

1975 WL 29032 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 25, 1975

\*1 Mobile homes when required should be licensed under Act #881, Acts of 1962, and Section 3-B of Act #208, Acts of 1975, did not repeal the same.

Mr. Guy A. Pitts, Jr.  
Director  
Property Tax Division

QUESTION:

'Section 3-B of Act #208 provides that all mobile homes in this state shall be considered real property.

Act #881 of 1962 provides for the licensing of all mobile homes.

Please advise this office if the mobile home license as provided by Act #881 of 1962 is still required.'

DISCUSSION

Act 208, Acts of 1975, does not expressly repeal the 1962 Act, now codified as Article 9.1 of Chapter 1 of Title 46, Sections 46-100, et seq. and if there is a repeal, it must be by implication or conflict. A repeal by implication is not favored.

'Repeal by implication is not favored; an Act should not be construed as repealing a prior Act unless no other reasonable construction can be applied.' [State ex rel McLeod v. Ellisor, 259 S. C. 364, 192 S. E. 2d 188.](#)

We further can find no conflict between the two Acts. The 1975 Act limits its treatment of mobile homes to the Act and in the subsection on mobile homes there is provided:

'For the purposes of this Act all mobile homes in this State shall be considered real property \* \* \*.' (Emphasis added)

The General Assembly has by such language expressly limited the classification of mobile homes as real property to the 1975 Act and eliminated any conflict with the 1962 Act.

CONCLUSION

Act #208, Acts of 1975, does not repeal Act #881, Acts of 1962.

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