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**Rules of**  
**Department of Economic**  
**Development**  
**Division 240—Public Service Commission**  
**Chapter 123—Modular Units**

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

**4 CSR 240-123.010 Definitions**

*PURPOSE: This rule defines the terms used in this chapter.*

(1) The following definitions, as well as those set out in section 700.010, RSMo 2000, shall apply to this chapter:

(A) Application means an application for a seal;

(B) Approved insignia means an insignia issued by a state with which this state has entered into a reciprocity agreement under section 700.030, RSMo 2000;

(C) Approved manufacturing program means a manufacturing program approved in writing by the director as conforming to the requirements of this chapter, the code and Chapter 700, RSMo 2000 as it relates to modular units;

(D) Code means the standards relating to manufactured homes, or modular units as adopted by the commission. The commission, in its discretion, may incorporate, in whole or in part, the standards codes promulgated by the International Code Council, in its entirety, (for a copy of this 2006 publication, contact the International Code Council, Publications, 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795), the United States Department of Housing and Urban Development or other recognized agencies or organizations;

(E) Director means the director of the Manufactured Housing and Modular Units Program of the Public Service Commission and those working under his/her supervision;

(F) Insignia means the device which in other states is affixed to a modular unit to evidence compliance with state prescribed manufacturing and safety standards;

(G) Manufacturing program means a plan for manufacturing modular units which is comprised of at least a quality control manual and detailed plans for each type of modular unit to be manufactured under the program;

(H) Detailed plan means a detailed set of plans and specifications of each modular unit and manufacturer supplied component produced by a manufacturer;

(I) Modular unit means a factory fabricated transportable building section designed to be used by itself or to be incorporated with other sections at a building site into single modular structures to be used for residential, commercial, educational or industrial pur-

poses. For purposes of this chapter, modular unit only means a unit(s) making up a completed modular structure. Separate modular sections are not modular units until assembled into a single modular unit. A manufactured modular unit may be moved as more than one (1) unit, but shall not consist of panels, nor individual pieces to be assembled on the permanent foundation or be more than those necessary pieces needed to complete final set up;

(J) Purchase agreement or bill of sale means a writing reflecting the terms of transfer of property between a dealer and the purchaser;

(K) Replacement seal means a seal which has been issued to replace a lost, mutilated or otherwise unserviceable seal or approved insignia;

(L) Seal as defined by section 700.010, RSMo 2000 includes replacement seal; and

(M) Installation instructions means a detailed installation manual for the supporting, fastening, bolting of the floors, roof section(s), end walls, fastening down to foundation, electrical connections, water crossovers and any other such operation that will be needed to properly set up a modular unit.

*AUTHORITY: section 700.040, RSMo 2000.\* 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. Amended: Filed Oct. 15, 2007, effective April 30, 2008.*

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

**4 CSR 240-123.020 Administration and Enforcement**

*PURPOSE: This rule delegates the responsibility for administering and enforcing the code, this chapter and Chapter 700, RSMo as it relates to modular units or homes.*

(1) The commission's powers and responsibilities under Chapter 700, RSMo 1986, with respect to modular units, except the power to revoke, deny, refuse to renew or place on probation a registration under section 700.090, RSMo 1986, are delegated to the director.

(2) Manufacturers shall be responsible for all necessary repairs due to nonconformance of standards regardless of their selling agent.

(3) The dealer or selling agent shall assume responsibility of repairs due to nonconformance of standards if the manufacturer either

goes out of business, avoids service of process, files bankruptcy, fails to satisfy a judgment, or becomes insolvent.

(4) In the event the dealer/selling agent either goes out of business, avoids service of process, files bankruptcy, fails to satisfy a judgment, or becomes insolvent, the manufacturer shall become responsible for arranging for the setup of the modular unit in accordance with the manufacturer's installation instructions, unless the purchaser or his or her authorized agent has executed a written waiver of that service.

