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CHAPTER 17.

 MOBILE HOMES AND HOUSE TRAILERS

ARTICLE 3.

 LICENSING OF MOBILE HOMES

**SECTION 31‑17‑310.** "Mobile home" defined.

 "Mobile home" as used in this article shall have the meaning assigned in Section 31‑17‑20.

HISTORY: 1962 Code Section 46‑100; 1962 (52) 2181; 1968 (55) 2841; 1969 (56) 219; 1978 Act No. 576, Section 1.

**SECTION 31‑17‑320.** License required for mobile homes; proof of title required; proof of license required prior to connecting electricity.

 (A) Within fifteen days after bringing a mobile home into this State, or the purchase of a mobile home in this State, or the relocation of a mobile home from one county to another within 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.

 (B) Before issuing a license for a mobile home to be located in any county in this State, the licensing agent shall require from the person applying for the license either a copy of the certificate of title to the mobile home, or a copy of the completed application for a certificate of title submitted to the Department of Motor Vehicles. Upon satisfaction of all county licensing requirements, including payment of any licensing fee, the county licensing agent shall give the license applicant a certified copy of the application form, indicating that the licensing requirements have been met.

 (C) Before connecting electricity to any mobile home in this State, the electric supplier shall obtain from the owner, rental agent, or person in possession of the mobile home, a copy of the certified license application form indicating that the license fee has been paid, and the electric supplier shall retain a copy of the form in its records.

HISTORY: 1962 Code Section 46‑100.1; 1962 (52) 2181; 1978 Act No. 576, Section 1; 1994 Act No. 506, Section 3; 1996 Act No. 459, Section 52.

**SECTION 31‑17‑330.** Exceptions.

 No such license shall be required with respect to mobile homes held by dealers for resale, nor shall this article be applicable to mobile homes licensed by the South Carolina Department of Motor Vehicles. Licenses required by this article shall be in lieu of any building or construction permit now required by local act or ordinance.

HISTORY: 1962 Code Section 46‑100.2; 1962 (52) 2181; 1978 Act No. 576, Section 1.

**SECTION 31‑17‑340.** Period of validity of license issued by licensing agent; decal; license fee.

 A mobile home license issued by the licensing agent shall be valid until title to such mobile home is transferred to a new owner or until the mobile home is relocated. The license shall be evidenced by a decal to be delivered to the owner or his agent on a form as shall be prescribed by the Department of Revenue and shall be displayed on the mobile home so as to be clearly and readily visible from the outside. The fee for a mobile home license shall be five dollars. The fee shall be collected by the licensing agent issuing the license and shall be paid into the general fund of the county.

HISTORY: 1962 Code Section 46‑100.3; 1962 (52) 2181; 1978 Act No. 576, Section 1; 1993 Act No. 181, Section 508; 1996 Act No. 459, Section 53.

**SECTION 31‑17‑350.** New license required upon transfer of mobile home.

 If the title to a mobile home is transferred to a new owner, the new owner or his agent shall within fifteen days after the date of such transfer, obtain a new license from the licensing agent of the county in which the mobile home is to be located.

HISTORY: 1962 Code Section 46‑100.4; 1962 (52) 2181; 1978 Act No. 576, Section 1; 1994 Act No. 506, Section 4.

**SECTION 31‑17‑360.** Moving permit; certificate concerning taxes; notice to electric supplier.

 If the mobile home is to be relocated, the owner, rental agent, or person in possession, prior to relocation, shall obtain a moving permit from the licensing agent. Before issuing a moving permit, the licensing agent shall require a certificate from the county treasurer that there are no unpaid taxes due on the mobile home and either a copy of the certificate of title to the mobile home, or a copy of the application for a certificate of title submitted to the Department of Motor Vehicles. If the mobile home is to be removed beyond the boundaries of the county, any taxes that have been assessed for that calendar year must be paid in full, and if taxes have not yet been assessed for the calendar year in which the move is being made, the assessor shall provide the county auditor with an assessment and the auditor shall apply the previous year's millage. The county treasurer shall collect the taxes before issuing the requisite certificate to the licensing agent, and upon payment of any taxes, give the permit applicant a receipt showing that all taxes have been paid.

 The licensing agent shall promptly notify the present electric supplier that a permit has been issued. The permit required by this section is not required of mobile home dealers when they are moving a mobile home from their sales lot to a customer's lot, but the mobile home dealer is not relieved from obtaining any permit required from the Department of Transportation for the relocation.

HISTORY: 1962 Code Section 46‑100.4:1; 1965 (54) 583; 1968 (55) 2841; 1970 (56) 2645; 1978 Act No. 576, Section 1; 1980 Act No. 434, Section 1; 1993 Act No. 181, Section 509; 1994 Act No. 506, Section 5; 1996 Act No. 459, Section 54.

**SECTION 31‑17‑370.** Permit shall accompany mobile home during move; regulations; responsibility for displaying permit.

 The moving permit shall accompany the mobile home while it is being moved. The moving permit shall be designed and displayed in accordance with regulations to be issued by the South Carolina Department of Revenue, which shall adopt such regulations as may be necessary to insure uniform licensing and moving permit procedures. It shall be the responsibility of the mobile home transporter that the required moving permit is properly displayed and accompanies the mobile home while it is being moved.

HISTORY: 1962 Code Section 46‑100.5; 1962 (52) 2181; 1978 Act No. 576, Section 1; 1993 Act No. 181, Section 510.

**SECTION 31‑17‑380.** Submission of moving permit to licensing agent of new county; issuance of new license; transmission of papers to new county.

 If the relocation is from one county to another, the owner, rental agent, or person in possession of the mobile home, within fifteen days after his mobile home is relocated, shall submit the moving permit to the licensing agent of the county in which the mobile home is relocated and obtain a new license pursuant to Section 31‑17‑320. The licensing agent issuing the moving permit shall promptly furnish the licensing agent of the county to which the mobile home is being transported with a copy of the certified license application or permit, a copy of the paid tax receipt from the county from which the home is being moved, and either a copy of the certificate of title or a copy of the completed application for a certificate of title submitted to the Department of Motor Vehicles.

HISTORY: 1978 Act No. 576, Section 1; 1994 Act No. 506, Section 6; 1996 Act No. 459, Section 55.

**SECTION 31‑17‑390.** Copies of applications and permits to be given to county assessor and county auditor.

 A copy of all license applications and moving permits must be furnished to the county assessor and the county auditor within ten days of date of issuance.

HISTORY: 1978 Act No. 576, Section 1; 1994 Act No. 506, Section 7.

**SECTION 31‑17‑400.** Penalty.

 Any person violating any of the provisions of this article, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than two hundred dollars.

HISTORY: 1978 Act No. 576, Section 1.

**SECTION 31‑17‑410.** Submission to county auditor of copy of application for title on mobile or manufactured home; penalties for noncompliance.

 (A) Contemporaneously with the submission of an application for a certificate of title on a mobile or manufactured home as required by Section 56‑19‑240, the person submitting the application shall provide to the auditor of the county in which a mobile or manufactured home is to be located, a copy of the completed application submitted to the Department of Motor Vehicles.

 (B) It is unlawful for a person applying for a title for a mobile or manufactured home to fail to provide a copy of the application to the appropriate county auditor. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment for not more than thirty days.

HISTORY: 1994 Act No. 506, Section 2; 1996 Act No. 459, Section 56.

ARTICLE 5.

 TRAVEL TRAILER SALES

**SECTION 31‑17‑510.** Definitions.

 (a) "Travel trailer" means every vehicle designed without motor power to be towed by a motor vehicle and of such size and weight as not to require a special highway moving permit, designed to provide temporary living quarters for recreational, camping, and travel use and designed not to require permanent on‑site utilities, including, but not limited to, tent campers, park models, park trailers, motor homes, and fifth wheels. This term may include any vehicle whose body width is not more than eight feet, and whose length is not more than thirty‑five feet in the travel mode, and so designed that part of its weight rests on the towing vehicle.

 For purposes of titling, the term travel trailer may include motor vehicles where a structure is designed and placed on a frame to be used as temporary living quarters for recreational, camping, or travel use.

 (b) "Dealership facilities" means the real estate, buildings, fixtures, and improvements devoted to the conduct of business by the new travel trailer dealer.

 (c) "Sale" means the issuance, transfer, agreement for transfer, exchange, pledge, hypothecation, mortgage in any form, whether by transfer in trust or otherwise, of any travel trailer or interest therein related thereto and any option, subscription, or other contract, or solicitation, looking to a sale, or offer or attempt to sell in any form, whether spoken or written. A gift or delivery of any travel trailer with respect thereto, with or as a bonus on account of the sale of anything, is a sale of such travel trailer.

 (d) "Fraud" means, in addition to its normal legal connotation: a misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact; a promise or representation not made honestly and in good faith; and an intentional failure to disclose a material fact.

 (e) "Person" means a natural person, corporation, partnership, trust, or other entity, and, in case of an entity, it includes any other entity in which it has a majority interest or effectively controls as well as the individual officers, directors, and other persons in active control of the activities of each such entity.

 (f) "Dealer" or "travel trailer dealer" means any person who sells or attempts to effect the sale of any travel trailer. These terms do not include:

 (1) manufacturers or distributors;

 (2) receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment, or order of any court;

 (3) public officers while performing their official duties;

 (4) persons disposing of travel trailers titled in their own name and acquired for their own use and so used in good faith and not for the purpose of avoiding the provisions of law. Any person who effects or attempts to effect the sale of more than three travel trailers, new or used, or one travel trailer never having been titled, in any one calendar year, is considered a dealer, as appropriate, for purposes of this chapter;

 (5) finance companies or other financial institutions who sell repossessed travel trailers and insurance companies who sell travel trailers they own as an incident to payment made under policies of insurance.

 (g) "Department" means the Department of Motor Vehicles.

HISTORY: 1986 Act No. 436, Section 1; 1993 Act No. 181, Section 511.

**SECTION 31‑17‑520.** Licensing of dealers; application form and fees; penalties for noncompliance.

 (1) Before engaging in business as a travel trailer dealer in this State, every person must first make application to the Department for a license. Every license issued expires on December thirty‑first next following the date of issuance and must be prominently displayed at the established place of business. The fee for the license is fifty dollars. The license applies to only one place of business of the applicant and is not transferable to any other person or place of business.

 (2) Any person failing to secure a license as required in this article is guilty of a misdemeanor and upon conviction must be punished:

 (a) by a fine of not less than fifty dollars nor more than five hundred dollars or imprisonment for not more than thirty days for the first offense;

 (b) by a fine of not less than five hundred dollars nor more than one thousand dollars or imprisonment for not more than six months, or both, for the second offense;

 (c) by a fine of not less than one thousand dollars nor more than ten thousand dollars or imprisonment for not more than two years, or both, for the third or any subsequent offense.

 For purposes of this section, the sale of each travel trailer constitutes a separate offense.

 (3) The Department will use the same application form and procedures as utilized for a "motor vehicle dealer" licensed as defined by Sections 56‑15‑310, et seq.

 (4) A licensed travel trailer dealer may exhibit and sell travel trailers at fairs, recreational or sports shows, vacation shows, and other similar events or shows upon obtaining a temporary dealer's license in the manner required by this section. Before exhibiting and selling travel trailers at temporary locations as permitted above, the dealer shall first make application to the department for a license. To be eligible for a temporary license, a dealer shall hold a valid dealer's license issued pursuant to this article. Every temporary dealer's license issued is valid for a period not to exceed ten consecutive days and must be displayed prominently at the temporary place of business. No dealer may purchase more than six temporary licenses in any one calendar year. The fee for each temporary license issued is twenty dollars. A temporary license applies to only one dealer operating in a temporary location and is not transferable to any other dealer or location.

 Any person failing to secure a temporary license as required by this section is guilty of a misdemeanor and, upon conviction, must be punished in the same manner as he would be punished for failure to secure his regular dealer's license.

HISTORY: 1986 Act No. 436, Section 2; 1988 Act No. 603, Section 3.

