

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

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SEP 30 2020

SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 20 CSR 4240-125.040

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 Kayla Kliethermes Phone 573-751-4256 FAX 573-526-6010

Email address Kayla.Kliethermes@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Floor Gov. Office Bldg, JC, Mo
TYPE OF RULEMAKING ACTION TO BE TAKEN

☒ Emergency Rulemaking ☐ Rule ☒ Amendment ☐ Rescission ☐ Termination

Effective Date for the Emergency October 15, 2020

☐ Proposed Rulemaking ☐ Rule ☐ Amendment ☐ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☐ Order of Rulemaking ☐ Withdrawal ☐ Adopt ☐ Amendment ☐ Rescission

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

JCAR Stamp

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By Joint Committee on Administrative Rules at 3:32 pm, Sep 30, 2020



WILLIAM P. KENNEY
Commissioner

MAIDA J. COLEMAN
Commissioner

Missouri Public Service Commission

RYAN A. SILVEY
Chairman

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://psc.mo.gov>

SCOTT T. RUPP
Commissioner

JASON R. HOLSMAN
Commissioner

September 30, 2020

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

Re: 20 CSR 4240-125.040(1)(C) Manufactured Home Installer License

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

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

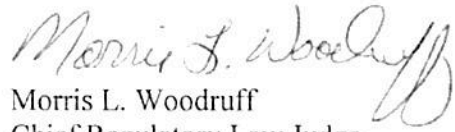
I further certify that this emergency amendment is supported by an immediate danger to the public health, safety or welfare that requires emergency action as described in the emergency statement.

Statutory Authority: *section 700.692, RSMo*

If there are any questions regarding the content of this proposed amendment, 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 cursive script, reading "Morris L. Woodruff". The signature is written in dark ink and is positioned above the printed name and title.

Morris L. Woodruff
Chief Regulatory Law Judge
Missouri Public Service Commission

Enclosures

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
WWW.GOVERNOR.MO.GOV

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

September 21, 2020

Mr. Ryan Silvey
Public Service Commission
200 Madison Street
PO Box 360
Jefferson City, MO 65102

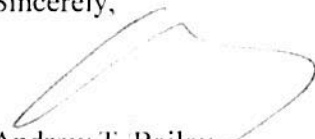
Dear Ryan:

This office has received your Emergency and Proposed Rulemaking for the following regulations:

- 20 CSR 4240-125.040 Manufactured Home Installer License (Emergency)
- 20 CSR 4240-125.040 Manufactured Home Installer License (Proposed)

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of these regulations, we approve the submission to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,

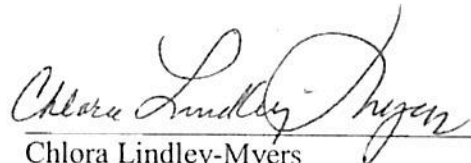


Andrew T. Bailey
Deputy General Counsel

**AFFIDAVIT
PUBLIC COST**

STATE OF MISSOURI)
)
COUNTY OF COLE)

I, Chlora Lindley-Myers, Director of the Department of Commerce and Insurance, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed emergency amendment, 20 CSR 4240-125.040, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

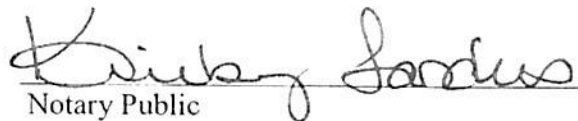

Chlora Lindley-Myers
Director
Department of Commerce and Insurance

Subscribed and sworn to before me this 22nd day of September, 2020, I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on May 18, 2024.



KIMBERLY LANDERS
My Commission Expires
May 18, 2024
Callaway County
Commission #12558402




Notary Public

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SEP 30 2020

SECRETARY OF STATE
ADMINISTRATIVE RULES

Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 4240—Public Service
Commission
Chapter 125—Manufactured Home Installers

EMERGENCY AMENDMENT

20 CSR 4240-125.040 Manufactured Home Installer License. The Public Service Commission is amending subsection (1)(C).

PURPOSE: This amendment modifies certification class requirements for manufactured home installers.

EMERGENCY STATEMENT: This emergency amendment is necessary because the Governor, in Executive Order 20-02, has declared a State of Emergency related to the COVID-19 pandemic. The Public Service Commission finds an immediate danger to the public health requires this emergency action, because absent it, members of the public and the commission staff could be exposed to the COVID-19 pandemic by attending in-person training sessions. A proposed amendment, which covers the same material is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The emergency amendment is fair to all interested stakeholders and parties under the circumstances. This emergency amendment was filed September 30, 2020, becomes effective October 15, 2020, and expires April 12, 2021.

(1) Requirements for an Installer License.

(A) To be licensed as a manufactured home installer, an applicant shall meet all of the requirements of sections 700.650 to 700.692, RSMo, and submit to the manufactured housing and modular units program—

1. An application form and one hundred fifty dollar (\$150) application fee;
2. The certificate issued by the educational provider; and
3. Proof of liability and workman's compensation insurance coverage as required pursuant to section 700.659, RSMo.

(B) The manager may waive the training and examination requirements for applicants who have obtained an installer license in another state, the District of Columbia, or territories of the United States pursuant to section 700.662, RSMo, if all the documentation is submitted with the license application and the application fee is paid. The certification must be current, must meet or exceed the requirements in sections 700.650 to 700.680, RSMo, and must cover all or a portion of the same time frame as the Missouri renewal period.

(C) A manufactured home installer must attend certification classes every three (3) years *[or as otherwise required by the manager]*, **except this requirement may be extended by a period not to exceed two (2) additional years by order of the commission, on the recommendation of the manager, finding such attendance is not feasible as the result of a natural disaster, public health emergency, or other exigent circumstance. As an alternative, attendance of certification classes may be held virtually through an internet portal capable of video and multimedia presentations and two-way communication.**

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By Joint Committee on Administrative Rules at 3:33 pm, Sep 30, 2020

AUTHORITY: section 700.692, RSMo 2016. This rule originally filed as 4 CSR 240-125.040. Original rule filed Jan. 14, 2005, effective June 30, 2005. Amended: Filed Aug. 15, 2013, effective March 30, 2014. Amended: Filed July 6, 2017, effective March 30, 2018. Moved to 20 CSR 4240-125.040, effective Aug. 28, 2019. Emergency amendment filed September 30, 2020, effective October 15, 2020. A proposed amendment covering this same material is published in this issue of the **Missouri Register**.*

**Original authority: 700.692, RSMo 2004.*

PUBLIC COST: This emergency amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the time the emergency is effective.

PRIVATE COST: This emergency amendment will not cost private entities more than five hundred dollars (\$500) in the time the emergency is effective.

Small Business Regulatory Fairness Board Small Business Impact Statement

Date: September 16, 2020

Rule Number: 20 CSR 4240-125.040(1)(C)

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Persons Preparing Statement: Karen Bretz and Justin Smith

Phone Number: 573-751-5472 Email: Karen.Bretz@psc.mo.gov
573-526-2833 Justin.Smith@psc.mo.gov

Name of Persons Approving Statement: Kevin Thompson and 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).*

The amendment increases manufactured home installers' flexibility to complete their certification class requirement.

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

The Commission will accept comments and hold a public hearing on the proposed rule.

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.

No monetary costs to our agency or any other agencies are anticipated. No fees are imposed or rescinded.

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

Small businesses who are manufactured home installers will be required to comply. No adverse effect is anticipated since the amendment offers additional opportunities for installers to comply with current requirements.

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

No costs are anticipated with compliance.

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

Manufactured home installers will directly benefit from this rule.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes ☐ No ☒

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.