

Robin Carnahan

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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AUG 15 2013

SECRETARY OF STATE
ADMINISTRATIVE RULES

COPY

Rule Number 4 CSR 240-120.085

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

FILED
August 15, 2013
Data Center
Missouri Public
Service Commission

Name of person to call with questions about this rule:

Content Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address morris.woodruff@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

☐ 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

AUG 15 2013

ADMINISTRATIVE RULES



Commissioners

ROBERT S. KENNEY
Chairman

TERRY M. JARRETT

STEPHEN M. STOLL

WILLIAM P. KENNEY

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>

JOSHUA HARDEN
General Counsel

MORRIS WOODRUFF
Secretary

WESS A. HENDERSON
Director of Administration
and Regulatory Policy

CHERLYN D. VOSS
Director of Regulatory Review

KEVIN A. THOMPSON
Chief Staff Counsel

August 15, 2013

Jason Kander
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-120.085 Re-Inspection Fee

Dear Secretary Kander,

CERTIFICATION OF ADMINISTRATIVE RULE

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

The Public Service Commission has determined and hereby certifies that this proposed rulemaking 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 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law, and that the proposed rulemaking conforms to the requirements of 1.310, RSMo Supp. 2012, regarding user fees.

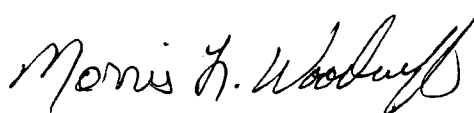
The Public Service Commission has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of 1.310, RSMo Supp. 2012, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo Supp. 2012, 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.

Statutory Authority: sections 700.040, RSMo 2000

Woodruff
August 15, 2013
Certification of Administrative Rule

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

Morris L. Woodruff, Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-2849
morris.woodruff@psc.mo.gov

A handwritten signature in black ink, appearing to read "Morris L. Woodruff", with a stylized, flowing script.

Morris L. Woodruff
Chief Regulatory Law Judge

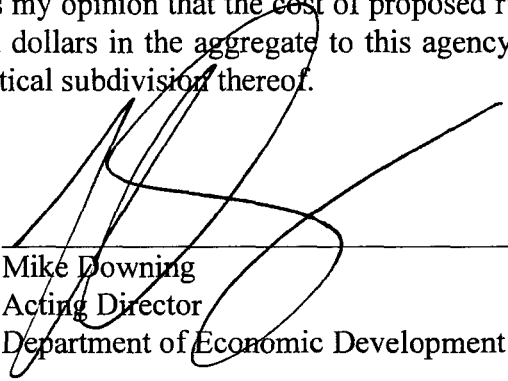
Enclosures

AFFIDAVIT

PUBLIC COST

STATE OF MISSOURI)
)
COUNTY OF COLE)

I, Mike Downing, Acting 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 rule, 4 CSR 240-120.085, 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
Acting Director
Department of Economic Development

Subscribed and sworn to before me this 31 day of July, 2013, I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on 17 July 2015.



Notary Public

ANNETTE KEHNER
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: July 17, 2015
Commission Number: 11492656

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**Title 4 - Department of Economic
Development
Division 240-Public Service Commission
Chapter 120-New Manufactured Homes**

AUG 15 2013

SECRETARY OF STATE
ADMINISTRATIVE RULES

Proposed Amendment

4 CSR 240-120.085 Re-Inspection Fee. The Commission is amending sections (1), (2), (3), (4), (5), (6), (8), (9), (10), and (11).

PURPOSE: This amendment adds installer requirements and clarifies provisions related to re-inspections and third party inspection.

(1) The commission may conduct as needed re-inspections of new manufactured homes to verify corrections have been made as identified during the original inspection, where required corrections have not been completed by the dealer, **installer** or manufacturer within sixty (60) days of receipt of the original written complaint from the consumer as filed with the commission.

