

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 240-123.065

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 240-123.065 Modular Unit Dealer/Selling Agent Setup Responsibilities

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.

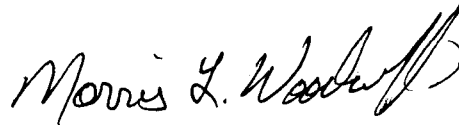
The Public Service Commission has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of 1.310, RSMo Supp. 2012, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it 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, reading "Morris L. Woodruff". The signature is stylized with a large, sweeping "M" and a long, horizontal stroke at the end.

Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

**AFFIDAVIT
PUBLIC COST**

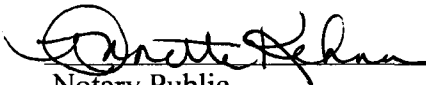
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 240-123.065, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

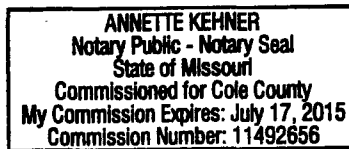


Mike Downing
Acting Director
Department of Economic Development

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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AUG 15 2013

SECRETARY OF STATE
ADMINISTRATIVE RULES

COPY

4 CSR 240-123.065 Modular Unit Dealer/Selling Agent Setup Responsibilities. The Commission is adding a new section (5), and renumbering sections (5) and (6).

PURPOSE: This amendment clarifies the time allowed for initial inspections to occur after a delivery of a manufactured home and adds the requirement of notification to the Commission of the property locator.

(5) For dealers selling residential one and two family modular units built pursuant to the International Residential Code (IRC) to consumers: Effective the first day of the month following the effective date of this amendment, the director will have a period of one (1) year from the date the dealer reports to the commission the delivery of the home to the consumer within which to conduct the initial inspection of the home setup. If the delivery is not reported by the dealer to the commission, the one (1) year will run from the date the commission becomes aware of the delivery.

(A) After the one year period has passed and within two (2) years of the delivery date of the home to the consumer, the director may conduct an initial inspection of the home for setup and code violations upon the receipt of a formal written complaint by the consumer.

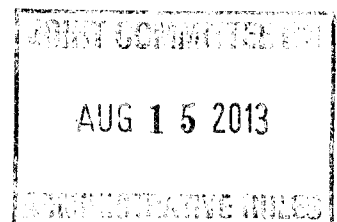
(B) Dealers shall submit to the commission a property locator indicating the destination of the residential modular unit(s) within forty eight (48) hours of the date the unit leaves the dealer's location or the manufacturer's location if the unit is shipped direct to the consumer. For multi-section residential modular units the forty eight (48) hours begins when the first section leaves the dealer's or manufacturer's location. The property locator form will be provided by the commission.

(C) The commission may assess a fifty dollar (\$50) per home inspection fee to dealers who fail to submit the property locator by the due date.

(/5/6) The dealer shall legibly print the date of sale on the bill of sale that it provides to the purchaser pursuant to section 700.056, RSMo, and shall maintain a copy of the bill of sale in its files at the location where it sold the modular unit to the purchaser, if possible; otherwise at its principal office.

(/6/7) Every dealer of a modular unit shall provide to the purchaser at the time of sale a purchase agreement/bill of sale containing at least the following:

- (A) The purchaser name and address;**
- (B) Make of the unit;**



- (C) Serial number;
- (D) Date of sale;
- (E) Model and size;
- (F) The total price of the unit and its contents;
- (G) A list of all furniture and appliances in the unit;
- (H) Any other items which will be the responsibility of the purchaser such as transportation, handling, or installation/setup; and
- (I) If the unit is new or used and if the unit has incurred any damages.

AUTHORITY: section 700.040, RSMo 2000. Original rule filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Oct. 15, 2007, effective April 30, 2008. 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 240-123.065

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 240-123.065(5) – Dealers will submit property locator information to the Commission in a more timely manner which will improve regulatory oversight and will reduce the time limits in which an inspection may be performed for the purpose of initiating dealer discipline actions.

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.

Registered modular 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.

Registered modular 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.