

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

RECEIVED

By Administrative Rules SOS at 3:12 pm, Apr 24, 2024

Rule Number 20 CSR 4240-123.080

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 _____

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 JCAR at 2:54 pm, Apr 24, 2024



Missouri Public Service Commission

SCOTT T. RUPP
Commissioner

KAYLA HAHN
Chair

MAIDA J. COLEMAN
Commissioner

JASON R. HOLSMAN
Commissioner

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

GLEN KOLKMEYER
Commissioner

April 24, 2024

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

Re: 20 CSR 4240-123.080 Code for Modular Units

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 further certifies it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo, that the proposed amendment does not constitute a taking of real property under relevant state and federal law.

The Public Service Commission has determined and hereby also certifies that if the proposed amendment does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed amendment either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Statutory Authority: section 386.410, RSMo 2016

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

Nancy Dippell
Secretary/Chief 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



Nancy Dippell

Nancy Dippell
Secretary

Enclosures



Missouri Public Service Commission

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GLEN KOLKMEYER
Commissioner

April 24, 2024

Sarah Schappe
Director
Joint Committee on Administration Rules
State Capitol, Room B8A
Jefferson City, Missouri 65101

Re: 20 CSR 4240-123.080 Code for Modular Units

Dear Director Schappe,

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Nancy Dippell

Nancy Dippell
Secretary

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

April 19, 2024

Ms. Kayla Hahn
Public Service Commission
PO Box 360
Jefferson City, MO 65102

Dear Ms. Hahn:

This Office has received your Proposed Amendments for the following regulations:

- 20 CSR 4240-123.080 Code for Modular Units

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, we approve the submission to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,


A handwritten signature in blue ink, appearing to read "Evan Rodriguez".

Evan Rodriguez
General Counsel

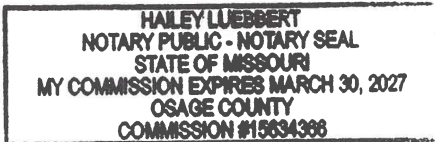
**AFFIDAVIT
PUBLIC COST**

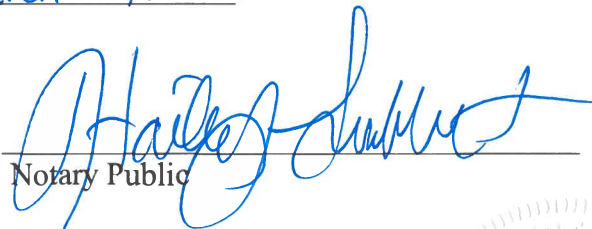
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 amendment, 20 CSR 4240-123.080, 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 22 day of April, 2024, I am commissioned as a notary public within the County of Osage, State of Missouri, and my commission expires on March 30, 2027.




Notary Public



RECEIVED

By Administrative Rules SOS at 3:12 pm, Apr 24, 2024

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 4240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

20 CSR 4240-123.080 Code for Modular Units. The Commission is amending sections (3), (5) and (6).

PURPOSE: This proposed amendment updates the building codes to the recent editions of the building codes and updates out-of-date references to the Code of State Regulations.

(3) The structure shall be manufactured in accordance with and meet the requirements of the most recently commission-adopted building codes: except as provided in subsections (A) and (B) below, *International Building Code*-[2015] **2021**; *International Plumbing Code*-[2015] **2021**; *International Mechanical Code*-[2015] **2021**; *International Residential Code*-[2015] **2021**; *International Fuel Gas Code*-[2015] **2021**; and *National Electric Code NFPA-70* [2014] **2020**. Manufacturers will have six (6) months in which to update to the new code after the effective date of this rule as notified by the manager for all units built on or after that date. The referenced codes do not include any later amendments or additions. (For a copy of the International Code publication, contact the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795. For a copy of the *National Electric Code*, contact the national Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02169-7471.)

(5) All modular units shall meet or exceed the Seismic Zone requirements (A, B, C, D1, D2 or E as defined in the applicable code in section (3) above) for the area in which the modular unit is placed. Modular unit plans submitted by a manufacturer under [4] **20 CSR 4240-123.040** shall specify the Seismic Zone for which the unit is built as well as the location where the unit will be placed. If a unit is built for open placement throughout the state of Missouri, the manufacturer and the dealer or dealer's agent is responsible to ensure the unit is placed in the proper seismic area for which the unit is built.

(6) Each modular unit shall bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. Each data plate must be covered with a material that will make it possible to clean the data plate of ordinary dirt without obscuring the information. Each data plate shall include the following information at a minimum: name and address of manufacturer, serial and model number of the unit, date the unit was manufactured, code the unit was built to, seismic zone listing, name and address of the third party engineering agency that reviewed and approved the plans submitted by the manufacturer under [4]**20 CSR 4240-123.040**.

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AUTHORITY: sections 700.010 and 700.040, RSMo 2016. This rule originally filed as 4 CSR 240-123.080. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Emergency amendment filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Amended: Filed July 3, 1989, effective Nov. 1, 1989. Amended: Filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Oct. 15, 2007, effective April 30, 2008. Amended: Filed Oct. 4, 2010, effective April 30, 2011. Amended: Filed July 6, 2017, effective March 30, 2018. Moved to 20 CSR 4240-123.080, effective Aug. 28, 2019. **Filed _____, 2024, effective _____, 2024.***

**Original authority: 700.010, RSMo 1973, amended 1976, 1978, 1982, 1984, 1994, 1999, 2008, 2010 and 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 TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Nancy Dippell, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before July 3, 2024, and should include a reference to Commission Case No. MX-2024-0310. 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 regarding this proposed amendment is scheduled for July 8, 2024, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri, 65102. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, 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 TDD Hotline 1-800-829-7541.

Small Business Regulatory Fairness Board

Small Business Impact Statement

Date: March 29, 2024

Rule Number: 20 CSR 4240-123.080 – Code for Modular Units

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Persons Preparing Statement: Travis Pringle

Phone Number: 573-751-5700 **Email:** travis.pringle@psc.mo.gov

Name of Persons Approving Statement: Jim Busch and Kevin Thompson

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*).

Differing Compliance. The current version of the rule requires compliance with various codes from 2014 and 2015. Municipalities, dealers, manufacturers, and installers have since moved on to compliance with the most recent version of the codes from 2020 and 2021. This amendment would bring the Commission's rules into alignment with the current codes being followed.

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

Modular unit manufacturers have been requesting that the Commission update its code references to reflect the current state of compliance. Several city and county municipalities have reached out regarding the same. Once the proposed rule enters the formal rulemaking process, the Commission will seek additional input through a formal comment period and a rulemaking hearing. Commission proceedings are open to all interested stakeholders, including any 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.

N/A

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

Some manufacturers, dealers, and installers of modular units may be small businesses. This rule amendment would require those small business to follow the updated code requirements.

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.

Modular unit (manufactured home) installers, dealers, and manufacturers.

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.