

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

PROPOSED AMENDMENT

4 CSR 240-120.011 Definitions. The commission is amending section (1), deleting subsections (1)(C)–(E) and (G)–(L), and re-lettering as necessary.

PURPOSE: *This amendment removes several definitions and identifies the new 4 CSR 240-127 where the existing definitions have been placed.*

PUBLISHER'S NOTE: *The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or*

expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The following definitions, as well as those set out in section 700.010, RSMo [2000], and 4 CSR 240-127 shall apply to this chapter:

(B) Alteration means the replacement, addition, modification, or removal after a certification label has been affixed of any components for which the [code] **commission rules** includes a criterion; **and**

[(C) *Certification label or label means the approved form of certification that, under 24 CFR section 3282.362(c)(2)(i), is permanently affixed to each transportable section of each manufactured home manufactured for sale in the United States;*

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

(E) *Director means the director of the Manufactured Housing and Modular Units Program of the Public Service Commission and those working under his/her supervision;*

[(F)](C) Federal standards means the federal manufactured home construction and safety standards promulgated under [Section 604 of the Act (42 U.S.C. 5403)];.

[(G) *HUD means the United States Department of Housing and Urban Development;*

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

(I) *New home means a manufactured home which has not been sold at retail or rented, leased or occupied as a dwelling or a place of business;*

(J) *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);*

(K) *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; and*

(L) *State plan application means the application of a state agency to be approved by the secretary of HUD as a state administrative agency.]*

AUTHORITY: section 700.040, RSMo [2000] 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. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

PROPOSED AMENDMENT

4 CSR 240-120.031 Administration and Enforcement. The commission is deleting section (1) and adding new sections (1) and (2).

PURPOSE: This amendment modifies the duties and responsibilities of the manager of the Missouri Public Service Commission's Manufactured Housing and Modular Units Program.

[(1) The commission's powers and responsibilities under Chapter 700, RSMo with respect to new manufactured homes, except the power to revoke, deny, refuse to renew or place on probation a registration under section 700.090, RSMo, are delegated to the director.]

(1) The following commission powers and responsibilities under Chapter 700, RSMo are delegated to the manager:

- (A) The issuance of notices of annual registration;**
- (B) The processing of annual registrations;**
- (C) The development and implementation of inspection processes;**
- (D) The issuance of seals;**
- (E) Daily monitoring and administration of reasonable fees which are sufficient to cover all costs incurred in the administration of Chapter 700, RSMo; and**
- (F) Consumer complaint handling and remedial actions up to and including the dispute resolution process of section 700.689, RSMo.**

(2) The following commission powers and responsibilities under Chapter 700, RSMo are not delegated to the manager:

- (A) Establishing, changing, or eliminating the amount of fees for seals or inspections, or both;**
- (B) Denying, refusing to renew, suspending, revoking, or placing on probation a registration for any reason under provisions of this rule; and**
- (C) Other duties as outlined under Chapter 700, RSMo or these rules not specifically delegated.**

AUTHORITY: section 700.040, RSMo [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. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

PROPOSED AMENDMENT

4 CSR 240-120.060 Inspections. The commission is amending the purpose, section (1), and adding new section (2).

PURPOSE: This amendment modifies the procedures related to inspection by the manager of the Missouri Public Service Commission's Manufactured Housing and Modular Units Program.

PURPOSE: This rule sets forth the extent to which the books, records, inventory, and premises of manufacturers and dealers of new manufactured homes are subject to inspections by the [director] manager.

(1) The books, records, inventory, and premises of manufacturers and dealers of new manufactured homes, from time-to-time during normal business hours, shall be subject to an inspection by the [director] manager to ascertain if a manufacturer or dealer is complying with Chapter 700, RSMo as it relates to new manufactured homes, this chapter, the federal standards and the Housing and Urban Development regulations and also to ascertain if grounds exist under section 700.100, RSMo to file a complaint with the commission to reject an application for registration filed under section 700.090, RSMo or to refuse to renew [or to suspend], suspend, revoke, or place on probation a registration which has been made under section 700.090, RSMo.

(2) A dealer shall maintain a copy of the bill of sale in its files at the location where it sold the home to the purchaser, if possible, otherwise at its principal office for no less than five (5) years.

AUTHORITY: section 700.040, RSMo [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. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *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 TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.065 Manufactured Home Dealer Setup Responsibilities. The commission is amending and renumbering sections (1)–(5).

PURPOSE: *This amendment modifies the requirements related to proper initial setup of new manufactured homes by dealers, modifies the property locator reporting deadlines, provides additional detail regarding the notification of inspections, and provides a waiver of applicable fees for good cause shown.*

(1) Manufactured Home Dealer Setup.

[(1)](A) A dealer who sells a new manufactured home shall arrange for the proper initial setup of the manufactured home unless the dealer obtains from the purchaser or the purchaser's authorized agent a written waiver of that service as described in section 700.100.3(6), RSMo.

[(2)](B) As used in this rule, "proper initial setup" means installation and setup of the home in accordance with the installation manual provided by the manufacturer of the home and in complete compliance with *[the code]* 24 CFR section 3285 and with all of the provisions regarding setup in sections 700.010 to 700.115, RSMo.

(C) If a dealer fails to arrange for the proper initial setup of a manufactured home, the commission may discipline the dealer's registration by suspending, revoking, or placing the registration on probation, pursuant to the provisions of section 700.100, RSMo, if the manager provides evidence to the commission, incident to an inspection, of setup deficiencies and initiates action to discipline the registration within two (2) years after the delivery date of a new manufactured home.

(D) The manager shall assess a two hundred dollar (\$200) inspection fee to dealers that fail to hire commission licensed

installers to set up a home and shall open an investigation of installations of manufactured homes sold by the dealer to ensure compliance with commission rules.

[(3) If a dealer fails to arrange for the proper initial setup of a manufactured home, the commission may discipline the dealer's registration by suspending it, revoking it, or placing it on probation, pursuant to the provisions of section 700.100, RSMo.]

[(4) The commission shall not so discipline the dealer's registration unless the director of the commission's manufactured housing and modular units program finds, incident to an inspection, setup deficiencies and initiates action to discipline the registration within five (5) years after the date of sale, subject to the following, effective the first day of the month after the effective date of this amendment:]

(2) Manufactured Home Inspections.

(A) A dealer who sells a new manufactured home shall submit to the manufactured housing and modular units program a property locator indicating the destination of the home within five (5) business days of the date the home leaves the dealer's location or the manufacturer's location if the home is shipped directly to the consumer. For multi-section homes the five (5) business days begins when the first section leaves the dealer's or manufacturer's location. The dealer shall use the property locator form provided by the commission.

1. The manager shall assess a fifty dollar (\$50) per home inspection fee to dealers who fail to submit the property locator within five (5) business days from the due date.

2. The manager may commence an action to discipline a dealer's registration for failure to timely report property locators or make payment upon property locator home inspection fees if the commission has assessed no fewer than two (2) property locator home inspection fees against the dealer within the previous twelve (12) months of the due date of the property locator at issue.

[(A)](B) The *[director]* manager will have a period of no more than one (1) year from the *[date the home is installed]* delivery date of the home to the consumer to conduct the initial inspection of the home setup[;].

[(B)](C) *[After the one (1) year period has passed and w/]*Within two (2) years of the delivery date of the home to the consumer, the *[director]* manager may conduct an inspection of the home for *[setup and]* code violations upon the receipt of a formal written complaint by the consumer[;].

[(C)] Dealers shall submit to the commission a property locator indicating the destination of the home within forty-eight (48) hours of the date the home leaves the dealer's location or the manufacturer's location if the home is shipped directly to the consumer. For multi-section homes the forty-eight (48) hours begins when the first section leaves the dealer's or manufacturer's location. The dealer shall use the property locator form provided by the commission;

(D) 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.

(E) The commission shall assess a two hundred dollar (\$200) inspection fee to dealers who hire unlicensed installers to set up a home.]

(D) A copy of an inspection report from a routine inspection of the setup of a manufactured home, which does not arise from a consumer complaint, shall be transmitted to the manufacturer, installer, or dealer, or each responsible entity, within ten (10) days from the date of the inspection. Should an inspection occur as a result of a consumer complaint, copies of the inspection

report will be provided to the complainant, and shall be transmitted to the manufacturer, installer, or dealer, or each responsible entity, within ten (10) days from the date of the inspection.

(E) Should an initial inspection identify no code violations, or any re-inspection verify corrections have been made to address code violations identified on an initial inspection report, the manager shall issue a notice of completion indicating no outstanding issues remain to be addressed. Such notice shall be issued to each responsible entity. A complainant shall also be issued a notice of completion should an initial inspection occur subsequent to a consumer complaint. Such notice shall be issued within twenty (20) days from the date of the final inspection or re-inspection. This notice is intended to notify parties when the manager has completed an inspection process, and will not serve to indemnify any responsible party from any future liability.

(F) The manager shall submit to the commission any written request for a waiver of fees identified in this subsection, and the commission may grant such a waiver for good cause shown.

[(5)](3) 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 home to the purchaser, if possible; otherwise at its principal office.]

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

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 cost private entities twenty-three thousand four hundred dollars (\$23,400) 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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Economic Development**
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 120 – New Manufactured Homes

Rule Number and Title:	4 CSR 240-120.065 Inspections
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
156 (annually)	Regulated dealers of new manufactured homes	\$23,400.00 (over a 3-year life of the rule)

III. WORKSHEET

Under the existing rule, the Manager may seek to enforce a fee for failure to report a property locator within forty-eight (48) hours of a manufactured home leaving a dealer or manufacturers' location in route to a consumer. Looking back on three recent months, the Manager estimates that had the commission exercised its authority to assess a penalty for failure to report a property locator against those regulated parties who failed to report or reported beyond the deadline for the months of December 2015, January 2016, and February 2016, regulated parties are exposed to \$2,650 of liability. Multiplied over a year, the rule in its current form creates nearly \$10,600 of liabilities for regulated parties; projected over three years, is nearly \$32,000 in fees.

The Program in the past has not assessed the fee. However, non-assessment of fees has resulted in non-compliance with the rule. To strike a balance, the manager has proposed changes to the rule that expand the compliance dates by three (3) business days, extends the penalty dates by eight (8) business days.

The Program Manager reviewed the property locator reports relating to Manufactured Homes for the most recent three months of data and applied the proposed terms in the application of the property locator and found the following estimated private fiscal impacts:

December 2015: 7 of 73 property locators were filed after the filing deadline, or approximately 9%.

January 2016: 25 of 51 property locators were filed after the filing deadline, or approximately 49%.

February 2016: 7 of 45 property locators were filed after the filing deadline, or approximately 15%.

Multiplying the number of incidents estimated to incur the proposed fee by four (4) estimates an annual occurrence of incidents subject to the proposed fee to be 156 instances.

Our estimated aggregate cost is the sum of the estimated annual occurrence of incidents subject to the proposed fee (156) multiplied by the amount of the fee (\$50).

The amount of the fee proposed is the same amount currently applied in the existing rule.

IV. ASSUMPTIONS

December 2015 excludes two (2) late locator filings because they were found to have omitted required filing information.

January 2016 excludes eighteen (18) late locator filings because they were found to have omitted required filing information.

February 2016 excludes twelve (12) late locator filings because they were found to have omitted required filing information.

The estimate aggregate cost assumes that all violators pay the \$50 fee and are not granted a waiver by the Commission for good cause shown.

The estimate projects an aggregate cost over three (3) years.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.070 Manufacturers and Dealers Reports. The commission is amending the purpose and section (2) of this rule.

PURPOSE: This amendment modifies the provisions related to the information submitted monthly by manufacturers and dealers to the manager.

PURPOSE: This rule provides that manufacturers and dealers shall file reports with the secretary of Housing and Urban Development as may be required under Section 614 of the Act, 42 U.S.C. 5413 and with the [director] manager.

(2) Manufacturers shall mail or deliver to the [director] manager by the tenth day of each month a report which identifies the new manufactured homes by make, [style and identifying number] model, and serial number to which certification labels have been affixed since the previous report and the certification label number for each such manufactured home.

AUTHORITY: section 700.040, RSMo [1986] 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. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.080 Commission Reports. The commission is

amending the purpose and section (1) of this rule.

PURPOSE: This amendment provides that the manager shall make reports to the secretary of Housing and Urban Development as required by the Housing and Urban Development regulations.

PURPOSE: This rule provides that the [director] manager shall make reports to the secretary of Housing and Urban Development as required by the Housing and Urban Development regulations.

(1) The [director] manager shall make reports to the secretary of Housing and Urban Development as required by 24 CFR section 3282.554.

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2016. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 22, 1976, effective Feb. 11, 1977. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.085 Re-Inspection and Re-inspection Fee. The commission is deleting sections (1), (2), (3), (5), (7), and (8), adding new sections (1), (2), (7), and (9), and renumbering as needed.

PURPOSE: This amendment modifies the procedure for the re-inspection of manufactured homes and third party requests for inspections, the fees associated with re-inspections pursuant to section 700.040, RSMo, and also provides that certain fees may be waived for good cause shown.

[(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 assess the dealer, installer, or the manufacturer, or 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 and completing the corrections in a timely manner as required in section (1).]

(1) Re-inspections subsequent to routine inspections of new manufactured homes.

(A) The manager may conduct re-inspections of new manufactured homes to verify corrections have been made to address code violations identified on the initial routine inspection report.

(B) The manager shall not assess the dealer, installer, or the manufacturer, or each entity, a fee for the first re-inspection.

(C) The manager shall assess re-inspection fee(s) for any re-inspection subsequent to the first re-inspection. The fee is charged to the dealer, installer, or the manufacturer who was responsible for making the corrections and completing the corrections.

(2) Re-inspections subsequent to a consumer complaint.

(A) The manager may conduct re-inspections of new manufactured homes to determine if the required corrections have been completed by the dealer, installer, or manufacturer within sixty (60) days of the initial inspection.

(B) The manager shall assess the dealer, installer, or the manufacturer, or each entity, a fee for the re-inspection(s) if the dealer, installer, or the manufacturer responsible for making the required corrections fails to complete the required corrections within sixty (60) days of receipt of a consumer complaint. The fee will not be charged to the dealer, installer, or the manufacturer who is responsible for making the required corrections if, during the re-inspection, it is found that the required corrections have been corrected within sixty (60) days of the initial inspection.

[(3) The commission will not assess a reinspection fee to the dealer, installer, or the manufacturer if it is found during the reinspection 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)](3) The re-inspection shall address all violations listed in the [original consumer] initial inspection report. A copy of the re-inspection report shall be forwarded to the manufacturer, installer, or dealer, or each responsible entity, **within ten (10) days from the date of the re-inspection**, for corrective action as well as an invoice for the [reinspection] re-inspection fee, **if applicable**. A copy shall also be forwarded to the consumer, if applicable.*

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

*[(6)](4) 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 dealer shall submit, along with the fee, a written plan of action to be taken by each to correct any [statutory, rule, or code] **remaining** violations identified and, **unless otherwise approved by the manager**, corrections shall be completed within thirty (30) days of the re-inspection.*

[(7) The fee shall be implemented on all reinspections con-

ducted after the effective date of the rule.

