



Commissioners
KELVIN L. SIMMONS
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Missouri Public Service Commission

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January 24, 2003

ROBERT J. QUINN, JR.
Executive Director
WESS A. HENDERSON
Director, Utility Operations
ROBERT SCHALLENBERG
Director, Utility Services
DONNA M. PRENGER
Director, Administration
DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

Honorable Matt Blunt
Secretary of State
600 West Main Street
Jefferson City, Missouri 65101

RECEIVED³

JAN 27 2003

Dear Secretary Blunt:

Records
Public Service Commission

Attention: Administrative Rules Division – Rule 4 CSR 240- 123.030 (Seals)

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the emergency rule lawfully submitted by the Missouri Public Service Commission on this 24th day of January 2003.

I further certify that the emergency rule is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

Statutory authority: 700.040, RSMo 2000

Effective date of the rule: February 3, 2003

Missouri Public Service Commission Case No.: MX-2003-0187

If there are any questions, please contact: Bruce H. Bates, Associate General Counsel
Missouri Public Service Commission
200 Madison St.
Post Office Box 360
Jefferson City, Missouri 65102
(573) 751-7434

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Enclosures: Proposed Emergency Amendment, 4 CSR 240-123.030 (Seals); electronic copy on 3.5" diskette; Rule Transmittal.

Administrative Rules Stamp

RECEIVED**JAN 24 2003****SECRETARY OF STATE
ADMINISTRATIVE RULES**

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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

- A. Rule Number 4 CSR 240-123.030
 Diskette File Name Rule 123.030 Seals - ES
 Name of Person to call with questions about this rule: Bruce H. Bates
 Context Associate General Counsel Phone 573-751-7434 FAX 573-751-9285
 Data Entry Same as above Phone Same as above FAX Same as above
 Interagency Mailing Address Governor Office Building, 200 Madison St., Jefferson City, MO, 65101

Statutory Provision for Rulemaking

Authority 700.040 Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo Supp. 1998, and Executive Order No. 97-97 (June 27, 1997)

- B. CHECK, IF INCLUDED: FORMS, List by Mo-Form Number, # of Pages
- | | |
|---|--------------|
| <input checked="" type="checkbox"/> Cover Letter | _____ |
| <input type="checkbox"/> Affidavit | _____ |
| <input type="checkbox"/> Cost Statements | _____ |
| <input type="checkbox"/> Public Entity Fiscal Note | <u>OTHER</u> |
| <input type="checkbox"/> Private Entity Fiscal Note | _____ |

C. RULEMAKING ACTION TO BE TAKEN

- ☒ Emergency Rulemaking, Must Specify Effective Date February 3, 2003.
☐ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)
☐ Order of Rulemaking (MUST complete page 2 of this transmittal)
☐ Withdrawal (Rule, Amendment, Rescission or Emergency)
☐ Rule Action Notice
☐ In Addition

- D. SPECIFIC INSTRUCTIONS: In this space indicate any special instructions (e.g., specify publication date preference, identify material incorporated by references, etc.)
- _____

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number _____

1a. Effective Date for the Order
Statutory 30 days _____ or later specific date _____

1b. Does the Order of Rulemaking contain changes to the rule text?
YES _____ NO _____

1c. If the answer is YES, please complete section F. If the answer is NO, Stop here.

F. Please provide a complete list of the changes in the rule text for the order or rulemaking, indicating the specific section, subsection, subparagraph, part, etc., where each change is found.

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer language that appears at the bottom of this page.)

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.

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JAN 24 2003

Title 4--DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240--Public Service Commission
Chapter 123--Modular Units

SECRETARY OF STATE
ADMINISTRATIVE RULES

(EMERGENCY AMENDMENT)

4 CSR 240-123.030 Seals: This proposal amends Section (3) subsections (A) and (B) and section (9).

PURPOSE: The proposed amendment increases the fees for seals and replacement seals for modular units.

