

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

PROPOSED AMENDMENT

4 CSR 240-123.040 Approval of Manufacturing Programs. This proposal amends the following sections of this rule: section (1) subsections (A) through (H); sections (2) through (5); section (7) subsections (A), (D) and (E); sections (8) and (9); and adds sections (10) and (11).

PURPOSE: This rule establishes the procedure under which a manufacturing program may be approved and/or withdrawn and is amended to clarify text and organization of the rule, to reference the department's correct title, and to reflect changes in plan approval fees and requirements.

(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 *[for which approval is sought]*;

(B) If the manufacturer who will use the program *[for which approval is sought]* 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. *[The copies shall be retained by the commission so that as]* 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 *[for which approval is sought]*;

(D) The earliest date on which production will begin under the manufacturing program *[for which approval is sought]*;

(E) Two (2) copies of the quality control manual under which the manufacturing program *[for which approval is sought]* 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; **and**

[(F) Two (2) copies of detailed plans for each type of modular unit which will be produced under the manufacturing program for which approval is sought. 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;]

[(G)] (F) Third party inspection for compliance with [to] required codes[;and].

[(H)] (2) Both selling agent and manufacturer shall register with the Public Service Commission's [Mobile Home Division] 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.

[(2)] (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 quality control manual and detailed plans which

bear *[his/her]* 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.

[(3) A nonrefundable fee of fifty dollars (\$50) shall accompany each request for approval or reapproval of a manufacturing program.]

(4) Within ten (10) working days of the submission to the director of the required **registration** fee and the information necessary for *[him/her]* 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 *[s/he]* the director has received a written description of *[them]* the changes which is sufficient to demonstrate that *[they]* the changes comply with the code.

(7) The director shall withdraw *[his/her]* approval of a manufacturing program if *[s/he]* the director finds—

(A) A manufacturer is failing to abide by this chapter or *[c/Chapter 700, RSMo [(1986)] 2000;*

(D) *[Manufacturer's units fail]* A manufacturer fails to comply with annual registration requirements; and

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

(8) If the director withdraws *[his/her]* approval of a manufacturing program, *[s/he]* 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 pre-paid 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) *[A person who]* 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 *[the]* 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 two (2) copies 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 for each additional type of modular unit (or model) to be manufactured must also be submitted to the director for approval. 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) Any change in the systems of an existing modular unit plan, such as electric, plumbing, gas, or change in the manner of construction requires approval of a new set of detailed plans.

Request for approval shall be accompanied by the applicable fee; and

(D) Simple modular unit plan revisions that do not include changes in systems or the manner of construction require approval of the revised modular unit plans, but do not require payment of a fee. Applications for approval of modular unit plan revisions will be subject to review by the director on a case-by-case basis to determine if payment of the fee is required.

AUTHORITY: section 700.040, RSMo [1986] 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.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately \$21,350 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 4
Division: 240 Public Service Commission
Chapter: 123 Modular Units
Type of Rulemaking: Proposed Amendment
Rule Number and Name: 040 ... Approval of Manufacturing Programs

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 89 active modular unit manufacturers.	Modular unit manufacturers	\$21,350 in the first year and a similar amount in succeeding years.

III. WORKSHEET

1. Modular unit manufacturers are required to receive approval from the Public Service Commission for each floor plan it produces and sells in the State of Missouri for the purpose of verifying code compliance. This proposal increases the fee for each plan approval from \$50.00 to \$75.00.
2. Ensuring compliance with this rule will not require additional staff.
3. The estimated cost of compliance is based on the total number of plans approved by the Public Service Commission, multiplied by the proposed increase in the plan approval fee.

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 actual number of plans approved.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
4. Other text amendments proposed in this rule will have no fiscal impact on the state or any private or public person or entity.

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

PROPOSED RULE

4 CSR 240-123.065 Modular Unit Dealer 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 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.

