

**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 240-127.010

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, 9<sup>th</sup> 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**

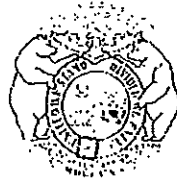
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**JOINT COMMITTEE ON**

**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 240-127.010 Definitions

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.

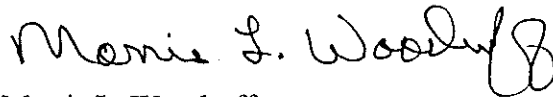
The Public Service Commission has determined and hereby also certifies that this proposed amendment complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary 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 700.692, 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

A handwritten signature in black ink, reading "Morris L. Woodruff" followed by a stylized flourish.

Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosures

**AFFIDAVIT  
PUBLIC COST**

STATE OF MISSOURI )  
                                  )  
COUNTY OF COLE     )

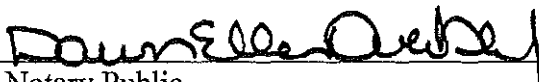
I, Mike Downing, Director of the Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed amendment to rule, 4 CSR 240-127.010, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Mike Downing  
Director  
Department of Economic Development

Subscribed and sworn to before me this 3<sup>rd</sup> 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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SECRETARY OF STATE  
ADMINISTRATIVE RULES

**Title 4--DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240--Public Service  
Commission**

**Chapter 127--Manufactured Homes and Modular Units**

**Proposed Rule**

JOINT COMMITTEE ON

JUL 06 2017

ADMINISTRATIVE RULES

**4 CSR 240-127.010 Definitions.**

*PURPOSE: The purpose of this rule is to combine all definitions in Chapters 120 through 126.*

The following definitions shall apply to Chapter 120, Chapter 121, Chapter 123, Chapter 124, Chapter 125 and Chapter 126:

- (1) Advisory committee is the committee created to assist the commission with the evaluation of all claims filed by consumers;
- (2) Agent means a person who has received the power to act on behalf of another or entity;
- (3) Anchor means any device designed to transfer wind loads imposed on a manufactured home to the ground;
- (4) Anchoring equipment means straps, seals, cables, and tensioning devices, which are used to secure a manufactured home to anchors;
- (5) Anchoring standards means the manufactured home tie-down systems standards adopted by the commission under section 700.076, RSMo 2000;
- (6) Anchoring system means a combination of ties, anchoring equipment, and anchors that will, when properly designed and installed, resist overturning and lateral movement of the manufactured home from wind forces;
- (7) Approved insignia means a label or tag issued by authority of 42 U.S.C. 5414 under the Federal Manufactured Home Procedural and Enforcement Regulations or an insignia issued by a state with which this state has entered into a reciprocity agreement under section 700.030, RSMo;
- (8) Authorized representative means any person, firm or corporation, or employee thereof, approved or hired by the commission to perform inspection services;
- (9) Authorized testing agency means a Commission approved testing agency who certified the tie-down system test;
- (10) Certification label or label means the approved form of certification that, under 24 C.F.R. § 3282.362(c)(2)(i), is permanently affixed to each transportable section of each manufactured home manufactured for sale in the United States;



(11) Certified new manufactured home means a new manufactured home to which a certification label has been affixed;

(12) Claim form is the form developed and provided by the commission and which is used for reimbursement from the Manufactured Housing Recovery Fund;

(13) Classified soil means soil that has been evaluated through the use of a standard soil torque probe or other approved method to determine anchor-holding capacity;

(14) Code means the standards relating to manufactured homes, or modular units as adopted by the commission. The commission, in its discretion, may incorporate, in whole or in part, the standards or codes promulgated by the International Code Council, in its entirety, the standards or codes promulgated by the American Standards Institute, the federal standards set forth in 24 C.F.R. § 3280 of the Manufactured Home Construction and Safety Standards, and 24 C.F.R. § 3282 of the Manufactured Home Procedural and Enforcement Regulations, and 24 C.F.R. § 3285 of the Federal Manufactured Housing Installation Standards and any applicable standards promulgated by the United States Department of Housing and Urban Development or other recognized agencies or organizations;

(15) Commission is the Missouri Public Service Commission;

(16) Consumer is any individual who has purchased from a Missouri registered manufacturer or dealer any "home" as that term is defined in this rule;

(17) Continuing education means that installers will be required to attend certification classes every three (3) years or as otherwise required by the commission;

(18) Dealer is any person, other than a manufacturer, who sells or offers for sale four (4) or more used manufactured homes or one (1) or more new manufactured homes or modular units in any consecutive twelve (12)-month period or as otherwise defined in section 700.010, RSMo;

(19) Detailed plan means a detailed set of plans and specifications of each modular unit and manufacturer supplied component produced by a manufacturer;

(20) Educational program means a manufactured housing installation training program approved by the manager;

(21) Educational provider is any person or legal entity authorized by the commission to provide manufactured housing installation training, instruction, and certification pursuant to a training program approved by the commission;

(22) HUD means the United States Department of Housing and Urban Development;

(23) HUD regulations means the rules promulgated by the secretary of HUD under Section 625 of 42 U.S.C. 5424;



(24) Installation is any work undertaken at the place of occupancy of a manufactured home to ensure the proper initial setup of the home, which shall include the joining of all sections of the home, installation of stabilization, support, and leveling systems, assembly of multiple or expanded units, and installation of applicable utility hookups and anchoring systems that render the home fit for habitation;

