

John R. Ashcroft

**Secretary of State
Administrative Rules Division**

RULE TRANSMITTAL

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JUL 06 2017

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

COPY

Rule Number 4 CSR 240-121.030

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**

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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.

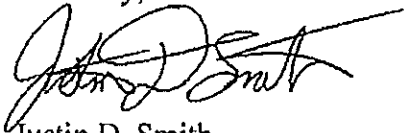
This office also has received your rulemaking for manufactured home installers: 4 CSR 240-125.010; 4 CSR 240-125.020; 4 CSR 240-125.040; 4 CSR 240-125.050; 4 CSR 240-125.060; 4 CSR 240-125.070; and 4 CSR 240-125.090.

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 long horizontal flourish extending to the right.

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 240-121.030 Seals

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.

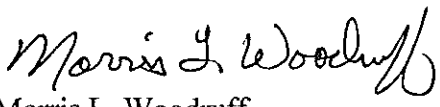
The Public Service Commission has determined and hereby also certifies that this proposed amendment complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary 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
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Statutory Authority: section 700.040, 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

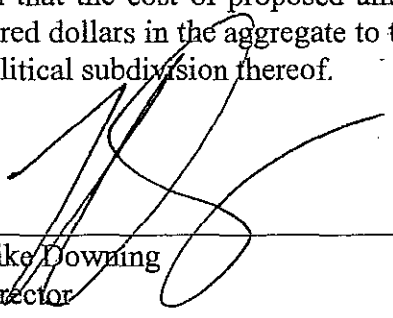

Morris L. Woodruff
Chief Regulatory Law Judge

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 240-121.030, 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 30th 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

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ADMINISTRATIVE RULES

Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes

PROPOSED AMENDMENT

COPY

4 CSR 240-121.030 Seals. The Commission proposes amendments to sections (2), (3), (4), (5), (8), (9), (10), and (11).

PURPOSE: This amendment clarifies terms used in this section.

(1) No pre-owned mobile home which entered the first stage of production after January 1, 1974 shall be rented, leased or sold or offered for rent, lease or sale in this state unless a seal or approved insignia is properly affixed to it.

(2) An application for a seal shall be submitted to the *[director]* **manager** and shall be executed by the person who owns the pre-owned mobile home to which the requested seal will be affixed. An application shall be executed on a form which shall be provided by the *[director]* **manager** upon delivery to him/her of a nonrefundable two dollar (\$2) fee. One (1) form may be used to apply for all seals required at a given time. To be complete, an application shall include:

(A) The name and address of the manufacturer of each pre-owned mobile home for which a seal is requested;

(B) The make, style and manufacturer's identifying number of each pre-owned mobile home for which a seal is requested;

(C) The date on which each pre-owned mobile home for which a seal is requested entered the first stage of production;

(D) With respect to each pre-owned mobile home for which a seal is requested, a list of all parts and components for which the code includes a criterion which have been added, removed, replaced or altered since the completion of production and which have not been approved in writing by the *[director]* **manager**.

(E) The name and address of the immediate previous owner of each pre-owned mobile home for which a seal is requested;

(F) The jurisdiction in which each pre-owned mobile home for which a seal is requested was immediately previously registered or titled and the registration or title number assigned by that jurisdiction;

(G) The title number, if any, presently assigned by this state to each pre-owned mobile home for which a seal is requested;

(H) 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 along with a copy of documents which verify that the officer who has executed the application has actual authority to have done so. These copies shall be retained by the commission so that as long as the original documents remain unchanged, an applicant who has once submitted the copies shall not be required to resubmit them with subsequent applications;

(I) An affidavit of the applicant or the applicant's *[authorized representative]* **agent** if the applicant is a corporation, certifying that each pre-owned mobile home for which a seal is

JOINT COMMITTEE ON

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ADMINISTRATIVE RULES

requested complies with the code which was in effect when it entered the first stage of production and that no parts or components for which the code includes a criterion will be added, removed, replaced or altered after the application has been submitted; and

(J) A fee of eight dollars (\$8) for each seal requested. This fee is refundable if a written request for refund is received by the *[director]* **manager** before the seal for which the fee was remitted has been issued.

