

Robin Carnahan
Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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AUG 15 2013

SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-123.095

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

FILED
August 15, 2013
Data Center
Missouri Public
Service Commission

COPY

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 240-123.095 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.

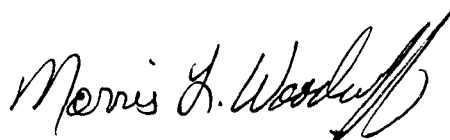
The Public Service Commission has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of 1.310, RSMo Supp. 2012, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it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

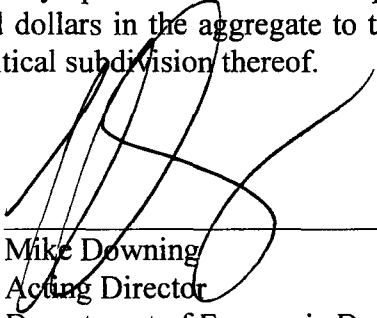
Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

**AFFIDAVIT
PUBLIC COST**

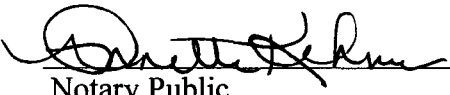
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 240-123.095, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

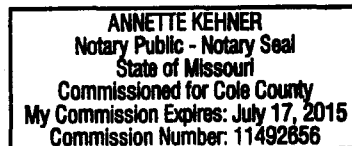


Mike Downing
Acting Director
Department of Economic Development

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



Title 4 - Department of Economic
Development
Division 240-Public Service Commission
Chapter-123 Modular Units

Proposed Amendment

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SECRETARY OF STATE
ADMINISTRATIVE RULES

4 CSR 240-123.095 Re-Inspection Fee. The Commission is amending sections (2), (3), and (9).

PURPOSE: This amendment clarifies provisions related to re-inspections fees.

(2) The commission may *[charge]* **assess** the dealer or the manufacturer, or both, a fee for the re-inspection. The fee is charged to the dealer or the manufacturer who was responsible for making the corrections, or both where both were responsible, when items are not completed 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 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 the *International Building Code* or the *International Residential Code* as adopted by the commission.

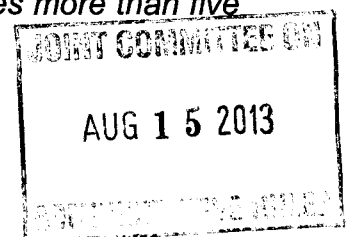
(9) The fee shall be two hundred dollars (\$200) *[per inspection to be paid by the manufacturer responsible for making the corrections as identified in the original inspection report, if the defect(s) or violation(s) as outlined in section (3) have not been corrected. The fee shall be two hundred dollars (\$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.]* **per 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.

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 240-123.095

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 240-123.095 – This rule remains the same only corrections have been made.

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

The Commission held workshops and solicited informal comments from affected entities, 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.

Modular Unit dealers.

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.

Modular Unit 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.