*AUTHORITY: section 700.040, RSMo 2000.\* Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 15, 2007, effective April 30, 2008.*

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

**4 CSR 240-123.030 Seals**

*PURPOSE: This rule describes the modular unit to which seals or approved insignia must be affixed and the standards and procedures which relate to the issuance of seals and the removal of seals and approved insignia.*

(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 and it shall be executed on a form which shall be provided by the director. 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 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 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 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 has not approved the applicant's manufacturing program;

(C) If the director's approval of the applicant's manufacturing program has lapsed, expired or been withdrawn;

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

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

(5) A seal or a written refusal to issue a seal shall be issued by the director 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. Upon delivery of seals by this method, the applicant shall provide to the secretary of the commission 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.

(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 appli-

cations 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 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 immediately if the approval is withdrawn by the director.

(11) If the director 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) 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, 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, whose name, address and telephone number shall be listed. A copy of the prohibited sale notice shall be filed with the commission.

(13) The director 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 that the unit meets the requirements of the existing code as adopted 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 may issue a seal if 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. \* 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.*

#### 4 CSR 240-123.040 Approval of Manufacturing Programs

*PURPOSE: This rule establishes the procedure under which a manufacturing program may be approved and the circumstances under which an approval of a manufacturing program will lapse, expire or be withdrawn.*

(1) To have a manufacturing program considered for approval, the manufacturer who will use the program for which approval is sought shall submit the following information, documents and material to the director:

(A) The name and address of the manufacturer who will use the program;

(B) If the manufacturer who will use the program is a corporation, a copy of the corporation's articles of incorporation, bylaws and most recent annual registration filed under section 351.120, RSMo along with a copy of documents which verify that the officer who has executed the application has actual authority to have done so. As long as the original documents remain unchanged an applicant who has once submitted such copies shall not be required to resubmit them with subsequent requests for approval of a manufacturing program;

(C) The make and style of the modular units which will be produced under the manufacturing program;

(D) The earliest date on which production will begin under the manufacturing program;

(E) One (1) copy of the quality control manual under which the manufacturing program will be implemented. The manual shall at least include a description which is sufficient to demonstrate compliance with the code for every procedure relating to the manufacturing of modular units for which the code contains a requirement;

(F) Third party inspection for compliance with required codes; and

(G) One (1) copy of detailed installation instructions for the assembly of the modular components for each modular unit shall be furnished with each modular unit to the dealer/selling agent, and one (1) set shall be submitted with each model plan for approval, such instruction shall reflect detailed instructions for the assembly of the unit(s), including the fastening of dormers if applicable,



roof installation details, floor fastening, end wall fastening, king post installation, and any other on-site assembly of manufacturer supplied components.

(2) Both dealer/selling agent and manufacturer shall register with the Public Service Commission's Manufactured Housing and Modular Units Program before any sales are made by either party. A nonrefundable fee as set forth in section 700.090, RSMo, shall accompany each request for an approval or re-approval of such registration. The registration must be renewed annually.

(3) Approval of a manufacturing program shall be evidenced by the director's stamp of approval on the quality control manual and detailed plans which comprise the program. Upon approval of a manufacturing program the director shall return to the manufacturer a copy of the plan approval form for the quality control manual and any plans approved which bear the director's stamp of approval. A copy of the original of such approved quality control manual and detailed plans shall be retained at each location where the manufacturing program which they comprise is implemented.

(4) Within ten (10) working days of the submission to the director of the required registration fee and the information necessary for the director to consider a request for approval of a manufacturing program, the director shall approve or refuse to approve the request. A notice of refusal shall specify the reason for refusal.

(5) The approval of a manufacturing program shall lapse when any changes, not approved in writing by the director, are made in any procedure, part or component for which the code includes a requirement. The director shall promptly provide written approval of such changes after the director has received a written description of the changes which is sufficient to demonstrate that the changes comply with the code.

(6) Approval of a manufacturing program shall expire when the code under which such program was approved is revised or replaced. Reapproval of a manufacturing program whose approval has expired shall be obtained in the same manner that approval of a manufacturing program is originally obtained.

