

John R. Ashcroft

**Secretary of State
Administrative Rules Division**

RULE TRANSMITTAL

Administrative Rules Stamp

RECEIVED

JUL 06 2017

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

COPY

Rule Number 4 CSR 240-124.040

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Nancy Dippell Phone 573-751-8518 FAX 573-526-6010

Email address nancy.dippell@psc.mo.gov

Data Entry Chris Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Fl., Gov. Ofc. Bldg., JC, MO

TYPE OF RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency rulemaking, include effective date
☒ Proposed Rulemaking
☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration
☐ Request for Non-Substantive Change
☐ Statement of Actual Cost
☐ Order of Rulemaking

Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

**Small Business Regulatory
Fairness Board (DED) Stamp**

**SMALL BUSINESS
REGULATORY FAIRNESS BOARD**

JUL 06 2017

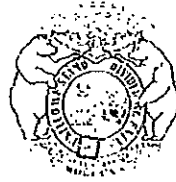
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JCAR Stamp

JOINT COMMITTEE ON

JUL 06 2017

ADMINISTRATIVE RULES



ERIC R. GRETTENS
GOVERNOR

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

P.O. Box 720
(573) 751-3222

June 29, 2017

Daniel Hall
Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102

Dear Chairman Hall:

This office has received your rulemaking for new manufactured homes: 4 CSR 240-120.011; 4 CSR 240-120.031; 4 CSR 240-120.060; 4 CSR 240-120.065; 4 CSR 240-120.070; 4 CSR 240-120.080; 4 CSR 240-120.085; 4 CSR 240-120.090; 4 CSR 240-120.100; 4 CSR 240-120.110; 4 CSR 240-120.120; 4 CSR 240-120.130; and 4 CSR 240-120.140.

This office also has received your rulemaking for pre-owned manufactured homes: 4 CSR 240-121.010; 4 CSR 240-121.020; 4 CSR 240-121.030; 4 CSR 240-121.040; 4 CSR 240-121.050; 4 CSR 240-121.060; and 4 CSR 240-121.180.

This office also has received your rulemaking for modular units: 4 CSR 240-123.010; 4 CSR 240-123.020; 4 CSR 240-123.030; 4 CSR 240-123.040; 4 CSR 240-123.050; 4 CSR 240-123.060; 4 CSR 240-123.065; 4 CSR 240-123.070; 4 CSR 240-123.080; 4 CSR 240-123.090; and 4 CSR 240-123.095.

This office also has received your rulemaking for manufactured home tie-down systems: 4 CSR 240-124.010; 4 CSR 240-124.020; 4 CSR 240-124.030; 4 CSR 240-124.040; 4 CSR 240-124.045; 4 CSR 240-124.050; and 4 CSR 240-124.060.

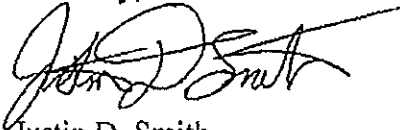
This office also has received your rulemaking for manufactured home installers: 4 CSR 240-125.010; 4 CSR 240-125.020; 4 CSR 240-125.040; 4 CSR 240-125.050; 4 CSR 240-125.060; 4 CSR 240-125.070; and 4 CSR 240-125.090.

This office also has received your rulemaking for the manufactured housing consumer recovery fund: 4 CSR 240-126.010 and 4 CSR 240-126.020.

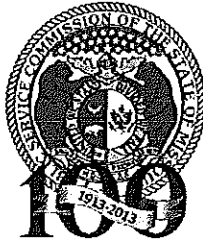
Finally, this office has received your rulemaking for manufactured homes and modular units, 4 CSR 240-127.010.

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, or adopt new regulations. After our review of this rulemaking, we approve the rules' submission to JCAR and the Secretary of State.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin D. Smith", with a stylized flourish extending from the end.

Justin D. Smith
Deputy Counsel



Commissioners

DANIEL Y. HALL
Chairman

STEPHEN M. STOLL

WILLIAM P. KENNEY

SCOTT T. RUPP

MAIDA J. COLEMAN

Missouri Public Service Commission

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

SHELLEY BRUEGGEMANN
General Counsel

MORRIS WOODRUFF
Secretary

LOYD WILSON
Director of Administration

NATELLE DIETRICH
Staff Director

July 6, 2017

John Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-124.040 Commission Approval of Manufactured Home Tie-Down Systems

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed amendment lawfully submitted by the Missouri Public Service Commission.

The Public Service Commission has determined and hereby certifies that this proposed amendment will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo 2016 that the proposed amendment does not constitute a taking of real property under relevant state and federal law, and that the proposed amendment conforms to the requirements of 1.310, RSMo, regarding user fees.

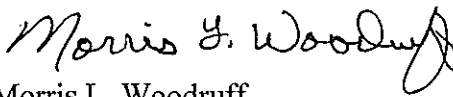
The Public Service Commission has determined and hereby also certifies that this proposed amendment complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than fifty full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Mr. John Ashcroft
July 6, 2017
Page 2

Statutory Authority: section 700.076, RSMo 2016.

