

FILE

Subject

*State Boards
Administration*

Copy to



STATE OF KANSAS

Office of the Attorney General

State Capitol Bldg. (913) 296-3751 Topeka, Kansas 66612

VERN MILLER
Attorney General

March 5, 1974

LANCE W. BURR
*Chief, Consumer
Protection Division*

Opinion No. 74-74

The Honorable T. D. Saar, Jr.
State Senator, 13th District
State Capitol Building
Topeka, Kansas

Dear Senator Saar:

You request an interpretation of K.S.A. 1973 Supp. 75-1215 and K.S.A. 1973 Supp. 75-1220(b). This letter will only answer your request for an interpretation of the former statute since an opinion regarding the terms, "random, periodic", demands further study. Since the questions can be separated, I will solely deal with the request for an interpretation of K.S.A. 1973 Supp. 75-1215.

In your letter of January 15, you bring to my attention problems incurred by mobile home and recreational vehicle manufacturers wherein they are being denied direct supply of seals by the Director of Architectural Services and the seals are being directed to inspecting agents for subsequent transmission to the manufacturers. I have reviewed the situation with the Department of Administration's Architectural Service Division and have been advised by Mr. Charles Beardmore that seals are not being issued directly to the manufacturers but are being issued to agent inspectors of the State Architect Department or to third party inspection companies which are hired by the manufacturers themselves pursuant to the provisions of the K.S.A. 1972 Supp. 75-1220(b). Mr. Beardmore indicates that the seals are then physically applied to the units which have been manufactured pursuant to plans and specifications approved by the State Architect and which units have been inspected for any code violations. It appears that the position of the Director is to withhold seals from all manufacturers until that point in time when the unit is completely manufactured, inspected, and ready for the application of the seal.

K.S.A. 1973 Supp. 75-1215 deals with the issuance of seals by the State Architect to manufacturers:


"Upon application by a manufacturer or dealer, accompanied by such plans and specifications for the line, make, model or brand of mobile homes or recreational vehicles as the director may reasonably deem necessary, the director, upon review and approval of such plans and specifications therefor previously have been approved by him, shall issue seals to the manufacturer or dealer to be affixed only to mobile homes or recreational vehicles manufactured in accordance with such approved plans and specifications: Provided, That upon application by a dealer, the director may inspect physically any used mobile home or recreational vehicle and, upon a determination that it complies with the code, issue a seal therefor. (emphasis added)

It is perfectly clear that the Director of Architectural Services is charged with the duty to issue seals to manufacturers who have submitted and obtained approval of plans and specifications for the manufacturer of their recreational vehicles or mobile homes. This statute specifically prescribes that the director, "shall issue seals". No discretion is granted to the director once the manufacturer has obtained approval of the plans and specifications of mobile home or recreational vehicles to be manufactured. Should the director receive any information which would indicate that the manufacturer is misusing the seals, the provisions of K.S.A. 1973 Supp. 75-1223(b) provides adequate relief.

By copy of this letter, I am advising the Director to begin the direct issuance of seals to manufacturers who have obtained approval of their plans and specifications.

I hope the above is in full response to your request. If I can be of further assistance, please advise.

Very truly yours,


VERN MILLER
Attorney General

VM:en