AUTHORITY: section 700.040, RSMo 2000. Original rule filed June 12, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

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 from the certificate of origin 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.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately \$550 in the first year and a similar amount in succeeding years.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 4

Division: 240 Public Service Commission

Chapter: 123 Modular Units

Type of Rulemaking: Proposed Rule
070 - Monthly Report Requirement for

Rule Number and Name: Registered Modular Unit Dealers

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	Approximately \$550.00 in the first year and a similar amount in succeeding years

III. WORKSHEET

1. Modular unit dealers will be required to submit monthly sales reports specifying the number of units sold each month.
2. Ensuring compliance with this rule will not require additional staff.
3. The estimated cost of compliance is based on the number of active modular unit dealers and the estimated cost of postage and miscellaneous expense for submitting the monthly sales reports.

IV. ASSUMPTIONS

1. Fiscal Year 2000 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 cost of postage and miscellaneous expense.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.

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

PROPOSED AMENDMENT

4 CSR 240-123.080 Code for Modular Units. This proposal amends the following sections of this rule: section (2); section (3) subsections (A) and (B); section (4); and adds new text in sections (5) through (7).

PURPOSE: This rule establishes the code for modular units and is amended to exhibit the correct reference to modular units; to reflect changes in code editions; and to clarify code compliance requirements.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(2) All *[mobile]* 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 USC 1701.

(3) The structure shall be manufactured in accordance with and meet the requirements of either subsection (3)(A) or (B) of this rule—

(A) BOCA National Building Code—*[1987] 1999*; *[BOCA National] International Mechanical Code—[1987] 1998*; *[BOCA National] International Plumbing Code—[1987] 1997*; National Electrical Code NFPA—*[1987] 1999*; and

(B) Uniform Building Code—*[1988] 1997*; Uniform Mechanical Code—*[1988] 1997*; Uniform Plumbing Code—*[1988] 1997*; National Electrical Code NFPA—*[1987] 1999*.

(4) All modular units shall comply with the CABO Model Energy Code—*[1989] 1995*.

(5) This rule incorporates by reference the full text of the material listed in items (3)(A) and (B), and item (4).

(6) All modular units shall meet or exceed the Seismic Zone requirements (one, two, or three, 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, it must be built to Seismic Zone three requirements.

(7) 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 third party engineering agency that reviewed and approved the plans submitted by the manufacturer under 4 CSR 240-123.040.

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

AUTHORITY: section 700.010, RSMo *[1986] 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.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home *[Tiedown]*
Tie-Down Systems**

PROPOSED AMENDMENT

4 CSR 240-124.010 Definitions. This proposal amends the following sections of this rule: section (1) subsections (A)–(D); adds a new subsection (E); and deletes section (2).

PURPOSE: This rule defines the terms used in this chapter and is amended to reflect the deregulation of recreational vehicles in addition to adding new definition text.

(1) The following definitions, as well as those set out in section 700.010, RSMo *[1986] 2000* apply to this chapter:

(A) Approval means a written approval of a manufactured home tie-down system issued by the commission under section 700.080, RSMo *[1986] 2000*;

(B) Director means the director of the *[Division of Manufactured Homes, Recreational Vehicles and Modular Units] Manufactured Housing and Modular Units Program* of the Public Service Commission and those working under his/her supervision;

(C) Manufactured home as defined by section 700.010, RSMo *[1986] 2000* shall include units which are in two (2) or more separately towable components designed to be joined into one (1) integral unit capable of being again separated into the components and also includes two (2) manufactured home units joined into a single residential or business unit which are kept on a separate chassis for repeated towing. Manufactured home shall not include a recreational vehicle; *[and]*

(D) Standards means the manufactured home tie-down systems standards adopted by the commission under section 700.076, RSMo *[1986] 2000*.; and

(E) Authorized representative means the approved testing agency who certified the tie-down system test.

[[2] All sections of chapter 700, RSMo 1986, cited in this rule are contained in Senate Substitute for House Committee Substitute for House Bill No. 1393, 78th General Assembly, Second Regular Session. Unless otherwise noted, all references to RSMo are to RSMo 1986.]

