

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
October 16, 2000**

CASE NO: MX-2000-441

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 Proposed Amendment in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

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

FILED

NOT 16 2000
Page 2520

Proposed Rules

October 16, 2000
Vol. 25, No. 20

Missouri Public
Service Commission

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 (2)-(4), and deleting the form that follows this rule in the *Code of State Regulations*.

PURPOSE: Registered manufactured home dealers must file monthly sales reports with the Missouri Public Service Commission and this amended rule clarifies the manner in which the reports must be filed.

[(2)] (4) Failure to [properly complete this] submit a completed monthly report [and submit it] by the due date could result in suspension or revocation of the dealer's registration under section [700.205] 700.090, RSMo.

(3) [The commission will reject all reports not completely and properly filled out.] The director may reject all monthly sales reports that are incomplete.

[[4]] (2) The report may be filed only upon the commission's form for monthly sales reports. These forms may be obtained from the Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102. [A copy of the required form is appended to this rule.]

AUTHORITY: section 700.460, RSMo [1986] 1994. 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.

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

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

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the address stated within thirty days after publication of this notice in the *Missouri Register*. Comments should refer to Case No. MX-2000-441 and be filed with an original and eight copies. No public hearing is scheduled.

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

PROPOSED RULE

4 CSR 240-120.135 New Manufactured Home Inspection Fee

PURPOSE: This rule provides for the manner in which inspection fees assessed on new manufactured home sales are calculated by the commission and submitted by registered dealers.

(1) The commission may, prior to the beginning of each fiscal year starting with the fiscal year commencing on July 1, 2000, issue an

order establishing an inspection fee to be assessed on all new manufactured homes sold in the state of Missouri. Said inspection fee will be calculated as follows:

(A) The commission will determine the funding needs of the manufactured housing and modular units program;

(B) The director will determine through dealer monthly sales reports the aggregate number of new manufactured homes, pre-owned manufactured homes, and modular units sold in the 12-month period commencing May 1 and ending April 30 immediately preceding each fiscal year;

(C) The director will estimate the funds that the program will receive through dealer and manufacturer registrations, plan approvals, and any other fees that the program receives on a yearly basis, based on prior year's receipts; and

(D) The director will subtract the amount determined in subsection (C) above from the program's legislative appropriation. That amount will then be divided by the aggregate number of new manufactured homes, pre-owned manufactured homes, and modular units sold as determined in subsection (B) above. The resulting amount will be rounded up to the next nearest whole dollar amount. This amount will be presented to the commission for approval.

(2) New manufactured home dealers shall remit fees to the director in an amount that equals the number of new manufactured homes sold, multiplied by the inspection fee as approved by the commission. Dealers shall submit said fee with the monthly sales report that is required by 4 CSR 240-120.130 and 4 CSR 240-123. Said fee shall be received no later than the tenth day following the month when the sales were made.

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

(A) Failure to pay fees within 30 days of their prescribed due date;

(B) Failure to pay fees by the prescribed due date for two consecutive months; or

(C) Failure to pay fees by the prescribed due date for any four of the preceding 12 months.

(4) If a dealer remits the inspection fee for a new manufactured home and the sale is rescinded within 60 days of the date of the sale, the dealer has 60 days from the date of said rescission to request that the inspection fee be credited to the next month in which a dealer has a sale subject to the inspection fee.

(5) The director shall deliver copies of the commission's order establishing the new manufactured home inspection fee for the fiscal year to all existing registered dealers no later than July 15 of each fiscal year. The director shall also deliver a copy of the commission's order establishing the fee with each approved certificate of dealer registration.

AUTHORITY: sections 700.040 and 700.115, RSMo Supp. 1999. Original rule filed Sept. 5, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule is estimated to cost private entities approximately \$146,520 annually for the life of the rule.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the address stated within thirty days after publication

MX-2000-438

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 16th day of Oct. 2000.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge