

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY

July 18, 2001

CASE NO: MX-2000-590

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Enclosed find certified copy of a Proposed Amendment in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

[[I]](J) Replacement seal means a seal which has been issued to replace a lost, mutilated or otherwise unserviceable seal or approved insignia; and

[[J]](K) Seal as defined by section 700.010, RSMo [1986] 2000 includes replacement seal.

AUTHORITY: section [700.100] 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.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT TO SUBMIT COMMENTS: Anyone may file a statement in support of or opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

MΛ-2000-590
Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units

PROPOSED AMENDMENT

4 CSR 240-123.030 Seals. This proposal amends the following sections of this rule: section (2); section (3) subsection (B); and section (4); section (5); section (5) subsection (B), (C), (D) and (E); and sections (6) through (13).

PURPOSE: This rule establishes the standards and procedures which relate to the issuance and removal of seals for modular units and is amended to reflect changes in the fees for obtaining seals, to clarify inspection criteria, and to designate the location of an affixed seal.

(2) An application for a seal shall be submitted to the director and it shall be executed on a form which shall be provided by [him/her upon delivery to him/her of a nonrefundable two dollar (\$2) fee.] the director. One (1) form may be used to apply for all seals required at a given time.

(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 manufacturer's authorized representative if the manufacturer is a corporation) of the modular unit to which the requested seals will be affixed and shall include:

(B) A nonrefundable fee of [twenty] eighty dollars [\$20] (\$80) for each seal requested.

[[4]] Within eight (8) working days after a complete application has been received by the director, the director shall inspect for code compliance each modular unit for which a seal has been requested, unless it has been or will be manufactured under an approved manufacturing program. If through no fault of the applicant the inspection is not conducted within the prescribed time, the requested seal shall be issued within the required time if no basis for rejection is found on the face of the application.]

[[5]] (4) The director is authorized to refuse to issue a seal under any of the following circumstances:

(B) If the director has not approved the applicant's manufacturing program; [or if the director's approval of the applicant's manufacturing program has lapsed, expired or been withdrawn;]

(C) If the director's approval of the applicant's manufacturing program has lapsed, expired or been withdrawn;

[[C]] (D) If at the time of application the director has reason to believe that the applicant is failing to abide by Chapter 700, RSMo [1986] 2000; [and]

[[D]] (E) If the director has reason to believe that the seal will be placed on a unit which is not a complete modular unit.

[[6]] (5) A seal or a written refusal to issue a seal shall be issued by the director within ten (10) working days after s/he has received a complete application. A notice of refusal shall specify the reason for refusal.

[[7]] (6) Seals shall be delivered by one (1) of the following methods:

(A) By prepaid certified mail, requesting a return receipt signed by addressee only, sent to the applicant's place of business; or

(B) By delivery to an applicant in person at the office of the secretary of the commission. Upon delivery of seals by this method, the applicant shall provide to the secretary of the commission a written acknowledgement of receipt.

[[8]] (7) A seal shall be affixed [with a permanent weather-proof adhesive] to the [outside surface in the right rear corner] electric panel box or other accessible inside location of a completed modular unit [structure]. A seal shall be located so that person(s) shall have an unobstructed view of seal.

[[9]] (8) Within thirty (30) days of the discovery that a seal issued to him/her has become lost, mutilated or otherwise unserviceable, a dealer or manufacturer shall provide written notice of such to the director.

[[10]] (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 [ten] twenty dollars [[\$10]] (\$20) shall be charged for a replacement seal.

[[11]] (10) Seals and approved insignia may be removed by the director from any modular unit [a] which is found to be in violation of the code which was in effect when it entered the first stage of production. Seals issued to a person who manufactures modular units under an approved manufacturing program must be returned to the director immediately if the approval is withdrawn by the director.

[[12]] (11) If the director removes a seal or approved insignia from a modular unit, s/he shall provide written notice of such action to the owner of the unit. The notice shall be mailed within five (5) working days of the removal and shall be sent by prepaid certified mail, requesting a return receipt signed by addressee only, to the last known address of the owner. The notice shall state the reason for the removal.

[[13]] (12) When a seal or approved insignia is removed by the director, s/he shall place a prohibited sale notice in the location specified for the seal in section [[9]] (7) of this rule. A prohibited sale notice shall state that the rental, lease or sale or the offering for rent, lease or sale of the modular unit to which the notice is

attached is prohibited under section 700.015, RSMo [(1986)] 2000. The prohibited sale notice shall also state that further information may be obtained from the director, whose name, address and telephone number shall be listed. A copy of the prohibited sale notice shall be filed with the commission.

AUTHORITY: 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.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately \$130,440 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4

Division: 240 Public Service Commission

Chapter: 123 Modular Units

Type of Rulemaking: Proposed Rule

Rule Number and Name: 030 – Seals

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types 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:
There are approximately 89 active modular unit manufacturers.	Modular unit manufacturers	\$130,440 in the first year and a similar amount in succeeding years.

III. WORKSHEET

1. Modular unit manufacturers are required to affix a seal verifying code compliance to each unit sold in the State of Missouri. This proposal increases the fee for a seal from \$20.00 to \$80.00 per seal and eliminates a \$2.00 handling fee. The proposal also increases the fee for a replacement seal from \$10.00 to \$20.00.
2. Ensuring compliance with this rule will not require additional staff.
3. The estimated cost of compliance is based on the total number of modular unit seals issued to modular manufacturers, multiplied by the proposed increase in the fee.

IV. ASSUMPTIONS

1. Fiscal Year 1999 data was used to estimate costs in this summary. No adjustment for inflation has been applied.
2. Actual cost of compliance in succeeding years will vary depending on actual number of seals issued.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
4. Other text amendments proposed in this rule will have no fiscal impact on the state or any private or public person or entity.

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

**I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 18th day of July 2001.**



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