AUTHORITY: section 700.076, RSMo [1986] 2000. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Emergency rule filed Dec. 7, 1976, effective Dec. 17, 1976, expired April 16, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home [Tiedown]
Tie-Down Systems**

PROPOSED AMENDMENT

4 CSR 240-124.040 Commission Approval of Manufactured Home [Tiedown] Tie-Down Systems. This proposal amends the following sections of this rule: section (2) and adds new text as paragraphs (2)(E)1. through 7.

PURPOSE: This rule describes the manner in which an approval of manufactured home tie-down systems may be obtained and is amended to clarify text and to include new text concerning anchor tests and approvals.

(2) Applications for an approval shall be submitted to the director and shall be executed by the owner or seller of the system on forms [which] that shall be provided by the director upon request. To be complete, the applications shall include:

(E) A copy of the plans and specifications of the system for which the approval is sought;/.

1. Detailed drawings of each type of anchor system and for each type of component for which approval is sought must accompany the submittal.

A. Each drawing shall show model identification, all dimensions, types of welds or fastening, types of material, methods of securing strap, methods of attachment, orientation after installation in soil, direction(s) of applied load(s), and location of model number on the system and each component.

B. Each drawing shall bear the seal of a registered professional engineer, registered in the state of Missouri.

2. Each anchor system model must be tested and certified by an approved testing agency to be in conformance with the standards promulgated by the commission and accepted engineering practice.

A. Pullout tests shall be performed on three (3) samples of each anchor system model and the failure load for all three (3) tests must equal or exceed four thousand seven hundred twenty-five (4,725) pounds. The authorized representative must certify that three (3) pullout tests were performed on each anchor system model. The anchor shall be installed with the specified tie attached, in a soil type for which the anchor is designed and pulled at a forty-five degree (45°) angle. The device shall be set up as required by the installation instructions. The test report shall include a photograph or drawing. The load at failure and the type of failure shall be described. The anchoring system must be capable of meeting or exceeding

the Zone 1 wind load requirements of the federal Manufactured Home Construction and Safety Standards 24 CFR 3280.306.

B. Failure and ultimate load capacity tests shall be performed on three (3) samples of each component part and must also be witnessed by the authorized representative.

C. Laboratory destruction tests shall be performed on each anchor system model and the failure load must equal or exceed four thousand seven hundred twenty-five (4,725) pounds. These tests are needed to establish the required strengths of the components and component connections of an anchor. The anchor will be approved for all soil test probe values at or above the soil test probe value in which the anchor is tested.

3. The result from each test will indicate:

A. Point and mode of failure;

B. Force required for failure;

C. Description of test procedure;

D. Test equipment used.

4. The report of the results of the test in specified soil or rock groups will also include:

A. Method of installation;

B. Date of installation;

C. Date of test;

D. Soil profile description and soil test probe values.

5. The anchor manufacturer shall furnish and ship with each anchoring system, information on the types of soil in which the anchor has been tested and certified for installation, instructions on the method of installation, and procedure for identifying soil types. A copy of the installation instructions must be filed with the director.

6. The director, upon receipt of new or additional information relating to the performance of any anchoring system, or a similar anchoring system, may request from the manufacturer of that anchoring system, additional testing or supplemental information.

7. Rock anchors shall be tested in specified rock. Rock anchors shall be field-tested in natural rock strata or in a rock sample. There must be twelve-inch (12") minimum radius of rock around the drilled hole. The natural rock strata or rock sample must be geologically described;

AUTHORITY: section 700.076, RSMo [1986] 2000. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Emergency rule filed Dec. 7, 1976, effective Dec. 17, 1976, expired April 16, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home Tiedown Systems**

PROPOSED RULE

4 CSR 240-124.045 Anchoring Standards

PURPOSE: This rule applies to the anchoring of any manufactured home purchased or relocated on or after the effective date of this rule. This rule shall not be applicable to any manufactured home which has previously been anchored at its existing location and which has not been relocated subsequent to the effective date of this rule.