(7) The director shall withdraw approval of a manufacturing program if the director finds—

(A) A manufacturer is failing to abide by this chapter or Chapter 700, RSMo 2000;

(B) Seals issued under an application for seals for modular units to be produced under an approved manufacturing program have been affixed to modular units which were not manufactured under an approved manufacturing program;

(C) Seals have been affixed to modular units after the approval for the manufacturing program for the units has lapsed or expired;

(D) A manufacturer fails to comply with annual registration requirements; and

(E) A manufacturer fails to renew plans of units produced under the manufacturing program.

(8) If the director withdraws approval of a manufacturing program, the director shall provide written notice of such action to the manufacturer. The notice shall be mailed within five (5) working days of the withdrawal and shall be sent by prepaid certified mail to the last known address of the manufacturer requesting return receipt signed by addressee only. The notice shall state the reason for the withdrawal.

(9) An entity which produces modular units under an approved manufacturing program shall mail or deliver to the director, by the tenth day of each month, a report which identifies each modular unit by make, style, serial number and dealer's name and location to which seals have been affixed since the previous report and the seal number of each unit.

(10) To receive approval of a manufacturing program the manufacturer must also submit one (1) copy of detailed plans and installation diagrams for each type of modular unit which will be produced under the manufacturing program. Such detailed plans shall at least include, for every part or component for which the code contains a requirement, a description which is sufficient to demonstrate compliance with the code.

(11) All subsequent modular unit plans and installation diagrams including foundation plans, if applicable, for each additional type of modular unit (or model) to be manufactured must also be submitted to the director for approval. Modular unit plan approvals shall be renewed annually on all models still in production. Each submittal shall comply with the following requirements:

(A) A nonrefundable fee of seventy-five dollars (\$75) shall accompany each request for approval of a modular unit plan;

(B) Each modular unit plan must be identifiable by model name or number or a combination of both;

(C) Approval of a new set of detailed plans is required for any change in the systems of an existing modular unit plan, such as electric, plumbing, gas, or change in the manner of construction to ensure the unit remains in compliance with the code. Request for approval shall be accompanied by the applicable fee. Examples of such changes include but are not limited to: adding or deleting a bathroom, utility room, living room or other structural changes in the roof or other exterior design of the unit.

(D) Approval of simple modular unit plan revisions that do not include changes in systems or the manner of construction that do not take the unit out of compliance with the code and do not include the examples in subsection (11)(C) require approval by the director, but do not require payment of a fee. Examples of such changes include but are not limited to: addition or deletion of an entry way closet, installation of fake dormers, movement of an approved stairwell, reversal of a previously approved floor plan, or movement of a nonload bearing interior wall.

*AUTHORITY: section 700.040, RSMo 2000.\* 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. Amended: Filed Oct. 15, 2007, effective April 30, 2008.*

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

#### **4 CSR 240-123.050 Inspection of Manufacturer's Books, Records, Inventory and Premises**

*PURPOSE: This rule sets forth the extent to which manufacturer's books, records, inventory and premises are subject to inspection by the director.*

(1) The books, records, including a copy of the data plate and all service records for each modular unit, inventory and premises of a manufacturer shall from time-to-time during normal business hours be subject to an inspection by the director to ascertain—

(A) If the manufacturer is complying with this chapter and Chapter 700, RSMo 1986;

(B) If the manufacturing program is being implemented according to the quality control manual and detailed plans which comprised it when it was approved;

(C) If grounds exist to withdraw the approval of a manufacturing program; and

(D) If grounds exist under section 700.100, RSMo 1986 to reject an application



for registration filed under section 700.090, RSMo 1986 or to refuse to renew, suspend, revoke or place on probation a registration which has been made under section 700.090, RSMo 1986.

