

John R. Ashcroft

**Secretary of State
Administrative Rules Division**

RULE TRANSMITTAL

Administrative Rules Stamp

RECEIVED
JUL 06 2017
SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-124.045

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

Name of person to call with questions about this rule:

Content Nancy Dippell Phone 573-751-8518 FAX 573-526-6010

Email address nancy.dippell@psc.mo.gov

Data Entry Chris Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Fl., Gov. Ofc. Bldg., JC, MO

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☒ Proposed Rulemaking

☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☐ Order of Rulemaking

Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp

SMALL BUSINESS
REGULATORY FAIRNESS BOARD

JUL 06 2017

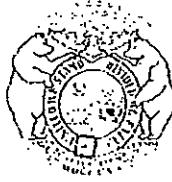
RECEIVED

JCAR Stamp

JOINT COMMITTEE ON

JUL 06 2017

ADMINISTRATIVE RULES



ERIC R. GREITENS
GOVERNOR

GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

P.O. Box 720
(573) 751-3222

June 29, 2017

Daniel Hall
Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102

Dear Chairman Hall:

This office has received your rulemaking for new manufactured homes: 4 CSR 240-120.011; 4 CSR 240-120.031; 4 CSR 240-120.060; 4 CSR 240-120.065; 4 CSR 240-120.070; 4 CSR 240-120.080; 4 CSR 240-120.085; 4 CSR 240-120.090; 4 CSR 240-120.100; 4 CSR 240-120.110; 4 CSR 240-120.120; 4 CSR 240-120.130; and 4 CSR 240-120.140.

This office also has received your rulemaking for pre-owned manufactured homes: 4 CSR 240-121.010; 4 CSR 240-121.020; 4 CSR 240-121.030; 4 CSR 240-121.040; 4 CSR 240-121.050; 4 CSR 240-121.060; and 4 CSR 240-121.180.

This office also has received your rulemaking for modular units: 4 CSR 240-123.010; 4 CSR 240-123.020; 4 CSR 240-123.030; 4 CSR 240-123.040; 4 CSR 240-123.050; 4 CSR 240-123.060; 4 CSR 240-123.065; 4 CSR 240-123.070; 4 CSR 240-123.080; 4 CSR 240-123.090; and 4 CSR 240-123.095.

This office also has received your rulemaking for manufactured home tie-down systems: 4 CSR 240-124.010; 4 CSR 240-124.020; 4 CSR 240-124.030; 4 CSR 240-124.040; 4 CSR 240-124.045; 4 CSR 240-124.050; and 4 CSR 240-124.060.

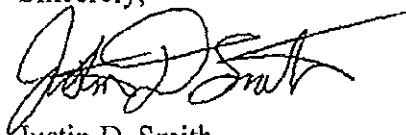
This office also has received your rulemaking for manufactured home installers: 4 CSR 240-125.010; 4 CSR 240-125.020; 4 CSR 240-125.040; 4 CSR 240-125.050; 4 CSR 240-125.060; 4 CSR 240-125.070; and 4 CSR 240-125.090.

This office also has received your rulemaking for the manufactured housing consumer recovery fund: 4 CSR 240-126.010 and 4 CSR 240-126.020.

Finally, this office has received your rulemaking for manufactured homes and modular units, 4 CSR 240-127.010.

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, or adopt new regulations. After our review of this rulemaking, we approve the rules' submission to JCAR and the Secretary of State.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin D. Smith", with a long horizontal flourish extending to the right.

Justin D. Smith
Deputy Counsel



Commissioners

DANIEL Y. HALL
Chairman

STEPHEN M. STOLL

WILLIAM P. KENNEY

SCOTT T. RUPP

MAIDA J. COLEMAN

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

SHELLEY BRUEGGEMANN
General Counsel

MORRIS WOODRUFF
Secretary

LOYD WILSON
Director of Administration

NATELLE DIETRICH
Staff Director

July 6, 2017

John Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-124.045 Anchoring Standards

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

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

The Public Service Commission has determined and hereby certifies that this proposed amendment will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo 2016 that the proposed amendment does not constitute a taking of real property under relevant state and federal law, and that the proposed amendment conforms to the requirements of 1.310, RSMo, regarding user fees.

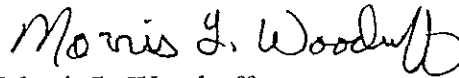
The Public Service Commission has determined and hereby also certifies that this proposed amendment complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than fifty full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Mr. John Ashcroft
July 6, 2017
Page 2

Statutory Authority: section 700.076, RSMo 2016.

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

Nancy Dippell, Senior Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-8518
Nancy.Dippell@psc.mo.gov



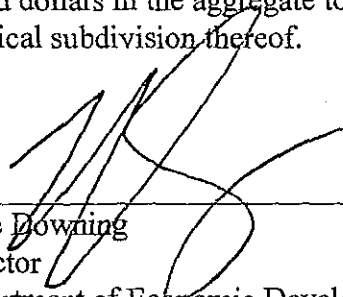
Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

**AFFIDAVIT
PUBLIC COST**

STATE OF MISSOURI)
)
COUNTY OF COLE)

I, Mike Downing, Director of the Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed amendment to rule, 4 CSR 240-124.045, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

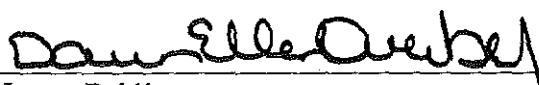


Mike Downing
Director
Department of Economic Development

Subscribed and sworn to before me this 3rd day of August, 2016, I am commissioned as a notary public within the County of Moniteau State of Missouri, and my commission expires on Dec. 13, 2019



DAWN ELLEN OVERBEY
My Commission Expires
December 13, 2019
Moniteau County
Commission #15456865



Notary Public

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); and rescinding sections (1) and (4).

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.]

COPY
RECEIVED
JUL 06 2017
SECRETARY OF STATE
ADMINISTRATIVE RULES

JOINT COMMITTEE
JUL 06 2017
ADMINISTRATIVE RULES

[(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 C.F.R. § 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 C.F.R. § 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 do 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 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.*

**Original authority: 700.076, RSMo 1976, amended 1978, 1982.*

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

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act

should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TOO Hotline 1-800-829-7541.

Small Business Regulator Fairness Board

Small Business Impact Statement

Date: May 24, 2016

Rule Number: 4 CSR 240-124.045

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Person Preparing Statement: Natelle Dietrich

Phone Number: 573-751-7427

Email: natelle.dietrich@psc.mo.gov

Name of Person Approving Statement: Natelle Dietrich

Please describe the methods your agency considered or used to reduce the impact on small businesses *(examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).*

Simplification; proposing a consolidated definitions chapter to apply to all regulated entities under the jurisdiction of the Public Service Commission and its Manufactured Housing and Modular Unit Division.

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

The Commission held a workshop and received comments from affected stakeholders and representatives from the Missouri Manufactured Housing Association, including small businesses.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

None.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

N/A.

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

None identified.

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

Installers.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes___ No_☒__

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see §536.300, RSMo.