement' to a structure;
2. the item under consideration must be 'constructed.'

Arguably, the installation of carpeting may be considered to be an improvement. However, it does not appear that such installation may be considered to be construction. The referenced opinion indicated that 'construct' has been defined as 'to

make or form by fitting the parts together.' In [Muirhead v. Pilot Properties](#), 258 So. 2d 232 (1972), the Mississippi Supreme Court defined 'construction' as 'to build or erect something which theretofore did not exist.' Similarly, in [Olney v. Hutt](#), 105 N.W.2d 515 (1960), the Iowa Supreme Court defined 'construct' as 'to put together the constituent parts in their proper place and order; to build; form; make.' Therefore, with reference to such definitions, the installation of carpeting apparently does not come within the definition of 'construction.'

Based upon the above, it is the opinion of this Office that it is not necessary for a person who contracts to sell and install carpet, the cost of which is in excess of thirty thousand (\$30,000.00) dollars, to be licensed by the South Carolina Licensing Board for Contractors as a general contractor.

CONCLUSION:

*2 A person who contracts to sell and install carpet, the cost of which is in excess of thirty thousand dollars, is not required to be licensed by the South Carolina Licensing Board for Contractors as a general contractor.

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