

*Robin
Carnahan*

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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OCT 04 2010

SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-123.080 Code for Modular Units

FILED

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

OCT 5 2010

Name of person to call with questions about this rule:

Content Morris Woodruff Phone 573-751-2849

FAX

573-526-6010

Missouri Public
Security Commission

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Interagency mailing address 200 Madison St., Suite 900, Jefferson City, MO 65102

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☒ Proposed Rulemaking

☐ Withdrawal

☐ Rule Action Notice

☐ In Addition

☐ Rule Under Consideration

☐ Order of Rulemaking

Effective Date for the Order

☒ Statutory 30 days OR Specific date

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

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

Small Business Regulatory
Fairness Board (DED) Stamp

SMALL BUSINESS
REGULATORY FAIRNESS BOARD

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JOINT COMMITTEE ON

OCT 04 2010

ADMINISTRATIVE RULES



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KEVIN GUNN

ROBERT S. KENNEY

Missouri Public Service Commission

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DANA K. JOYCE
Director, Administration and
Regulatory Policy

ROBERT SCHALLENGER
Director, Utility Services

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Director, Utility Operations

STEVEN C. REED
Secretary/General Counsel

KEVIN A. THOMPSON
Chief Staff Counsel

October 4, 2010

Robin Carnahan
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-123.080 Code for Modular Units

Dear Secretary Carnahan,

CERTIFICATION OF ADMINISTRATIVE RULE

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

The Public Service Commission has determined and hereby certifies that this proposed rulemaking will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law, and that the proposed rulemaking conforms to the requirements of 1.310, RSMo, regarding user fees.

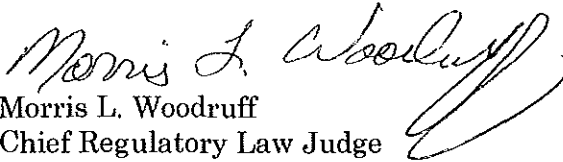
The Public Service Commission has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than twenty-five full or part-time employees or it is necessary 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 twenty-five 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.

Robin Carnahan, Secretary of State
October 4, 2010
Page Two

Statutory Authority: sections 700.010 and 700.040 RSMo 2000

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

Morris L. Woodruff, Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-2849
morris.woodruff@psc.mo.gov


Morris L. Woodruff
Chief Regulatory Law Judge

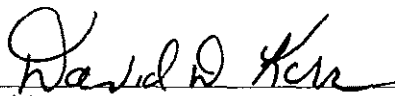
Enclosure

AFFIDAVIT

PUBLIC COST

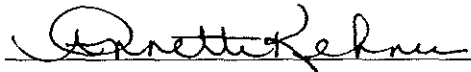
STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

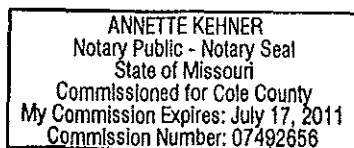
I, David Kerr, Director, Missouri Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of the proposed amendment to rule 4 CSR 240-123.080 is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



David Kerr
Director
Department of Economic Development

Subscribed and sworn to before me this 14th day of Sept., 2010. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on 17 July 2011.





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

RECEIVED

PROPOSED AMENDMENT

OCT 04 2010

4 CSR 240-123.080 Code for Modular Units

SECRETARY OF STATE
ADMINISTRATIVE RULES

PURPOSE: The amendment establishes the new codes 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 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.

(2) All modular units shall be built in accordance with the FHA Structural Engineering Bulletin and FHA Minimum Property standards and be eligible for long-term financing under section 203(b) of the National Housing Act, 12 U.S.C. 1701.

(3) The structure shall be manufactured in accordance with and meet the requirements of the following building codes: **Except as provided in subsections (a) and (b) below, International Building Code-[2006]2009; International Plumbing Code-[2006]2009; International Mechanical Code-[2006]2009; International Residential Code-[2006]2009; International Fuel Gas Code-[2006]2009; and National Electric Code NFPA-[2005]2008.** 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 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 [2006] 2009 International Code publication, contact the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795.)

- (a) **The requirement under section R313.2 of the 2009 International Residential Code requiring one-and two family dwellings to be constructed with an automatic fire protection system shall not be mandatory, and**
- (b) **Effective January 1, 2011, every dealer or manufacturer who sells a modular home to be placed in Missouri shall be required to have the purchaser of such modular unit sign and date an acknowledgement that the dealer or manufacturer has offered the fire sprinkler system in conjunction with the sale of the home. Such acknowledgement shall be contained in or attached to the purchase agreement or sales contract. The acknowledgement must be signed by both the purchaser and the**

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must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Small Business Regulator Fairness Board

Small Business Impact Statement

Date: September 6, 2010

Rule Numbers: 4 CSR 240-123.080,

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Person Preparing Statement: Ron Pleus

Phone Number: 573-751-7119

Email: ron.pleus@psc.mo.gov

Name of Person Approving Statement:

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*).

Adopting the new codes ensures more timely approval of modular structures by local building code administrators.

The majority of the impact of any cost with the implementation of the Modular unit amendment is incurred by the manufacturers and has no measurable impact on the small businesses local retailer dealers who sell factory built modular structures

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

The agency regularly conducts informational meetings throughout the state to obtain feedback from the local retailers who sell and install modular structures. The agency also works closely with local governments to ensure the factory built structures are built to codes that are approved by local governmental agencies.

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.

Monetary costs will be less than \$500 for revisions to existing forms and other notifications to the Industry. Those notifications can be included in existing notifications. No other additional imposed fees are required.

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

The impact is limited to the factories who build the Modular structures. By building the structures to the updated codes, it should assist small businesses with more timely approval and installation of the structures in local communities and repairs to manufactured homes.

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

Respondents listed no direct or indirect costs with the implementation of the amendments.

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

Manufactured Housing Manufacturers both residential and commercial manufacturers will bear the initial costs of building these structures to the updated building codes. However, as most of the manufacturers who responded to the cost requests stated they were already using the updated codes, no additional costs will be incurred. Additionally, building residential and commercial structures to updated building codes is a cyclical cost of doing business in the building construction industry. Local retail dealers and the contractors who install/set-up these units will benefit from the proposed amendments. Consumers who purchase these units for residential and commercial purposes, including schools using modular unit classrooms will have units that are safer as a direct result of the updated building codes.

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

Yes___ No__X__

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

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