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

(A) Anchor means any device designed to transfer wind loads imposed on a manufactured home to the ground;

(B) Anchoring equipment means straps, seals, cables, turnbuckles, and tensioning devices, which are used to secure a manufactured home to anchors;

(C) Anchoring systems means a combination of ties, anchoring equipment, and ground anchors that will, when properly designed and installed, resist overturning and lateral movement of the manufactured home from wind forces;

(D) Classified soil means soil that has been evaluated through the use of a standard soil torque probe or other approved method to determine anchor-holding capacity;

(E) Installed means the arrangement and assembly at the occupancy site of all portions of an anchoring system, in accordance with the manufacturer's design, that renders the anchoring system fit for its intended use;

(F) Stabilizing device means a lateral support device such as a steel plate or a concrete collar used in connection with an anchor to limit lateral movement of the anchor;

(G) Tie means straps, cable, or securing devices used to connect the manufactured home to the anchor; and

(H) Unclassified soil means soils that have not been evaluated to determine anchor-holding capacity.

(2) Anchoring System. Each manufactured home installed after the effective date of the rule must be anchored in accordance with the minimum standards specified in the rule. At a minimum, each anchoring system must also meet or exceed the design wind load requirements for Wind Zone 1, as defined in 3280.305 in the Federal Manufactured Home Construction and Safety Standards.

(3) Anchoring Equipment.

(A) Load. Anchoring equipment, when installed, must be capable of resisting an allowable working load equal to or exceeding three thousand one hundred fifty (3,150) pounds and must be capable of withstanding a fifty percent (50%) overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the manufactured home.

(B) Resistance to Weather Deterioration. Anchoring equipment exposed to weathering shall have a coating that is resistant to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface (.0005 inch in thickness), and in accordance with the following:

1. Slit or cut edges of zinc-coated steel strapping do not need to be zinc coated;

2. Flat steel strapping shall be Type 1, Heavy Duty, Finish B, Grade 1, 1 1/4 inches wide and 0.035 inch in thickness, certified by a registered professional engineer as conforming with ASTM Standard Specification D3953-91, Standard Specification for strapping, flat steel, and seals; and

3. Seals shall be Class H, Heavy Duty, Finish B, Grade 1, for steel strapping, certified by the manufacturer as conforming with ASTM Standard Specification D3953-91.

(C) Permanency of Connections. Anchoring equipment shall be designed and installed to prevent self-disconnection when ties are slack.

(4) Tensioning Devices. Tensioning devices such as turnbuckles or yoke-type fasteners shall be ended with clevis or forged or welded eyes.

(5) Ties.

(A) Material.

1. Flat steel strapping and seals or other approved methods or materials shall be used for ties. All ties shall be fastened to anchors and drawn tight with turnbuckles or other adjustable tensioning devices or devices approved for use with the anchor.

2. Tie materials shall be either as described in (3)(B)2. of this standard or other approved material capable of resisting an allowable working load of 3,150 pounds with no more than twelve percent (12%) elongation and shall withstand a fifty percent (50%) overload (4,725 pounds total).

(B) Attachment.

1. Ties shall connect the anchor and the main structural steel frame that runs lengthwise under the manufactured home. Ties shall not connect to steel outrigger or cross beams that fasten to and intersect the main structural frame. Tie-down straps shall be routed from the anchor to the top of the main structural steel frame.

2. Tie-down straps shall be attached to the anchor in accordance with the anchor manufacturer's instructions. A permanently attached strap that has been cut off may be spliced, provided an approved splicing device is used.

(C) Vertical Ties. Vertical ties are not required in Wind Zone 1, as defined in 3280.305 in the Federal Manufactured Home Construction and Safety Standards.

(6) Anchors.