*AUTHORITY: section 700.040, RSMo 2000.\* Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 15, 2007, effective April 30, 2008.*

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

**4 CSR 240-123.060 Inspection of Dealer's Books, Records, Inventory and Premises**

*PURPOSE: This rule sets forth the extent to which dealer's books, records, inventory and premises are subject to inspection by the director.*

(1) The books, records, inventory and premises of a dealer shall from time-to-time during normal business hours be subject to an inspection by the director to ascertain if grounds exist under section 700.100, RSMo 1986 to reject an application for registration filed under section 700.090, RSMo 1986 or to refuse to renew, suspend, revoke or place on probation a registration which has been made under section 700.090, RSMo 1986.

*AUTHORITY: section 700.040, RSMo 1986.\* Original rule filed Aug. 16, 1979, effective Dec. 15, 1979.*

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

**4 CSR 240-123.065 Modular Unit Dealer/Selling Agent Setup Responsibilities**

*PURPOSE: This rule sets forth the extent to which modular unit dealers are responsible for proper initial setup of modular units.*

(1) A dealer who sells a modular unit shall arrange for the proper initial setup of the modular unit unless the dealer obtains from the purchaser or the purchaser's authorized agent a written waiver of that service as described in section 700.100.3(6), RSMo.

(2) As used in this rule, "proper initial setup" means installation and setup of the modular unit in accordance with the installation manual provided by the manufacturer of the modular unit and in complete compliance with the code and with all of the provisions regarding setup in sections 700.010 to 700.115, RSMo.

(3) If a dealer, unless the dealer obtains the waiver of initial setup referred to in section (1) above, fails to arrange for the proper initial setup of a modular unit, the commission may discipline the dealer's registration by suspending it, revoking it, or placing it on probation, pursuant to the provisions of section 700.100, RSMo.

(4) The commission shall not so discipline the dealer's registration unless the director of the commission's manufactured housing and modular units program finds, incident to an inspection, setup deficiencies and initiates action to discipline the registration within five (5) years after the date of sale.

(5) The dealer shall legibly print the date of sale on the bill of sale that it provides to the purchaser pursuant to section 700.056, RSMo, and shall maintain a copy of the bill of sale in its files at the location where it sold the modular unit to the purchaser, if possible; otherwise at its principal office.

(6) Every dealer of a modular unit shall provide to the purchaser at the time of sale a purchase agreement/bill of sale containing at least the following:

- (A) The purchaser name and address;
- (B) Make of the unit;
- (C) Serial number;
- (D) Date of sale;
- (E) Model and size;
- (F) The total price of the unit and its contents;
- (G) A list of all furniture and appliances in the unit;
- (H) Any other items which will be the responsibility of the purchaser such as transportation, handling, or installation/setup; and

(I) If the unit is new or used and if the unit has incurred any damages.

*AUTHORITY: section 700.040, RSMo 2000.\* Original rule filed June 12, 2001, effective Jan. 30, 2002. Amended: Filed Oct. 15, 2007, effective April 30, 2008.*

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

**4 CSR 240-123.070 Monthly Report Requirement for Registered Modular Unit Dealers**

*PURPOSE: This rule outlines the information that registered modular unit dealers must file with the Missouri Public Service Commission and the form and manner of this filing.*

(1) Each entity registered as a modular unit dealer must file a monthly sales report with the commission within ten (10) days of the end of each month.

(2) Monthly sales reports may be filed only upon the commission's monthly sales reports form. Sales report forms may be obtained from the Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102.

(3) The director of the Manufactured Housing and Modular Units Program may reject monthly sales reports that are incomplete, and require dealers to submit corrected reports.

(4) Failure to submit timely and complete monthly sales reports could result in suspension or revocation of the dealer's registration under section 700.100, RSMo.

(5) A monthly sales report must be filed for each month or part of a month for which the dealer is registered to sell modular units by the Public Service Commission's Manufactured Housing and Modular Units Program. If no sales are made in a given month, the dealer must file the usual form within ten (10) days of the end of the month.

(6) The report must be signed by an officer of the dealership if the dealership is a corporation; by a partner of the dealership if the dealership is a partnership; or by an owner of the dealership if the dealership is neither a corporation nor a partnership.