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

*[(9)](5) The fee shall be two hundred dollars (\$200) per re-inspection as outlined in **this 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)](6) The [commission] **manufactured housing and modular units program** 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] **manufactured housing and modular units program** and the inspection fee must accompany the request. Third parties do not include licensed manufacturers or dealers.*

(7) If the manufacturer, installer, or dealer has not paid the re-inspection fee within thirty (30) days of the prescribed date, the manager shall file a complaint and the commission shall suspend manufacturer, installer, or dealer certificate or registration. The suspension shall last until the manufacturer, installer, or dealer pays all assessed fees and provides proof satisfactory to the manager that the conditions causing the re-inspection have been remedied or the commission takes action pursuant to section (8).

[(11)](8) 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 the prescribed due date;]

[(B)](A) Failure to pay [the] a re-inspection fee by the prescribed due date for two (2) consecutive months; or

[(C)](B) Failure to pay [the] a re-inspection fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

(9) The manager shall submit to the commission any written request for a waiver of fees identified in this section, and the commission may grant such a waiver for good cause shown.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed June 16, 2004, effective Jan. 30, 2005. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

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 cost private entities sixteen thousand eight hundred dollars (\$16,800) 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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Economic Development**
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 120 – New Manufactured Homes

Rule Number and Title:	4 CSR 240-120.085 Re-Inspection and Re-inspection Fee
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
28 (annually)	Regulated dealers of new manufactured homes, regulated manufacturers of new manufactured homes, and regulated installers of new manufactured homes.	\$16,800.00 (over a 3-year life of the rule)

III. WORKSHEET

Under the existing rule, the Manager may seek to enforce a two hundred dollar (\$200) inspection fee for re-inspections conducted on manufactured home to address violations discovered during an initial inspection. This fee has not been applied at the discretion of the manager. The amount of the fee proposed is the same amount currently applied in the existing rule. The proposed amendment seeks to apply the existing fee on a consistent basis by implementing more specific terms of its application.

The Program Manager reviewed its records relating to re-inspections performed on manufactured homes in 2015 and found the following:

In 2015, 352 manufactured homes were subject to inspection by the Manufactured Housing and Modular Units Program. 117 of those homes inspected were subject to re-inspection; 100 re-inspections were performed subsequent to routine inspections, and seventeen (17) re-inspections occurred subsequent to a consumer complaint.

Of the 117 total re-inspections performed, the proposed rule would impose fines in twenty-eight (28) circumstances; nineteen (19) fees would be applied to re-inspections performed subsequent to routine inspections, and nine (9) fees would be applied to re-inspections occurring subsequent to a consumer complaint.

Our estimated aggregate cost is the sum of the estimated circumstances substantiating fee assessment in 2015 (28) multiplied by the amount of the fee (\$200).

IV. ASSUMPTIONS

The estimate aggregate cost assumes that all violators pay the \$200 fee and are not granted a waiver by the Commission for good cause shown.

The estimate projects an aggregate cost over three (3) years.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.090 Inspection and Approval of Alterations. The commission is amending sections (1)–(4) of this rule and updating the form.

PURPOSE: This amendment sets forth the procedure by which commission approval of alterations made to certified new manufactured homes may be obtained.

(1) No certified new manufactured home which entered the first stage of production after November 22, 1976 on which an alteration has been made shall be rented, leased, or sold or offered for rent, lease, or sale in this state unless the alteration has been approved in writing by the *[director]* **manager**.

(2) *[Director]* **Manager** approval of alterations shall be requested by a written application executed on a form provided by the *[director]* **manager** upon request. Applications may be submitted only by the person or entity who owns the new manufactured home to which the alteration for which approval is sought has been made. To be complete, the applications shall include:

(B) The make, *[style and manufacturer's identifying number]* **model, and serial number** of the new manufactured home to which the alteration has been made;

(D) An affidavit of the applicant or the applicant's *[authorized representative]* **agent** if the applicant is a corporation, certifying that the alteration complies with the federal standards.

(3) Within *[eight (8)]* **fifteen (15)** working days *[after a]* **of receipt of complete application for alteration** has been received by the *[director]* **manager**, s/he shall inspect the alteration to determine if it complies with the federal standards. If through no fault of the applicant the inspection is not conducted within the prescribed time, the requested approval shall be issued within the required time *[if no basis for rejection is found on the face of the application]* **the application is found to comply with the provisions of this rule.**

(4) Written approval of an alteration or a written rejection or an application for the approval shall be issued by the *[director]* **manager** within *[ten (10)]* **fifteen (15)** working days after a complete application for written approval has been received by the *[director]* **manager**. A notice of rejection shall specify the reason for the rejection.

**Manufactured Housing Department
Missouri Public Service Commission
P[./O./] Box 360
Jefferson City, MO 65102**

Application For Permission To Alter A Manufactured Home

Name & Address of Owner: _____

Manufacturer of Home: _____

Address: _____

Model of Home: _____

Serial Number: _____

HUD Label Number: _____
(if applicable)

Date of Manufacture: _____

Briefly describe the alteration you are seeking permission to make:
(attach additional sheet if necessary)

Note:

- 1) No certified new manufactured home which entered the first stage of production after November 22, 1976 on which an alteration has been made shall be offered for rent, lease, or sale in this state unless alteration has been approved in writing by the *[director]* **manager**.
- 2) Federal law requires that the dealer maintain complete records of all alterations made on a manufactured home originally manufactured in compliance with the federal Manufactured Home Construction and Safety Standards.
- 3) Manufacturer's written instructions, approval, or both, may be required to be submitted with this application.
- 4) An affidavit signed before a notary public indicating that the applicant will insure that all alterations will comply with the required code must accompany this application.
- 5) If applicant is a corporation, a written statement from a corporate officer indicating that the person filling out this application has actual authority to do so must accompany this application.

AUTHORITY: section 700.040, RSMo [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. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.100 Code. The commission is amending sections (1) and (2) of this rule.

PURPOSE: This amendment establishes the code for new manufactured homes and the standards for installation as the manufacturer's installation manual.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The federal standards as incorporated by reference in 24 CFR [Part] sections 3280, 3282, 3285, and 3286 constitute the code to be applied to new manufactured homes which entered the first stage of production after November 22, 1976 which are rented, leased, or sold or offered for rent, lease, or sale in this state.

(2) All new manufactured homes shall be set up or installed according to the manufacturer's installation [instructions] manual.

AUTHORITY: section 700.010, RSMo [1986] **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. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed April 26, 2001, effective Dec. 30, 2001. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.110 Complaints and Review of [Director] Manager Action(s). The commission is amending the title, purpose, and sections (1) and (2) of this rule.

PURPOSE: This amendment modifies the manner in which complaints may be filed and the procedure to request commission review of the decisions, directives, and interpretations of the manager.

PURPOSE: This rule provides for the manner in which complaints may be filed and the procedure by which commission review of the decisions, directives, and interpretations of the [director] manager may be obtained.

(1) Any person aggrieved by a violation of this chapter or Chapter 700, RSMo, as it relates to new manufactured homes and the manufacturer, dealer, or installer of new manufactured homes, may file a formal or informal complaint with the commission under 4 CSR 240-2.070.

(2) [Commission review of the] Any person aggrieved by the manager's decisions, directives, and interpretations [of the director which relate to the code] of 24 CFR sections 3280, 3282, 3285, and 3286, this chapter or Chapter 700, RSMo as it relates to new manufactured homes, may [be obtained by filing] file a written

informal or formal complaint under 4 CSR 240-2.070. In such a complaint the [director] **manager** shall be denominated as the respondent.

AUTHORITY: section 700.040, RSMo [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. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.120 Criteria for Good Moral Character for Registration of Manufactured Home Dealers. The commission is amending section (1) and adding section (3).

PURPOSE: This amendment establishes the procedure by which the manager will file a request with the commission requesting evaluation of the moral character of applicants requesting dealer registration.

(1) [Registration as a manufactured home dealer will be denied for lack of good moral character if] **The manager will file a request for review of the moral character of an applicant for registration as a manufactured home dealer if—**

(3) **If the commission finds an applicant lacks good moral character as outlined in subsection (1)(A) or (1)(B) of this rule, the commission shall deny the application for registration.**

AUTHORITY: section [700.455, RSMo Supp. 1987] 700.095, RSMo 2016. Original rule filed Nov. 8, 1985, effective Feb. 24, 1986. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.130 Monthly Report Requirement for Registered Manufactured Home Dealers. The commission is amending sections (1), (2), (5), and (8), deleting sections (3), (4), and (7), renumbering section (6), and adding new sections (6)–(11).

PURPOSE: This amendment modifies the information that registered manufactured home dealers shall file with the Missouri Public Service Commission, the form and manner of this filing, identifies new deadlines where actions may be taken against a dealers registration for failure to submit monthly sales reports, and provides a waiver for fees for good cause shown.

(1) Each person registered as a manufactured home dealer [must] **shall** file a monthly sales report with the [commission] **manufactured housing and modular unit program** no later than the tenth of the month following the month when the sales were made.

(2) [The report may be filed only upon] **Manufactured home dealers shall only use** the commission's form for monthly sales reports. This form may be obtained from the Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102, **or at the website** http://psc.mo.gov/ManufacturedHousing/Dealer_Forms.

[(3) The director may reject all monthly sales reports that are incomplete and may assess an inspection fee of fifty dollars (\$50) per report for each report that is filed sixty (60) days after the due date.

(4) **Failure to submit a completed monthly report by the due date and/or to pay any required fees could result in suspension or revocation of the dealer's registration under section**

700.090, RSMo.]

[(5)](3) A report must be filed for each month or part of a month for which the person is a registered manufactured home dealer. If no sales are made in a given month, the dealer must file the usual form no later than the tenth of the following month stating no sales were made.

[(6)](4) The report must be signed by an officer of the dealership if the dealership is a corporation; by a partner of the dealership if the dealership is a partnership; or by an owner of the dealership if the dealership is neither corporation nor a partnership.

[(7)] *The dealer shall maintain a copy of this report for records of the dealership.]*

[(8)](5) Every monthly sales report shall contain the following information:

- (A) Dealer certificate number and name;
- (B) The street address and telephone number at the actual dealership location as well as the city, state, and zip code;
- (C) The date of sale for each manufactured home sold;
- (D) The sale price of each unit sold;
- (E) The size of each unit sold;
- (F) The name of the manufacturer of each unit sold as well as the year of manufacture;
- (G) The serial number *[from the certificate of origin]* and **model number** for each unit sold;
- (H) Whether each unit sold is new or used;
- (I) The total number of new units sold;
- (J) The total number of used units sold;
- (K) The total sale price for all new units;
- (L) The total sale price for all used units; *[and]*
- (M) The name and license number of the installer of the new manufactured home (HUD homes)/.; **and**
- (N) **The information in subsections (C) through (M) for each home sold in Missouri to be delivered out of state.**

(6) **The manager may reject monthly sales reports that are incomplete and require dealer's to submit corrected reports.**

(7) **The dealer shall maintain a copy of this report for the records of the dealership.**

(8) **A late submission fee of fifty dollars (\$50) shall be assessed against a manufactured home dealer for each monthly sales report filed sixty (60) days after the due date.**

(9) **The commission may suspend the dealer's registration for any report not submitted within sixty (60) days of the due date.**

(10) **Failure to submit a completed monthly report within ninety (90) days of due date and/or to pay any required fees could result in revocation of the dealer's registration under section 700.098, RSMo.**

(11) **The manager shall submit to the commission any written request for a waiver of fees identified in this section, and the commission may grant such a waiver for good cause shown.**

AUTHORITY: section 700.040, RSMo [2000] 2016. Emergency rule filed Nov. 8, 1985, effective Nov. 18, 1985, expired March 18, 1986. Original rule filed Nov. 8, 1985, effective Feb. 24, 1986. Amended: Filed Sept. 5, 2000, effective April 30, 2001. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *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 TDD Hotline 1-800-829-7541.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 120—New Manufactured Homes

PROPOSED AMENDMENT

4 CSR 240-120.140 New Manufactured Home Manufacturer's Inspection Fee. The commission is amending sections (2) and (3) and adding new sections (3) and (5).

PURPOSE: This amendment provides for payment of an inspection fee by manufacturers of new manufactured homes for each home delivered to dealers in the state of Missouri pursuant to section 700.040, RSMo.

(2) Manufacturers of new manufactured homes shall remit to the *[director]* **manager** on a monthly basis an amount that equals the number of new manufactured homes delivered or sold to dealers in the state of Missouri, multiplied by thirty dollars (\$30). Each manufacturer shall submit said fee with any monthly delivery reports, or other filing, or documentation as may be required by the commission. Said fee shall be received no later than the twentieth day following the month in which new manufactured homes were delivered or sold to dealers in the state of Missouri.

(3) **The commission may suspend the manufacturer's certificate of registration for failure to pay the inspection fee within thirty (30) days of the prescribed due date.**

[(3)](4) The following situations shall constitute grounds for the denial, *[suspension,]* revocation, or placing on probation of a manufacturer's certificate of registration:

[(A)] *Failure to pay the inspection fee within thirty (30) days of their prescribed due date;]*

[(B)](A) Failure to pay the inspection fee by the prescribed due date for two (2) consecutive months; or

[(C)](B) Failure to pay the inspection fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

(5) The manager shall submit to the commission any written request for a waiver of fees identified in this section, and the commission may grant such a waiver for good cause shown.

[(4)](6) The [director] manager shall deliver copies of the commission's order establishing the new manufactured home manufacturer's inspection fee to all existing registered manufacturers. The [director] manager shall also deliver a copy of the commission's order establishing the fee with each approved certificate of manufacturer registration.

AUTHORITY: sections 700.040 and 700.115, RSMo [2000] 2016. Emergency rule filed Jan. 24, 2003, effective Feb. 3, 2003, expired Aug. 1, 2003. Original rule filed Feb. 27, 2003, effective July 30, 2003. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

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

PROPOSED AMENDMENT

4 CSR 240-121.010 Definitions. The commission proposes amendments to section (1).

PURPOSE: This amendment modifies the definitions and terms used in this chapter and identifies 4 CSR 240-127 as containing applicable definitions.

(1) The following definitions, as well as those set out in section 700.010, RSMo, and 4 CSR 240-127 shall apply to this chapter:

(A) Application means an application for a seal;

[(B)](B) Approved insignia means an insignia issued by a state with which this state has entered into a reciprocity agreement under section 700.030, RSMo. Approved insignia also means a label or tag issued under 42 U.S.C. 5414;

(C) Director means the director of the Manufactured

Housing and Modular Units Program of the Public Service Commission and persons working under his/her supervision;

(D) 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; and

(E) 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.]

[(F)](B) Replacement seal means a seal which has been issued to replace a lost, mutilated, or otherwise unserviceable seal or approved insignia; and

[(G)](C) Seal as defined by section 700.010, RSMo includes replacement seal.