(A) Performance of Anchors. Each anchor, when installed in classified soil, must be capable of resisting a minimum allowable working load of 3,150 pounds in the direction of the tie, plus a fifty percent (50%) overload (4,725 pounds total) without failure. Failure shall be considered to have occurred when the connection between the tie and anchor moves more than two inches (2") vertically or three inches (3") horizontally when pulled at an angle of 45 degrees under a force of 4,725 pounds.

(B) Installation and Testing. Each manufactured anchor shall be tested and installed in accordance with the terms of its specified testing procedures and the anchor manufacturer's instructions. Each anchor shall be installed with a minimum of 750 pounds of pre-load with a minimum of four (4) wraps after installation.

(C) Spacing and Location.

1. Classified soil.

A. All anchors shall be installed at the intervals and in the locations specified by the manufactured home manufacturer's installation instructions, and in the correct soil class for which they are approved.

B. In the event that the manufacturer's installation instructions are unavailable, all anchors shall be installed in accordance with Tables (A) through (C) of this standard included herein, and in the correct soil class for which they are approved.

2. Unclassified soil. All anchors installed in unclassified soil shall be in accordance with Tables (A) through (C) of this standard, included herein. A thirty-inch (30") double four-inch (4") helix anchor with a twelve-inch (12") stabilizer shall be used in unclassified soil.

3. Spacing.

A. Spacing shall be as even as practicable along the entire length of the home with the first anchor on each end no more than two feet (2') from the end of the home.

(D) Soil Testing. A determination for soil classification should be made at each anchor location through the use of a standard torque probe, as described in ASTM Standard D2573-94, or equivalent method. If no soil classification test is performed for the

anchor location, then the soil at the location shall be considered as unclassified.

(7) Diagonal Tie-Down Strap Spacing. Strap spacing for anchors is illustrated in the following tables.

(A) Tables (A) through (C), included herein, illustrate the strap spacing for single section and multi-section homes with anchors located in classified and unclassified soils.

1. Note that the maximum vertical distance is measured from the anchor head to the top of the I-beam (i.e., bottom of the floor).

2. The maximum distance to the first tie-down strap at each end of the home shall be two feet (2'0").

3. Strap spacing calculations are based on the fact that single disk anchors and double disk anchors have the same holding capacity if installed in accordance with the anchor manufacturer's installation instructions and in the proper soil classification.

4. Anchors shall be installed just inside the skirting line in order to maintain the angles identified in each table.

5. Anchor strap attachments to the home must be in accordance with the anchor manufacturer's methods.

(B) Tables (D) and (E), included herein, illustrate the criss-cross strapping system for elevated single and multi-section homes (or portion thereof) to be used in lieu of diagonal tie-down strap spacing tables; and

(C) Table (F), included herein, illustrates approved methods of ground anchor installation.