**SECTION 31‑17‑522.** Exhibition or display of travel trailers at campgrounds.

 (A) For purposes of this section, "campground" means land and facilities of camp character organized to provide a temporary outdoor living experience for individuals or groups and having membership affiliation in recognized national and state campground organizations and listed in any guidebook, the publication of which is supported in part by the Department of Parks, Recreation and Tourism.

 (B) Vehicles described in Section 31‑17‑510(a) may be exhibited or displayed with the intent to promote the sale of these vehicles at any campground if the provisions of this section are complied with. A campground must obtain from the Department of Motor Vehicles a permit for vehicles described in Section 31‑17‑510(a) to be displayed or exhibited at a campground. No vehicle may be sold or offered for sale at a campground as provided for by this section, but information on the vehicle may be provided and a list of dealers offering the vehicle for sale may be provided.

 (C) A South Carolina licensed travel trailer dealer may exhibit or display vehicles described in Section 31‑17‑510(a) at a campground under the terms of this section without obtaining a temporary license pursuant to Section 31‑17‑520(4); however, nothing contained in this section prohibits a South Carolina licensed travel trailer dealer from obtaining a temporary license pursuant to Section 31‑17‑520(4) if an event held at a campground requires the temporary license.

HISTORY: 1997 Act No. 150, Section 1.

**SECTION 31‑17‑530.** Disclosure and surety bond requirements; requirement that dealers report changes in information; procedures upon cessation of dealership.

 (1) Before any license as a "dealer" is issued to an applicant, he must file an application with the Department and furnish the information the Department may require, including, but not limited to, information adequately identifying by name and address any individual who owns or controls ten percent or more of the interest in the business. The policy of this section is full disclosure.

 (2) Each applicant for licensure as a travel trailer dealer must furnish a surety bond in the penal amount of fifteen thousand dollars on a form to be prescribed by the Department. The bond must be given to the Department and executed by the applicant, as principal, and by a corporate surety company authorized to do business in this State, as surety. The bond must be conditioned upon the applicant or licensee complying with the provisions of the statutes applicable to the license and as indemnification for any loss or damage suffered by an owner of a travel trailer, or his legal representative, by reason of any fraud practiced or fraudulent representation made in connection with the sale or transfer of a travel trailer by a licensed dealer or the dealer's agent acting for the dealer or within the scope of employment of the agent or any loss or damage suffered by reason of the violation by the dealer or his agent, of any of the provisions of this article. An owner or his legal representative who suffers the loss or damage has a right of action against the dealer and against the dealer's surety upon the bond and may recover damages as provided in this article. A new bond or a proper continuation certificate must be delivered to the Department annually before the license is renewed. However, regardless of the number of years a bond remains in effect, the aggregate liability of the surety for any and all claims is limited to fifteen thousand dollars on each bond and to the amount of the actual loss incurred. The surety has the right to terminate its liability under the bond by giving the Department thirty days' written notice of its intent to cancel the bond. The cancellation does not affect any liability incurred or accrued prior to the cancellation.

 (3) If, during any license year, there is any change in the information that a dealer gave the Department in obtaining or retaining a license under this section, the licensee shall report the change to the Department within thirty days after the change occurs on the form the Department requires.

 (4) In the event a licensee ceases being a dealer, he shall, within ten days thereafter, notify the Department of this fact and return to the Department any license issued pursuant to this article and all current dealer license plates issued to the dealer.

HISTORY: 1986 Act No. 436, Section 3.

**SECTION 31‑17‑540.** Maintenance of bona fide place of business with permanent sign and adequate space.

 No dealer may be issued or allowed to maintain a travel trailer dealer's license unless:

 (1) The dealer maintains a bona fide established place of business for conducting the business of selling or exchanging travel trailers which must be the principal business conducted from the fixed location. A bona fide established place of business for any travel trailer dealer includes a permanent, enclosed building or structure, not excluding a permanently installed off‑site constructed building containing at least ninety‑six square feet of floor space, actually occupied by the applicant and easily accessible by the public, at which a permanent business of bartering, trading, or selling of travel trailers or displaying vehicles for bartering, trading, or selling is carried on, wherein the public may contact the owner or operator at all reasonable times and in which must be kept and maintained the books, records, and files required by this article. A bona fide established place of business does not mean a residence, tent, temporary stand, or other temporary quarters.