(3) Within eight (8) working days after a complete application has been received by the *[director]* **manager**, the *[director]* **manager** shall inspect for code compliance each pre-owned mobile home for which a seal has been requested. 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.

(4) The *[director]* **manager** is authorized to refuse to issue a seal under the following circumstances:

(A) If the pre-owned mobile home to which the seal is to be affixed does not comply with the code which was in effect when it entered the first stage of production;

(B) If at the time of application the *[director]* **manager** has reason to believe that the applicant is failing to abide by this chapter or Chapter 700, RSMo as it relates to pre-owned mobile homes; and

(C) If the *[director]* **manager** has reason to believe that the seal will be placed on a unit which is not a pre-owned mobile home.

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

(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;

(B) By delivery by an authorized representative of the commission to the applicant's place of business. Upon delivery of seals by this method, the applicant shall provide a written acknowledgment of receipt to the commission's authorized representative; and

(C) 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 acknowledgment of receipt.

(7) A seal shall be affixed with a permanent weatherproof adhesive to the outside section housing directly adjacent to the primary door and located no less than ten inches (10") vertically from the lower edge of the door and not less than ten inches (10") vertically from the junction of the side wall and roof edge or molding.

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

(9) Any person to whom a seal has been issued or who owns a pre-owned mobile home to which a seal or approved insignia has been affixed may apply for the replacement of the 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 four dollars (\$4) shall be charged for a replacement seal.

(10) Seals and approved insignia may be removed by the *[director]* **manager** from any pre-owned mobile home which is found to be in violation of the code which was in effect when it entered the first stage of production.

(11) If the *[director]* **manager** removes a seal or approved insignia from a pre-owned mobile home, s/he shall provide written notice of that action to the owner of the home. This 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.

(12) When a seal or approved insignia is removed by the *[director]* **manager**, s/he shall place a prohibited sale notice in the location specified in section (7) for the seal. The prohibited sale notice shall state that the rental, lease or sale or the offering for rent, lease or sale of the pre-owned mobile home to which the notice is attached is prohibited under section 700.015, RSMo. The prohibited sale notice shall also state that further information may be obtained from the *[director]* **manager**, 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 *[(Cum. Supp. 1989)]***2016**. * Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977.

*Original authority 1973, amended 1976, 1978, 1982, 1984, 1989.

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.

Missouri Public Service Commission
Application for Seals Certifying Compliance
With Recreational Vehicle Standards and Modular Home Standards

To: *[Director]* **Manager**
Manufactured Housing
Missouri Public Service Commission
Post Office Box 360
Jefferson City, MO 65102

Date:

Applicant:

Street:

City: State:
(Zip Code)
Phone:

Applicant is a Manufacturer of Recreational Vehicles

Applicant is a Manufacturer of Modular Homes
(Check One)

Applicant hereby applies for the issuance of (number) recreational vehicle
seals or park trailer seals or modular seals as
required by the provisions of section 700.015, RSMo (1986). The fee of such seals is \$20.00
each. A check or
money order payable to the Director of Revenue in the amount of \$..... is enclosed.

I, the undersigned, under penalty for false statement, do hereby certify that I am an owner or
officer of applicant and the above information is true and correct and I hereby certify the seals
herein applied for will be affixed only to recreational vehicles which comply fully with the
standards code of the American National Standards Institute, identified as ANSI A119.2 (1990),
for recreational vehicles. As a modulars which comply with the 1988 UBC or 1987 BOCA
Codes and CABO Model Energy Code so designated by the state.

.....
(Signature)

.....
(Title)

Small Business Regulator Fairness Board

Small Business Impact Statement

Date: May 24, 2016

Rule Number: 4 CSR 240-121.030

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).*

Consistency; proposing amended language to apply consistently apply across all applicable Chapters.

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.

Registered manufactured housing dealers.

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.