

1974 WL 27661 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 10, 1974

*1 Mr. Jesse Johnson
State Fire Marshal
300 Gervais Street
Columbia, South Carolina 29201

Dear Mr. Johnson:

The question has arisen whether or not mobile home units that will be purchased for use as a motel require a Seal of Compliance by an approved third party inspection company as set forth in the Mobile Home Act, 1973 (57) 2575.

The question apparently arises from the definition of 'mobile home' which states:

'Mobile Home' means a manufactured single family dwelling or an integral part over thirty-five feet in length, or over eight feet in width, so constructed that it may be transported from one site to another, temporarily or permanently affixed to real estate, made up of one or more components, and constructed with the same or similar electrical, plumbing, heating and sanitary facilities as on-site constructed housing.

In respect to the stated question, the crucial words in this definition appear to be the following: "mobile home' means a manufactured single dwelling . . ." If these words are given their usual, ordinary meaning, as is required, see C.J.S. Constitutional Law, S 19, it becomes apparent that the legislative intent was to allow inspection of any mobile home manufactured as a single family dwellings it would, therefore, be immaterial if the subsequent use of the mobile home would not be for a single family dwelling but for use as a motel.

Further support of this interpretation is supplied by the stated purpose of this Act which is to protect the public from possible hazards in construction. Section 3(a) of this Act sets out the State policy behind the requirements of inspection and it states:

Mobile homes, and their integral parts, because of the manner of their construction, assembly and use and that of their systems, components and appliances (including heating, plumbing, and electrical systems) like other finished products having concealed vital parts may present hazards to the life and safety of persons and to the safety of property unless properly manufactured. In the sale of mobile homes, there is also the possibility of defects not readily ascertainable when inspected by purchasers. It is the policy and purpose of this State to provide protection to the public against those possible hazards, and for that purpose to forbid the manufacture and sale of new mobile homes which are not so constructed as to provide reasonable safety and protection to their owners and users.

It would, therefore, not serve the intended purpose of this Act to exempt from inspection what would otherwise be considered mobile homes merely because they will not be used as a residential dwelling.

Sincerely,

Treva Ashworth
Staff Attorney

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