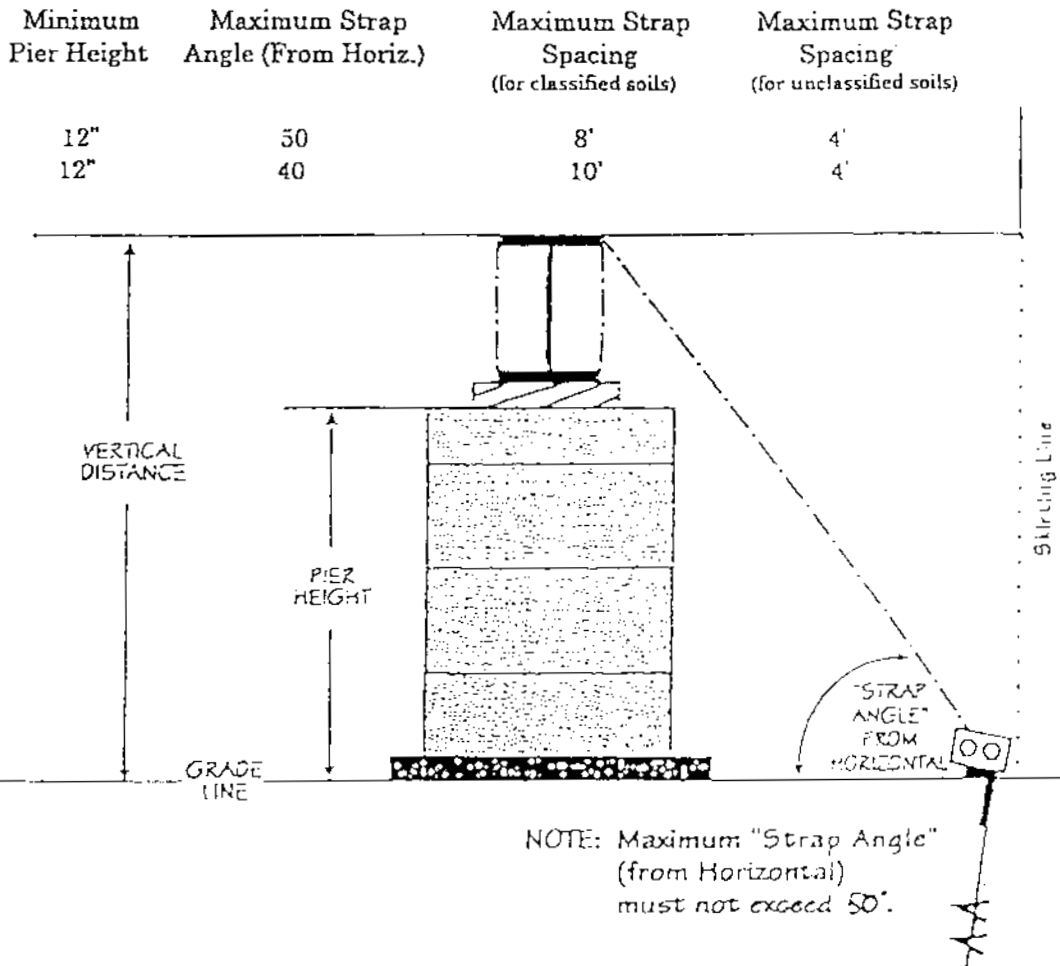
(8) Spacing For Federal Manufactured Home Construction and Safety Standards Wind Zone 1 Conditions.

(A) If the floor width is 166 inches (typical 14-wide), with I-beam spacing 95-98 inches center to center and the distance from the top of the footer to the top of the I-beam is no higher than 64 inches, anchors shall be spaced eight feet (8') apart for classified soil, or five feet (5') apart for unclassified soil.

(B) If the floor width is 141 inches (typical 12-wide), with I-beam spacing 75.5-83 inches center to center and the distance from the top of the footer to the top of the I-beam is no higher than 52 inches, anchors shall be spaced six feet (6') apart for classified soil, or four feet (4') apart for unclassified soil.

(C) Anchors must be installed just inside the skirting line, or as close to the skirting line as possible.

TABLE (A)
DIAGONAL TIE DOWN STRAP SPACING
FOR SINGLE SECTION AND MULTI-SECTION HOMES
TYPICAL 12' WIDE



- Classified soil is soil that has been evaluated through the use of a standard torque probe, or other approved method to determine anchor-holding capacity. Each anchor location must be probed to confirm ground anchor models to be installed are consistent with soil classification.
- Unclassified soil is soil that has not been evaluated to determine anchor-holding capacity. At a minimum, a 30" double 4" helix anchor with a 12" stabilizing plate shall be used in unclassified soils.
- Anchors must be installed just inside the skirting line or as close to the skirting line as possible.

