

OPINION NO. 79-098**Syllabus:**

A mobile home addition unit which meets the definitional criteria of a "house trailer" as set forth in R.C. 4501.01(N) is, pursuant to R.C. 4505.01, a "motor vehicle." As a "motor vehicle," such mobile home addition unit must be titled pursuant to the provisions of the Ohio Certificate of Motor Vehicle Title Law contained within R.C. Chapter 4505.

To: Dean L. Dollison, Registrar, Bureau of Motor Vehicles, Columbus, Ohio
By: William J. Brown, Attorney General, December 18, 1979

I have before me your request for my opinion concerning whether certain mobile home addition units, as described in the brochures attached to your request, should be titled pursuant to the Ohio Certificate of Motor Vehicle Title Law contained within R.C. Chapter 4505.

R.C. 4505.03, regarding the requirement of a certificate of title for a motor vehicle, states as follows:

No person, except as provided in section 4505.05 of the Revised Code, shall sell or otherwise dispose of a motor vehicle without delivering to the purchaser or transferee thereof a certificate of title with such assignment thereon as is necessary to show title in the purchaser; nor shall any person, except as provided in section 4505.11 of the Revised Code, purchase or otherwise acquire a motor vehicle without obtaining a certificate of title for it in his name in accordance with sections 4505.01 to 4505.19, inclusive, of the Revised Code. (Emphasis added.)

R.C. 4505.05, which concerns a manufacturer's or importer's certificate for a motor vehicle, provides as follows:

No manufacturer, importer, dealer, or other person shall sell or otherwise dispose of a new motor vehicle to a dealer to be used by such dealer for purposes of display and resale, without delivering to such dealer a manufacturer's or importer's certificate executed in accordance with sections 4505.01 to 4505.19, inclusive, of the Revised Code, and with such assignments thereon as are necessary to show title in the purchaser thereof. No dealer shall purchase or acquire a new motor vehicle without obtaining from the seller thereof such manufacturer's or importer's certificate. (Emphasis added.)

The first question involved in determining whether the described mobile home additions are to be titled pursuant to the Ohio Certificate of Motor Vehicle Title Law is, thus, whether such additions are, indeed, "motor vehicles," and, therefore, subject to the titling requirements of R.C. Chapter 4505.

R.C. 4505.01 states that, "[a]s used in section 4505.01 to 4505.19, of the Revised Code, 'motor vehicle' includes house trailers and recreational vehicles, and trailers and semitrailers whose weight exceeds four thousand pounds. . . ." The question then becomes whether such mobile home additions meet the definitional criteria of a "house trailer" as described in R.C. 4501.01(N).

R.C. 4501.01(N) defines "house trailer" as follows:

(N) "House trailer" means any 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 conveyed upon the public streets or highways.

The determination of whether the particular mobile home addition structures described in the attachments to your letter meet the above statutory definition of a "house trailer" requires an analysis as to whether the characteristics of the structure meet the specific terms of the definition as set forth in R.C. 4501.01(N).

R.C. 4501.01(N) in essence designates five criteria to be utilized in determining if a particular structure constitutes a "house trailer" and, therefore, should be included within the definition of a "motor vehicle" and titled as such. These five criteria are as follows:

1. The structure must be a "vehicle."
2. The vehicle must be nonself-propelled.
3. The vehicle must be so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit its use and occupancy for human habitation when connected to utilities.
4. The vehicle rests on wheels, jacks, or other temporary foundation.
5. The vehicle must be used or so constructed as to permit its being conveyed upon the public streets or highways.

As discussed below, the mobile home addition unit described in the attachments to your request satisfies these five criteria.

R.C. 4501.01(A) states in pertinent part that "[v]ehicles' means everything on wheels or runners. . . ." Since the descriptive materials regarding the mobile home additions in question state that each mobile home addition unit has wheels and an axle as an integral part of its structure, the mobile home addition unit meets the definitional standard of a "vehicle" appearing in R.C. 4501.01(A).

