

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

\*Administrative Rules Stamp

**RECEIVED**

JUN 16 2004

SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-123.095  
Diskette File Name 240-123.095 Word 2000  
Name of Person to call with questions about this rule:  
Content Bruce H. Bates Phone 573-751-7434 FAX 573-751-9285  
Data Entry Sharon S. Wiles Phone 573-751-4873 FAX Same as above  
Email Address bruce.bates@psc.mo.gov  
Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO  
Statutory Authority 700.040 Current RSMo date 2000  
Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and  
536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> This transmittal completed | <input type="checkbox"/> Incorporation by reference materials, if any |
| <input checked="" type="checkbox"/> Cover letter               | <input type="checkbox"/> Authority with history of the rule           |
| <input checked="" type="checkbox"/> Affidavit                  | <input type="checkbox"/> Public cost                                  |
| <input type="checkbox"/> Forms, number of pages <u>    </u>    | <input type="checkbox"/> Private cost                                 |
| <input checked="" type="checkbox"/> Fiscal notes               | <input type="checkbox"/> Hearing and comment period                   |

C. RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency Rulemaking, (check one) ☐ rule ☐ amendment ☐ rescission ☐ termination  
**MUST** include effective date
- ☒ Proposed Rulemaking (check one) ☒ rule ☐ amendment ☐ rescission  
☐ Order of Rulemaking (check one) ☐ rule ☐ amendment ☐ rescission ☐ termination  
**MUST** complete page 2 of this transmittal
- ☐ Withdrawal (check one) ☐ rule ☐ amendment ☐ rescission ☐ emergency  
☐ Rule action notice  
☐ In addition  
☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, identify material to be incorporated by reference, or forms included herein).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

JCAR Stamp

**RULE TRANSMITTAL (PAGE 2)**

---

E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

1a. Effective Date for the Order

☐ Statutory 30 days

Specific date \_\_\_\_\_

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

☐ YES

☐ 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 of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. This is not a reprinting of your order, but an explanation of what sections, subsections, etc. have been changed since the original proposed rule was filed.

~~(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer text. DO NOT delete the header, however.)~~

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.



Commissioners  
STEVE GAW  
Chair  
CONNIE MURRAY  
ROBERT M. CLAYTON III  
JEFF DAVIS  
LINWARD "LIN" APPLING

## *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>

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

June 16, 2004

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 is an accurate and complete copy of the Proposed Rule lawfully submitted by the Missouri Public Service Commission for filing this 16th day of June 2004, that a takings analysis and small business impact analysis have occurred and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Rule: 4 CSR 240-123.095 Re-Inspection Fee for Modular Homes.

Statutory authority: 700.040, RSMo (2000)

Missouri Public Service Commission Case No.: MX-2004-0517

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts", is written over a horizontal line.

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission

Enclosures

**AFFIDAVIT**

STATE OF MISSOURI }  
COUNTY OF COLE }

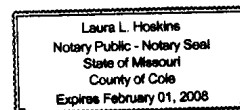
I, Anne Walker, Deputy Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of Proposed New Rule 4 CSR 240-123.095 is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Anne Walker  
Deputy Director  
Department of Economic Development

Subscribed and sworn to before me this 2nd day of June, 2004.  
I am commissioned as a notary public within the County of Cole, State of  
Missouri, and my commission expires on 02-01-08.

  
NOTARY PUBLIC



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

**PROPOSED RULE**

**4 CSR 240-123.095 Re-Inspection Fee**

*PURPOSE: The purpose of this rule is to outline the procedure for the re-inspection of modular homes and third party requests for inspections pursuant to section 700.040 RSMo.*

(1) The commission may conduct as needed re-inspections of new modular homes to verify corrections have been made as identified during the original inspection, where required corrections have not been completed by the dealer or manufacturer within sixty (60) days of receipt of the original written complaint from the consumer as filed with the commission.

(2) The commission may charge the dealer or the manufacturer or both, a fee for the re-inspection. The fee is charged to the dealer or the manufacturer who was responsible for making the corrections, or both where both were responsible, when items are not completed in a timely manner as required in section (1).

(3) If recommended by the director, the commission may waive the fee for either the dealer or the manufacturer, or both, if it is found during the re-inspection that there is neither any material defect, nor material violation of Chapter 700, nor any material violation of the International Building Code or the International Residential Code as adopted by the Commission.

(4) The re-inspection shall address all violations listed in the original consumer inspection report. A copy of the report shall be forwarded to the manufacturer or dealer or both, for corrective action as well as an invoice for the re-inspection fee. A copy shall also be forwarded to the consumer, if applicable.

(5) The manufacturer and the dealer shall be sent a copy of the re-inspection report within ten (10) days from the date of the re-inspection.

(6) The assessed fee shall be paid to the commission within twenty (20) working days from the date the re-inspection is completed. Each manufacturer and each dealer shall submit along with the fee a written plan of action to be taken by each to correct any statutory, rule or code violations identified and corrections shall be completed within thirty (30) days of the re-inspection.

(7) The fee shall be implemented on all re-inspections conducted after the effective date of the rule.

(8) The commission shall send written notification to each licensed manufacturer and each licensed dealer giving the effective date of the rule.

(9) The fee shall be two hundred dollars (\$200) per inspection to be paid by the manufacturer responsible for making the corrections as identified in the original inspection report, if the defect(s) or violation(s) as outlined in section (3) have not corrected. The fee shall be two hundred dollars (\$200) per inspection to be paid by the dealer, responsible for making the corrections as identified in the original inspection report, if the defects(s) or violation(s) as outlined in section (3) have not been corrected. The total fee shall not exceed four hundred dollars (\$400) per inspection and shall only be paid by the manufacturer or dealer or both, who has failed to make the applicable corrections in a timely manner. The fee shall be submitted with a form provided by the Commission. The commission shall make the determination of who shall be assessed the fee.

(10) The commission shall assess an inspection fee of four hundred dollars (\$400) for all third party requests for inspections. Third party requests for inspections must be submitted in writing to the Commission and the inspection fee must accompany the request. Third parties do not include licensed manufacturers or dealers.

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

(A) Failure to pay the inspection fees within twenty (20) days of their prescribed due date;

(B) Failure to pay the fee by the prescribed due date for two (2) consecutive months; or

(C) Failure to pay the fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

*AUTHORITY: section 700.040 (2000). Original rule filed June 16, 2004.*

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

*PRIVATE ENTITY COST: This proposed rule is estimated to cost private entities approximately two thousand dollars (\$2000) annually for the life of the rule.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, Missouri 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register and reference Case No. MX-2004-0517. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 4

Division: 240 Public Service Commission

Chapter: 123 Modular Units

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 240.123.095 Re-Inspection Fee

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which could be affected by the adoption of the proposed rule:	Classifications by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities
There are approximately 140 Modular Unit manufacturers and dealers.	Modular Unit Manufacturers and Dealers	\$2,000 in the first year and a similar amount in succeeding years.

**III. WORKSHEET**

1. Estimate the number of re-inspections that will be conducted during Fiscal Year 2004 will be 10.
2. 10 re-inspections @ \$200 per home = \$2000.

**IV. ASSUMPTIONS**

1. The Missouri Public Service Commission (MoPSC) will conduct re-inspections of manufactured homes to assure compliance with this rule.
2. This estimate is made for this rule is on a stand-alone basis.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
4. Estimate approximately 10 re-inspections of modular units will be conducted during FY 2004.
5. The Commission feels the \$200 re-inspection fee will only apply to either the Manufacturer or Dealer. The history of inspections and re-inspections reflects that re-inspections are only required to address problems which have not been corrected for only one entity either the manufacturer or dealer.