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## Missouri Public Service Commission

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November 13, 2001

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Missouri Public  
Service Commission

Commissioners  
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Chair  
CONNIE MURRAY  
SHEILA LUMPE  
STEVE GAW

Honorable Matt Blunt  
Secretary of State  
600 West Main Street  
Jefferson City, Missouri 65101

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Order of Rulemaking lawfully submitted by the Missouri Public Service Commission for filing this 13<sup>th</sup> day of November, 2001.

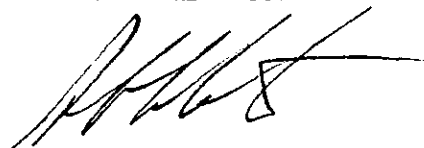
Rule: 4 CSR 240-123.070 – Monthly Report Requirements for Registered Modular Unit Dealers

Statutory authority: 700.460, RSMo 2000

Missouri Public Service Commission Case No.: MX-2000-446

If there are any questions, please contact: Bruce H. Bates, Associate General Counsel  
Missouri Public Service Commission  
200 Madison St.  
Post Office Box 360  
Jefferson City, Missouri 65102  
(573) 751-7434

BY THE COMMISSION

  
Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

Administrative Rules Stamp

**MATT BLUNT**  
**Secretary of State**  
**Administrative Rules Division**  
**RULE TRANSMITTAL**

A "SEPARATE" rule transmittal sheet must be used for EACH individual rulemaking.

A. Rule Number 4 CSR 240-123.070  
Diskette File Name 11/13/01 Final Orders of Rulemaking  
Name of Person to call with questions about this rule: Bruce H. Bates  
Context \_\_\_\_\_ Phone 573/751-7434 FAX 573/751-9285  
Data Entry \_\_\_\_\_ Phone \_\_\_\_\_ FAX \_\_\_\_\_  
Interagency Mailing Address 200 Madison St., P.O. Box 360, Jefferson City, MO 65102

Statutory Provision for Rulemaking  
Authority 700.460 Provide Most Current RSMo Year 2000  
Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo Supp. 1998, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED: FORMS, List by Mo-Form Number, # of Pages  
☒ Cover Letter \_\_\_\_\_  
☐ Affidavit \_\_\_\_\_  
☐ Cost Statements \_\_\_\_\_  
☐ Public Entity Fiscal Note OTHER \_\_\_\_\_  
☐ Private Entity Fiscal Note \_\_\_\_\_

C. RULEMAKING ACTION TO BE TAKEN  
☐ Emergency Rulemaking, Must Specify Effective Date  
☐ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)  
☒ Order of Rulemaking (MUST complete page 2 of this transmittal)  
☐ Withdrawal (Rule, Amendment, Rescission or Emergency)  
☐ Rule Action Notice  
☐ In Addition

D. SPECIFIC INSTRUCTIONS: In this space indicate any special instructions (e.g., specify publication date preference, identify material incorporated by references, etc:)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-123.070

1a. Effective Date for the Order

Statutory 30 days X or later specific date \_\_\_\_\_

1b. Does the Order of Rulemaking contain changes to the rule text?

YES X NO \_\_\_\_\_

1c. If the answer is YES, please complete section F. If the answer is NO, Stop here.

F. Please provide a complete list of the changes in the rule text for the order or rulemaking, indicating the specific section, subsection, subparagraph, part, etc., where each change is found.

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer language that appears at the bottom of this page.)

Please see attached comments.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.

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Title 4 – DEPARTMENT OF ECONOMIC  
DEVELOPMENT

Division 240 – Public Service Commission  
Chapter 123 – Modular Units

NOV 13 2001

SECRETARY OF STATE  
ADMINISTRATIVE RULES

ORDER OF RULEMAKING

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

**4 CSR 240-123.070 Monthly Report Requirements for Registered Modular Unit Dealers is amended.**

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

**SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE:** 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 317, 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 bases. 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)(G) The serial number for each unit sold;