



Commissioners  
KELVIN L. SIMMONS  
Chair  
CONNIE MURRAY  
SHEILA LUMPE  
STEVE CAW  
BRYAN FORBIS

## Missouri Public Service Commission

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April 30, 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

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Proposed Rule lawfully submitted by the Missouri Public Service Commission for filing this 30th day of April 2003, and that a takings analysis and small business impact analysis have occurred.

Rule: 4 CSR 240-123.095	Inspection Fee
4 CSR 240-120.085	Inspection Fee
4 CSR 240-121.065	Inspection Fee

Statutory authority: 700.040 and 700.115, RSMo (2000)

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.  
Post Office Box 360  
Jefferson City, Missouri 65102  
(573) 751-7434

BY THE COMMISSION

  
Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

Enclosures:

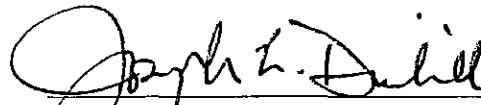
*Informed Consumers, Quality Utility Services, and a Dedicated Organization for Missourians in the 21st Century*

Proposed Rules 4 CSR 240-123.095 (Inspection Fee), 120.085 (Inspection Fee), and 121.065 (Inspections) (hard copy and electronic copy on diskette), and Rule Transmittal, Takings Analysis.

# AFFIDAVIT

STATE OF MISSOURI }  
COUNTY OF COLE }

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the attached fiscal note for the *Proposed Rule to 4 CSR 240-123.095 Inspection Fee* is a reasonably accurate estimate.



Joseph L. Driskill  
Director

Department of Economic Development

Subscribed and sworn to before me this 17<sup>th</sup> day of April, 2003. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on September 21, 2004.

  
NOTARY PUBLIC

JULIE A ATCHISON  
NOTARY PUBLIC STATE OF MISSOURI  
CALLAWAY COUNTY  
MY COMMISSION EXP. SEPT. 21, 2004

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

RECEIVED

MAY 01 2003

PROPOSED RULE

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**4 CSR 240-123.095 Inspection Fee**

*PURPOSE: The purpose of this rule is to outline the procedure and establish the fee to be charged by the Commission for the inspection of Modular Units as a result of inspection requests received pursuant to section 700.040 RSMo.*

- (1) The commission shall charge each manufacturer and each dealer as defined in Chapter 700 RSMo., an inspection fee for all complaints or requests for inspections received from modular unit owners.
- (2) The fee shall be paid equally by the manufacturer of the modular unit and the dealer who sold the unit to the consumer.
- (3) The owner must complete a consumer inspection form as provided by the Commission describing the owner's concerns.
- (4) The director shall schedule an inspection within thirty (30) days from the date the consumer inspection form is received.
- (5) The inspection will address all concerns listed in the inspection form. Any other deficiencies or defects identified during the inspection will also be forwarded to the manufacturer and/or dealer for corrective action.
- (6) The manufacturer and the dealer will be sent a copy of the inspection report within ten (10) working days from the date of the inspection.
- (7) Each manufacturer and each dealer must submit, along with the assessed fee, a written plan of action to be taken by each to correct any statutory, rule or code violations identified by the commission within thirty (30) working days from the date of the inspection. To avoid further action by the commission, corrections must be made by the manufacturer and/or dealer within fifty (50) working days from the date of the inspection.
- (8) If recommended by the director, the commission may waive the fee for either the dealer or the manufacturer or both, if it is found during an inspection that there is neither any material defect, nor material violation of Chapter 700, nor any material violation of the International Building Code or the International Residential Code.
- (9) The fee shall be implemented upon the date of the rule on all inspections conducted after the effective date of the rule.
- (10) The commission will send written notification to each licensed manufacturer and each licensed dealer giving the date the fee is to be implemented.
- (11) The fee shall be two hundred dollars (\$200) per inspection for both the manufacturer and the dealer, totaling four hundred dollars (\$400). The fee shall be submitted on a form provided by the commission. There shall be no re-inspection fee charged by the commission if the identified deficiencies have been corrected.
- (12) Re-inspections reflecting corrections have not been made or that material deficiencies still exist, as determined by the director, may result in an additional fee to be paid by the manufacturer or dealer responsible for making the corrections. Said re-inspection fee shall not exceed two hundred dollars (\$200) per inspection for the manufacturer and/or the dealer.