AUTHORITY: section 700.040, RSMo [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. Amended: Filed April 26, 2001, effective Dec. 30, 2001. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

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

PROPOSED AMENDMENT

4 CSR 240-121.020 Administration and Enforcement. The commission proposes amending section (1).

PURPOSE: This amendment changes the term "director" to "manager."

(1) The commission's powers and responsibilities under Chapter 700, RSMo with respect to pre-owned manufactured homes, except the power to revoke, deny, refuse to renew, or place on probation a registration under section 700.090, RSMo are delegated to the [director] manager.

AUTHORITY: section 700.040, RSMo [2000] 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. Amended: Filed April 26, 2001, effective Dec. 30, 2001. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

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

PROPOSED AMENDMENT

4 CSR 240-121.030 Seals. The commission is amending sections (2), (3), (4), (5), (8), (10), and (11).

PURPOSE: This amendment clarifies terms used in this section.

(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:

(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*.

(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 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:

(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.

(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*.

(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 pre-paid 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 [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. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

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

PROPOSED AMENDMENT

4 CSR 240-121.040 Inspection of Dealer Books, Records, Inventory and Premises. The commission is amending section (1).

PURPOSE: This amendment changes the term "director" to "manager."

(1) The books, records, inventory and premises of a dealer, from time-to-time during normal business hours, shall be subject to an inspection by the [director] **manager** to ascertain if the dealer is complying with this chapter and Chapter 700, RSMo as it relates to pre-owned manufactured homes and also to ascertain if grounds exist under section 700.100, RSMo to reject an application for registration filed under section 700.090, RSMo or to refuse to renew or to suspend, revoke, or place on probation a registration which has been made under section 700.090, RSMo.

AUTHORITY: section 700.040, RSMo [2000] 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. Amended: Filed April 26, 2001, effective Dec. 30, 2001. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

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

PROPOSED AMENDMENT

4 CSR 240-121.050 Inspection of Pre-owned [Manufactured] Mobile Homes Rented, Leased, or Sold or Offered for Rent, Lease, or Sale by Persons Other Than Dealers. The commission is amending the rule title, the purpose, and sections (1) and (2).

PURPOSE: This amendment changes the term "director" to "manager."

PURPOSE: This rule sets forth the extent to which pre-owned [manufactured] **mobile** homes rented, leased, sold or offered for rent, lease, or sale by persons other than dealers are subject to inspection by the [director] **manager**.

(1) In order to determine if pre-owned mobile homes which are rented, leased, sold, or offered for rent, lease, or sale in this state by persons other than dealers comply with the code, these pre-owned mobile homes are subject to periodic inspection by the [director] **manager**.

(2) Inspections under this rule shall be conducted during normal business hours and upon twenty-four (24) hours' written notice to the occupants, if any, of the pre-owned mobile home to be inspected. Upon the [director's] **manager's** request, the owner of a pre-owned mobile home to be inspected shall furnish the name and address of the occupants of the pre-owned mobile home.

AUTHORITY: section 700.040, RSMo [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. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

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

PROPOSED AMENDMENT

4 CSR 240-121.060 Complaints and Review of [Director] Manager Action. The commission is amending the rule title, the purpose, and section (2).

PURPOSE: This amendment changes the term “director” to “manager.”

PURPOSE: This rule provides for the manner in which complaints may be filed and the procedure by which commission review of the decisions, directives and interpretations of the [director] manager may be obtained.

(1) Any person aggrieved by a violation of this chapter or Chapter 700, RSMo as it relates to pre-owned mobile homes, may file a formal or informal complaint with the commission under 4 CSR 240-2.070.

(2) Commission review of the decisions, directives and interpretations of the [director] manager which relate to the code, this chapter or Chapter 700, RSMo as it relates to pre-owned mobile homes, may be obtained by filing a written informal or formal complaint under 4 CSR 240-2.070. In such a complaint, the [director] manager shall be denominated as the respondent.

AUTHORITY: section 700.040, RSMo [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. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission ques-

tions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

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

PROPOSED AMENDMENT

4 CSR 240-121.180 Monthly Report Requirement for Registered Manufactured Home Dealers. The commission is amending section (3).

PURPOSE: This amendment changes the term “director” to “manager.”

(3) The [director] manager may reject all monthly sales reports that are incomplete.

AUTHORITY: section [700.460, RSMo 1994] 700.095, RSMo 2016. Emergency rule filed Nov. 8, 1985, effective Nov. 18, 1985, expired March 18, 1986. Original rule filed Nov. 8, 1985, effective Feb. 24, 1986. Amended: Filed Sept. 5, 2000, effective April 30, 2001. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.010 Definitions. The commission is amending section

(1) of this rule.

PURPOSE: This amendment defines the terms used in this chapter and identifies 4 CSR 240-127 as containing relevant terms.

(1) The following definitions, as well as those set out in section 700.010, RSMo [2000], and 4 CSR 240-127 shall apply to this chapter:

(A) Application means an application for a seal;

(B) Approved insignia means an insignia issued by a state with which this state has entered into a reciprocity agreement under section 700.030, RSMo 2000;

(C) Approved manufacturing program means a manufacturing program approved in writing by the director as conforming to the requirements of this chapter, the code and Chapter 700, RSMo 2000 as it relates to modular units;

(D) 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 codes promulgated by the International Code Council, in its entirety, (for a copy of this 2006 publication, contact the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795), the United States Department of Housing and Urban Development or other recognized agencies or organizations;

(E) Director means the director of the Manufactured Housing and Modular Units Program of the Public Service Commission and those working under his/her supervision;

(F) Insignia means the device which in other states is affixed to a modular unit to evidence compliance with state prescribed manufacturing and safety standards;

(G) Manufacturing program means a plan for 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 the program;

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

(I) 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 set up;

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

(K)(B) Replacement seal means a seal which has been issued to replace a lost, mutilated, or otherwise unserviceable seal or approved insignia; and

(L)(C) Seal as defined by section 700.010, RSMo [2000] includes replacement seal[;].

(M) Installation instructions means a detailed installation manual for 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 modular unit.]

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct.

12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Oct. 15, 2007, effective April 30, 2008. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.020 Administration and Enforcement. The commission is amending section (1), adding new section (2), and renumbering as needed.

PURPOSE: This amendment modifies the duties and responsibilities delegated by the Missouri Public Service Commission to the manager of the Manufactured Housing and Modular Units Program.

(1) The [commission's] following commission powers and responsibilities under Chapter 700, RSMo [1986, with respect to modular units, except the power to revoke, deny refuse or renew or place on probation a registration under section 700.090, RSMo 1986,] are delegated to the [director.] manager:

(A) The issuance of notices of annual registration;

(B) The processing of annual registrations;

(C) The development and implementation of inspection processes;

(D) The issuance of seals;

(E) Approval of manufacturing programs consistent with the provisions of 4 CSR 240-123.040;

(F) Daily monitoring and administration of reasonable fees which are sufficient to cover all costs incurred in the administration of Chapter 700, RSMo; and

(G) Consumer complaint handling and remedial actions up to and including the dispute resolution process of section 700.689, RSMo.

(2) The following commission powers and responsibilities under Chapter 700, RSMo are the exclusive authority of the commission and not delegated to the manager:

(A) Establishing, changing, or eliminating the amount of fees for seals or inspections, or both;

(B) Denying, refusing to renew, suspending, revoking, or placing on probation a registration for any reason under section 700.090, RSMo; and

(C) Other duties as outlined under Chapter 700, RSMo or these rules not specifically delegated.

[(2)](3) Manufacturers shall be responsible for all necessary repairs due to nonconformance of standards regardless of their selling agent.

[(3)](4) The dealer or selling agent shall assume responsibility of repairs due to nonconformance of standards if the manufacturer either goes out of business, avoids service of process, files bankruptcy, fails to satisfy a judgment, or becomes insolvent.

[(4)](5) In the event the dealer [//] or selling agent either goes out of business, avoids service of process, files bankruptcy, fails to satisfy a judgment, or becomes insolvent, the manufacturer shall become responsible for arranging for the setup of the modular unit in accordance with the manufacturer's installation manual, unless the purchaser or his or her authorized agent has executed a written waiver of that service.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 15, 2007, effective April 30, 2008. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 123—Modular Units

PROPOSED AMENDMENT

4 CSR 240-123.030 Seals. The commission is amending sections

(2), (3), (4), (5), (6), (8), (10), (11), (12), and (13) of this rule.

PURPOSE: This amendment changes the term "director" to "manager", changes the term "authorized representative" to "agent", and defines where applications may be submitted.

(2) An application for a seal shall be submitted to the [director] **manager** and it shall be executed on a form which shall be provided by the [director] **manager**. One (1) form may be used to apply for all seals required at a given time.

(3) To be complete, an application for seals to be affixed to modular units manufactured or to be manufactured under an approved manufacturing program shall be executed by the manufacturer (or the manufacturer's [authorized representative] **agent** if the manufacturer is a corporation) of the modular unit to which the requested seals will be affixed and shall include:

(A) An affidavit of the applicant or the applicant's [authorized representative] **agent** if the applicant is a corporation, certifying that each requested seal will be affixed only to modular units manufactured under an approved manufacturing program and that each modular unit to which a requested seal will be affixed will comply with the code at the time it is rented, leased, sold, or offered for rent, lease, or sale by the applicant. Each new modular unit sold or placed in the state must contain the applicable seal as specified in this section; and

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

(B) If the [director] **manager** has not approved the applicant's manufacturing program;

(C) If the [director's] **manager's** approval of the applicant's manufacturing program has lapsed, expired, or been withdrawn **pursuant to 4 CSR 240-123.040**;

(D) If at the time of application the [director] **manager** has reason to believe that the applicant is failing to abide by Chapter 700, RSMo [2000];

(E) If the [director] **manager** has reason to believe that the seal will be placed on a unit which is not a complete modular unit.

(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:

(B) By delivery to an applicant in person [at the office of the secretary of the commission] **at the office of the commission's manufactured housing and modular units program**. Upon delivery of seals by this method, the applicant shall provide to the [secretary of the commission] **manager** a written acknowledgement of receipt.

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

(10) Seals and approved insignia may be removed by the [director] **manager** from any modular unit which is found to be in violation of the code which was in effect when it entered the first stage of production. Seals issued to a person who manufactures modular units under an approved manufacturing program must be returned to the [director] **manager** immediately if the approval is withdrawn by the [director] **manager**.

(11) If the [director] **manager** removes a seal or approved insignia from a modular unit, s/he shall provide written notice of such action

to the owner of the unit. The notice shall be mailed within *[five (5)] ten (10)* 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 for the seal in section (7) of this rule. A prohibited sale notice shall state that the rental, lease, or sale or the offering for rent, lease, or sale of the modular unit to which the notice is attached is prohibited under section 700.015, RSMo *[2000]*. 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 **on the notice**. A copy of the prohibited sale notice shall be *[filed with the commission]* **on file in the office of the manufactured housing and modular units program of the commission**.

(13) The *[director] manager* may issue a seal to any registered dealer or owner who has acquired a pre-owned modular unit without a seal, if proof is submitted to the *[director] manager* that the unit meets the requirements of the existing *[code as adopted]* **International Building Code (IBC) or International Residential Code (IRC) as recognized** by the commission pursuant to section 700.021, RSMo. Proof may include verification that the unit meets the applicable code from an approved third party inspection agency or other entity approved by the commission. The dealer or owner must make any changes required to bring the unit into compliance with the applicable code. The *[director] manager* may issue a seal *[if]* **once** all the requirements of Chapters 700 and 123, RSMo are met, required inspections are completed and the applicable seal fee is submitted.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *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 TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.040 Approval of Manufacturing Programs. The commission is amending sections (1), (2), (3), (4), (7), (9), and (11), deleting sections (5) and (8), and adding new sections (5) and (8).

PURPOSE: This amendment modifies the procedure under which a manufacturing program may be approved, the circumstances under which an approval of a manufacturing program will lapse, expire or be withdrawn, and changes the term "director" to "manager."

(1) To have a manufacturing program considered for approval, the manufacturer who will use the program for which approval is sought shall submit the following information, documents, and material to the *[director] manager*:

(A) The **legal** name and address of the manufacturer who will use the program;

[(B) If the manufacturer who will use the program is a corporation, a copy of the corporation'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. As long as the original documents remain unchanged an applicant who has once submitted such copies shall not be required to resubmit them with subsequent requests for approval of a manufacturing program;]

(B) A brief description of the legal organization of the manufacturer who will use the program, whether a Missouri corporation, foreign corporation, partnership, proprietorship, or other business organization;

(C) If manufacturer is a Missouri corporation, a Certificate of Good Standing from the secretary of state and a copy of the corporation's articles of incorporation and bylaws;

(D) If manufacturer does business under a fictitious name, a copy of the fictitious name registration filed with the secretary of state;

(E) If manufacturer has submitted the applicable information as set forth in subsections (1)(C) and (D) of this rule in a previous request for approval of manufacturing program, a statement that the information was previously submitted and the status remains unchanged;

(F) If the information in subsections (1)(C) and (D) above is not available, or not applicable, a statement as to the reason the information is not submitted. The manager, in consult with commission legal counsel, shall determine if the request for approval can be processed without the required information;

[(C)](G) The make and *[style]* model of the modular units which will be produced under the manufacturing program;

[(D)](H) The earliest date on which production will begin under the manufacturing program;

[(E)](I) One (1) copy of the quality control manual under which the manufacturing program will be implemented. The manual shall at least include a description which is sufficient to demonstrate compliance with the *[code]* **applicable code(s)** for every procedure relating to the manufacturing of modular units for which the code contains a requirement;

[(F)](J) Third party inspection for compliance with required codes; and

[(G)](K) One (1) copy of detailed **manufacturer's** installation instructions for the assembly of the modular components for each modular unit shall be furnished with each modular unit to the *[dealer/selling agent]* **dealer or selling agent**, and one (1) set shall be

submitted with each model plan for approval, such instruction shall reflect detailed instructions for the assembly of the unit(s), including the fastening of dormers if applicable, roof installation details, floor fastening, end wall fastening, king post installation, and any other on-site assembly of manufacturer supplied components.

(2) Both *[dealer/selling agent]* **dealer or selling agent** and manufacturer shall register with the Public Service Commission's Manufactured Housing and Modular Units Program before any sales are made by either party. A nonrefundable fee as set forth in section 700.090, RSMo, shall accompany each request for an approval or re-approval of such registration. The registration must be renewed annually.

(3) Approval of a manufacturing program shall be evidenced by the *[director's]* **manager's** stamp of approval on the quality control manual and detailed plans which comprise the program. Upon approval of a manufacturing program the *[director]* **manager** shall return to the manufacturer a copy of the plan approval form for the quality control manual and any plans approved which bear the *[director's]* **manager's** stamp of approval. A copy of the original of such approved quality control manual and detailed plans shall be retained at each location where the manufacturing program which they comprise is implemented.

