

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

July 18, 2001

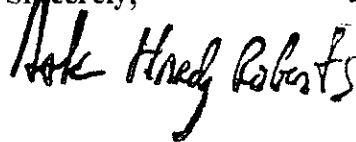
CASE NO: MX-2000-446

**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 RULE in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

MX-2001-557
**Title 4—DEPARTMENT OF ECONOMIC
 DEVELOPMENT**
Division 240—Public Service Commission
Chapter 123—Modular Units

PROPOSED RULE

4 CSR 240-123.065 Modular Unit Dealer Setup Responsibilities

PURPOSE: This rule sets forth the extent to which modular unit dealers are responsible for proper initial setup of modular units.

(1) A dealer who sells a modular unit shall arrange for the proper initial setup of the modular unit unless the dealer obtains from the purchaser or the purchaser's authorized agent a written waiver of that service as described in section 700.100.3(6), RSMo.

(2) As used in this rule, "proper initial setup" means installation and setup of the modular unit in accordance with the installation manual provided by the manufacturer of the modular unit and in complete compliance with the code and with all of the provisions regarding setup in sections 700.010 to 700.115, RSMo.

(3) If a dealer fails to arrange for the proper initial setup of a modular unit, the commission may discipline the dealer's registration by suspending it, revoking it, or placing it on probation, pursuant to the provisions of section 700.100, RSMo.

(4) The commission shall not so discipline the dealer's registration unless the director of the commission's manufactured housing and modular units program finds, incident to an inspection, setup deficiencies and initiates action to discipline the registration within five (5) years after the date of sale.

(5) The dealer shall legibly print the date of sale on the bill of sale that it provides to the purchaser pursuant to section 700.056, RSMo, and shall maintain a copy of the bill of sale in its files at the location where it sold the modular unit to the purchaser, if possible; otherwise at its principal office.

AUTHORITY: section 700.040, RSMo 2000. Original rule filed June 12, 2001.

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

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

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, 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.

MX-2000-446
**Title 4—DEPARTMENT OF ECONOMIC
 DEVELOPMENT**
Division 240—Public Service Commission
Chapter 123—Modular Units

PROPOSED RULE

4 CSR 240-123.070 Monthly Report Requirement for Registered Modular Unit Dealers

PURPOSE: This rule outlines the information that registered modular unit dealers must file with the Missouri Public Service Commission and the form and manner of this filing.

(1) Each entity registered as a modular unit dealer must file a monthly sales report with the commission within ten (10) days of the end of each month.

(2) Monthly sales reports may be filed only upon the commission's monthly sales reports form. Sales report forms may be obtained from the Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102.

(3) The director of the Manufactured Housing and Modular Units Program may reject monthly sales reports that are incomplete, and require dealers to submit corrected reports.

(4) Failure to submit timely and complete monthly sales reports could result in suspension or revocation of the dealer's registration under section 700.100, RSMo.

(5) A monthly sales report must be filed for each month or part of a month for which the dealer is registered to sell modular units by the Public Service Commission's Manufactured Housing and Modular Units Program. If no sales are made in a given month, the dealer must file the usual form within ten (10) days of the end of the month.

(6) The report must be signed by an officer of the dealership if the dealership is a corporation; by a partner of the dealership if the dealership is a partnership; or by an owner of the dealership if the dealership is neither a corporation nor a partnership.

(7) Every monthly sales report shall contain the following information:

- (A) Dealer certificate number and name;
- (B) The street address and telephone number at the actual dealership location as well as the city, state and zip code;
- (C) The date of sale for each modular unit sold;
- (D) The sale price of each unit sold;
- (E) The size of each unit sold;
- (F) The name of the manufacturer of each unit sold as well as the year of manufacture;
- (G) The serial number from the certificate of origin for each unit sold;
- (H) The new or used status of each unit sold;
- (I) The total number of new units sold;
- (J) The total number of used units sold;
- (K) The total sale price for all new units; and
- (L) The total sale price for all used units.

AUTHORITY: section 700.460, RSMo 2000. Original rule filed June 12, 2001.

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

PRIVATE COST: This proposed rule will cost private entities approximately \$550 in the first year and a similar amount in succeeding years.

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, 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.

FILED
JUL 18 2001
Missouri Public
Service Commission

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4

Division: 240 Public Service Commission

Chapter: 123 Modular Units

Type of Rulemaking: Proposed Rule
070 – Monthly Report Requirement for

Rule Number and Name: Registered Modular Unit Dealers

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 132 active modular unit dealers.	Modular unit dealers	Approximately \$550.00 in the first year and a similar amount in succeeding years

III. WORKSHEET

1. Modular unit dealers will be required to submit monthly sales reports specifying the number of units sold each month.
2. Ensuring compliance with this rule will not require additional staff.
3. The estimated cost of compliance is based on the number of active modular unit dealers and the estimated cost of postage and miscellaneous expense for submitting the monthly sales reports.

IV. ASSUMPTIONS

1. Fiscal Year 2000 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 cost of postage and miscellaneous expense.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.

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

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