(2) The commission may *[charge]* **assess** the dealer, **installer** or the manufacturer, or *[both]* **each entity**, a fee for the re-inspection. The fee is charged to the dealer, **installer** or the manufacturer who was responsible for making the corrections *[, or both where both were responsible, when items are not completed]* **and completing the corrections** in a timely manner as required in section (1).

(3) *[If recommended by the director, t]* The commission *[may waive the]* **will not assess a re-inspection fee** *[for either]* to the dealer, **installer** or the manufacturer *[, or both,]* if it is found during the re-inspection that there is neither any material defect, nor material violation of Chapter 700, nor any material violation of Part 3280 of the *Manufactured Home Construction and Safety Standards Code*.

(4) The re-inspection shall address all violations listed in the original consumer inspection report. A copy of the report shall be forwarded to the manufacturer, **installer** or dealer, *[or both]* **or each responsible entity**, for corrective action as well as an invoice for the re-inspection fee. A copy shall also be forwarded to the consumer, if applicable.

(5) The manufacturer, **installer**, and *[the]*dealer shall be sent a copy of the re-inspection report within ten (10) days from the date of the re-inspection.

(6) The assessed fee shall be paid to the commission within twenty (20) working days from the date the re-inspection is completed. Each manufacturer, **installer** and *[each]* dealer shall submit, along with the fee, a written plan of action to be taken by each to correct any statutory, rule or code violations identified and corrections shall be completed within thirty (30) days of the re-inspection.

(8) The commission shall send written notification to each licensed manufacturer, **installer** and *[each licensed]* dealer giving the effective date of the rule.

JOINT COMMITTEE ON
AUG 15 2013
ADMINISTRATIVE RULES

(9) The fee shall be two hundred dollars (\$200) per [inspection to be paid by the manufacturer responsible for making the corrections as identified in the original inspection report, if the defect(s) or violation(s) as outlined in section (3) have not been corrected. The fee shall be two hundred dollars (\$200) per inspection to be paid by the dealer responsible for making the corrections as identified in the original inspection report, if the defect(s) or violation(s) as outlined in section (3) have not been corrected. The total fee shall not exceed four hundred dollars (\$400) per inspection and shall only be paid by the manufacturer or dealer, or both, who has failed to make the applicable corrections in a timely manner.] **re-inspection as outlined in Section 1 to be paid by the manufacturer, dealer or installer responsible for making the correction as identified in the original inspection report.** The fee shall be submitted with a form provided by the commission. The commission shall make the determination of who shall be assessed the fee.

(10) The commission shall assess an inspection fee of four hundred dollars (\$400) for all third party requests for inspections[.] **except third party inspection requests for the purpose of serial number verification will be charged two hundred dollars (\$200).** Third party requests for inspections must be submitted in writing to the commission and the inspection fee must accompany the request. Third parties do not include licensed manufacturers or dealers.

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

(A) Failure to pay the inspection fees within twenty (20) days of their prescribed due date;

(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 June 16, 2004, effective Jan. 30, 2005. Amended: Filed , 2013.*

**Original authority: 700.040, RSMo 1973, amended 1976, 1978. 1982, 1984, 1989, 1993, 1995, 1999.*

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 TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before October 16, 2013, and should include a reference to

Commission Case No. MX-2013-0432. 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 regarding this proposed rule is scheduled for October 25, 2013 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305 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 (voice) or Relay Missouri at 711.

Small Business Regulator Fairness Board

Small Business Impact Statement

Date: January 7, 2013

Rule Number: 4 CSR 240-120.085

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Person Preparing Statement: Tim Haden

Phone Number: 573-751-7119

Email: tim.haden@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).*

4 CSR 240-120.085 – Installers were added to the re-inspection fee process already in effect.

4 CSR 240-120.085 (10) – Third party inspection fee for the purpose of serial number verification is reduced from \$400 to \$200. The \$200 inspection is adequate to cover Commission costs and provide the service.

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

N/A

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.

Licensed Installers.

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

N/A

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

Licensed 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.