(4) Within ten (10) working days of the submission to the *[director]* **manager** of the required registration fee and the information *[necessary]* **required in sections (1)–(3) above** for the *[director]* **manager** to consider a request for approval of a manufacturing program, the *[director]* **manager** shall approve or refuse to approve the request. A notice of refusal shall specify the reason for refusal.

[(5) The approval of a manufacturing program shall lapse when any changes, not approved in writing by the director, are made in any procedure, part or component for which the code includes a requirement. The director shall promptly provide written approval of such changes after the director has received a written description of the changes which is sufficient to demonstrate that the changes comply with the code.]

(5) **Modifications to, or variances from, any commission-approved plan that are related to the code under which a plan was approved shall be submitted in writing to the manager for written approval. The submission shall include a demonstration that the modifications or variances comply with the code. All unapproved modifications or variances from the commission-approved plan are grounds for revocation of approval of the commission-approved plan and may result in the manager filing a complaint with the commission.**

(7) The *[director]* **manager** shall **file with the commission a request** to withdraw approval of a manufacturing program if the *[director]* **manager** finds—

(C) Seals have been affixed to modular units after the approval for the manufacturing program for the units has lapsed or expired[;].

[(D) A manufacturer fails to comply with annual registration requirements; and

(E) A manufacturer fails to renew plans of units produced under the manufacturing program.]

[(8) If the director withdraws approval of a manufacturing program, the director shall provide written notice of such action to the manufacturer. The notice shall be mailed within five (5) working days of the withdrawal and shall be sent by prepaid certified mail to the last known address of the manufacturer requesting return receipt signed by addressee only. The notice shall state the reason for the withdrawal.]

(8) The commission shall withdraw approval of a manufacturing program if the commission finds—

(A) A manufacturer fails to comply with annual registration requirements; and

(B) A manufacturer fails to renew plans of units produced under the manufacturing program; or

(C) If the commission finds there are unapproved modifications or variances from a commission-approved plan.

(9) An entity which produces modular units under an approved manufacturing program shall mail or deliver to the *[director]* **manager**, by the tenth day of each month, a report which identifies *[each modular unit by]* **the dealer's name and location; the make, [style, serial number and dealer's name and location] model, and serial number of each modular unit** to which seals have been affixed since the previous report and the seal number of each unit **since the last report**.

(11) All subsequent modular unit plans and installation diagrams including foundation plans, if applicable, for each additional type of modular unit (or model) to be manufactured must also be submitted to the *[director]* **manager** for approval. Modular unit plan approvals shall be *[renewed]* **annually submitted for renewal** on all models still in production. Each submittal shall *[comply with the following requirements]* **include:**

(D) Approval of simple modular unit plan revisions that do not include changes in systems or the manner of construction that do not take the unit out of compliance with the code and do not include the examples in subsection (11)(C) require approval by the *[director]* **manager**, but do not require payment of a fee. Examples of such changes include, but are not limited to: addition or deletion of an entry way closet, installation of fake dormers, movement of an approved stairwell, reversal of a previously approved floor plan, or movement of a *[nonload]* **non-load** bearing interior wall.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.050 Inspection of Manufacturer's Books, Records, Inventory and Premises. The commission is amending the purpose, section (1), and adding a new section (2).

PURPOSE: This amendment modifies the procedures related to the inspection by the manager.

PURPOSE: This rule sets forth the extent to which manufacturer's books, records, inventory and premises are subject to inspection by the [director] manager.

(1) The books, records, including a copy of the data plate and all service records for each modular unit, inventory and premises of a manufacturer shall from time-to-time during normal business hours be subject to an inspection by the [director] manager to ascertain—

(A) If the manufacturer is complying with this chapter and Chapter 700, RSMo [1986];

(D) If grounds exist under section 700.100, RSMo [1986] to file a complaint with the commission to reject an application for registration filed under section 700.090, RSMo [1986] or to refuse to renew, suspend, revoke, or place on probation a registration which has been made under section 700.090, RSMo [1986].

(2) Should a manufacturer sell directly to a consumer, the manufacturer 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.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 15, 2007, effective April 30, 2008. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.060 Inspection of Dealer's Books, Records, Inventory and Premises. The commission is amending the purpose, section (1), and adding a new section (2).

PURPOSE: This modifies the procedures related to the inspection of dealer's books, records, inventory and premises are subject to inspection by the manager and changes the term "director" to "manager."

PURPOSE: This rule sets forth the extent to which dealer's books, records, inventory, and premises are subject to inspection by the [director] manager.

(1) The books, records, inventory, and premises of a dealer shall from time-to-time during normal business hours be subject to an inspection by the [director] manager to ascertain if grounds exist under section 700.100, RSMo [1986] to file a complaint with the commission to reject an application for registration filed under section 700.090, RSMo [1986] or to refuse to renew, suspend, revoke, or place on probation a registration which has been made under section 700.090, RSMo [1986].

(2) The dealer 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 for no less than five (5) years.

AUTHORITY: section 700.040, RSMo [1986] 2016. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed July 6, 2017.

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.

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SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.065 Modular Unit Dealer [/] or Selling Agent Setup Responsibilities. The commission is amending sections (1), (2), and (7), deleting sections (3)–(6), adding new sections (2) and (4), and renumbering as needed.

PURPOSE: This amendment sets forth the extent to which modular unit dealers are responsible for proper initial setup of modular units, modifies the submission requirements for property locators and the assessment of fees associated with property locators, and provides for a waiver for good cause shown.

(1) Modular Unit Dealer Setup.

[(1)](A) A dealer who sells a modular unit shall arrange for the proper initial setup of the modular unit unless the dealer obtains from the purchaser or the purchaser's authorized agent a written waiver of that service as described in section 700.100.3(6), RSMo.

[(2)](B) As used in this rule, "proper initial setup" means installation and setup of the modular unit in accordance with the installation manual provided by the manufacturer of the modular unit and in complete compliance with the code and with all of the provisions regarding setup in sections 700.010 to 700.115, RSMo.

(C) If a dealer, unless the dealer obtains the waiver of initial setup referred to in subsection (A) above, fails to arrange for the proper initial setup of a modular unit, the commission may discipline the dealer's registration by suspending it, revoking it, or placing it on probation, pursuant to the provisions of section 700.100, RSMo, if the manager provides evidence to the commission, incident to an inspection, of setup deficiencies and initiates action to discipline the registration within two (2) years after the delivery date of a modular unit.

(2) Modular Unit Inspections.

(A) Dealers shall submit to the manufactured housing and modular units program a property locator indicating the destination of the new residential modular unit(s) or new or used classroom modular unit(s) within five (5) business days to 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 new residential or new or used classroom modular unit(s) the five (5) business days begins when the first section leaves the dealer's or manufacturer's location. The dealer shall use the property locator form provided by the manufactured housing and modular units program.

1. The manager shall assess a fifty dollar (\$50) per home inspection fee to dealers who fail to submit the property locator within five (5) business days from the due date.

2. The manager may commence an action to discipline a dealer's registration for failure to timely report property locators or make payment upon property locator home inspection fees if the commission has assessed no fewer than two (2) property locator home inspection fees against the dealer within the previous twelve (12) months of the due date of the property locator at issue.

(B) For dealers selling residential one (1) and two (2) family modular units built pursuant to the International Residential Code (IRC) to consumers, the manager will have a period of one (1) year from the date the unit is installed to conduct the initial set up inspection of the home setup.

(C) Within two (2) years of the delivery date of the home to the consumer, the manager may conduct an initial inspection of the home for setup and code violations upon the receipt of a formal written complaint by the consumer.

(D) A copy of an inspection report from a routine inspection of a modular unit that occurs prior to the occupation by a purchaser, and does not arise from a consumer complaint, shall be transmitted to the manufacturer, installer, or dealer, or each responsible entity, within ten (10) days from the date of the inspection. Should an inspection occur as a result of a consumer complaint, copies of the inspection report will be provided to the complainant and to the manufacturer or dealer, or each responsible entity, within ten (10) days from the date of the inspection.

(E) Should an initial inspection identify no code violations, or any re-inspection verify corrections have been made to address code violations identified on an initial inspection report, the manager shall issue a notice of completion indicating no outstanding issues remain to be addressed. Such notice shall be issued to each responsible entity. A complainant shall also be issued a notice of completion should an initial inspection occur subsequent to a consumer complaint. Such notice shall be issued within twenty (20) days from the date of the final inspection or re-inspection. This notice is intended to notify parties when the manager has completed an inspection process, and will not serve to indemnify any responsible party from any future liability.

[(3)] If a dealer, unless the dealer obtains the waiver of initial setup referred to in section (1) above, fails to arrange for the proper initial setup of a modular unit, the commission may discipline the dealer's registration by suspending it, revoking it, or placing it on probation, pursuant to the provisions of section 700.100, RSMo.

(4) The commission shall not so discipline the dealer's registration unless the director of the commission's manufactured housing and modular units program finds, incident to an inspection, setup deficiencies and initiates action to discipline the registration within five (5) years after the date of sale.

(5) For dealers selling residential one (1) and two (2) 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 unit is installed to conduct the initial inspection of the home setup.

(A) After the one (1) 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 dealer shall use the property locator form 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.

(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.]

[(7)](3) Every dealer of a modular unit shall provide to the purchaser

at the time of sale a purchase agreement [//] or 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] **setup, or installation;** and
- (I) If the unit is new or used and if the unit has incurred any damages.

(4) The manager shall submit to the commission any written request for a waiver of fees identified in this section, and the commission may grant such a waiver for good cause shown.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Oct. 15, 2007, effective April 30, 2008. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

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 cost private entities one thousand eight hundred dollars (\$1,800) in the aggregate.

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SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Missouri Department of Economic Development
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 123 – Modular Units

Rule Number and Title:	4 CSR 240- 123.065 Inspections
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
12 (annually)	Regulated dealers of new manufactured homes	\$1,800 (over a 3-year life of the rule)

III. WORKSHEET

Under the existing rule, the Manager may seek to enforce a fee for failure to report a property locator within forty-eight (48) hours of a modular unit leaving a dealer or manufacturers' location in route to a consumer. Looking back on three recent months, the Manager estimates that had the commission exercised its authority to assess a penalty for failure to report a property locator against those regulated parties who failed to report or reported beyond the deadline for the months of December 2015, January 2016, and February 2016, regulated parties are exposed to \$300 of liability. Multiplied over a year, the rule in its current form creates nearly \$1,200 of liabilities for regulated parties; projected over three years, is nearly \$3,600 in fees.

To account for the burdens imposed under the current rule, the Program in the past has not assessed the fee. However, non-assessment of fees has resulted in non-compliance with the rule. To strike a balance, the manager has proposed changes to the rule that expand the compliance dates by three (3) business days, extends the penalty dates by eight (8) business days.

The Program Manager reviewed the property locator reports relating to modular units for the most recent three months of data and in applying the proposed rulemaking language, found the following:

December 2015: 0 out of 9 property locators were filed after the filing deadline.

January 2016: 2 out of 10 property locators were filed after the filing deadline, or 20%

February 2016: 1 out of 10 property locators were filed after the filing deadline, or 10%.

Multiplying the number of incidents estimated to incur the proposed fee by four (4) estimates an annual occurrence of incidents subject to the proposed fee to be twelve (12) instances.

Our estimated aggregate cost is the sum of the estimated annual occurrence of incidents subject to the proposed fee (12) multiplied by the amount of the fee (\$50).

The amount of the fee proposed is the same amount currently applied in the existing rule.

IV. ASSUMPTIONS

The estimate aggregate cost assumes that all violators pay the \$50 fee and are not granted a waiver by the Commission for good cause shown.

The estimated aggregate cost of compliance assumes the projected cost over a three year period.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.070 Monthly Report Requirement for Registered Modular Unit Dealers. The commission is amending sections (1) and (2), deleting sections (3) and (4), adding new sections (6)–(10), and renumbering as needed.

PURPOSE: This amendment modifies the information that registered modular unit dealers shall file with the Missouri Public Service Commission and the form and manner of this filing and the submission requirements for monthly sales reports.

(1) Each entity registered as a modular unit dealer *[must]* shall file a monthly sales report with the *[commission]* **manufactured housing and modular units program** within ten (10) days of the end of each month.

(2) *[Monthly sales reports may be filed only upon]* **The modular unit dealer shall only use** the commission's monthly sales reports form. Sales report forms may be obtained from the Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102, **or at the website http://psc.mo.gov/ManufacturedHousing/Dealer_Forms.**

[(3) The director of the Manufactured Housing and Modular Units Program may reject monthly sales reports that are incomplete, and require dealers to submit corrected reports. An inspection fee of fifty dollars (\$50) per report may be assessed for each report that is submitted sixty (60) days after the due date.

(4) Failure to submit timely and complete monthly sales reports and/or to pay any required fees could result in suspension or revocation of the dealer's registration under section 700.100, RSMo.]

[(5)](3) A monthly sales report must be filed for each month or part of a month for which the dealer is registered to sell modular units by the Public Service Commission's Manufactured Housing and Modular Units Program. If no sales are made in a given month, the dealer must file the usual form within ten (10) days of the end of the month.

[(6)](4) The report must be signed by an officer of the dealership if the dealership is a corporation; by a partner of the dealership if the dealership is a partnership; or by an owner of the dealership if the dealership is neither a corporation nor a partnership.

[(7)](5) Every monthly sales report shall contain the following information:

- (A) Dealer certificate number and name;
- (B) The street address and telephone number at the actual dealership location as well as the city, state, and zip code;
- (C) The date of sale for each modular unit sold;
- (D) The sale price of each unit sold;
- (E) The size of each unit sold;
- (F) The name of the manufacturer of each unit sold as well as the year of manufacture;
- (G) The serial number for each unit sold;
- (H) The new or used status of each unit sold;
- (I) The total number of new units sold;
- (J) The total number of used units sold;
- (K) The total sale price for all new units; and
- (L) The total sale price for all used units.

(6) The manager of the manufactured housing and modular units program may reject monthly sales reports that are incomplete and require dealers to submit corrected reports.

(7) A late submission fee of fifty dollars (\$50) shall be assessed against a modular unit dealer for each monthly sales report filed sixty (60) days after the due date.

(8) The commission may suspend the dealer's registration for any report not submitted within sixty (60) days of the due date.

(9) Failure to submit timely and complete monthly sales reports within ninety (90) days of the due date and/or to pay any required fees could result in revocation of the dealer's registration under section 700.098, RSMo.

(10) The manager shall submit to the commission any written request for a waiver of fees identified in this rule, and the commission may grant such a waiver for good cause shown.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.080 Code for Modular Units. The commission is amending sections (1), (3), (5), (6), (7), and (8) of this rule.

PURPOSE: This amendment modifies provisions related to the code for modular units.

PUBLISHER'S NOTE The secretary of state has determined that the

publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Any multiple units so designated as double wide, sectional, or modular, shall comply with HUD **International Residential Code (IRC)** and/or **International Building Code (IBC)** standards and regulations as well as state regulations and standards as set forth for modular unit construction and carry the appropriate seal or data plate.

