

Robin Carnahan
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Administrative Rules Stamp

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JAN 14 2005

SECRETARY OF STATE
ADMINISTRATIVE RULES

A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

- A. Rule Number 4 CSR 240-125.070
Diskette File Name Proposed 125.070
Name of person to call with questions about this rule:
Content Mary Weston Phone 573-751-6726 FAX 573-751-9285
E-mail address mary.weston@psc.mo.gov
Data entry Lesli Belt Phone 573-751-7499 FAX 573-751-9285
E-mail address lesli.belt@psc.mo.gov
Interagency mailing address GOB, 200 Madison Street, 8th Floor, Jefferson City
Statutory Authority 700.692 Current RSMo date 2004
Date filed with the Joint Committee on Administrative Rules Exempt per Sections
536.024 and 536.037, RSMo & Executive Order NO 97-97 (June 27, 1997)

B. CHECKLIST guide for rule packets:

- | | |
|--|---|
| <input checked="" type="checkbox"/> This transmittal completed | <input type="checkbox"/> Forms, number of pages _____ |
| <input checked="" type="checkbox"/> Cover letter | <input type="checkbox"/> Authority section with history of the rule |
| <input checked="" type="checkbox"/> Affidavit | <input type="checkbox"/> Public cost statement |
| <input type="checkbox"/> Small business impact statement | <input type="checkbox"/> Private cost statement |
| <input checked="" type="checkbox"/> Fiscal notes | <input type="checkbox"/> Hearing date _____ |

C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

MUST include effective date _____

- ☒ Proposed Rulemaking (choose one) ☒ rule, ☐ amendment, or ☐ rescission
☐ Order of Rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

MUST complete page 2 of this transmittal

- ☐ Withdrawal (choose one) ☐ rule, ☐ amendment, ☐ rescission or ☐ emergency)
☐ Rule action notice ☐ In addition ☐ Rule under consideration

- D. SPECIFIC INSTRUCTIONS: Any additional information you may wish to provide to our staff _____

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Small Business Regulatory
Fairness Board

JCAR Stamp



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

January 14, 2005

Robin Carnahan
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Carnahan,

RE: 4 CSR 240-125.070 Installation Decals

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Missouri Public Service Commission on this 14th day of January 2005.

Statutory Authority: section 700.692, RSMo 2004

If there are any questions regarding the content of this order of rulemaking, please contact:

Mary Weston
200 Madison
Jefferson City, MO 65102
Phone (573) 751-6726
Email: mary.weston@psc.mo.gov

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts", is written over a horizontal line.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 125 - Manufactured Home Installers**

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SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED RULE

4 CSR 240-125.070 Installation Decals

PURPOSE: This rule establishes installation decal requirements and fees for manufactured home installers.

- (1) Requirements for installation decals
 - (A) An installation decal issued by the commission shall be a permanent stick-on decal to be attached to the exterior of the home and shall also include a sign-off sticker, which must be attached next to the data plate inside the home with the initials and license number of each installer involved with the set-up and installation of the home.
 - (B) The licensed manufactured home installer (installing manufactured homes) who is responsible for the initial installation and setup of the manufactured home which includes all or any portion of the blocking, leveling or roof setup or installation (capping) is responsible for affixing the installation decal and the sign off sticker to the manufactured home upon completion of the installation.
 - (C) A decal shall be affixed to the manufactured home in a permanent manner in a visible location within two (2) feet of the HUD label.
 - (D) Decals may be purchased by licensed installers by submitting an application to the commission, in duplicate together with the appropriate \$25 for each decal.
 - (E) Only licensed installers may be issued installation decals by the commission and decals shall be affixed only by licensed installers upon completion of the installation.
 - (F) The licensed installer purchasing decals from the commission shall be responsible for decal security, use and reporting.
 - (G) Decals assigned to licensed installers may only be transferred by the commission.
 - (H) If an installer license is suspended, revoked or expires, or the installer is no longer in business, all unused decals issued to that person shall be returned to the commission. The decal fee may be refunded by the commission, if a refund application is completed by the applicant as provided by the commission.
- (2) The commission may deny any request for decals when:
 - (A) An inspection reveals that a manufactured home or tie-down installation is not installed according to the manufacturer's installation manual or set-up standards and no corrective action, or insufficient corrective action is taken by the installer as required by this program;
 - (B) An installer's license has expired, or has been suspended or revoked, or there is evidence of failure to comply with the requirements described in the program; and
 - (C) The applicant has failed to file the monthly installation decal report.

(3) Monthly Installation Decal Report

(A) A licensed installer who has purchased installation decals directly from the Commission shall submit a monthly report with the Commission no later than the tenth of the month following the month when the decals were placed.

(B) The report must be filed on the Commission's Installation Decal Report Form. The forms may be obtained from the Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102.

(C) The director may reject all monthly reports that are incomplete.

(D) Failure to submit a completed monthly report by the due date could result in suspension or revocation of the installer's license.

