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DANA K. JOYCE
General Counsel



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>

November 13, 2001

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Missouri Public
Service Commission

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

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Order of Rulemaking lawfully submitted by the Missouri Public Service Commission for filing this 13th day of November, 2001.

Rule: 4 CSR 240-123.080 – Code for Modular Units

Statutory authority: 700.010, RSMo 2000

Missouri Public Service Commission Case No.: MX-2000-443

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

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts".

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Administrative Rules Stamp

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 240-123.080
Diskette File Name 11/13/01 Final Orders of Rulemaking
Name of Person to call with questions about this rule: Bruce H. Bates
Context _____ Phone. 573/751-7434 FAX 573/751-9285
Data Entry _____ Phone _____ FAX _____
Interagency Mailing Address 200 Madison St., P.O. Box 360, Jefferson City, MO 65102

Statutory Provision for Rulemaking
Authority 700.010 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
_____ 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.)

E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-123.080

1a. Effective Date for the Order

Statutory 30 days X or later specific date _____

1b. Does the Order of Rulemaking contain changes to the rule text?

YES X 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.)

Please see attached comments.

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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ADMINISTRATIVE RULES

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.010 RSMo 2000, the commission amends a rule as follows:

4 CSR 240-123.080 Code for Modular Units is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 Mo. Reg. 1446). Changes have been made in the text of the proposed amendment and reprinted here. The proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted by T. R. Arnold & Associates, Inc. (TRA), and the Missouri Association of Code Administrators (MACA). There was no public hearing held. TRA and MACA recommend that the Public Service Commission adopt the 2000 International Building Codes for the modular unit program. These recommendations were submitted in response to proposed amendments to 4 CSR 240-123.080.

COMMENT: TRA and MACA recommends that the following codes be adopted: 2000 International Building Code; 2000 International Plumbing Code; 2000 International Mechanical Code; 2000 International Fuel Gas Code; 2000 International Energy Conservation Code; and the 1999 National Electric Code. The recommendations are being made because the current BOCA and UBC Codes adopted by the Commission have combined into one family of codes, (International Building Codes), and will no longer be published after the dates of the editions being proposed in this rulemaking.

RESPONSE AND EXPLANATION OF CHANGE: The Commission believes that the recommendations made by TRA and MACA should be adopted. When the CSR 240-123.080 rulemaking process began, the Manufactured Housing and Modular Units Program proposed the most current editions of the BOCA, UBC, CABO, and National Electric Code available at that time. However, since the beginning of the process, the 2000 International Codes were published. Therefore, the proposed amendments to CSR 240-123.080 (3)(A)(B), and (4), should further be amended to reflect the adoption of the above recommended 2000 International Codes.

4 CSR 240-123.080 Code For Modular Units

(3) The structure shall be manufactured in accordance with and meet the requirements of the following building codes: International Building Code-2000; International Plumbing Code-2000; International Mechanical Code-2000; International Residential Code-2000; International Fuel Gas Code-2000; and National Electric Code NFPA-1999.

(4) All modular units shall meet or exceed the Seismic Zone requirements (one, two, or three, as defined in the applicable code in paragraph (3) above,) for the area in which the modular unit is placed. Modular unit plans submitted by a manufacturer under 4 CSR 240-123.040 shall specify the Seismic Zone for which the unit is built as well as the location where the unit will be placed. If a unit is built for open placement throughout the State of Missouri, it must be built to Seismic Zone three requirements.

(5) Each modular unit shall bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. Each data plate must be covered with a material that will make it possible to clean the data plate of ordinary dirt without obscuring the information. Each data plate shall include the following information at a minimum: name and address of manufacturer, serial and model number of the unit, date the unit was manufactured, code the unit was built to, seismic zone listing, name and address of third party engineering agency that reviewed and approved the plans submitted by the manufacturer under 4 CSR 240-123.040.

(6) All modular units manufactured on or after July 1, 1976, shall be set up or installed according to the manufacturer's installation manual.