(3) The structure shall be manufactured in accordance with and meet the requirements of the *[following building codes]* **most recently commission-adopted building codes**: except as provided in subsections (A) and (B) below, *[International Building Code-2009; International Plumbing Code-2009; International Mechanical Code-2009; International Residential Code-2009; International Fuel Gas Code-2009; and National Electric Code NFPA-2008]* **International Building Code-2015; International Plumbing Code-2015; International Mechanical Code-2015; International Residential Code-2015; International Fuel Gas Code-2015; and National Electric Code NFPA-2014**. Manufacturers will have six (6) months in which to update to the new code after the effective date of this rule as notified by the *[director]* **manager** for all units built on or after that date. The referenced codes do not include any later amendments or additions. (For a copy of the *[2009]* International Code publication, contact the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. For a copy of the *National Electric Code*, contact the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02169-7471.)

(A) The requirement under section R313.2 of the *[2009]* **International Residential Code** requiring one- (1)-*[/]* and two- (2)-*[/]* family dwellings to be constructed with an automatic fire protection system shall not be mandatory; and

(5) All modular units shall meet or exceed the Seismic Zone requirements (A, B, C, D1, D2 or E as defined in the applicable code in section (3) above) for the area in which the modular unit is placed. Modular unit plans submitted by a manufacturer under 4 CSR 240-123.040 shall specify the Seismic Zone for which the unit is built as well as the location where the unit will be placed. If a unit is built for open placement throughout the state of Missouri, the manufacturer and the *[dealer/selling agent]* **dealer or dealer's agent** is responsible to ensure the unit is placed in the proper seismic area for which the unit is built.

(6) Each modular unit shall bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. Each data plate must be covered with a material that will make it possible to clean the data plate of ordinary dirt without obscuring the information. Each data plate shall include the following information at a minimum: name and address of manufacturer, serial and model number of the unit, date the unit was manufactured, code the unit was built to, seismic zone listing, *[type of foundation the unit is designed for,]* name and address of the third party engineering agency that reviewed and approved the plans submitted by the manufacturer under 4 CSR 240-123.040.

(7) All modular units manufactured on or after July 1, 1976, shall be set up or installed according to the manufacturer's installation manual **and approved foundation plans**.

(8) *[Installation instructions]* **The manufacturer's installation**

manual must be approved by the third party for all field installed components and any other process relating to the assembly of the modular unit(s), and any completed unit may be subject to on-site field inspection.

AUTHORITY: sections 700.010[, RSMo Supp. 2010] and [section] 700.040, RSMo [2000] **2016**. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 123—Modular Units

PROPOSED AMENDMENT

4 CSR 240-123.090 Complaints and Review of [Director/Manager's Action(s)] The commission is amending the rule title, the purpose, and sections (1) and (2).

PURPOSE: This amendment modifies the manner in which complaints may be filed and the procedure to request commission review of the decisions, directives, and interpretations of the manager.

PURPOSE: This rule provides for the manner in which complaints may be filed and the procedure by which commission review of the decisions, directives and interpretations of the *[director]* **manager** may be obtained.

(1) Any person aggrieved by a violation of this chapter or Chapter 700, RSMo [1986] as it relates to modular homes **and the manufacturers or dealers of modular homes**, may file a formal or informal complaint with the commission under 4 CSR 240-2.070.

(2) *[Commission review of the decisions, directives and interpretations of the director which relate to]* **Any person aggrieved by the manager's decisions, directives, and interpretations of the code, this chapter, or Chapter 700, RSMo [1986] as it relates**

to modular units, *[may be obtained by filing]* **may file** a written **informal or formal** complaint[, *formal or informal,*] under 4 CSR 240-2.070. In such a complaint, the *[director]* **manager** shall be denominated as the respondent.

AUTHORITY: section 700.040, RSMo [1986] 2016. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 123—Modular Units

PROPOSED AMENDMENT

4 CSR 240-123.095 Re-Inspection and Re-inspection Fee. The commission is amending the rule title, deleting sections (1)–(4), (7), and (8), adding new sections (1)–(3), (8), and (10), and renumbering as needed.

PURPOSE: This amendment modifies the procedure for the re-inspection of modular homes and third party requests for inspections and the fees associated with the re-inspection(s) pursuant to section 700.040, RSMo, and provides for a waiver of fees for good cause shown.

[(1) The commission may conduct as needed re-inspections of new modular homes to verify corrections have been made as identified during the original inspection, where required corrections have not been completed by the dealer 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 assess the dealer or the manufacturer, or both, a fee for the reinspection. 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) The commission will not assess a reinspection fee to the dealer or the manufacturer 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.

(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 or dealer, or both, for corrective action as well as an invoice for the re-inspection fee. A copy shall also be forwarded to the consumer, if applicable.]

(1) Re-inspections subsequent to routine inspections of new modular homes.

(A) The manager may conduct re-inspections of new modular homes to verify corrections have been made to address code violations identified on the initial routine inspection report.

(B) The manager shall not assess the dealer, installer, or the manufacturer, or each entity, a fee for the first re-inspection.

(C) The manager shall assess re-inspection fee(s) for any re-inspection subsequent to the first re-inspection. The fee is charged to the dealer, installer, or the manufacturer who was responsible for making the corrections and completing the corrections.

(2) Re-inspections subsequent to a consumer complaint.

(A) The manager may conduct re-inspections of new modular homes when the required corrections have not been completed by the dealer, installer, or manufacturer within sixty (60) days of the initial inspection.

(B) The manager shall assess the dealer, installer, or the manufacturer, or each entity, a fee for the re-inspection(s) if the dealer, installer, or the manufacturer responsible for making the required corrections fails to complete the required corrections within sixty (60) days of receipt of a consumer complaint. The fee will not be charged to the dealer, installer, or the manufacturer who was responsible for making the required corrections if, during the re-inspection, it is found that the required corrections have been corrected within sixty (60) days of receipt of the consumer complaint.

(3) The re-inspection shall address all violations listed in the initial inspection report. A copy of the report shall be forwarded to the manufacturer or dealer, or both, for corrective action. A copy shall also be forwarded to the consumer, if applicable.

[[5]](4) The manufacturer 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]](5) The assessed fee shall be paid to the commission within twenty (20) working days from the date the re-inspection is completed. Each manufacturer 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]* **remaining** violations identified and, **unless otherwise approved by the manager**, corrections shall be completed within thirty (30) days of the re-inspection.

[[7]] The fee shall be implemented on all re-inspections conducted after the effective date of the rule.

(8) The commission shall send written notification to each licensed manufacturer and each licensed dealer giving the

effective date of the rule.]

[(9)](6) The fee shall be two hundred dollars (\$200) 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]* **manager will** make the determination of who shall be assessed the fee.

[(10)](7) The *[commission]* **manufactured housing and modular units program** shall assess an inspection fee of four hundred dollars (\$400) for all third party requests for inspections. Third party requests for inspections must be submitted in writing to the *[commission]* **manufactured housing and modular units program** and the inspection fee must accompany the request. Third parties do not include licensed manufacturers or dealers.

(8) If the manufacturer, installer, or dealer has not paid the re-inspection fee within thirty (30) days of the prescribed date, the manager shall file a complaint and the commission shall suspend manufacturer, installer, or dealer certificate or registration. The suspension shall last until the manufacturer or dealer pays all assessed fees and provides proof satisfactory to the manager that the conditions causing the re-inspection have been remedied or the commission takes action pursuant to section (9) below.

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

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

[(B)](A) Failure to pay *[the]* **a re-inspection** fee by the prescribed due date for two (2) consecutive months; or

[(C)](B) Failure to pay *[the]* **a re-inspection** fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

(10) The manager shall submit to the commission any written request for a waiver of fees identified in this rule, and the commission may grant such a waiver for good cause shown.

AUTHORITY: section 700.040, RSMo [2000] 2016. Original rule filed June 16, 2004, effective Jan. 30, 2005. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017.

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 cost private entities two thousand four hundred dollars (\$2,400) 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 amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *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 TDD Hotline 1-800-829-7541.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Economic Development**
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 123 – Modular Units

Rule Number and Title:	4 CSR 240-123.095 Re-Inspection and Re-inspection Fee
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
4 (annually)	Regulated dealers of new modular units and regulated manufacturers of new manufactured homes.	\$2,400.00 (over a 3-year life of the rule)

III. WORKSHEET

Under the existing rule, the Manager may seek to enforce a two hundred dollar (\$200) inspection fee for re-inspections conducted on modular units to address violations discovered during an initial inspection. This fee has not been applied at the discretion of the manager. The amount of the fee proposed is the same amount currently applied in the existing rule. The proposed amendment seeks to apply the existing fee on a consistent basis by implementing more specific terms of its application.

The Program Manager reviewed its records relating to re-inspections performed on manufactured homes in 2015 and found the following:

In 2015, forty-six (46) modular units were subject to inspection by the Manufactured Housing and Modular Units Program. Twenty-six (26) of those homes inspected were subject to re-inspection; twenty-three (23) re-inspections were performed subsequent to routine inspections, and three (3) re-inspections occurred subsequent to a consumer complaint.

Of the twenty-six (26) total re-inspections performed, the proposed rule would impose fines in four (4) circumstances; three (3) fees would be applied to re-inspections performed subsequent to routine inspections, and one (1) fee would be applied to re-inspections occurring subsequent to a consumer complaint.

Our estimated aggregate cost is the sum of the estimated circumstances substantiating fee assessment in 2015 (4) multiplied by the amount of the fee (\$200).

The amount of the fee proposed is the same amount currently applied in the existing rule.

IV. ASSUMPTIONS

The estimate aggregate cost assumes that all violators pay the \$200 fee and are not granted a waiver by the Commission for good cause shown.

The estimate projects an aggregate cost over three (3) years.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT****Division 240—Public Service Commission
Chapter 124—Manufactured Home Tie-Down Systems****PROPOSED AMENDMENT**

4 CSR 240-124.010 Definitions. The commission is amending section (1) of this rule.

PURPOSE: This amendment updates the terms used in this chapter and incorporates relevant terms in 4 CSR 240-127.

(1) The following definitions, as well as those set out in section 700.010, RSMo [2000], and 4 CSR 240-127 shall apply to this chapter:

[(B) Director means the director of the Manufactured Housing and Modular Units Program of the Public Service Commission and those working under his/her supervision;

(C) Manufactured home as defined by section 700.010, RSMo 2000 shall include 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;]

[(D)](B) Anchoring [S]standards means the manufactured home tie-down systems standards adopted by the commission under section 700.076, RSMo [2000; and].

[(E) Authorized representative means the approved testing agency who certified the tiedown system test.]

AUTHORITY: section 700.076, RSMo [2000] 2016. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT****Division 240—Public Service Commission
Chapter 124—Manufactured Home Tie-Down Systems****PROPOSED AMENDMENT**

4 CSR 240-124.020 Administration and Enforcement. The commission is amending section (1) of this rule.

PURPOSE: This amendment modifies the duties and responsibilities delegated by the Missouri Public Service Commission to the manager of the Manufactured Housing and Modular Units Program as they relate to manufactured home tie-down systems.

(1) The [commission's] following commission powers and responsibilities under Chapter 700, RSMo [(1986)] with respect to manufactured home tie-down systems are delegated to the [director.] manager:

(A) The ability to approve, prior to being sold, being offered for sale, or being installed, any anchor or tie-down system designed and intended for manufactured homes; and

(B) The authority to seek sanctions in the form of a complaint against parties in violation of rules and regulations promulgated under Chapter 700, RSMo or commission rules 4 CSR 240-124.

AUTHORITY: section 700.076, RSMo [1986] 2016. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT****Division 240—Public Service Commission
Chapter 124—Manufactured Home Tie-Down Systems****PROPOSED AMENDMENT**

4 CSR 240-124.030 Determination of Applicable Manufactured Home Systems Standards. The commission is amending sections

(1), (2), and (3).

PURPOSE: This amendment corrects a typographical error.

(1) All manufactured homes located in this state, subject to the exceptions set out in sections 700.076 and 700.085, RSMo [(1986)] shall be tied down in accordance with applicable **anchoring** standards.

(2) A manufactured home located in this state which entered the first stage of production before November 23, 1976 shall be tied down in accordance with the **anchoring** standards in effect on November 23, 1976.

(3) A manufactured home located in this state which entered the first stage of production after November 22, 1976 shall be tied down in accordance with the **anchoring** standards in effect at the time it entered the first stage of production.

AUTHORITY: section 700.076, RSMo [1986] 2016. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home Tie-Down Systems**

PROPOSED AMENDMENT

4 CSR 240-124.040 Commission Approval of Manufactured Home Tie-Down Systems. The commission is amending sections (1), (2), (3), (5), (6) and (7) and deleting section (4) of this rule.

PURPOSE: This amendment modifies the manner in which an approval of manufactured home tie-down systems may be obtained.

(1) No person may sell, offer for sale, or as a business install or cause to be installed a manufactured home tie-down system unless the system has been approved in writing by the [director] **manager** and the original or duplicate original of such approval is prominently displayed at the location where the system is sold, offered for sale, or offered for installation.

(2) Applications for an approval shall be submitted to the [director] **manager** and shall be executed by the owner or seller of the system on forms that shall be provided by the [director] **manager** upon request. To be complete, the applications shall include:

[(C) 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 (1986), along with a copy of documents which verify that the officer who has executed the application has actual authority to have done so;]

[(D)](C) The name and address of the manufacturer of the system for which the approval is sought;

(D) A brief description of the legal organization of the manufacturer who will use the program, whether a Missouri corporation, foreign corporation, partnership, proprietorship, or other business organization;

(E) If manufacturer is a corporation, a Certificate of Good Standing from the secretary of state and a copy of the corporation's articles of incorporation and bylaws;

(F) If manufacturer does business under a fictitious name, a copy of the fictitious name registration filed with the secretary of state;

(G) If manufacturer has submitted the applicable information as set forth in subsections (2)(A)–(F) of this rule in a previous request for approval of manufacturing program, a statement that the information was previously submitted and remains unchanged;

(H) If the information in subsections (2)(A)–(F) above is not available, or not applicable, a statement as to the reason the information is not submitted. The manager, in consult with staff counsel, shall determine if the request for approval can be processed without the required information;

[(E)](I) A copy of the plans and specifications of the system for which the approval is sought.

1. Detailed drawings and [installation instructions] the **manufacturer's installation manual** of each type of anchor system and for each type of component for which approval is sought must accompany the submittal.

A. Each drawing shall show model identification, all dimensions, types of welds or fastening, types of material, methods of securing strap, methods of attachment, orientation after installation in soil, direction(s) of applied load(s), and location of model number on the system and each component.