(E) A report must be filed for each month or part of the month for which the installer is licensed. If no decals are placed or installed in a given month, the installer must file the usual form no later than the tenth of the following month.

(F) The licensed installer or a representative of the licensed installer must sign the report.

(G) The licensed installer shall maintain a copy of this report for his/her records.

(H) Each installation decal report shall include the licensed installer's name and license number, as well as the licensed installer's street address, city, state, zip code, and telephone number. In addition, the report shall provide the following information for each installation:

1. The installation decal number;
2. The county, home address and phone number of the homeowner;
3. The date of the installation;
4. The name of the home's manufacturer;
5. The manufactured home serial number and year built;
6. The size of the manufactured home;
7. The dealer's name; and
8. The total number of installation decals placed for the reporting period.

AUTHORITY: section 700.692, RSMo Supp. 2004. Original rule filed _____, 2005, effective _____, 2005.

PUBLIC ENTITY COST: This proposed rule will cost state agencies or political subdivisions approximately \$55,000.00 annually.

PRIVATE ENTITY COST: This proposed rule will cost private entities approximately \$55,000.00 annually.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, Missouri 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name	4 CSR 240-125.070 Installation Decals
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Economic Development - Missouri Public Service Commission	PSC - \$55,000.00 – Total Cost annually

III. WORKSHEET

Cost – Public Service Commission – Manufactured Housing Fund

Inspector Cost per Hour X Hours of Work = Cost of Personnel
\$13.00 X 2080 = \$27,040.00

Cost of Personnel X .40 = Fringe Benefits
\$27,040.00 X .40 = \$10,816.00

Expenses and Equipment = \$17,144.00

Cost of Personnel	\$27,040.00
Fringe Benefits	\$10,816.00
Expenses & Equipment	\$17,144.00
Total Cost – PSC	\$55,000.00

IV. ASSUMPTIONS

1. The Missouri Public Service Commission, Manufactured Housing and Modular Units Program will set decal fees to cover the cost of the new program.
2. All receipts from decal fees will be deposited into the manufactured housing fund.
3. It is estimated that 2,200 new manufactured home installation decals will be issued during FY 2006 and yearly thereafter.
4. Cost of Personnel is based upon an estimate that one full time inspector will be needed to accomplish the requirements of this rule.
5. Fringe Benefits are based upon a multiplier of 40% for this personnel class.
6. Expenses and Equipment costs are modeled after costs currently being experienced by manufactured housing inspectors. Equipment and supplies include: vehicle and related expenses, field inspection equipment, computer and associated equipment and supplies, forms and other office supplies.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Rule Number and Name	4 CSR 240-125.070 Installation Decals
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of Manufactured Homes which would be affected by the adoption of the proposed rule:	Classifications by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
2200	Manufactured Home Installers	\$55,000 in the first year and a similar amount in succeeding years.

III. WORKSHEET

1. The estimated number of installation decals required for Fiscal Year 2006 will be 2,200 and a similar number in succeeding years.
2. 2,200 decals costing \$25 per decal = \$55,000.00

IV. ASSUMPTIONS

1. The Missouri Public Service Commission estimates that approximately 2,200 installation decals will be purchased during FY 2006.
2. The number of decals purchased is based upon new manufactured home sales data maintained by the Missouri Public Service Commission.

AFFIDAVIT

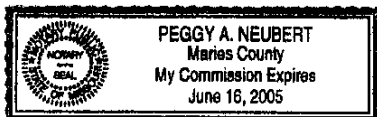
STATE OF MISSOURI)
)
COUNTY OF COLE)

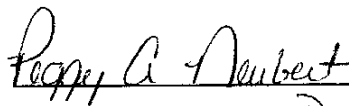
I, Kelvin L. Simmons, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion the attached fiscal note for the proposed rule of 4 CSR 240-125.070 is a reasonably accurate estimate.



Kelvin L. Simmons
Director
Department of Economic Development

Subscribed and sworn to before me this 7th day of January, 2005.
I am commissioned as a notary public within the County of Marion,
State of Missouri, and my commission expires on June 16, 2005.




NOTARY PUBLIC Peggy A. Neubert



Robin Carnahan
Secretary of State

Administrative Rules Division
Rulemaking Transmittal Receipt

Rule ID: 2467
Date Printed: 1/14/2005
Rule Number: 4 CSR 240-125.070
Rulemaking Type: Proposed Rule
Date Submitted to Administrative Rules Division: 1/14/2005
Date Submitted to Joint Committee on Administrative Rules:

Name of Person to Contact with questions concerning this rule:

Content: Mary Weston	Phone: 751-6726	Email: mary.weston@psc.mo.gov	Fax: 751-9285
RuleDataEntry: Lesli Belt	Phone: 751-7499	Email: lesli.belt@psc.mo.gov	Fax: 751-9285

Included with Rulemaking:

Cover Letter	1/14/2005
Public Fiscal Note	1/14/2005
Private Fiscal Note	1/14/2005
Affidavit for public cost	1/14/2005

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