(7) Every monthly sales report shall contain the following information:

- (A) Dealer certificate number and name;
- (B) The street address and telephone number at the actual dealership location as well as the city, state and zip code;
- (C) The date of sale for each modular unit sold;
- (D) The sale price of each unit sold;
- (E) The size of each unit sold;
- (F) The name of the manufacturer of each unit sold as well as the year of manufacture;
- (G) The serial number for each unit sold;
- (H) The new or used status of each unit sold;
- (I) The total number of new units sold;
- (J) The total number of used units sold;
- (K) The total sale price for all new units; and
- (L) The total sale price for all used units.

*AUTHORITY: section 700.460, RSMo 2000.\* Original rule filed June 12, 2001, effective Jan. 30, 2002.*



\*Original authority: 700.460, RSMo 1985.

#### 4 CSR 240-123.075 Modular Unit Inspection Fee

(Rescinded January 30, 2005)

*AUTHORITY: sections 700.040 and 700.115, RSMo Supp. 1999. Original rule filed Sept. 5, 2000, effective April 30, 2001. Rescinded: Filed June 16, 2004, effective Jan. 30, 2005.*

#### 4 CSR 240-123.080 Code for Modular Units

*PURPOSE: This rule establishes the code for modular units which entered the first stage of production after July 1, 1976 which are rented, leased or sold or offered for rent, lease or sale in this state.*

*PUBLISHER'S NOTE The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.*

(1) Any multiple units so designated as double wide, sectional or modular, shall comply with HUD standards and regulations as well as state regulations and standards as set forth for modular unit construction and carry the appropriate seal or data plate.

(2) All modular units shall be built in accordance with the FHA Structural Engineering Bulletin and FHA Minimum Property standards and be eligible for long-term financing under section 203(b) of the National Housing Act, 12 U.S.C. 1701.

(3) The structure shall be manufactured in accordance with and meet the requirements of the following building codes: except as provided in subsections (A) and (B) below, *International Building Code-2009; International Plumbing Code-2009; International Mechanical Code-2009; International Residential Code-2009; International Fuel Gas Code-2009; and National Electric Code NFPA-2008*. 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 director 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 2009 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.)

(A) The requirement under section R313.2 of the 2009 *International Residential Code* requiring one (1)- and two (2)-family dwellings to be constructed with an automatic fire protection system shall not be mandatory; and

(B) Effective January 1, 2011, every dealer or manufacturer who sells a modular home to be placed in Missouri shall be required to have the purchaser of such modular unit sign and date an acknowledgement that the dealer or manufacturer has offered the fire sprinkler system in conjunction with the sale of the home. Such acknowledgement shall be contained in or attached to the purchase agreement or sales contract. The acknowledgement must be signed by both the purchaser and the dealer or manufacturer or his/her legal representative. The purchaser of a modular unit is responsible for the cost of any fire sprinkler system installed in the home.

(4) This rule incorporates by reference the full text of the material listed in section (3).

(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 CSR 240-123.040 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/selling 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, type of

foundation the unit is designed for, name and address of third party engineering agency that reviewed and approved the plans submitted by the manufacturer under 4 CSR 240-123.040.

(7) All modular units manufactured on or after July 1, 1976, shall be set up or installed according to the manufacturer's installation manual.

(8) Installation instructions must be approved by the third party for all field installed components and any other process relating to the assembly of the modular unit(s) and any completed unit may be subject to on-site field inspection.

*AUTHORITY: section 700.010, RSMo Supp. 2010 and section 700.040, RSMo 2000.\* 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.*

\*Original authority: 700.010, RSMo 1973, amended 1976, 1978, 1982, 1984, 1994, 1999, 2008 and 700.040, RSMo 1973, amended 1976, 1978, 1982, 1984, 1989, 1993, 1995, 1999.