(25) Installation decals are decals issued by the Manufactured Housing and Modular Units Program to be attached to each new manufactured home installed or set up by a licensed installer;

(26) Installed means the arrangement and assembly at the occupancy site of all portions of an anchoring system, in accordance with the manufacturer's design, that renders the anchoring system fit for its intended use;

(27) Installer is an individual who is licensed by the Manufactured Housing and Modular Units Program to install manufactured homes, pursuant to sections 700.650 to 700.680, RSMo;

(28) Installer license is a manufactured housing installer license or license renewal issued by the Manufactured Housing and Modular Units Program, issued for a one (1) year period;

(29) License renewal is the renewal of manufactured housing installer licenses due annually by July 1;

(30) Limited use installer license is a manufactured housing limited use installer license issued by the commission which is valid for a period of one hundred eighty (180) days and is limited to one (1) renewal;

(31) Manager means the manager of the Manufactured Housing and Modular Units Program of the Public Service Commission and persons working under his or her supervision;

(32) Manufactured home as defined by section 700.010, RSMo means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code. The term includes units which are in two (2) or more separately towable components designed to be joined into one (1) integral unit capable of being again separated into the components and also includes two (2) manufactured home units joined into a single residential or business unit which are kept on a separate chassis for repeated towing. Manufactured home shall not include a recreational vehicle;

(33) Manufactured Housing and Modular Units Program means the unit within the commission authorized to carry out certain duties of the commission as they relate to manufactured homes and modular units;

(34) Manufactured Housing Consumer Recovery Fund or Recovery Fund means the fund established for the purpose of paying unsatisfied claims as approved by the commission under the procedures established by this chapter, administered by the commission and used solely as prescribed in this chapter and pursuant to section 700.041, RSMo;

(35) Manufacturer is any person or entity who manufactures manufactured homes, or modular units, including persons who engage in importing manufactured homes, or modular units for resale;

(36) Manufacturer's installation manual shall be the installation manual and any changes or addendums as provided by the home manufacturer for the installation of manufactured home, modular unit, tie-down system or any component part, including but not limited to the supporting, fastening, bolting of the floors, roof section(s), end walls, fastening down to foundation, electrical connections, water crossovers and any other such operation that will be needed to properly set up a manufactured home or modular unit;

(37) Manufacturing program is an organization capable of manufacturing modular units which is comprised of at least a quality control manual and detailed plans for each type of modular unit to be manufactured under a program approved in writing by the manager as conforming to the requirements of this chapter, the code and Chapter 700, RSMo 2000 as it relates to modular units;

(38) Modular unit means a factory fabricated transportable building section designed to be used by itself or to be incorporated with other sections at a building site into single modular structures to be used for residential, commercial, educational or industrial purposes. For purposes of this chapter, modular unit only means a unit(s) making up a completed modular structure. Separate modular sections are not modular units until assembled into a single modular unit. A manufactured modular unit may be moved as more than one (1) unit, but shall not consist of panels, nor individual pieces to be assembled on the permanent foundation or be more than those necessary pieces needed to complete final setup. This definition shall not apply to structures under six hundred fifty square feet used temporarily and exclusively for construction site office purposes;

(39) Notice of completion is a notice issued by the manager to a manufacturer, installer, or dealer, or each responsible entity, that the inspectors have completed setup inspections. A notice of completion shall not preclude inspections conducted pursuant to a consumer complaint;

(40) Person is an individual, partnership, corporation, or other legal entity;

(41) Pre-owned manufactured home means a manufactured home that has been sold at retail or rented, leased or occupied either as a dwelling or a place of business;

(42) Primary installer means is an installer who is responsible for the initial installation of the home to include ensuring the home site is properly prepared, ensuring the foundation and/or piers meet the applicable standards before setting the home on the site, and placing the installation decal and sign-off portion of the decal on the home;

(43) Purchase agreement or bill of sale means a writing reflecting the terms of transfer of property between a dealer and the purchaser;

(44) Registration means the application submitted to the Manufactured Housing and Modular Units Program and payment of the registration and renewal fee as established in Section 700.095 RSMo;

(45) State administrative agency means an agency of a state which has been approved or conditionally approved to carry out a state plan for enforcement of the federal standards under Section 623 of the Act (42 U.S.C. 5422);

(46) State plan means the procedure by which a state administrative agency proposes to cooperate with the secretary of HUD in the administration and enforcement of the federal standards;

(47) State plan application means the application of a state agency to be approved by the secretary of HUD as a state administrative agency;

(48) Tie means straps, cable, or securing devices used to connect the manufactured home to the anchor;

(49) Unclassified soil means soils that have not been evaluated to determine anchor-holding capacity; and

(50) Unsatisfied claim is any claim for the actual cost of damages or repairs arising from a violation of Chapter 700, RSMo, the commission's rules, or the standards in 24 C.F.R. §§ 3280 and 3282, and which a consumer has not been able to recover.

*AUTHORITY: section 700.692, RSMo [Supp. 2013]2016.\* Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed Aug. 15, 2013, effective March 30, 2014.*

*\*Original authority: 700.692, RSMo 2004.*

*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 240-127.010

**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*).

Consolidation: this proposed amendment consolidates definitions applied in Chapters 120, 121, 123, 124, 125 and 126.

**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.**

N/A

**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.*