

MEMORANDUM

TO: Dale Hardy Roberts, Secretary

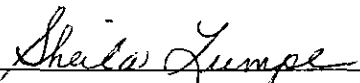
DATE: September 5, 2000

RE: Authorization to File Proposed Rule 4 CSR 240-123.075 With the Office of Secretary of State

CASE NO: MX-2000-439

The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file the attached with the Office of Secretary of State, to wit:

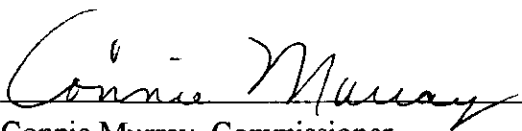
Proposed Rule 4 CSR 240-123.075 Modular Unit Inspection Fee



Sheila Lumpe, Chair



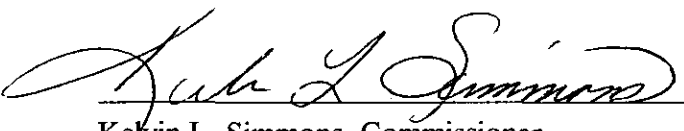
M. Dianne Drainer, Vice Chair



Connie Murray, Commissioner



Robert Schemenauer, Commissioner



Kelvin L. Simmons, Commissioner

AGENDA - 9/5/00
Thornburg/Pope

P:\JP\RULES\cases\MX-2000-439\4-CSR-240-123-075.doc

Draft circulated: 8/28/00, 11:10 a.m.

Revised draft circulated: 8/31/00, 4:30 p.m.

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

PROPOSED RULE

4 CSR 240-123.075 Modular Unit Inspection Fee

PURPOSE: This rule provides for the manner in which inspection fees assessed on modular unit 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 modular units 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 twelve (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.

(D) The director will subtract the amount determined in subparagraph (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 subparagraph (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) Modular unit dealers shall remit fees to the director in an amount that equals the number of modular units sold, multiplied by the inspection fee as approved by the commission. Dealers shall submit said fees with the monthly sales report that is required by 4 C.S.R. 240-120.130 and 4 C.S.R. 240.123.070. Said fees 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.

(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 modular unit 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 modular unit 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, 700.115 RSMo Supp. 1999.
Original Rule Filed _____.

PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivision more than \$500 annually for the life of the rule.

PRIVATE ENTITY COST: This proposed rule is estimated to cost private entities approximately \$13,200 annually for the life of the rule.

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARINGS: 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 30 days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. MX-2000-439 and be filed with an original and eight copies. A public hearing on this proposed rule will be held at 10:00 a.m. on November 17, 2000, for interested persons to provide comments and respond to Commissioners' questions. The hearing will be held at the Governor Office Building, Room 310, 200 Madison Street, Jefferson City, Missouri.*

SPECIAL NEEDS: The Governor Office Building meets the accessibility standards required by the Americans with Disabilities Act. If any person needs additional accommodations to participate in this local public hearing, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or 1-800-829-7541 (TDD) prior to the hearing.

**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: 075 – Inspection Fee

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types 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 132 active modular unit dealers.	Modular unit dealers	\$13,200 in the first year and a similar amount in succeeding years

III. WORKSHEET

1. Modular unit dealers will be required to submit inspection fees per home sold as reported on monthly sales reports.
2. Ensuring compliance with this rule will not require additional staff.
3. The estimated cost of compliance is based on the total number of modular units sold in the State of Missouri, multiplied by the annualized inspection fee that is generated by annual calculations prescribed in this proposed rule.

IV. ASSUMPTIONS

1. Fiscal Year 1999 data was used to estimate costs in this summary. No adjustment for inflation has been applied.
2. Actual cost of compliance in succeeding years will vary depending on annual calculation of inspection fee.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.