EMERGENCY STATEMENT: Sections 700.010 through 700.115, RSMo., establish standards that manufactured housing and modular units must meet, in order to adequately provide for the public health, safety and welfare of the persons who buy or live in such housing. The Commission has the statutory obligation to enforce compliance with the standards that are set forth in Sections 700.010 through 700.115. In order to discharge this obligation, the Commission requires a source of revenue that is sufficient to pay its personnel, office expenses, and other costs of administering this program. The only funds that are available to cover the costs of enforcing compliance with the statutes are the funds in the Manufactured Housing and Modular Unit Program, Fund #0582. The balance of the funds available in Fund #0582 has rapidly declined in the last year, primarily because the Fund no longer receives revenues related to the regulation of recreational vehicles, and the balance in the fund is not now sufficient to ensure the viability and integrity of the Manufactured Housing and Modular Unit Program. If actions to generate additional revenues are not taken immediately, the Fund will be completely depleted before a new, permanent rule can be implemented. In that event, there will be an immediate danger to the public health, safety, and welfare. The imposition of an increased fee for seals is reasonably related to the Commission's obligation to enforce compliance with the provisions of Sections 700.010 through 700.115. The Commission must have this increased fee in effect on February 3, 2003, and continuously thereafter, in order to maintain the solvency of Fund #0582. The adoption of this rule follows statutory procedures that are limited in scope to those circumstances creating this emergency and requiring emergency action, relating to the enforcement of the provisions of Sections 700.010 through 700.115; and the adoption of this rule provides regulatory procedures best calculated to assure fairness to all interested persons and parties, including modular unit manufacturers and dealers. The adoption of this rule follows procedures that comply with the protections extended to all interested persons and parties by the Missouri and United States Constitutions. Emergency Amendment filed January 24, 2003, effective February 3, 2003, expires August 2, 2003.

(3) To be complete, an application for seals to be affixed to modular units manufactured or to be manufactured under an approved manufacturing program shall be executed by the manufacturer (or the manufacturers authorized representative if the manufacturer is a corporation) of the modular unit to which the requested seals will be affixed and shall include:

(A) An affidavit of the applicant or the applicant's authorized representative if the applicant is a corporation, certifying that each requested seal will be affixed only to modular units manufactured under an approved manufacturing program and that each modular unit to which a requested seal will be affixed will comply with the code at the time it is rented, leased, sold or offered for rent, lease, or sale by the applicant[; and]. **Each new Modular Unit sold or placed in the state must contain the applicable seal as specified in this section; and**

(B) A nonrefundable fee of [eighty dollars(\$80)]**one hundred ten dollars (\$110)** for each seal requested. Any seals attached to new modular units after the effective date of this subsection shall include either markings that reflect payment of the full \$110 fee or a seal purchased prior to the effective date of this subsection plus tabs or other markings that reflect payment of an additional fee of thirty dollars (\$30). Seals issued for less than the full \$110 fee prior to the effective date of this subsection that do not comply with the requirements of the preceding sentence may not be attached to new modular units after the effective date of this subsection. The commission will provide the appropriate tabs or other markings to the applicant upon payment of the applicable fee. The applicable fee is to be paid at the time of application.

(9) Any person to whom a seal has been issued or who owns a modular unit to which a seal or approved insignia has been affixed may apply for the replacement of such seal or approved insignia if it becomes lost, mutilated or otherwise unserviceable. Applications for replacement seals shall be made on the same forms and in the same manner as applications for seals are made under this rule. A fee of [twenty dollars (\$20)] **forty dollars (\$40)** shall be charged for a replacement seal.

Auth: section 700.040, RSMo [(1986)] 2000. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001, effective January 30, 2002. Emergency amendment filed January 24, 2003, effective February 3, 2003, expires August 2, 2003.

MEMORANDUM

TO: Dale Hardy Roberts, Secretary

DATE: January 23, 2003

RE: Authorization to Forward Emergency Amendment to Existing Rule 4 CSR 240-123.030, and Emergency Rule 4 CSR 240-120.140 to the Office of the Director of the Department of Economic Development, and to file with the Office of the Secretary of State

CASE NO: MX-2003-0187

The undersigned Commissioners hereby authorize the Office of the General Counsel of the Missouri Public Service Commission to forward to the Office of the Director of the Department of Economic Development, and to file with the Office of Secretary of State, to wit:

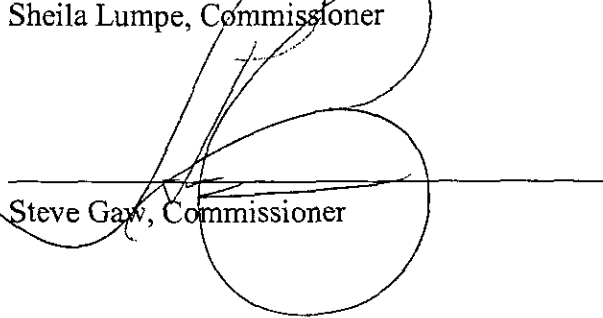
4 CSR 240-123.030 - Seals


4 CSR 240-120.140 – New Manufactured Home Manufacturer's Inspection Fee


Kelvin Simmons, Chair


Connie Murray, Commissioner


Sheila Lumpe, Commissioner


Steve Gaw, Commissioner


Bryan Forbis, Commissioner