I also note that each of the mobile home addition units in question possesses a hitch and a hitch jack for the purposes of towing, raising, and lowering, and is, in fact, towed by truck to the site where it is to be attached to another house trailer. It is obvious from the foregoing, then, that the mobile home addition unit itself is nonself-propelled and also meets the requirement that the vehicle be "so constructed as to permit its being conveyed upon the public streets or highways."

The only criteria remaining for analysis regarding such a mobile home addition unit concerns its use and occupancy for human habitation. In discussing this criteria, I stated in 1977 Op. Att'y Gen. No. 77-099:

The statute merely requires that the structure be so designed and constructed as to permit its use for human habitation and to permit its conveyance on the public highways. The language of the statute clearly envisions that there will be some type of adaption process, in addition to merely connecting the structure to utilities, required to render the structure fit for the habitation once it is conveyed to the site. Thus, it is sufficient that the structure has at all times the potential of meeting both conditions.

In Highland Mobilehomes v. Brown, Case No. 241, 539 (C.P. Franklin County March 9, 1971), the court construed the statutory definition of a "house trailer," as set forth then in R.C. 4501.01(L), to determine whether double-wide trailers fit the definitional criteria contained therein. The definition contained then in R.C. 4501.01(L) is identical to that currently found in R.C. 4501.01(N). Hence, the Franklin County Court of Common Pleas' construction of that definition, including the court's analysis of "use and occupancy for human habitation," continues to be applicable. The court, in its construction of the definition of "house trailer," declared that double-wide house trailers fit within that definition and set forth the following analysis, which is also quoted in 1977 Op. Att'y Gen. No. 77-099:

Further, it is the opinion of this Court that a structure on wheels 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 in transit, bolting that side to the exposed side of a like structure and making both units weathertight can be construed to be a "house trailer" where it is so designed, constructed, etc., as to permit use and occupancy for human habitation when connected to indicated utilities (Section 4501.01(I), Ohio Revised Code) at any eventual destination, and that such vehicle need not be inhabited while used as a conveyance over the public highways, in order to be construed as a "house trailer" as per Section 4501.01, Ohio Revised Code.

The descriptive materials, supplied by the manufacturers of the mobile home addition units, which you enclosed indicate that the mobile home addition units in question are designed to permit use and occupancy solely for human habitation. As the Highland Mobilehomes case indicates, R.C. 4501.01(N) does not require that the unit be inhabited during its conveyance over the public highways, only that it "will permit the use and occupancy. . . for human habitation, when connected to indicated utilities."

Moreover, it appears that the mobile home addition unit described by the brochures enclosed with your request differs in essence from the one-half section of a double-wide house trailer only in that: 1) the mobile home addition unit does not necessarily constitute one-half of a "double-wide house trailer" or of the house

trailer with which it is to be combined and, therefore, the structure to which the addition is to be attached is not necessarily "like" the addition to the same degree that one-half of a double-wide house trailer is a "like" structure to the other half-section; and 2) such an addition is attached to another mobile home unit or structure by a sealer which differs from the bolting method utilized to combine the sections of a double-wide house trailer.

It is my understanding that the process of incorporating the mobile home addition unit to the house trailer unit to which it is to be attached, which consists of the use of a sealer to make the combining adhesion watertight, is fully reversible, and not of such a magnitude that the mobile home addition unit loses "those inherent design features which give it the potential for both habitability and mobility." 1977 Op. Att'y Gen. No. 77-099.

It should be noted, as it was in 1977 Op. Att'y Gen. No. 77-099, that this conclusion is exclusively limited to the facts set forth herein. Each factual characteristic is essential to the conclusion that such mobile home addition structures are "house trailers." Moreover, whether a particular structure within this general class of mobile home addition units meets the statutory definition of a "house trailer" must also be determined by a factual analysis of the specific characteristics of the particular structure and its relation to the site upon which it is placed. 1977 Op. Att'y Gen. No. 77-099.

From the foregoing analysis, it is my opinion, and you are advised, that a mobile home addition unit which meets the definitional criteria of a "house trailer" as set forth in R.C. 4501.01(N) is, pursuant to R.C. 4505.01, a "motor vehicle." As a "motor vehicle," such mobile home addition unit must be titled pursuant to the provisions of the Ohio Certificate of Motor Vehicle Title Law contained within R.C. Chapter 4505.