If there are any questions regarding the content of this proposed rule, please contact:

Nancy Dippell, Senior Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-8518
Nancy.Dippell@psc.mo.gov

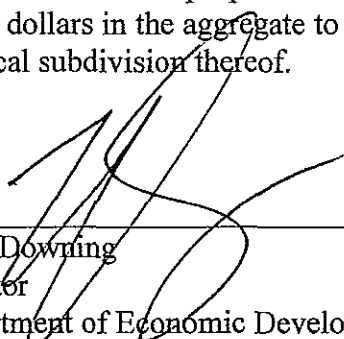

Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

**AFFIDAVIT
PUBLIC COST**

**STATE OF MISSOURI)
)
COUNTY OF COLE)**

I, Mike Downing, Director of the Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed amendment to rule, 4 CSR 240-124.040, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

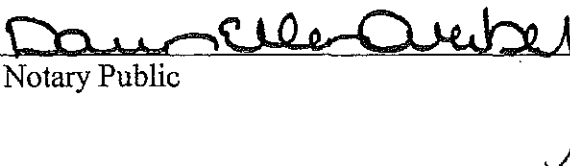


Mike Downing
Director
Department of Economic Development

Subscribed and sworn to before me this 3rd day of August, 2016, I am
commissioned as a notary public within the County of Moniteau State of
Missouri, and my commission expires on Dec. 13, 2019



DAWN ELLEN OVERBEY
My Commission Expires
December 13, 2019
Moniteau County
Commission #15456865



Notary Public

Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home
Tie-Down Systems

Proposed Amendment

4 CSR 240-124.040 Commission Approval of Manufactured Home Tie-Down Systems. The Commission is amending sections (1), (2), (3), (5), (6) and (7); and rescinding Section (4) of this rule.

PURPOSE: This amendment modifies the manner in which an approval of manufactured home tie-down systems may be obtained.

(1) No person may sell, offer for sale or as a business install or cause to be installed a manufactured home tie-down system unless the system has been approved in writing by the *[director]* **manager** and the original or duplicate original of such approval is prominently displayed at the location where the system is sold, offered for sale or offered for installation.

(2) Applications for an approval shall be submitted to the *[director]* **manager** and shall be executed by the owner or seller of the system on forms that shall be provided by the *[director]* **manager** upon request. To be complete, the applications shall include:

(A) The name and address of the applicant;

(B) The name and address of all places of business which will be authorized by the applicant to sell or offer for sale, or install or offer to install the system for which the approval is sought;

[(C) If the applicant is a corporation, a copy of the applicant's articles of incorporation, bylaws and most recent annual registration filed under section 351.120, RSMo (1986), along with a copy of documents which verify that the officer who has executed the application has actual authority to have done so;]

[(D)] (C) The name and address of the manufacturer of the system for which the approval is sought;

(D) A brief description of the legal organization of the manufacturer who will use the program, whether a Missouri corporation, foreign corporation, partnership, proprietorship or other business organization;

(E) If manufacturer is a corporation, a Certificate of Good Standing from the secretary of state and a copy of the corporation's articles of incorporation and bylaws;

(F) If manufacturer does business under a fictitious name, a copy of the fictitious name registration filed with the secretary of state;



(G) If manufacturer has submitted the applicable information as set forth in subsections (2)(A)-(F) of this rule in a previous request for approval of manufacturing program, a statement that the information was previously submitted and remains unchanged.

(H) If the information in subsections (2)(A)-(F) above is not available, or not applicable, a statement as to the reason the information is not submitted. The manager, in consult with staff counsel, shall determine if the request for approval can be processed without the required information.

~~[(E)]~~ (I) A copy of the plans and specifications of the system for which the approval is sought.

1. Detailed drawings and the *[installation instructions]* **manufacturer's installation manual** of each type of anchor system and for each type of component for which approval is sought must accompany the submittal.

A. Each drawing shall show model identification, all dimensions, types of welds or fastening, types of material, methods of securing strap, methods of attachment, orientation after installation in soil, direction(s) of applied load(s), and location of model number on the system and each component.

B. Each drawing shall bear the seal of a registered professional engineer, registered in the state of Missouri.

2. Each anchor system model must be tested and certified by *[a recognized]* **an authorized** testing agency to be in conformance with the **following anchoring** standards *[promulgated by the commission]* and accepted engineering practice:

A. Pullout tests shall be performed on three (3) samples of each anchor system model and the failure load for all three (3) tests must equal or exceed four thousand seven hundred twenty-five (4,725) pounds. *[An authorized representative of the commission]* **The manager** must certify that three (3) pullout tests were performed on each anchor system model. The anchor shall be installed with the specified tie attached, in a soil type for which the anchor is designed and pulled at an angle between forty degrees (40°) and fifty degrees (50°). The anchor will be approved for all soil test probe values at or above the soil test probe value in which the anchor is tested. The device shall be set up as required by the *[installation instructions]* **manufacturer's installation manual**. The test report shall include a photograph or drawing **of the anchor demonstrating it is fully set up as required**. The load at failure and the type of failure shall be described. The anchoring system must be capable of meeting or exceeding the Zone 1 wind load requirements of the Federal Manufactured Home Construction and Safety Standards *[24 CFR]* **24 C.F.R. § 3280.306**.

