

**John R. Ashcroft**

**Secretary of State  
Administrative Rules Division**

**RULE TRANSMITTAL**

Administrative Rules Stamp

**RECEIVED**

**JUL 06 2017**

**SECRETARY OF STATE  
ADMINISTRATIVE RULES**

Rule Number 4 CSR 240-125.090

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**

**JUL 06 2017**

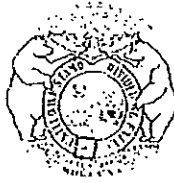
**RECEIVED**

**JCAR Stamp**

**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.

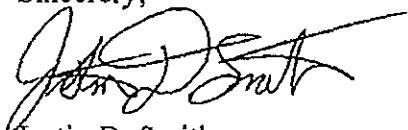
This office also has received your rulemaking for manufactured home installers: 4 CSR 240-125.010; 4 CSR 240-125.020; 4 CSR 240-125.040; 4 CSR 240-125.050; 4 CSR 240-125.060; 4 CSR 240-125.070; and 4 CSR 240-125.090.

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 stylized flourish extending from the end.

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 240-125.090 Dispute Resolution

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.

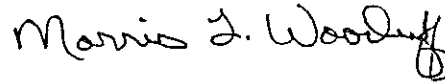
The Public Service Commission has determined and hereby also certifies that this proposed amendment complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary 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  
Page 2

Statutory Authority: section 700.689, 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

A handwritten signature in black ink, reading "Morris L. Woodruff". The signature is written in a cursive style with a large, stylized "M" and "W".

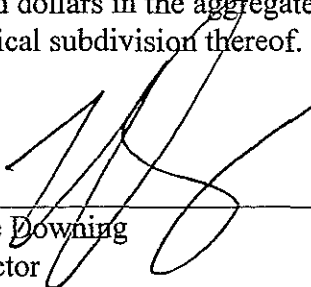
Morris L. Woodruff  
Chief Regulatory Law Judge

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 240-125.090, 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 3<sup>rd</sup> 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 #15456865

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

RECEIVED

COPY

JUL 06 2017  
Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240—Public Service  
Commission  
ADMINISTRATIVE RULES

Chapter 125—Manufactured Home Installers



**4 CSR 240-125.090 Dispute Resolution.** The Commission is amending sections (1), (2), (3), (4), (5), (6) and (7) of this rule; and proposing Section (8).

*PURPOSE: This amendment modifies the term "director" to "manager" and the complaint procedure under this rule.*

(1) After completion of an initial inspection of a manufactured home, a dispute resolution process may be initiated in order to resolve disputes between the manufacturer, the dealer, and the installer of the home. This process may be initiated at the request of the *[director]* **manager**, or upon a manufacturer, dealer, or installer having submitted to the *[director]* **manager** a written request within fourteen (14) days after receipt of the *[director's]* **manager's** initial inspection report.

(2) All dispute resolutions shall be conducted at the site of the manufactured home, unless determined by the *[director]* **manager** to be unreasonable or impracticable to do so. Upon the decision to initiate the dispute resolution process or upon receipt of a written request to do so, the *[director]* **manager** shall notify in writing all parties of the time and place of the dispute resolution. In attempting to schedule the dispute resolution, the *[director]* **manager** shall make a good faith effort to consider the input of the parties *[provided that in any case where a deficiency is determined by the director to be an imminent safety hazard or to constitute a serious structural defect, an immediate hearing may be scheduled at the sole discretion of the director]*. The homeowner shall have the right to attend the dispute resolution, to provide input at the request of the *[director]* **manager**, and to be informed of the outcome.

(3) The manufacturer, dealer, and installer shall be required to attend the dispute resolution at the time and place determined by the *[director]* **manager**. Any party who fails to attend the dispute resolution shall be deemed to have waived its right to provide input in the process.

(4) Each inspection item in dispute shall be discussed at the dispute resolution. All parties shall be given the opportunity to present their position in respect to disputed items. The parties shall also discuss with the *[director]* **manager** a timeline for completion of any disputed items and work to reach an agreement thereon.

(5) Within ten (10) days of the dispute resolution, the *[director]* **manager** shall send to the parties a final inspection report that identifies which party has been determined by the *[director]* **manager** to be responsible for repairing the items originally in dispute. This *[final]* inspection report shall also include a date by which the required repairs shall be completed.

(6) Reasonable extensions to the required completion dates may be granted by the *[director]* **manager** under circumstances including, but not limited to, impracticability due to weather or the ability of a party to obtain engineering or permit approvals.

(7) If the repairs are not completed by the original or duly-extended deadline, the *[director]* staff counsel's office shall send a demand letter to the delinquent manufacturer, dealer and/or installer. If the repairs are not completed by the date specified in the demand letter, or as duly-extended by the staff counsel's office in consultation with the manager, the manager shall *[may]* file a formal complaint with the commission.

(8) In any case where a deficiency is determined by the manager to be an imminent safety hazard or to constitute a serious structural defect, the manager may file a request asking the commission for an immediate hearing of the dispute.

AUTHORITY: section 700.689, RSMo [Supp. 2010]2016.\* Original rule filed Oct. 4, 2010, effective April 30, 2011.

\*Original authority: 700.689, RSMo 2004

*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 240-125.090

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.**

N/A.

**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.**

Installers.

**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.*