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July 11, 1972

Honorable Jack McLaughlin  
Commissioner  
Bureau of Labor Statistics  
Performance Certification Board  
for Mobile Homes  
Box 12157, Capitol Station  
Austin, Texas 78711

Opinion No. M-1169

Re: Whether the provisions of Section 6 of House Bill 956, being Article 522lf, V. C. S., the Uniform Standards Code for Mobile Homes, defer the enforcement of Section 4, subparagraph (A-2) of the Act until more than twelve months after the adoption of the Code?

Dear Mr. McLaughlin:

You request our opinion concerning the current enforceability of Section 4 (a) (2) of Article 522lf, V. C. S., in light of the requirements of Section 6 thereof.

Section 4 (a) (2) reads as follows:

"(2) It is unlawful for any person to sell or offer for sale within this State any mobile home manufactured after the effective date of this Act unless such mobile home meets the plumbing, heating and electrical installation requirements adopted by the board pursuant to this Act." [Emphasis added.]

Section 6 reads as follows:

"Section 6. It is unlawful for any dealer within or without this State to sell or offer for sale to dealers or to the public of this State any mobile home manufactured more than twelve months after the adoption

or promulgation of the Code unless said mobile home complies with the Code, bears a seal of approval issued by the department, and is the manufactured product of a manufacturer possessing a current certificate of acceptability issued by the department. "  
[Emphasis added. ]

The "Code" referred to in Section 6 is defined by Section 4 (j) as:

"(j) The standards and requirements adopted or promulgated by the board for the installation of plumbing, heating and electrical systems in mobile homes and for the body and frame design and construction of mobile homes shall be known as the Uniform Standards Code for Mobile Homes (hereinafter referred to as the 'Code')."

Section 4 (a) (1), (2) refers to requirements and standards for the installation of plumbing, heating and electrical systems. Section 4 (b) (1), (2) refers to requirements and standards for body and frame design and construction. The former are effective and enforceable immediately upon adoption by the board as to all mobile homes manufactured after the effective date of the Act. The latter are effective twelve (12) months after adoption by the board as to all mobile homes manufactured after that effective date. Both categories are part of the "Code."

Section 6 relates specifically to mobile homes manufactured more than twelve months after the adoption or promulgation of the "Code." Body and frame and construction standards, as part of the "Code," are not enforceable against manufacturers until after twelve (12) months from the date of adoption of standards and requirements therefor. Section 4 (b) (2) and Section 5 (a). Section 6 prohibits sales by dealers of mobile homes made by a manufacturer who has not obtained a certificate of acceptability from the board. The manufacturer cannot be required to obtain a certificate of acceptability until twelve (12) months after the board has adopted requirements and standards for body and frame design and construction. Section 5 (a). To be consis-

Honorable Jack McLaughlin, page 3 ( M-1169)

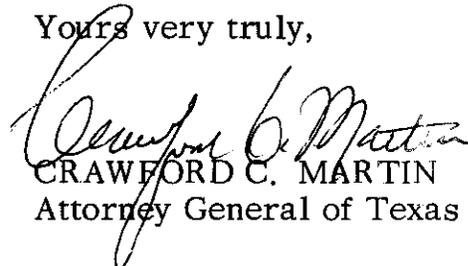
tent with Sections 4 (b) (2) and 5 (a), Section 6 can be operative only after twelve (12) months from the date the board adopts the code body and frame and construction requirements and standards.

Therefore, to construe the Act so as to give effect to all provisions, we hold that the requirements of Section 4 (a) (1) and (2) are enforceable as of the date (December 15, 1971) the board adopted requirements and standards relating to the installation of heating, plumbing and electrical systems.

#### SUMMARY

Section 4 (a) (2), Article 5221f, V. C. S., relating to requirements and standards for the installation of heating, plumbing and electrical systems in mobile homes, was enforceable immediately upon adoption by the Performance Certification Board of regulations pertaining thereto on December 15, 1971.

Yours very truly,



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APPROVED:  
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Honorable Jack McLaughlin, page 4 ( M-1169)

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