B. Each drawing shall bear the seal of a registered professional engineer, registered in the state of Missouri.

2. Each anchor system model must be tested and certified by [a recognized] **an authorized** testing agency to be in conformance with the **following anchoring** standards [promulgated by the commission] and accepted engineering practice:

A. Pullout tests shall be performed on three (3) samples of each anchor system model and the failure load for all three (3) tests must equal or exceed four thousand seven hundred twenty-five (4,725) pounds. [An authorized representative of the commission] **The manager** must certify that three (3) pullout tests were performed on each anchor system model. The anchor shall be installed with the specified tie attached[,] in a soil type for which the anchor is designed and pulled at an angle between forty degrees (40°) and fifty degrees (50°). The anchor will be approved for all soil test probe values at or above the soil test probe value in which the anchor is tested. The device shall be set up as required by the [installation instructions] **manufacturer's installation manual**. The test report shall include a photograph or drawing **of the anchor demonstrating**

it is fully set up as required. The load at failure and the type of failure shall be described. The anchoring system must be capable of meeting or exceeding the Zone 1 wind load requirements of the Federal Manufactured Home Construction and Safety Standards 24 CFR section 3280.306.

B. Failure and ultimate load capacity tests shall be performed on three (3) samples of each component part and must also be witnessed by *[an authorized representative of the commission]* the manager.

C. Laboratory destruction tests shall be performed on each anchor system model and the failure load must equal or exceed four thousand seven hundred twenty-five (4,725) pounds. These tests are needed to establish the required strengths of the components and component connections of an anchor.

3. The result from each test will indicate[:/:]—

- A. Point and mode of failure;
- B. Force required for failure;
- C. Description of test procedure;
- D. Test equipment used.

4. The report of the results of the test in specified soil or rock groups will also include:

- A. Method of installation;
- B. Date of installation;
- C. Date of test;
- D. Soil profile description and soil test probe values.

5. The anchor manufacturer shall furnish and ship with each anchoring system, information on the types of soil in which the anchor has been tested and certified for installation, instructions on the method of installation, and procedure for identifying soil types. A copy of the *[installation instructions]* manufacturer's **installation manual** must be *[filed with the director]* submitted to the manager. The manager shall maintain a copy of the most recent revision of the manufacturer's installation manual.

6. The *[director]* manager, upon receipt of new or additional information relating to the performance of any anchoring system, or a similar anchoring system, may request from the manufacturer of that anchoring system, additional testing or supplemental information[:/];

[7. Rock anchors shall be tested in specified rock. Rock anchors shall be field-tested in natural rock strata or in a rock sample. There must be twelve-inch (12") minimum radius of rock around the drilled hole. The natural rock strata or rock sample must be geologically described;]

[(F)](J) The location in this state where the system for which the approval is sought may be inspected by the *[director]* manager; and

[(G)](K) An affidavit of the applicant or the applicant's *[authorized representative]* agent if the applicant is a corporation, that the system for which the approval is sought will be manufactured in accordance with the plans and specifications submitted with the application and that as such it complies with the standards.

(3) Within *[eight (8)]* fifteen (15) working days after the receipt of a complete application for an approval *[has been received by the director, the director]* the manager shall inspect for compliance with the standards the manufactured home tie-down system for which the approval is sought. **An approval or a refusal to grant an approval shall be issued in writing. A notice of a refusal to grant an approval shall specify the reason for the refusal.** If through no fault of the applicant such inspection is not conducted within the prescribed time, the approval shall be issued if no basis for refusal is found on the face of the application.

[(4) An approval or a refusal to grant an approval shall be issued in writing by the director within ten (10) working days after s/he has received a complete application for an approval. A notice of a refusal to grant an approval shall specify the reason for the refusal.]

[(5)](4) No person, without the *[director's]* manager's authorization, may copy or otherwise duplicate an approval unless the word "copy" appears in at least thirty-six- (36-)/- point type down the left and right margins of such approval.

[(6)](5) [Every] Any person who purchases a manufactured home tie-down system shall be furnished by the seller with a copy of the approval for the system purchased.

[(7)](6) The *[commission]* manager shall issue an original approval for each place of business at which an applicant or his/her authorized agent sells, offers for sale, or offers to install an approved manufactured home tie-down system.

AUTHORITY: section 700.076, RSMo [2000] 2016. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 124—Manufactured Home Tie-Down Systems

PROPOSED AMENDMENT

4 CSR 240-124.045 Anchoring Standards. The commission is amending sections (2), (3), (5), (6), and (7), deleting sections (1) and (4), and renumbering as needed.

PURPOSE: This amendment moves the definitions to 4 CSR 240-127 and modifies certain standards related to the anchoring of any manufactured home purchased or relocated on or after the effective date of this rule.

[(1) Definitions. The following definitions, as well as those set out in section 700.010, RSMo apply to this chapter:

(A) Anchor means any device designed to transfer wind

loads imposed on a manufactured home to the ground;

(B) Anchoring equipment means straps, seals, cables, turnbuckles, and tensioning devices, which are used to secure a manufactured home to anchors;

(C) Anchoring systems 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;

(D) 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;

(E) 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;

(F) Stabilizing device means a lateral support device such as a steel plate or a concrete collar used in connection with an anchor to limit lateral movement of the anchor;

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

(H) Unclassified soil means soils that have not been evaluated to determine anchor-holding capacity.]

*[(2)](1) Anchoring System. Each manufactured home installed after [the effective date of the rule] **December 31, 2001**, must be anchored in accordance with the minimum standards specified in the rule. At a minimum, each anchoring system must also meet or exceed the design wind load requirements for Wind Zone 1, as defined in **24 CFR section 3280.305** in the Federal Manufactured Home Construction and Safety Standards.*

[(3)](2) Anchoring Equipment.

(A) Load. Anchoring equipment, when installed, must be capable of resisting an allowable working load equal to or exceeding three thousand one hundred fifty (3,150) pounds and must be capable of withstanding a fifty percent (50%) overload (four thousand seven hundred twenty-five (4,725) pounds total) without failure of either the anchoring equipment or the attachment point on the manufactured home.

(B) Resistance to Weather Deterioration. Anchoring equipment exposed to weathering shall have a coating that is resistant to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface (.0005 inch in thickness), and in accordance with the following:

1. Slit or cut edges of zinc-coated steel strapping do not need to be zinc coated;

*2. Flat steel strapping shall be Type 1, Heavy Duty, Finish B, Grade 1, 1 1/4 inches wide and 0.035 inch in thickness, certified by a registered professional engineer as conforming with ASTM Standard Specification [D3595-91] **D3953-97**, Standard Specification for strapping, flat steel, and seals; and*

*3. Seals shall be Class H, Heavy Duty, Finish B, Grade 1, for steel strapping, certified by the manufacturer as conforming with ASTM Standard Specification [D3595-91] **D3953-97**.*

(C) Permanency of Connections. Anchoring equipment shall be designed and installed to prevent self-disconnection when ties are slack.

[(4) Tensioning Devices. Tensioning devices such as turnbuckles or yoke-type fasteners shall be ended with clevis or forged or welded eyes.]

[(5)](3) Ties.

(A) Material.

*1. Flat steel strapping and seals or other approved methods or materials shall be used for ties. All ties shall be fastened to anchors and [drawn tight] **pre-tensioned** with [turnbuckles or other] adjustable tensioning devices or devices approved for use with the*

anchor.

2. Tie materials shall be either as described in (3)(B)2. of this standard or other approved material capable of resisting an allowable working load of three thousand one hundred fifty (3,150) pounds with no more than twelve percent (12%) elongation and shall withstand a fifty percent (50%) overload (four thousand seven hundred twenty-five (4,725) pounds total).

(B) Attachment.

1. Ties shall connect the anchor and the main structural steel frame that runs lengthwise under the manufactured home. Ties shall not connect to steel outrigger or cross beams that fasten to and intersect the main structural frame. Tie-down straps shall be routed from the anchor to the top of the main structural steel frame.

*2. Tie-down straps shall be attached to the anchor in accordance with the anchor manufacturer's instructions. A permanently attached strap that has been cut off may be spliced, provided [an approved] a splicing device that is listed on the **manufactured housing and modular units program website as approved** is used.*

*(C) Vertical Ties. Vertical ties are not required in Wind Zone 1, as defined in **24 CFR section 3280.305** in the Federal Manufactured Home Construction and Safety Standards.*

[(6)](4) Anchors.

(A) Each anchor, when installed in classified soil, must be capable of resisting a minimum allowable working load of three thousand one hundred fifty (3,150) pounds in the direction of the tie, plus a fifty percent (50%) overload (four thousand seven hundred twenty-five (4,725) pounds total) without failure. Failure shall be considered to have occurred when the head of the anchor moves more than two inches (2") vertically or three inches horizontally when pulled at an angle of between forty degrees (40°) and fifty degrees (50°) under a force of four thousand seven hundred twenty-five (4,725) pounds.

*(B) Each manufactured anchor shall be tested and installed in accordance with the terms of its specified testing procedures and the anchor [manufacturer's instructions] **manufacturer's installation manual**. Each anchor shall be installed and pre-tensioned until it is flush with the stabilizer plate. The slotted bolt must have a minimum of four (4) wraps of the strap after installation.*

(C) Spacing and Location.

1. Classified soil.

*A. All anchors shall be installed at the intervals and in the locations specified by the manufactured home [manufacturer's installation instructions] **manufacturer's installation manual**, and in the correct soil class for which they are approved.*

*B. In the event that the [manufacturer's installation instructions are unavailable] **manufacturer's installation manual does not include default spacing requirements**, all anchors shall be installed in accordance with Tables (A) through (C) of this [standard included herein] **rule**, and in the correct soil class for which they are approved.*

*2. Unclassified soil. All anchors installed in unclassified soil shall be in accordance with Tables (A) through (C) of this [standard included herein] **rule**. A thirty-inch (30") [double four-inch (4") helix anchor with] **anchor with two (2) four-inch (4") helix and** a twelve-inch (12") stabilizer shall be used in unclassified soil.*

3. Spacing.

A. Spacing shall be as even as practicable along the entire length of the home with the first anchor on each end no more than two feet (2') from the end of the home.

*(D) Soil Testing. A determination for soil classification should be made at each anchor location through the use of a standard torque probe[, as described in ASTM Standard D2573-94, or equivalent method]. **The applicable testing method and appropriate test probe are described in ASTM Standard D2573-94, or equivalent method.** If no soil classification test is performed for the anchor location, then the soil at the location shall be considered as unclassified.*

[(7)](5) Diagonal Tie-Down Strap Spacing. Strap spacing for anchors is illustrated in the following tables.

(A) Tables (A) through (C), included herein, illustrate the strap spacing for single section and multi-section homes with anchors located in classified and unclassified soils.

1. Note that the maximum vertical distance is measured from the anchor head to the top of the I-beam (i.e., bottom of the floor).

2. The maximum distance to the first tie-down strap at each end of the home shall be two feet (2'0").

3. Strap spacing calculations are based on the fact that single disk anchors and double disk anchors have the same holding capacity if installed in accordance with the anchor [manufacturer's installation instructions] **manufacturer's installation manual** and in the proper soil classification.

4. Anchors shall be installed just inside the skirting line in order to maintain the angles identified in each table.

5. Anchor strap attachments to the home must be in accordance with the anchor manufacturer's methods.

(B) Tables (D) and (E), included herein, illustrate the [criss-cross] **alternate** strapping system for elevated single and multi-section homes (or portion thereof) to be used in lieu of diagonal tie-down strap spacing tables; *and*].

(C) Table (F), included herein, illustrates approved methods of ground anchor installation.

[(8)](6) Spacing for Federal Manufactured Home Construction and Safety Standards Wind Zone 1 Conditions.

[(A) If the floor width is one hundred sixty-six inches (166") (typical fourteen (14)-wide), with I-beam spacing ninety-five inches (95") or greater center to center and the distance from the top of the footer to the top of the I-beam is no higher than sixty-four inches (64"), anchors shall be spaced eight feet (8') apart for classified soil, or five feet (5') apart for unclassified soil.

(B) If the floor width is one hundred forty-one inches (141") (typical twelve (12)-wide), with I-beam spacing seventy-five and one-half inches (75.5") or greater center to center and the distance from the top of the footer to the top of the I-beam is no higher than fifty two inches (52"), anchors shall be spaced six feet (6') apart for classified soil, or four feet (4') apart for unclassified soil.

(C) Anchors must be installed just inside the skirting line, or as close to the skirting line as possible.]

(A) Anchor spacing per the Missouri manufactured housing program approved anchor manufacturer's spacing requirements for Wind Zone 1.

AUTHORITY: section 700.076, RSMo [2000] **2016**. Original rule filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 124—Manufactured Home Tie-Down Systems

PROPOSED AMENDMENT

4 CSR 240-124.050 Standards. The commission is amending section (1).

PURPOSE: This amendment addresses a typographical error.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The federal standards set [out at 24 CFR section 280.306] **forth in 24 CFR section 3280.306** constitute the manufactured home tie-down systems standards for manufactured homes located in this state which entered the first stage of production after November 22, 1976.

AUTHORITY: section 700.076, RSMo [1986] **2016**. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. For intervening history, please consult the **Code of State Regulations**. Amended: Filed July 6, 2017.

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.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home Tie-Down Systems**

PROPOSED AMENDMENT

4 CSR 240-124.060 Complaints. The commission is amending the purpose and sections (1) and (2) of this rule.

PURPOSE: This amendment modifies manufactured home installer licensing, renewal and disciplinary requirements, and changes the term “director” to “manager”.

PURPOSE: This rule provides for the manner in which complaints may be filed and the procedure by which commission review of the decisions, directives, and interpretations of the [director] manager may be obtained.

(1) Any person aggrieved by a violation of this chapter or Chapter 700, RSMo [(1986)] as it relates to manufactured home tie-down systems **and the manufacturer of those systems** may file a formal or informal complaint under 4 CSR 240-2.070.

(2) [Commission review of the decisions] **Any person aggrieved by the manager’s decisions**, directives and interpretations of [the director which relate to] the standards, this chapter, or Chapter 700, RSMo [(1986)] as [it relates] **they relate** to manufactured home tie-down systems [may be obtained by filing] **may file** a written formal or informal complaint under 4 CSR 240-2.070. In such a complaint, the [director] **manager** shall be denominated as the respondent.

AUTHORITY: section 700.076, RSMo [1986] 2016. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. For intervening history, please consult the Code of State Regulations. Amended: Filed July 6, 2017.

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.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED AMENDMENT

4 CSR 240-125.010 Definitions. The commission is adding new section (1), deleting sections (6)–(24), and re-lettering as needed.

PURPOSE: This amendment modifies terms used in this chapter and moves certain definitions to 4 CSR 240-127.