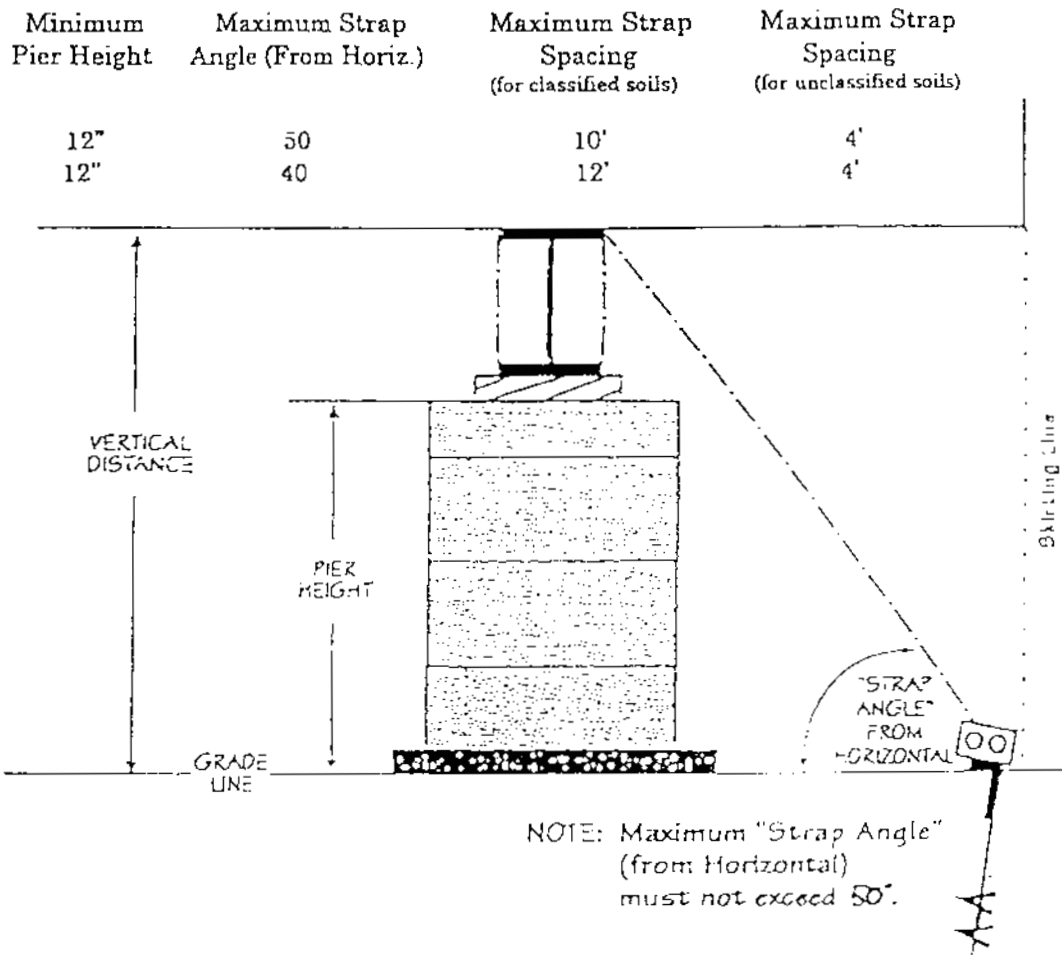
TABLE (B)
DIAGONAL TIE DOWN STRAP SPACING
FOR SINGLE SECTION AND MULTI-SECTION HOMES
TYPICAL 14' WIDE

Minimum Pier Height	Maximum Strap Angle (From Horiz.)	Maximum Strap Spacing (for classified soils)	Maximum Strap Spacing (for unclassified soils)
12"	50	10'	4'
12"	40	12'	4'

NOTE: Maximum "Strap Angle" (from Horizontal) must not exceed 50°.