#### 4 CSR 240-123.090 Complaints and Review of Director Action

*PURPOSE: This rule provides for the manner in which complaints may be filed and the procedure by which commission review of the decisions, directives and interpretations of the director may be obtained.*

(1) Any person aggrieved by a violation of this chapter or Chapter 700, RSMo 1986 as it relates to modular homes, may file a formal or informal complaint with the commission under 4 CSR 240-2.070.

(2) Commission review of the decisions, directives and interpretations of the director which relate to the code, this chapter or Chapter 700, RSMo 1986 as it relates to modular units, may be obtained by filing a written complaint, formal or informal, under 4 CSR 240-2.070. In such a complaint, the director shall be denominated as the respondent.

*AUTHORITY: section 700.040, RSMo 1986.\* Original rule filed Aug. 16, 1979, effective Dec. 15, 1979.*

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

**4 CSR 240-123.095 Re-Inspection Fee**

*PURPOSE: This rule outlines the procedure for the re-inspection of modular homes and third party requests for inspections pursuant to section 700.040, RSMo.*

- (1) The commission may conduct as needed re-inspections of new modular homes to verify corrections have been made as identified during the original inspection, where required corrections have not been completed by the dealer or manufacturer within sixty (60) days of receipt of the original written complaint from the consumer as filed with the commission.
- (2) The commission may charge the dealer or the manufacturer, or both, a fee for the re-inspection. The fee is charged to the dealer or the manufacturer who was responsible for making the corrections, or both where both were responsible, when items are not completed in a timely manner as required in section (1).
- (3) If recommended by the director, the commission may waive the fee for either the dealer or the manufacturer, or both, if it is found during the re-inspection that there is neither any material defect, nor material violation of Chapter 700, nor any material violation of the *International Building Code* or the *International Residential Code* as adopted by the commission.
- (4) The re-inspection shall address all violations listed in the original consumer inspection report. A copy of the report shall be forwarded to the manufacturer or dealer, or both, for corrective action as well as an invoice for the re-inspection fee. A copy shall also be forwarded to the consumer, if applicable.
- (5) The manufacturer and the dealer shall be sent a copy of the re-inspection report within ten (10) days from the date of the re-inspection.
- (6) The assessed fee shall be paid to the commission within twenty (20) working days from the date the re-inspection is completed. Each manufacturer and each dealer shall submit along with the fee a written plan of action to be taken by each to correct any statutory, rule or code violations identified and corrections shall be completed within thirty (30) days of the re-inspection.
- (7) The fee shall be implemented on all re-inspections conducted after the effective date of the rule.
- (8) The commission shall send written notification to each licensed manufacturer and each licensed dealer giving the effective date of the rule.
- (9) The fee shall be two hundred dollars (\$200) per inspection to be paid by the manufacturer responsible for making the corrections as identified in the original inspection report, if the defect(s) or violation(s) as outlined in section (3) have not been corrected. The fee shall be two hundred dollars (\$200) per inspection to be paid by the dealer responsible for making the corrections as identified in the original inspection report, if the defect(s) or violation(s) as outlined in section (3) have not been corrected. The total fee shall not exceed four hundred dollars (\$400) per inspection and shall only be paid by the manufacturer or dealer, or both, who has failed to make the applicable corrections in a timely manner. The fee shall be submitted with a form provided by the commission. The commission shall make the determination of who shall be assessed the fee.
- (10) The commission shall assess an inspection fee of four hundred dollars (\$400) for all third party requests for inspections. Third party requests for inspections must be submitted in writing to the commission and the inspection fee must accompany the request. Third parties do not include licensed manufacturers or dealers.
- (11) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a manufacturer or dealer certificate of registration:
  - (A) Failure to pay the inspection fees within twenty (20) days of their prescribed due date;
  - (B) Failure to pay the fee by the prescribed due date for two (2) consecutive months; or
  - (C) Failure to pay the fee by the prescribed due date for any four (4) of the preceding twelve (12) months.

*AUTHORITY: section 700.040, RSMo 2000. Original rule filed June 16, 2004, effective Jan. 30, 2005.*

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