

**OPINION NO. 70-013****Syllabus:**

A structure on wheels, 12 feet wide and 50 feet long, which is drawn by a vehicle to a site where it is to be connected to a like structure, by removing from one side a covering temporarily used during transit, bolting that side to the exposed side of the like structure, and making both units weather-tight, is not a "house trailer" as that phrase is defined by Section 4501.01 (I), Revised Code.

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**To: Vincent E. Gilmartin, Mahoning County Pros. Atty., Youngstown, Ohio**  
**By: Paul W. Brown, Attorney General, February 9, 1970**

Your request for my opinion reads as follows:

"We have been requested to seek your opinion as to whether a certain structure does or does not fit the statutory classification of a house trailer as defines /sic/ by Ohio Revised Code Section 4501.01 (I).

"The structure in question is moved to a site in two sections, each section being fifty (50) feet by twelve (12) feet. Each section is one-half of the home and each section is mounted upon its own wheels, axles, and chassis. The wheels, axles, and chassis may or may not be removed, as the structure may or may not be placed upon a foundation. At the resting site, the two sections are bolted together, the combination of the two section thus forming one unit, fifty feet by twenty-four feet, and resembling a small house. In addition, the roof and sides where bolted together must be sealed in order to make the unit weather tight.

It is at this point that the structure becomes suitable for human habitation and at which point it ceases to be capable of use as a conveyance upon the highways. To ready this structure for travel, the two sections must be unbolted and unsealed and a temporary lightweight material secured over the exposed sides.

"In 1964 Attorney General's Opinion No. 1445, a question concerning this type of structure was posed. In that opinion, the issue was when such a structure lost its classification as a trailer, the Attorney General stating at Page 2-376:

"'I am assuming, without deciding the question, that the two-unit structure described in your letter of request is initially a house trailer as that term is defined above.'

"We now request that you give us an opinion as to whether or not such two-unit structures as described above are initially house trailers as defined in Ohio Revised Code 4501.01 (I). Clarification as to the classification of such two-unit structures will assist the various county officials as to whether such structures are subject to county building codes, real estate taxes and zoning regulations."

The resolution of your question involves the interpretation of Section 4501.01 (A) and (I), Revised Code. These two paragraphs read:

"(A) 'Vehicles' means everything on wheels or runners except vehicles operated exclusively on rails or tracks or from overhead electric trolley wires and vehicles belonging to any police department, municipal fire department, volunteer fire department, or salvage company organized under the laws of this state or used by such department or company in the discharge of its functions.

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"(I) 'House trailer' means any self-propelled and nonself-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to indicated utilities, whether resting on wheels, jacks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets or highways."

(Emphasis added)

The definition of "house trailer" in this section was considered in Opinion No. 1470, Opinions of the Attorney General for 1952. In that opinion, it is stated:

"This language prescribes the following tests in the determination of whether a particular structure falls within the classification defined:

"1. The structure must constitute a vehicle.

"2. It must be so designed, constructed, etc., as to permit use and occupancy for human habitation.

"3. It must be used or so constructed as to permit its being used as a conveyance upon the public streets or highways."

At the outset, we doubt whether anyone seriously contends that the two units as bolted together constitute a house trailer within the terms of Section 4501.01 (I), Revised Code. The question then is, whether a single unit, being 50 feet by 12 feet, is to be considered a "house trailer." The legislature has adopted the definition of house trailer in its popular sense, that is, a vehicle (which by the terms of Section 4501.01 (A), Revised Code, means everything on wheels or runners), suitable for use for human habitation by connecting it to utilities, and which at the same time, by disconnecting those utilities, may be used as a means of conveyance upon the public highways. Webster's Third New International Dictionary contains the following definitions: House trailer: "a trailer that can be used as living quarters;" Trailer: "an automobile - drawn highway vehicle designed to serve wherever it is parked as a dwelling or as a place of business;" Habitation: "the act of inhabiting: state of inhabiting or dwelling or of being inhabited: occupancy \* \* \* a dwelling place: house, home, residence;" Conveyance: "a means or way of conveying: as \* \* \* a means of carrying or transporting something (as persons as passengers): vehicle \* \* \*."

From your letter, it appears that the structure you describe has one side which, while in transit, is covered in some manner to protect it from the elements. Your letter also states that while in transit, the structure is capable of use as a conveyance, but is not suitable for use for human habitation. Apparently something more than merely connecting it to utilities is required, namely, removing the temporary covering on the one side, bolting that side to the exposed side of another unit, and making both units weather-tight. A single unit, as you describe it, does not meet the second test quoted above and hence does not fall within the language of Section 4501.01 (I), Revised Code.

It is my opinion, therefore, and you are hereby advised that a structure on wheels, 12 feet wide and 50 feet long, which is drawn by a vehicle to a site where it is to be connected to a like structure, by removing from one side a covering temporarily used during transit, bolting that side to the exposed side of the like structure, and making both units weather-tight, is not a "house trailer" as that phrase is defined by Section 4501.01 (I), Revised Code.