B. Failure and ultimate load capacity tests shall be performed on three (3) samples of each component part and must also be witnessed by *[an authorized representative of the commission]* **the manager**.

C. Laboratory destruction tests shall be performed on each anchor system model and the failure load must equal or exceed four thousand seven hundred twenty-five (4,725) pounds. These tests are needed to establish the required strengths of the components and component connections of an anchor.

3. The result from each test will indicate:

- A. Point and mode of failure;
- B. Force required for failure;
- C. Description of test procedure;
- D. Test equipment used.

4. The report of the results of the test in specified soil or rock groups will also include:

- A. Method of installation;
- B. Date of installation;
- C. Date of test;
- D. Soil profile description and soil test probe values.

5. The anchor manufacturer shall furnish and ship with each anchoring system, information on the types of soil in which the anchor has been tested and certified for installation, instructions on the method of installation, and procedure for identifying soil types. A copy of the *[installation instructions]* **manufacturer's installation manual** must be *[filed with the director.]* **submitted to the manager. The manager shall maintain a copy of the most recent revision of the manufacturer's installation manual.**

6. The *[director]* **manager**, upon receipt of new or additional information relating to the performance of any anchoring system, or a similar anchoring system, may request from the manufacturer of that anchoring system, additional testing or supplemental information.

[7. Rock anchors shall be tested in specified rock. Rock anchors shall be field-tested in natural rock strata or in a rock sample. There must be twelve-inch (12") minimum radius of rock around the drilled hole. The natural rock strata or rock sample must be geologically described;]

[(F)] (J) The location in this state where the system for which the approval is sought may be inspected by the *[director]* **manager**; and

[(G)] **(K)** An affidavit of the applicant or the applicant's *[authorized representative]* **agent** if the applicant is a corporation, that the system for which the approval is sought will be manufactured in accordance with the plans and specifications submitted with the application and that as such it complies with the standards.

(3) Within *[eight (8)]* **fifteen (15)** working days after **the receipt** of a complete application for an approval *[has been received by the director, the director]* **the manager** shall inspect for compliance with the standards the manufactured home tie-down system for which the approval is sought. **An approval or a refusal to grant an approval shall be issued in writing. A notice of a refusal to grant an approval shall specify the reason for the refusal.** If through no fault of the applicant such inspection is not conducted within the prescribed time, the approval shall be issued if no basis for refusal is found on the face of the application.

[(4) An approval or a refusal to grant an approval shall be issued in writing by the director within ten (10) working days after s/he has received a complete application for an approval. A notice of a refusal to grant an approval shall specify the reason for the refusal.]

[(5)] **(4)** No person, without the *[director's]* **manager's** authorization, may copy or otherwise duplicate an approval unless the word "copy" appears in at least thirty-six (36)-point type down the left and right margins of such approval.

[(6)] **(5)** *[Every]* **Any** person who purchases a manufactured home tie-down system shall be furnished by the seller with a copy of the approval for the system purchased.

[(7)] **(6)** The *[commission]* **manager** shall issue an original approval for each place of business at which an applicant or his/her authorized agent sells, offers for sale or offers to install an approved manufactured home tie-down system.

*AUTHORITY: section 700.076, RSMo [2000]2016. * Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Emergency rule filed Dec. 7, 1976, effective Dec. 17, 1976, expired April 16, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001, effective Jan. 30, 2002.*

**Original authority: 700.076, RSMo 1976, amended 1978, 1982.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22,

2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TOO Hotline 1-800-829-7541.

Small Business Regulator Fairness Board

Small Business Impact Statement

Date: May 24, 2016

Rule Number: 4 CSR 240-124.040

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Person Preparing Statement: Natelle Dietrich

Phone Number: 573-751-7427

Email: natelle.dietrich@psc.mo.gov

Name of Person Approving Statement: Natelle Dietrich

Please describe the methods your agency considered or used to reduce the impact on small businesses (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

Simplification; the proposed amendment clearly identifies the program administrator, consistently identify the information required in filing, clarify the use of terms, and provides greater certainty in the Commission's consideration of alterations.

Please explain how your agency has involved small businesses in the development of the proposed rule.

The Commission held a workshop and received comments from affected stakeholders and representatives from the Missouri Manufactured Housing Association, including small businesses.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

None.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

N/A.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

None identified.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Installers.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes___ No_X__

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see §536.300, RSMo.