

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
December 14, 2001**

CASE NO: MX-2000-443

**Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102**

**General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102**

Enclosed find certified copy of a ORDER OF RULEMAKING in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

4 CSR 240-123.065 Modular Unit Dealer Setup Responsibilities

(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.

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.460, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-123.070 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1444-1445). Changes have been made in the text of the proposed rule and are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association submitted comments concerning rule 4 CSR 240-123.070. A change in section (7)(G) was made to clarify reporting requirements.

COMMENT: 4 CSR 240-123.070 Section (7) sets out the information monthly sales reports must contain. Section (7)(G) requires the sales report to include the serial number of a modular unit from the certificate of origin. The Association believes that this requirement cannot be met since modular manufacturers usually do not provide a certificate of origin. The Association recommends that Section (7)(G) state only that the serial number of each unit sold be reported. Also, Section (7)(J) and (L) requires the number of used units sold and the total sale price of each unit to be reported. Due to the passage of SB 377, the Association believes there is no reason to report data for used units sold unless those units are used for educational purposes. Furthermore, the Association believes that a copy of the actual monthly sales report should be attached to the proposed rule.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that Section (7)(G) can be revised to eliminate the words "certificate of origin." Therefore, text has been changed to reflect this agreement. However, the Commission does not agree that used modular unit sales do not have to be reported on a monthly basis. Monthly sales reporting is vital information to the Manufactured Housing Program for various accounting reasons, including budget projections. The Commission believes that used unit sales information is necessary and the language in Section (7)(J) and (L) is justified. The Commission believes it is cumbersome to attach forms to rulemaking because of the likelihood of future revisions made to the form, thus, requiring rule amendments just to change the attached form.

4 CSR 240-123.070 Monthly Report Requirements for Registered Modular Unit Dealers

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

(G) The serial number for each unit sold;

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.010, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-123.080 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1446). Changes have been made in the text of the proposed amendment, and are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted by T. R. Arnold & Associates, Inc. (TRA), and the Missouri Association of Code Administrators (MACA). There was no public hearing held. TRA and MACA recommend that the Public Service Commission adopt the 2000 International Building Codes for the modular unit program. These recommendations were submitted in response to proposed amendments to 4 CSR 240-123.080.

COMMENT: TRA and MACA recommends that the following codes be adopted: 2000 *International Building Code*; 2000 *International Plumbing Code*; 2000 *International Mechanical Code*; 2000 *International Fuel Gas Code*; 2000 *International Energy Conservation Code*; and the 1999 *National Electric Code*. The recommendations are being made because the current BOCA and UBC Codes adopted by the Commission have combined into one family of codes, (International Building Codes), and will no longer be published after the dates of the editions being proposed in this rulemaking.

RESPONSE AND EXPLANATION OF CHANGE: The Commission believes that the recommendations made by TRA and MACA should be adopted. When the 4 CSR 240-123.080 rulemaking process began, the Manufactured Housing and Modular Units Program proposed the most current editions of the BOCA, UBC, CABO, and National Electric Code available at that time. However, since the beginning of the process, the 2000 International Codes were published. Therefore, the proposed amendments to 4 CSR 240-123.080(3)(A), (B), and (4), should further be amended to reflect the adoption of the above recommended 2000 International Codes. The 2000 International Code includes the CABO Model Energy Code, therefore, the amended section (4) should be deleted.

4 CSR 240-123.080 Code For Modular Units

(3) The structure shall be manufactured in accordance with and meet the requirements of the following building codes: *International Building Code-2000*; *International Plumbing Code-2000*; *International Mechanical Code-2000*; *International Residential Code-2000*; *International Fuel Gas Code-2000*; and *National Electric Code NFPA-1999*.

(4) This rule incorporates by reference the full text of the material listed in section (3).

(5) All modular units shall meet or exceed the Seismic Zone requirements (one, two, or three, 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

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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, it must be built to Seismic Zone Three requirements.

(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, name and address of 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.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 240—Public Service Commission

Chapter 124—Manufactured Home Tie-Down Systems

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.076, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-124.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1446-1447). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 240—Public Service Commission

Chapter 124—Manufactured Home Tie-Down Systems

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 700.076, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-124.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2001 (26 MoReg 1447). Changes have been made in the text of the proposed amendment and are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: Written comments were submitted by the Missouri Manufactured Housing Association (Association). There was no public hearing held. The Association submitted comments concerning amended rule: 4 CSR 240-124.040. As a result

of the Association's comments, changes have been made to five sections of 4 CSR 240-124.040.

COMMENT: 4 CSR 240-124.040(2)(E) sets out the requirements for approval of anchor systems. Paragraph (2)(E)1., provides for the submittal of detailed drawings of proposed anchor systems. The Association believes that installation instructions should also accompany all approval applications.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that installation instruction should accompany all anchoring system approval applications. The Commission proposes that (2)(E)1. be revised to reflect this change.

COMMENT: 4 CSR 240-124.040 (2)(E)1.B., requires each drawing to bear a seal of a registered professional engineer, registered in the State of Missouri. The Association believes it is an unnecessary duplication of effort and unnecessary expense to require the seal of a Missouri registered engineer, and that the Commission should allow certification reciprocity with other States. Therefore, the Association proposes to reword subparagraph (2)(E)1.B. as follows: Each drawing and installation instruction shall bear the seal of a registered professional engineer.

RESPONSE: A requirement for receiving approval to become a third party engineering agency for purposes of representing the Missouri modular unit program is to have a Missouri registered engineer employed by the agency. The modular unit program has not required that drawings bear the seal of that particular engineer. However it is required that the engineering firm place its seal on all drawings being submitted for approval. Therefore, the Commission believes the text in 4 CSR 240-124.040(2)(E)1.B. is sufficient and should not be changed.

COMMENT: 4 CSR 240-124.040(2)(E)2., requires each anchor system model to be tested and verified by an "approved testing agency." The rule does not define "approved testing agency" nor does it set out a list of approved testing agencies. The Association believes a definition of "approved testing agencies," or a list of approved testing agencies be included in the rule.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that the term "approved testing agency" should be clarified. Therefore, the Commission proposes that this rule be revised to clarify or restate this requirement.

COMMENT: 4 CSR 240-124.040(2)(E)2.A., requires that an "authorized representative" must issue a certification concerning the pullout tests to be performed on each anchor system model. The rule does not define or identify the authorized representative and the Association believes that for the sake of clarity the term "authorized representative" should be defined.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that the term "authorized representative" should be clarified, and proposes that this rule be revised to clarify or restate this requirement.

COMMENT: 4 CSR 240-124.040(2)(E)2.A., also requires that each anchor tested must be "pulled at a 45 degree angle." A review of anchor manufacturer's instructions reveals that a pullout angle of between 40-degrees and 50-degrees is acceptable. The Association maintains that registered engineers have stated that a tolerance of plus or minus five degrees meets acceptable engineering standards, and that it would be virtually impossible for a testing agency to certify that a precise angle of 45-degrees was maintained throughout the tests.

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees that the above reference in subparagraph (2)(E)2.A. "pulled at a 45-degree angle," can be revised to state, "pulled at an angle between 40-degrees and 50-degrees."

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 14th day of Dec. 2001.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge