

**John R. Ashcroft**

**Secretary of State  
Administrative Rules Division**

**RULE TRANSMITTAL**

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**JUL 06 2017**

**SECRETARY OF STATE  
ADMINISTRATIVE RULES**

**COPY**

Rule Number 4 CSR 240-123.030

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

Name of person to call with questions about this rule:

Content Nancy Dippell Phone 573-751-8518 FAX 573-526-6010

Email address nancy.dippell@psc.mo.gov

Data Entry Chris Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9<sup>th</sup> Fl., Gov. Ofc. Bldg., JC, MO

**TYPE OF RULEMAKING ACTION TO BE TAKEN**

☐ Emergency rulemaking, include effective date

☒ Proposed Rulemaking

☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☐ 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**

**JUL 06 2017**

**ADMINISTRATIVE RULES**



ERIC R. GRETTENS  
GOVERNOR

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

P.O. Box 720  
(573) 751-3222

June 29, 2017

Daniel Hall  
Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, Missouri 65102

Dear Chairman Hall:

This office has received your rulemaking for new manufactured homes: 4 CSR 240-120.011; 4 CSR 240-120.031; 4 CSR 240-120.060; 4 CSR 240-120.065; 4 CSR 240-120.070; 4 CSR 240-120.080; 4 CSR 240-120.085; 4 CSR 240-120.090; 4 CSR 240-120.100; 4 CSR 240-120.110; 4 CSR 240-120.120; 4 CSR 240-120.130; and 4 CSR 240-120.140.

This office also has received your rulemaking for pre-owned manufactured homes: 4 CSR 240-121.010; 4 CSR 240-121.020; 4 CSR 240-121.030; 4 CSR 240-121.040; 4 CSR 240-121.050; 4 CSR 240-121.060; and 4 CSR 240-121.180.

This office also has received your rulemaking for modular units: 4 CSR 240-123.010; 4 CSR 240-123.020; 4 CSR 240-123.030; 4 CSR 240-123.040; 4 CSR 240-123.050; 4 CSR 240-123.060; 4 CSR 240-123.065; 4 CSR 240-123.070; 4 CSR 240-123.080; 4 CSR 240-123.090; and 4 CSR 240-123.095.

This office also has received your rulemaking for manufactured home tie-down systems: 4 CSR 240-124.010; 4 CSR 240-124.020; 4 CSR 240-124.030; 4 CSR 240-124.040; 4 CSR 240-124.045; 4 CSR 240-124.050; and 4 CSR 240-124.060.

This office also has received your rulemaking for manufactured home installers: 4 CSR 240-125.010; 4 CSR 240-125.020; 4 CSR 240-125.040; 4 CSR 240-125.050; 4 CSR 240-125.060; 4 CSR 240-125.070; and 4 CSR 240-125.090.

This office also has received your rulemaking for the manufactured housing consumer recovery fund: 4 CSR 240-126.010 and 4 CSR 240-126.020.

Finally, this office has received your rulemaking for manufactured homes and modular units, 4 CSR 240-127.010.

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, or adopt new regulations. After our review of this rulemaking, we approve the rules' submission to JCAR and the Secretary of State.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin D. Smith", with a long horizontal flourish extending to the right.

Justin D. Smith  
Deputy Counsel



Commissioners

DANIEL Y. HALL  
Chairman

STEPHEN M. STOLL

WILLIAM P. KENNEY

SCOTT T. RUPP

MAIDA J. COLEMAN

## *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>

SHELLEY BRUEGGEMANN  
General Counsel

MORRIS WOODRUFF  
Secretary

LOYD WILSON  
Director of Administration

NATELLE DIETRICH  
Staff Director

July 6, 2017

John Ashcroft  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Re: 4 CSR 240-123.030 Seals

Dear Secretary Ashcroft,

### CERTIFICATION OF ADMINISTRATIVE RULE

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

The Public Service Commission has determined and hereby certifies that this proposed amendment 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 2016 that the proposed amendment does not constitute a taking of real property under relevant state and federal law, and that the proposed amendment conforms to the requirements of 1.310, RSMo, regarding user fees.

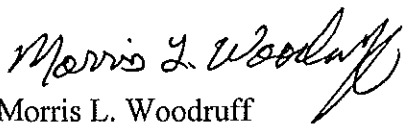
The Public Service Commission has determined and hereby also certifies that this proposed amendment complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary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

Mr. John Ashcroft  
July 6, 2017  
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Statutory Authority: section 700.040, RSMo 2016.

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

Nancy Dippell, Senior Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-8518  
Nancy.Dippell@psc.mo.gov

  
Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosures

**AFFIDAVIT  
PUBLIC COST**

STATE OF MISSOURI )  
                                  )  
COUNTY OF COLE     )


I, Mike Downing, 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 amendment to rule, 4 CSR 240-123.030, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Mike Downing  
Director  
Department of Economic Development

Subscribed and sworn to before me this 3rd day of August, 2016, I am commissioned as a notary public within the County of Moniteau State of Missouri, and my commission expires on Dec. 13, 2019



DAWN ELLEN OVERBEY  
My Commission Expires  
December 13, 2019  
Moniteau County  
Commission #15458865

  
\_\_\_\_\_  
Notary Public



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

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ADMINISTRATIVE RULES

**Proposed Amendment**

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**4 CSR 240-123.030 Seals.** The Commission is amending sections (2), (3), (4), (5), (6), (8), (10), (11), (12), and (13) of this rule.

*PURPOSE: This amendment changes the term "director" to "manager", changes the term "authorized representative" to "agent", and defines where applications may be submitted.*

(1) No modular unit which entered the first stage of production after July 1, 1976 shall be rented, leased or sold or offered for rent, lease or sale in this state unless a seal or approved insignia is properly affixed to it.

(2) An application for a seal shall be submitted to the *[director]* **manager** and it shall be executed on a form which shall be provided by the *[director]* **manager**. One (1) form may be used to apply for all seals required at a given time.

(3) To be complete, an application for seals to be affixed to modular units manufactured or to be manufactured under an approved manufacturing program shall be executed by the manufacturer (or the manufacturer's *[authorized representative]* **agent** if the manufacturer is a corporation) of the modular unit to which the requested seals will be affixed and shall include:

(A) An affidavit of the applicant or the applicant's *[authorized representative]* **agent** if the applicant is a corporation, certifying that each requested seal will be affixed only to modular units manufactured under an approved manufacturing program and that each modular unit to which a requested seal will be affixed will comply with the code at the time it is rented, leased, sold or offered for rent, lease or sale by the applicant. Each new modular unit sold or placed in the state must contain the applicable seal as specified in this section; and

(B) A nonrefundable fee of one hundred ten dollars (\$110) for each seal requested.

(4) The *[director]* **manager** is authorized to refuse to issue a seal under any of the following circumstances:

(A) If the modular unit to which the seal is to be affixed does not comply with the code which was in effect when it entered the first stage of production;

(B) If the *[director]* **manager** has not approved the applicant's manufacturing program;

(C) If the *[director's]* **manager's** approval of the applicant's manufacturing program has lapsed, expired or been withdrawn pursuant to 4 CSR 240-123.040;

(D) If at the time of application the *[director]* **manager** has reason to believe that the applicant is failing to abide by Chapter 700, RSMo 2000;

(E) If the *[director]* **manager** has reason to believe that the seal will be placed on a unit which is not a complete modular unit.

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(5) A seal or a written refusal to issue a seal shall be issued by the *[director]* **manager** within ten (10) working days after s/he has received a complete application. A notice of refusal shall specify the reason for refusal.

(6) Seals shall be delivered by one (1) of the following methods:

(A) By prepaid certified mail, requesting a return receipt signed by addressee only, sent to the applicant's place of business; or

(B) By delivery to an applicant in person *[at the office of the secretary of the commission]* **at the office of the commission's manufactured housing and modular units program**. Upon delivery of seals by this method, the applicant shall provide to the *[director]* **manager** a written acknowledgement of receipt.

(7) A seal shall be affixed to the electric panel box of a completed modular unit. A seal shall be located so that person(s) shall have an unobstructed view of seal.

(8) Within thirty (30) days of the discovery that a seal issued to him/her has become lost, mutilated or otherwise unserviceable, a dealer or manufacturer shall provide written notice of such to the *[director]* **manager**.

(9) Any person to whom a seal has been issued or who owns a modular unit to which a seal or approved insignia has been affixed may apply for the replacement of such seal or approved insignia if it becomes lost, mutilated or otherwise unserviceable. Applications for replacement seals shall be made on the same forms and in the same manner as applications for seals are made under this rule. A fee of forty dollars (\$40) shall be charged for a replacement seal.

(10) Seals and approved insignia may be removed by the *[director]* **manager** from any modular unit which is found to be in violation of the code which was in effect when it entered the first stage of production. Seals issued to a person who manufactures modular units under an approved manufacturing program must be returned to the *[director]* **manager** immediately if the approval is withdrawn by the *[director]* **manager**.

(11) If the *[director]* **manager** removes a seal or approved insignia from a modular unit, s/he shall provide written notice of such action to the owner of the unit. The notice shall be mailed within *[five (5)]* **ten (10)** working days of the removal and shall be sent by prepaid certified mail, requesting a return receipt signed by addressee only, to the last known address of the owner. The notice shall state the reason for the removal.

(12) When a seal or approved insignia is removed by the *[director]* **manager**, s/he shall place a prohibited sale notice in the location specified for the seal in section (7) of this rule. A prohibited sale notice shall state that the rental, lease or sale or the offering for rent, lease or sale of the modular unit to which the notice is attached is prohibited under section 700.015, RSMo 2000.



The prohibited sale notice shall also state that further information may be obtained from the *[director]* **manager**, whose name, address and telephone number shall be listed **on the notice**. A copy of the prohibited sale notice shall be *[filed with the commission]* **on file in the office of the manufactured housing and modular units program of the commission**.

(13) The *[director]* **manager** may issue a seal to any registered dealer or owner who has acquired a pre-owned modular unit without a seal, if proof is submitted to the *[director]* **manager** that the unit meets the requirements of the existing *[code as adopted]* **International Building Code (IBC) or International Residential Code (IRC) as recognized** by the commission pursuant to section 700.021, RSMo. Proof may include verification that the unit meets the applicable code from an approved third party inspection agency or other entity approved by the commission. The dealer or owner must make any changes required to bring the unit into compliance with the applicable code. The *[director]* **manager** may issue a seal *[if]* **once** all the requirements of Chapters 700 and 123, RSMo are met, required inspections are completed and the applicable seal fee is submitted.

*AUTHORITY: section 700.040, RSMo [2000]2016. \* Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001, effective Jan. 30, 2002. Emergency amendment filed Jan. 24, 2003, effective Feb. 3, 2003, expired Aug. 1, 2003. Amended: Filed Feb. 27, 2003, effective July 30, 2003. Amended: Filed Oct. 15, 2007, effective April 30, 2008.*

\*Original authority: 700.040, RSMo 1973, amended 1976, 1978, 1982, 1984, 1989, 1993, 1995, 1999.

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

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received no later than September 15, 2017, and should include a reference to Commission Case No. MX-2016-0317. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing is scheduled for 10:00 a.m., September 22, 2017, in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TOO Hotline 1-800-829-7541.*

# **Small Business Regulator Fairness Board Small Business Impact Statement**

**Date:** May 24, 2016

**Rule Number:** 4 CSR 240-123.030

**Name of Agency Preparing Statement:** Missouri Public Service Commission

**Name of Person Preparing Statement:** Natelle Dietrich

**Phone Number:** 573-751-7427

**Email:** natelle.dietrich@psc.mo.gov

**Name of Person Approving Statement:** Natelle Dietrich

**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).*

Simplification; the proposed amendment clearly defines the program administrator's delegated authority and the authorities maintained by the Commission.

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

The Commission held a workshop and received comments from affected stakeholders and representatives from the Missouri Manufactured Housing Association, including small businesses.

**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.**

None.

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

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

None identified.

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

Registered modular unit manufacturers and dealers.

**Does the proposed rule 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.*