(1) The following definitions, as well as those set out in section 700.010, RSMo and 4 CSR 240-127 shall apply to this chapter:

[(1)](A) Act means the Federal Manufactured Housing Improvement Act of 2000[.];

[(2)](B) Applicant is a person who applies to the commission for a license or limited use license to install manufactured homes[.];

[(3)](C) Application means a manufactured housing installer license application or renewal application as provided by the commission[.];

[(4)](D) Certificate means a document issued by a commission-approved educational provider reflecting the applicant for licensure has taken an approved manufactured housing installer training class or program and has received a passing grade[.];

[(5)](E) Code means the federal standards set out in 24 CFR section 3280 of the Manufactured Home Construction and Safety Standards, and 24 CFR section 3282 of the Manufactured Home Procedural and Enforcement Regulations, and 24 CFR section 3284 of the Federal Manufactured Housing Installation Standards which constitute the codes to be applied to new manufactured homes which entered the first stage of production after November 22, 1976 which are rented, leased, [or] sold, or offered for rent[.]; **and**

[(6) Commission is the Missouri Public Service Commission.

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

[(8) Dealer is any person, other than a manufacturer, who sells or offers for sale four (4) or more 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.

[(9) Director means the director of the Manufactured Housing and Modular Units Program of the Public Service Commission and persons working under his/her supervision.

[(10) Educational program means a manufactured housing training program approved by the commission.

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

[(12) 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.

(13) Installer is an individual who is licensed by the commission to install manufactured homes, pursuant to sections 700.650 to 700.680, RSMo.

(14) Installation decals are decals issued by the commission to be attached to each new manufactured home installed or set up by a licensed installer.

(15) Installer license is a manufactured housing installer license or renewal license issued by the commission, issued for a one (1) year period.

(16) Installation standards are reasonable specifications for the installation of a manufactured home, including standards consistent with Chapter 700, RSMo, the act or the code and as required by the manufacturer's installation manual.

(17) License renewals mean that manufactured housing installer licenses are due annually beginning with July 1, 2005.

(18) 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.

(19) Manufacturer is any person who manufactures manufactured homes, including persons who engage in importing manufactured homes for resale.

(20) Manufactured home is a manufactured home as that term is defined in subsection (5) of section 700.010, RSMo.

(21) Manufacturer's installation manual shall be the installation manual and any changes or addendums as provided by the home manufacturer for the model home being installed.

(22) New means being sold or offered for sale to the first purchaser for purposes other than resale.

(23) Person is an individual, partnership, corporation, or other legal entity.

(24) Primary installer is the licensed 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.

[(25)](F) Program means Title VI of P.L. 106-569 and any federal regulations promulgated thereunder and as may be amended.

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. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

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Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 125—Manufactured Home Installers

PROPOSED AMENDMENT

4 CSR 240-125.020 General Provisions. The commission is amending section (3) of this rule.

PURPOSE: This amendment modifies the general guidelines for the implementation of this chapter.

(3) No person shall engage in the business of installing manufactured homes or hold himself, herself, or itself out as a manufactured home installer in this state unless such person holds a valid installer license issued by the [commission] manager. Manufactured home dealers and manufacturers who do not subcontract with a licensed installer, but perform installations themselves, must have at least one (1) employee who is a licensed installer who is responsible for each installation.

AUTHORITY: section 700.692, RSMo [Supp. 2004] 2016. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed July 6, 2017.

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.

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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 amendment, and may be asked to respond to commission questions.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED AMENDMENT

4 CSR 240-125.040 Manufactured Home Installer License. The commission is amending sections (1), (2), and (3).

PURPOSE: This amendment modifies the licensing requirements, license fees, and responsibilities for manufactured home installers.

(1) Requirements for an Installer License.

(A) To be licensed as a manufactured home installer, an applicant shall meet all of the requirements of sections 700.650 to 700.692, RSMo, including:

1. Attending a commission-approved manufactured home installation education program;

2. Receiving a passing grade on the commission-approved examination;

3. Submitting an application form and one hundred fifty dollar (\$150) application fee;

4. Submitting the certificate issued by the educational provider; and

5. Providing proof of liability and workman's compensation insurance coverage as required pursuant to section 700.659, RSMo.]

3. Attending certification classes every three (3) years or as otherwise required by the manager; and

4. Submitting to the manufactured housing and modular units program—

A. An application form and one hundred fifty dollar (\$150) application fee;

B. The certificate issued by the educational provider; and

C. Proof of liability and workman's compensation insurance coverage as required pursuant to section 700.659, RSMo.

(B) The [commission] manager may waive the training and examination requirements for applicants who have obtained an installer license in another state, the District of Columbia, or territories of the United States pursuant to section 700.662, RSMo, if all the documentation is submitted with the license application and the application fee is paid. The certification must be current, must meet or exceed the requirements in sections 700.650 to 700.680, RSMo, and must cover all or a portion of the same time frame as the Missouri renewal period.

(2) Installer Responsibilities and Limits.

(B) An installer licensee shall also be responsible for—

1. Affixing the installation decal to each manufactured home;

2. Completing all reporting and application forms required by the program;

3. Leaving the manufacturer's installation manual at the installation site;

4. Assuring that all portions of the manufactured home installa-

tion are in compliance with the manufacturer's installation manual; and

5. Correcting all applicable non-conformances within thirty (30) days of receipt of a correction notice from the [commission] manager.

(3) Primary Installer Responsibilities in addition to (2)(A) and (B) above—

(A) Each primary installer shall be responsible for ensuring the site and foundation are correct before setting the home on the site or foundation. If the home is not correctly set on the site or foundation, the primary installer shall be responsible for making corrections to the site or foundation, pursuant to sections 700.010(5) and (15), RSMo, and 4 CSR 240-125.010(12) and (13); and

(B) Primary installers who install new [homes] manufactured homes in Missouri from dealers, manufacturers, or other entities located in other states shall submit a property locator form provided by the [commission] manufactured housing and modular units program prior to placing the [home] manufactured home on the site. Failure to submit the property locator to the [commission] manufactured housing and modular units program prior to placing the manufactured home on the site may subject the installer to the fifty dollar (\$50) inspection fee as defined in 4 CSR 240-120.065(4)(D).

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. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED AMENDMENT

4 CSR 240-125.050 Limited Use Installer License. The commission is amending section (1), deleting sections (2) and (3) of this

rule, and adding new section (2).

PURPOSE: This amendment modifies licensing guidelines for limited use installer licenses for manufactured home installers.

(1) To be licensed as a manufactured home limited use installer, an applicant shall submit to the [commission] **manufactured housing and modular units program** a completed application, signed and dated by the applicant, together with the required one hundred fifty dollar (\$150) fee and proof of general liability and workmen's compensation insurance. A limited use installer license allows the holder to perform all of the work performed by a licensed installer under the supervision of a licensed installer **until the limited use installer passes a commission-approved manufactured home installer examination.**

[(2) A limited use installer license shall be valid for a period of one hundred eighty (180) days and may be renewed one (1) time.

[(3) If needed, the commission may contact any person or entity to verify the experience of an applicant.]

(2) A limited use installer license holder must take a commission-approved manufactured home installer examination within a period of one hundred eighty (180) days from the issuance of the limited use installer license. Failure to attain a passing grade on the examination terminates the limited use installer license. However, the installer has a one- (1-) time option to reapply pursuant to section (1) of this rule for a second limited use license. The applicant must take a second commission-approved manufactured home installer examination within a period of one hundred eighty (180) days of the license renewal. Failure to attain a passing grade on the second examination terminates a limited use installer license and provides no opportunity for reapplication.

AUTHORITY: section 700.692, RSMo [Supp. 2004] 2016. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.*

SPECIAL NEEDS: *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 TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED AMENDMENT

4 CSR 240-125.060 Licensing. The commission is amending sections (1), (2), and (3) of this rule.

PURPOSE: This amendment modifies manufactured home installer licensing, renewal and disciplinary requirements, and changes the term "director" to "manager".

(1) Issuance and Possession of License.

(B) The licensee shall notify the [commission] **manufactured housing and modular units program** in writing within thirty (30) days of any address change.

(2) License Renewal.

(B) Forty-five (45) days prior to license expiration the [commission] **manufactured housing and modular units program** shall mail each licensee a license renewal application.

(C) An application for renewal of a current license shall include evidence that the applicant has completed a minimum of eight (8) hours of **commission-approved** continuing education/, *as required by the commission and the act*/ and shall be accompanied by the required renewal fee, which shall be the same amount as the application fee established in 4 CSR 240-125.040. Each installer must attend an approved installer certification renewal class every three (3) years or as otherwise required by the [commission] **manager** or the act.

(D) A license renewal application must be submitted to the [commission] **manufactured housing and modular units program** prior to the expiration date of the license. Persons wishing to apply for a license after their license has expired must reapply for a new license and meet all requirements of a new applicant. The [commission] **manufactured housing and modular units program** shall not be responsible for notification if the licensee has changed addresses without notifying the [commission] **manufactured housing and modular units program** within thirty (30) days of the address change.

(3) License Suspension and Revocation.

(A) The [director] **manager** may give the licensed installer twenty (20) days from the date of written notice before filing a formal complaint with the commission for failure to comply with any of the provisions under Chapter 700, RSMo, the rules promulgated thereunder, or the act or the code(s) as adopted under this chapter.

(B) The commission may suspend an installer license for up to thirty (30) days for failure to comply with the provisions of Chapter 700 RSMo, the rules promulgated thereunder, or the act or the code(s) as adopted under this chapter. If conditions have not been remedied within thirty (30) days, the manager shall file, with the commission, a complaint against the installer for failure to comply with a commission rule.

AUTHORITY: sections 700.677 and 700.692, RSMo [Supp. 2004] 2016. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed July 6, 2017.

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.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED AMENDMENT

4 CSR 240-125.070 Installation Decals. The commission is amending sections (1), (2), and (3) of this rule and adding new section (4).

PURPOSE: *This amendment modifies installation decal requirements and fees for manufactured home installers.*

(1) Requirements for Installation Decals.

(A) An installation decal issued by the *[commission] manufactured housing and modular units program* shall be a permanent stick-on decal to be attached to the exterior of the home and shall also include a sign-off portion of the decal, which must be attached next to the data plate inside the home with the initials and license number of each installer involved with the initial setup and installation of the home.

(B) The primary installer who is responsible for the initial **setup and installation** *[and setup]* of the manufactured home which includes site preparation and foundation and any portion of the blocking, leveling, or roof installation is responsible for affixing the installation decal and the sign-off portion of the decal to the manufactured home upon completion of blocking, leveling, or roof installation.

(D) Decals may be purchased by licensed installers by submitting an application to the *[commission] manufactured housing and modular units program*, in duplicate together with the appropriate *[twenty-five dollars (\$25)] thirty-five dollars (\$35)* for each decal.

(E) Only licensed installers may be issued installation decals by the *[commission] manufactured housing and modular units program* and decals shall be affixed only by licensed installers upon completion of the blocking and leveling.

(F) The licensed installer purchasing decals from the *[commission] manufactured housing and modular units program* shall be responsible for decal security, use, and reporting.

(G) Decals assigned to licensed installers may only be transferred by the *[commission] manufactured housing and modular units program*.

(H) If an installer license is suspended, revoked, or expires, or the installer is no longer in business, all unused decals issued to that per-

son shall be returned to the *[commission] manufactured housing and modular units program*. The decal fee may be refunded by the *[commission] manufactured housing and modular units program*, if a refund application is completed by the applicant as provided by the *[commission] manufactured housing and modular units program*.

(I) Primary installers who fail to attach the installation decal and/or the sign-off portion of the decal to the home immediately after the completion of the blocking and leveling of the home *[will] shall* be subject to a two hundred dollar (\$200) inspection fee. The fee shall be paid and submitted to the *[commission] manufactured housing and modular units program* within ten (10) days after notification by the *[director] manager*.

(2) The *[commission] manager* may deny any request for decals when:

(3) Monthly Installation Decal Report.

(A) A licensed installer who has purchased installation decals directly from the *[commission] manufactured housing and modular units program* shall submit a monthly report with the *[commission] manufactured housing and modular units program* no later than the tenth of the month following the month when the decals were placed.

(B) The report shall be filed on the *[commission's]* Installation Decal Report Form **provided by the manufactured housing and modular units program**. The forms may be obtained from the Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102 or online at www.psc.mo.gov.

[(C) The director may reject all monthly reports that are incomplete and may assess an inspection fee of fifty dollars (\$50) per report for each report that is filed sixty (60) days after the due date.

(D) Failure to submit a completed monthly report by the due date or failure to pay any required fees could result in suspension or revocation of the installer's license.]

[(E)](C) A report shall be filed for each month or part of the month for which the installer is licensed. If no decals are placed or installed in a given month, the installer shall file the usual form no later than the tenth of the following month.

[(F)](D) The licensed installer or a representative of the licensed installer shall sign the report.

[(G)](E) The licensed installer shall maintain a copy of this report for his/her records.

[(H)](F) Each installation decal report shall include the licensed installer's name and license number, as well as the licensed installer's street address, city, state, zip code, and telephone number. In addition, the report shall provide the following information for each installation:

1. The installation decal number;
2. The county, home address, and phone number of the homeowner;
3. The date of the installation;
4. The name of the home's manufacturer;
5. The manufactured home serial number and year built;
6. The size of the manufactured home;
7. The dealer's name; and
8. The total number of installation decals placed for the reporting period.

(G) The manager may reject all monthly reports that are incomplete and require the installer to submit corrected reports.

(H) A late submission fee of fifty dollars (\$50) per report will be assessed for each report that is filed sixty (60) days after the due date.

(I) The commission may suspend the installer's license for any report not submitted within sixty (60) days of the due date.

(J) Failure to submit a completed monthly report within ninety (90) days of the due date or failure to pay any required fees could

result in revocation of the installer's license.

(4) The manager shall submit to the commission any written request for a waiver of fees identified in this section, and the commission may grant such a waiver for good cause shown.

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. Amended: Filed July 6, 2017.

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 cost private entities twenty-six thousand eight hundred fifty dollars (\$26,850) 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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Missouri Department of Economic Development**
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 123 – Modular Units

Rule Number and Title:	4 CSR 240- 125.070 Inspections
Type of Rulemaking:	Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
88	Regulated installers of manufactured homes	\$26,850 (over a 3-year life of the rule)

III. WORKSHEET

Installer decals are required to be affixed to a manufactured home by licensed installers upon completion of the blocking and leveling. These decals are purchased from the Manufactured Housing and Modular Units Program.

The Program has experienced approximately a 300% increase in the costs to purchase the decals from the supplier, coupled with increased operational expenses, so as to necessitate the increase of the existing fee from \$25 per decal to the proposed \$35 per decal.

The Program Manager reviewed the decal information for manufactured homes for calendar year 2015 and in applying the proposed rulemaking language, found the following:

There are 88 active installers. In 2015 there were 895 decals issued by the Missouri Manufactured Housing and Modular Units Program. By increasing the existing fee to \$35 per decal from \$25 per decal, the manager estimates a compliance cost of \$8,950 annually, or approximately \$100 per active installer.

IV. ASSUMPTIONS

The estimated aggregate cost of compliance assumes the projected cost over a three year period.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 125—Manufactured Home Installers**

PROPOSED AMENDMENT

4 CSR 240-125.090 Dispute Resolution. The commission is amending sections (1)–(7) of this rule and adding new section (8).

PURPOSE: This amendment modifies the term “director” to “manager” and the complaint procedure under this rule.

