



*Commissioners*

KELVIN L. SIMMONS  
Chair

— CONNIE MURRAY

SHEILA LUMPE

STEVE GAW

BRYAN FORBIS

*Missouri Public Service Commission*

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

**RECEIVED<sup>3</sup>**

**JAN 27 2003**

*Records  
Public Service Commission*

Dear Secretary Blunt:

**Attention: Administrative Rules Division – Rule 4 CSR 240- 120.140 (New Manufactured Home Manufacturer's Inspection Fee)**

**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 24<sup>th</sup> 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 and 700.115, 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., Suite 800  
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 240-120.140 (New Manufactured Home Manufacturer's Inspection Fee); electronic copy on 3.5" diskette; Rule Transmittal

*Informed Consumers, Quality Utility Services, and a Dedicated Organization for Missourians in the 21st Century*

## 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

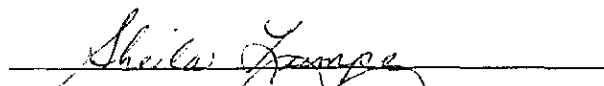
The undersigned Commissioners hereby authorize the Office of the General Counsel of the Missouri Public Service Commission to forward to the Office of the Director of the Department of Economic Development, and to file with the Office of Secretary of State, to wit:

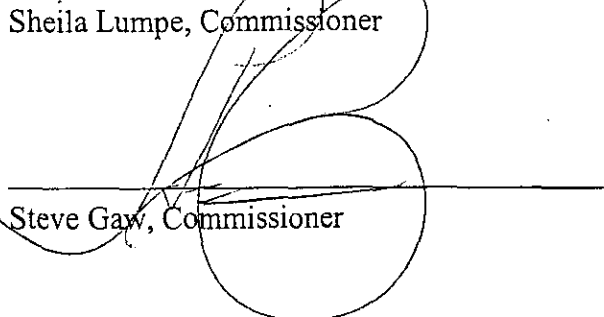
4 CSR 240-123.030 - Seals

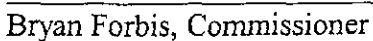
4 CSR 240-120.140 – New Manufactured Home Manufacturer's Inspection Fee

  
Kelvin Simmons, Chair

  
Connie Murray, Commissioner

  
Sheila Lumpe, Commissioner

  
Steve Gaw, Commissioner

  
Bryan Forbis, Commissioner

Administrative Rules Stamp

**RECEIVED**

**JAN 24 2003**

**MATT BLUNT**  
**Secretary of State**  
**Administrative Rules Division**  
**RULE TRANSMITTAL**

**SECRETARY OF STATE**  
**ADMINISTRATIVE RULES**

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

A. Rule Number 4 CSR 240-120.140  
Diskette File Name Rule 120.140  
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 and 700.115 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  
☒ Cover Letter  
☐ Affidavit  
☐ Cost Statements  
☐ Public Entity Fiscal Note OTHER  
☐ 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.

TITLE 4-DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240-Public Service Commission

Chapter 120-New Manufactured Homes

(EMERGENCY RULE)

RECEIVED

JAN 24 2003

SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

**PURPOSE:** This rule provides for payment of an inspection fee by manufacturers of new manufactured homes for each home delivered to dealers in the state of Missouri pursuant to section 700.040 RSMo.

*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 this fee on all new manufactured homes 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 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.*

7

(1) The commission establishes an inspection fee to be assessed on all new manufactured homes delivered or sold to dealers in the state of Missouri which shall be paid by the manufacturer of each home. Said inspection fee shall be \$30.00 for each home each manufacturer delivers or sells to a dealer in the state of Missouri.

(2) Manufacturers of new manufactured homes shall remit to the director on a monthly basis an amount that equals the number of new manufactured homes delivered or sold to dealers in the state of Missouri, multiplied by \$30.00. Each manufacturer shall submit said fee with any monthly delivery reports, or other filing, or documentation as may be required by the commission. Said fee shall be received no later than the tenth day following the month in which new manufactured homes were delivered or sold to dealers in the state of Missouri.

(3) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a manufacturer's certificate of registration:

(A) Failure to pay the inspection fee within 30 days of their prescribed due date;

(B) Failure to pay the inspection fee by the prescribed due date for two consecutive months; or

(C) Failure to pay the inspection fee by the prescribed due date for any four of the preceding 12 months.

(4) The director shall deliver copies of the commission's order establishing the new manufactured home manufacturer's inspection fee to all existing registered manufacturers. The director shall also deliver a copy of the commission's order establishing the fee with each approved certificate of manufacturer registration.

*AUTHORITY: Section 700.040 and 700.115, RSMo 2000. Emergency rule filed January 24, 2003, effective February 3, 2003, expires August 2, 2003.*