(13) The commission shall assess an inspection fee of four hundred dollars (\$400) for all third party requests for inspections. Third party requests for inspections must be submitted in writing to the commission and the inspection fee must accompany the request.

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

- (A) Failure to pay the inspection fee within ten (10) days of their prescribed due date.
- (B) Failure to pay the fee by the prescribed due date for two (2) consecutive months.
- (C) Failure to pay the fee by the prescribed due date for any four of the preceding twelve (12) months.

*AUTHORITY: section 700.040, RSMo Supp. 2000. Original rule filed \_\_\_\_\_, 2003, effective \_\_\_\_\_, 2003.*

*PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivision more than \$500.00 in the aggregate.*

*PRIVATE ENTITY COST: This proposed rule is estimated to cost private entities approximately \$5000 annually for the life of the rule.*

*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, P.O. Box 360, Jefferson City, Missouri 65102. To be considered, comments must be received within thirty (30) 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: 4 CSR 240-123.095 Inspection Fee

**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:	Classifications 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 136 active manufacturers and dealers.	Modular Unit Manufacturers and Dealers	\$5,000 in the first year and a similar amount in succeeding years.

**III. WORKSHEET**

1. Fiscal Year 2002 dollars were used to estimate costs. No adjustment for inflation has been applied.
2. 10 inspections @ \$400 per inspection = \$4,000. 5 re-inspections @ \$200 per re-inspection = \$1,000.

**IV. ASSUMPTIONS**

1. The Missouri Public Service Commission (MoPSC) will inspect modular units to assure compliance with this rule.
2. This estimate is made for this rule on a stand-alone basis.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
4. FY 2002 reflects approximately 10 inspections and 10 re-inspections were conducted on modular units. We anticipate with the implementation of this rule the number of re-inspection will decrease by 50% and will only apply to one party.

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

**PROPOSED RULE**

**4 CSR 240-123.095 Inspection Fee**

*PURPOSE: This rule outlines the procedure and establishes the fee to be charged by the commission for the inspection of modular units as a result of inspection requests received pursuant to section 700.040, RSMo.*

(1) The commission shall charge each manufacturer and each dealer as defined in Chapter 700, RSMo, an inspection fee for all complaints or requests for inspections received from modular unit owners.

(2) The fee shall be paid equally by the manufacturer of the modular unit and the dealer who sold the unit to the consumer.

(3) The owner must complete a consumer inspection form as provided by the commission describing the owner's concerns.

(4) The director shall schedule an inspection within thirty (30) days from the date the consumer inspection form is received.

(5) The inspection will address all concerns listed in the inspection form. Any other deficiencies or defects identified during the inspection will also be forwarded to the manufacturer and/or dealer for corrective action.

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(9) The fee shall be implemented upon the date of the rule on all inspections conducted after the effective date of the rule.

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(B) Failure to pay the fee by the prescribed due date for two (2) consecutive months; or

(C) Failure to pay the fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

*AUTHORITY: section 700.040, RSMo 2000. Original rule filed May 1, 2003.*

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

*PRIVATE COST: This proposed rule is estimated to cost private entities approximately five thousand dollars (\$5,000) annually for the life of the rule.*

*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 (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

FISCAL NOTE  
PRIVATE ENTITY COST

## I. RULE NUMBER

Title: 4Division: 240 Public Service CommissionChapter: 123 Modular UnitsType of Rulemaking: Proposed RuleRule Number and Name: 4 CSR 240-123.095 Inspection Fee

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