(1) After completion of an initial inspection of a manufactured home, a dispute resolution process may be initiated in order to resolve disputes between the manufacturer, the dealer, and the installer of the home. This process may be initiated at the request of the *[director]* **manager**, or upon a manufacturer, dealer, or installer having submitted to the *[director]* **manager** a written request within fourteen (14) days after receipt of the *[director’s]* **manager’s** initial inspection report.

(2) All dispute resolutions shall be conducted at the site of the manufactured home, unless determined by the *[director]* **manager** to be unreasonable or impracticable to do so. Upon the decision to initiate the dispute resolution process or upon receipt of a written request to do so, the *[director]* **manager** shall notify in writing all parties of the time and place of the dispute resolution. In attempting to schedule the dispute resolution, the *[director]* **manager** shall make a good faith effort to consider the input of the parties *[provided that in any case where a deficiency is determined by the director to be an imminent safety hazard or to constitute a serious structural defect, an immediate hearing may be scheduled at the sole discretion of the director]*. The homeowner shall have the right to attend the dispute resolution, to provide input at the request of the *[director]* **manager**, and to be informed of the outcome.

(3) The manufacturer, dealer, and installer shall be required to attend the dispute resolution at the time and place determined by the *[director]* **manager**. Any party who fails to attend the dispute resolution shall be deemed to have waived its right to provide input in the process.

(4) Each inspection item in dispute shall be discussed at the dispute resolution. All parties shall be given the opportunity to present their position in respect to disputed items. The parties shall also discuss with the *[director]* **manager** a timeline for completion of any disputed items and work to reach an agreement thereon.

(5) Within ten (10) days of the dispute resolution, the *[director]* **manager** shall send to the parties a final inspection report that identifies which party has been determined by the *[director]* **manager** to be responsible for repairing the items originally in dispute. This *[final]* inspection report shall also include a date by which the required repairs shall be completed.

(6) Reasonable extensions to the required completion dates may be granted by the *[director]* **manager** under circumstances including, but not limited to, impracticability due to weather or the ability of a party to obtain engineering or permit approvals.

(7) If the repairs are not completed by the original or duly-extended deadline, the *[director may]* **staff counsel’s office shall send a demand letter to the delinquent manufacturer, dealer, and/or installer. If the repairs are not completed by the date specified in the demand letter, or as duly-extended by the staff counsel’s office in consultation with the manager, the manager shall file a formal complaint with the commission.**

(8) In any case where a deficiency is determined by the manager to be an imminent safety hazard or to constitute a serious structural defect, the manager may file a request asking the commission for an immediate hearing of the dispute.

AUTHORITY: section 700.689, RSMo [Supp. 2010] 2016. Original rule filed Oct. 4, 2010, effective April 30, 2011. Amended: Filed July 6, 2017.

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 amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: 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 TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 126—Manufactured Housing Consumer
Recovery Fund**

PROPOSED AMENDMENT

4 CSR 240-126.010 Definitions. The commission is deleting sections (1)–(9) and adding new section (1).

PURPOSE: This amendment modifies the definition of various terms as used in this chapter.

[(1) “Advisory committee” is the committee created to assist the commission with the evaluation of all claims filed by consumers.

(2) “Applicant” is any consumer who completes a claim form.

(3) “Claim form” is the form developed and provided by the commission and which is used for reimbursement from the Manufactured Housing Recovery Fund.

(4) “Commission” is the Missouri Public Service Commission.

(5) “Consumer” is any individual who has purchased from a Missouri registered manufacturer or dealer any “home” as that term is defined in this rule.

(6) “Home” means any new manufactured home built according to the federal standards 24 CFR Parts 3280 and 3282 and

4 CSR 240-120.100, and/or any modular unit used as a residential home and built according to the Code for modular units as that Code is defined in 4 CSR 240-123.080.

(7) "Manufactured Housing Consumer Recovery Fund (Recovery Fund)" means the fund administered by the commission for the purpose of paying consumer claims under procedures the commission may promulgate by rule.

(8) "Program director" is the director of the commission's Manufactured Housing and Modular Units Program.

(9) "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 federal standards in 24 CFR Parts 3280 and 3282, and which a consumer has not been able to recover.]

(1) The following definitions, as well as those set out in section 700.010, RSMo, and 4 CSR 240-127 shall apply to this chapter:

(A) Applicant is any consumer who completes a claim form; and

(B) Home means any new manufactured home built according to the federal standards 24 CFR Parts 3280 and 3282 and 4 CSR 240-120.100, and/or any modular unit used as a residential home and built according to the code for modular units as that code is defined in 4 CSR 240-123.080.

AUTHORITY: sections 700.040[, RSMo 2000] and [section] 700.041, RSMo [Supp. 2008] 2016. Original rule filed April 6, 2009, effective Oct. 30, 2009. Amended: Filed July 6, 2017.

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.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 126—Manufactured Housing Consumer
Recovery Fund**

PROPOSED AMENDMENT

4 CSR 240-126.020 Consumer Recovery Fund. The commission is amending sections (2), (3), (4), (5), (6), (7), (9), (12) and deleting section (13).

PURPOSE: The purpose of this amendment is to modify guidelines for the Manufactured Housing Consumer Recovery Fund.

(2) The advisory committee shall assist the commission in the administration and investigation of all claims submitted by consumers under this rule. The advisory committee shall consist of three (3) members: two (2) employees of the commission with one (1) member being the [program director] manager, one (1) member from the commission's [general] staff counsel's office, and one (1) member of the Missouri Manufactured Housing Association.

(3) In order to receive a disbursement of funds from the Recovery Fund, the following criteria shall be met:

(E) A consumer must have an unsatisfied claim resulting from a violation of—

1. Chapter 700, RSMo; or
2. Any rule adopted by the commission; or

3. The National Manufactured Housing Construction and Safety Standards in 24 CFR Part 3280 or the Manufactured Home Procedural and Enforcement Regulations in Part 3282 or the **Manufactured Home Installation Standards and Manufactured Housing Installation Rules and Regulations in parts 3285 and 3286**; or

4. The standards that govern modular units defined in 4 CSR 240-123.080;

(F) A consumer must have exhausted all legal remedies as set forth in section (6) prior to submitting a claim form;

(H) The amount requested by the consumer must reflect the actual cost of repairs [and] or additional costs incurred as a result of a manufacturer, dealer, or installer is out-of-business, bankrupt, closed, dissolved, or no longer subject to the jurisdiction of the commission. [I/]In no event shall [exceed] a reimbursement amount be made from the Recovery Fund in excess of five thousand dollars (\$5,000) for single section homes and seven thousand five hundred (\$7,500) for multi-section homes. No claim shall include attorney's fees, double, treble, punitive, or exemplary damages.

(4) Upon receipt of a claim form, the advisory committee shall be responsible to investigate and determine whether the requirements of this rule have been met and shall present its findings to the commission in the form of a recommendation [within sixty (60) days from receipt of the claim form].

(5) [All r/Recommendations of the advisory committee [and all] for disbursement/s] of funds from the Recovery Fund shall be subject to the approval of the commission. No funds shall be distributed without prior commission approval.

(6) In determining whether an applicant's legal remedies have been exhausted, the advisory committee may consider **any of** the following:

(A) Evidence demonstrating that the consumer has obtained a judgment from a circuit court against a manufacturer, dealer, or installer and that the consumer has been unable to satisfy this judgment; or

(B) Information indicating that a manufacturer, dealer, or installer, against whom legal action may be taken, is out-of-business, bankrupt, closed, dissolved, or no longer subject to the jurisdiction of the commission; [and] or

(C) Information indicating that legal action against a manufacturer, dealer, or installer is futile or is barred by statute or equitable principle, or any other relevant factor.

(7) A claim form submitted to the commission must be completed in its entirety. *[Information contained on t/*The claim form shall contain, but may not be limited to, the following:

(9) *[Neither the Recovery Fund, t/*The advisory committee, the *[program director] manager, [nor] or* the commission shall **not** be liable if the Recovery Fund does not have sufficient funds to cover all the damages and/or repair costs.

(12) Nothing in this chapter shall limit the ability of the *[program director] manager* to inspect a manufactured home or modular unit at any reasonable time **before or during pendency of the claim or as directed by the commission.**

[(13) Notwithstanding the limitations and terms of any home warranty, the program director may, whenever the program director identifies any aspect of an installation that does not conform to the applicable requirements, order the installer who performed the installation to correct nonconformity, or if that installer is no longer licensed, reassign correction to a registered dealer or licensed installer and reimburse the same from the Recovery Fund for the cost of the correction.]

AUTHORITY: sections 700.040[, RSMo 2000] and [section] 700.041, RSMo [Supp. 2008] 2016. Original rule filed April 6, 2009, effective Oct. 30, 2009. Amended: Filed July 6, 2017.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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SPECIAL NEEDS: *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 TDD Hotline 1-800-829-7541.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 127—Manufactured Homes and Modular Units

PROPOSED RULE

4 CSR 240-127.010 Definitions

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

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

(A) Advisory committee is the committee created to assist the commission with the evaluation of all claims filed by consumers;

(B) Agent means a person who has received the power to act on behalf of another or entity;

(C) Anchor means any device designed to transfer wind loads imposed on a manufactured home to the ground;

(D) Anchoring equipment means straps, seals, cables, and tensioning devices, which are used to secure a manufactured home to anchors;

(E) Anchoring standards means the manufactured home tie-down systems standards adopted by the commission under section 700.076, RSMo;

(F) 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;

(G) 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;

(H) Authorized representative means any person, firm or corporation, or employee thereof, approved or hired by the commission to perform inspection services;

(I) Authorized testing agency means a commission approved testing agency who certified the tie-down system test;

(J) Certification label or label means the approved form of certification that, under 24 CFR section 3282.362(c)(2)(i), is permanently affixed to each transportable section of each manufactured home manufactured for sale in the United States;

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

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

(M) 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;

(N) 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 CFR section 3280 of the Manufactured Home Construction and Safety Standards, and 24 CFR section 3282 of the Manufactured Home Procedural and Enforcement Regulations, and 24 CFR section 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;

(O) Commission is the Missouri Public Service Commission;

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

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

(R) 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;

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

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

(U) 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;

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

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

(X) 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;

(Y) 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;

(Z) 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;

(AA) 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;

(BB) 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;

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

(DD) 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;

(EE) 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;

(FF) Manufactured home as defined by section 700.010, RSMo means a structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) 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 subsection 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;

(GG) 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;

(HH) 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;

(II) 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;

(JJ) 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;

(KK) 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 as it relates to modular units;

(LL) 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 (650) square feet used temporarily and exclusively for construction site office purposes;

(MM) 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;

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

(OO) 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;

(PP) Primary installer means 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;

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

(RR) 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;

(SS) 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);

(TT) 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;

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

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

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

(XX) 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 CFR sections 3280 and 3282, and which a consumer has not been able to recover.

AUTHORITY: section 700.692, RSMo 2016. Original rule filed July 6, 2017.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule 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 rule 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.*

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Title 12—DEPARTMENT OF REVENUE

Division 10—Director of Revenue

Chapter 23—Motor Vehicle

PROPOSED RULE

12 CSR 10-23.600 Complaint, Inspection, and Disciplinary Process for Transportation Network Companies

PURPOSE: This rule clarifies application, inspection, and disciplinary processes and procedures related to transportation network companies.

(1) As used herein, the following terms mean:

(A) "Commission", the regional taxicab commission established pursuant to section 67.1804, RSMo;

(B) "Department", the Missouri Department of Revenue;

(C) "Director", the director of the Missouri Department of Revenue or a hearing officer or appeals referee duly appointed by the director;

(D) "Home rule city", any home rule city with more than four hundred thousand (400,000) inhabitants and located in more than one (1) county; and

(E) "Transportation network company" or "TNC", a corporation, partnership, sole proprietorship, or other entity that is licensed pursuant to sections 387.400 to 387.440, RSMo, and operating in the state of Missouri, that uses a digital network to connect TNC riders to TNC drivers who provide prearranged rides.

(2) Applicants for initial TNC licensure or renewal shall apply to the department by completing an application and providing the following:

(A) The registered name, address, and contact information of the applicant, including a phone number and e-mail address;

(B) The name of the registered agent within the state who will accept service of process and notifications as required by section 387.406, RSMo, and direct contact information for the agent including physical address, phone number, e-mail address, and regular business hours;

(C) The name and e-mail address for an account administrator designated by the applicant for purposes of creating and maintaining an account which will meet all reporting requirements contained in section 387.436, RSMo;

(D) The five-thousand dollar (\$5,000) application fee; and

(E) A copy of the applicant's privacy policy as required by, and in accordance with, section 387.425, RSMo.

Applicants shall certify that they will comply with all requirements contained in sections 387.400 to 387.440, RSMo, sections 379.1700 to 379.1708, RSMo, and all regulations promulgated by the department that are consistent with sections 387.400 to 387.440, RSMo, pursuant to the authority delegated to the department under section 387.430, RSMo. Applicants shall further certify that their privacy policy, as provided to the department, meets all the requirements contained in section 387.425, RSMo. Applicants for renewal shall meet all of the above requirements except that applicants shall only be required to resubmit the applicant's privacy policy if the policy has changed or is different from the privacy policy on file with the department.

(3) Upon approval of an application for TNC licensure, the designated account administrator of the TNC will be sent an electronic notification by the department containing instructions on how to create and maintain an electronic reporting account with the department for purposes of complying with section 387.436, RSMo. The TNC's account shall be created prior to the TNC doing business as a licensee and shall be maintained throughout the duration of the license.

(4) TNCs shall cooperate with any investigation or audit by the department related to sections 387.400 to 387.440, RSMo and sections 379.1700 to 379.1708, RSMo. TNCs shall permit an employee or agent of the department to inspect, during normal business hours, any and all records which are required to be maintained pursuant to sections 387.400 to 387.440, RSMo, if related to an investigation as described above. If a third party is utilized in accordance with section 387.420, RSMo, all records gathered and supplied by the third party shall be maintained and available for inspection by the department. Any records which may be reviewed by a home rule city or the commission must also be made available to the department for inspection purposes upon request. TNCs shall make requested records available for review or provide electronic copies of records within fifteen (15) business days in order to comply with the provisions of this section.

(5) The department may refuse to issue or renew any license required pursuant to sections 387.400 to 387.440, RSMo, for a specified period of time for any one (1) or any combination of causes stated in this section. The department shall notify the applicant or licensee in writing at their last known address of the reasons for the refusal to issue or renew the license and shall advise the applicant or licensee of their right to file an appeal with the administrative hearing commission as provided in Chapter 621, RSMo.

(A) The following acts constitute cause for refusal to issue or renew a license:

1. Any violation of sections 387.400 to 387.440, RSMo, sections 379.1700 to 379.1708, RSMo, or any rule promulgated under the authority delegated to the department under section 387.430, RSMo;

2. The applicant or license holder was previously the holder of a license issued under sections 387.400 to 387.440, RSMo, which license was suspended or denied for cause and was never reissued by