

1973 S.C. Op. Atty. Gen. 336 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3651, 1973 WL 21102

Office of the Attorney General

State of South Carolina

Opinion No. 3651

October 24, 1973

***1 The license required by Section 46–100 must be obtained within fifteen days of purchase notwithstanding the fact that the mobile home was licensed by the seller.**

Oconee County Assessor

You request the opinion of this office concerning the requirements of a purchaser of a mobile home under the following circumstances:

‘A purchased a mobile home in another County and brought it into Oconee County in March of 1973. A properly licensed the mobile home pursuant to the provisions of Section 46–100, et seq. of the South Carolina Code, and thereafter sold the same to B in June of 1973. B did not register the mobile home with our office until August 1973, which is beyond the 15 day limit. My first question is does the requirement to register within 15 days after purchase apply to B or may he wait until January 1, 1974 to register the mobile home. Secondly, what if the mobile home has been purchased through a mobile home dealer and had been previously registered, would the requirement to register within 15 days apply, or could they also wait until January 1?’

Both of your inquiries can be resolved by a determination of whether the license is transferable. Section 46–100 provides in part: ‘Within fifteen days after bringing a mobile home or house trailer into this State, or the purchase of a mobile home or house trailer in this State, for dwelling purposes, the owner shall obtain a license from the governing body of the county or its designated agent. * * *.’

The statute requires the owner after purchase to obtain the license within fifteen days from the date of purchase. The license is not transferable.

‘As a general rule, a license is considered to be personal and not transferable by the licensee. * * *.’ 51 *Am. Jur. 2d, Licenses and Permits, Section 3, Page 11.*

Your attention is, however, called to Section 46–100.5 which provides the penalties for the failure of the person to obtain the license in accordance with the provisions of Section 46–100. The section makes the offense a misdemeanor with a fine of not more than \$100 or imprisonment of not more than thirty days.

It is suggested that you confer with your attorney before proceeding under the penalty provisions for violation of the statutes as above described.

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