 (2) The dealer's place of business must display a permanent sign with letters at least six inches in height, clearly readable from the nearest major avenue of traffic. The sign must clearly identify the licensed business.

 (3) The dealer's place of business must have a reasonable area or lot to properly display travel trailers.

HISTORY: 1986 Act No. 436, Section 4.

**SECTION 31‑17‑550.** Recordkeeping requirements.

 (1) Every dealer shall keep complete records of each transaction under which a travel trailer is transferred for a period of not less than four years from the date of the transaction. The records must show the true name and correct address of the person or persons from whom the travel trailer was acquired and the date of the transaction; a correct description of the travel trailer, when transferred; the true name and correct address of the person to whom the travel trailer was transferred; and the date of the transaction. The description of the travel trailer must include the travel trailer identification number, make, model, type of body, and the odometer readings (if applicable) at the time the travel trailer was transferred to and from the dealer. These records must be open at all reasonable times for inspection and copying by the Department or any of its duly authorized agents.

 (2) The records kept by the dealer must be maintained in a reasonably organized and orderly fashion with all entries being legible to the ordinary person upon inspection. Any records which are illegible or incapable of accurate interpretation by either the recordkeeper or the Department's inspector or agent are not in compliance with this section.

 (3) If any dealer fails to keep the required records or fails to make them available to the Department or its duly authorized agents immediately upon a reasonable request, the dealer is guilty of a misdemeanor and upon conviction must be fined not less than fifty dollars nor more than two hundred dollars or imprisoned for up to thirty days. The failure to keep or to make available to the Department or its duly authorized agents complete records on each separate travel trailer constitutes a separate offense.

HISTORY: 1986 Act No. 436, Section 5.

**SECTION 31‑17‑560.** Denial, suspension, or revocation of license.

 Any license issued under this article may be denied, suspended, or revoked if the applicant or licensee or an agency of the applicant or licensee acting for the applicant or licensee is determined by the Department to have:

 (a) made a material misstatement in the application for the license;

 (b) violated any provision of this article;

 (c) been found by a court of competent jurisdiction to have committed any fraud connected with the sale or transfer of a travel trailer;

 (d) employed fraudulent devices, methods, or practices in connection with meeting the requirements placed on dealers by the laws of this State;

 (e) been convicted of any violation of law involving the acquisition or transfer of a title to a travel trailer or of any violation of law involving tampering with, altering, or removing travel trailer identification numbers or markings;

 (f) refused or failed to comply with the Department's reasonable requests to inspect or copy the records, books, and files of the dealer or failed to maintain records of each travel trailer transaction as required by this article or by state and federal law pertaining to odometer records (if applicable); or

 (g) the Department shall notify the licensee or applicant in writing at the mailing address provided in his application of its intention to deny, suspend, or revoke his license at least twenty days in advance and shall provide the licensee an opportunity for a hearing pursuant to the Administrative Procedures Act of this State. A licensee desiring a hearing shall request it in writing within ten days of receiving notice of the proposed denial, suspension, or revocation of his dealer's license.

 Upon the denial, suspension, or revocation of a license, the licensee shall immediately return to the Department the license and all dealer license plates.

HISTORY: 1986 Act No. 436, Section 6.

**SECTION 31‑17‑570.** Exemption of persons having motor vehicle dealer's license or manufactured home dealer's license.

 A person possessing a valid motor vehicle dealer's license under Chapter 15 of Title 56 of the 1976 Code or a valid manufactured home dealer's license under Chapter 17 of Title 31 of the 1976 Code is hereby exempted from the requirements of this article.

HISTORY: 1986 Act No. 436, Section 7.

**SECTION 31‑17‑580.** Promulgation of regulations.

 The Department is authorized to promulgate regulations necessary for the enforcement of the provisions of this article.

HISTORY: 1986 Act No. 436, Section 8.