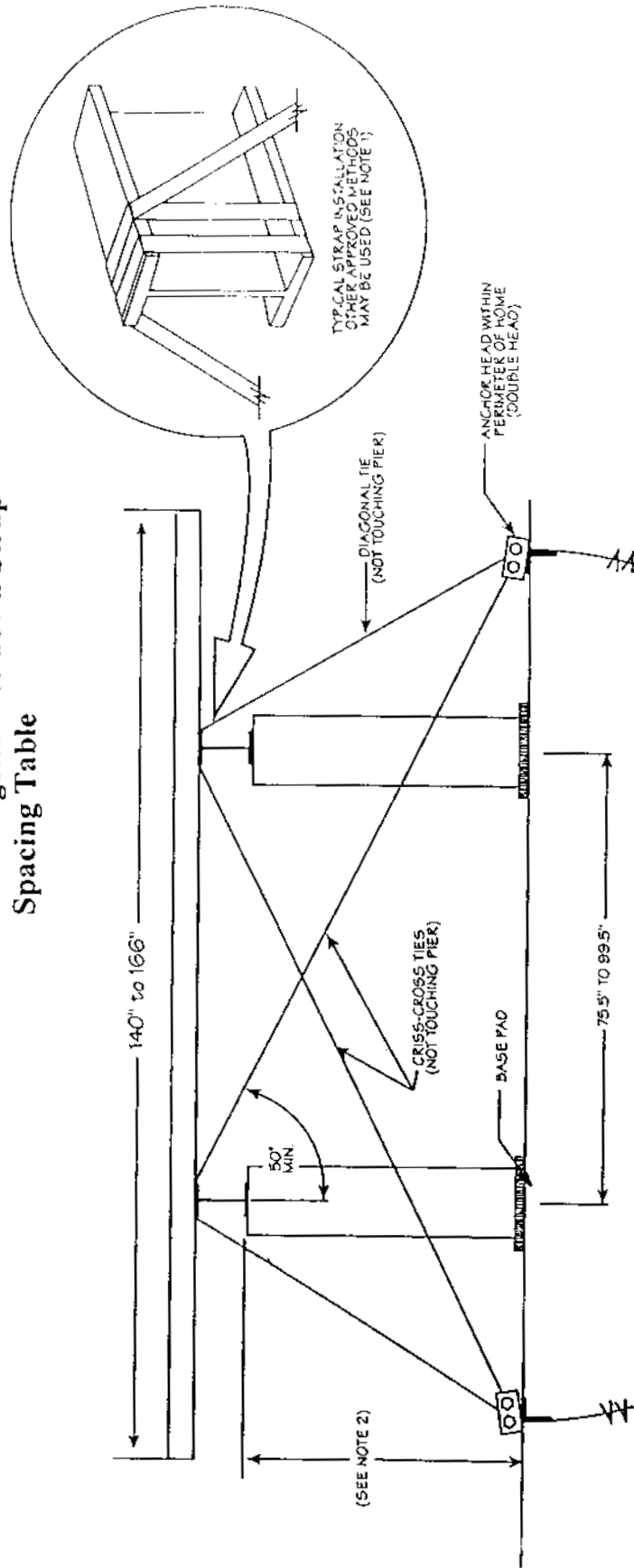
- Classified soil is soil that has been evaluated through the use of a standard torque probe, or other approved method to determine anchor-holding capacity. Each anchor location must be probed to confirm ground anchor models to be installed are consistent with soil classification.
- Unclassified soil is soil that has not been evaluated to determine anchor-holding capacity. At a minimum, a 30" double 4" helix anchor with a 12" stabilizing plate shall be used in unclassified soils.
- Anchors must be installed just inside the skirting line or as close to the skirting line as possible.

TABLE (C)
DIAGONAL TIE DOWN STRAP SPACING
FOR SINGLE SECTION AND MULTI-SECTION HOMES
TYPICAL 16' WIDE



- Classified soil is soil that has been evaluated through the use of a standard torque probe, or other approved method to determine anchor-holding capacity. Each anchor location must be probed to confirm ground anchor models to be installed are consistent with soil classification.
- Unclassified soil is soil that has not been evaluated to determine anchor-holding capacity. At a minimum, a 30" double 4" helix anchor with a 12" stabilizing plate shall be used in unclassified soils.
- Anchors must be installed just inside the skirting line or as close to the skirting line as possible.

TABLE (D)
CRISS-CROSS STRAPPING SYSTEM
 For elevated single section homes
 (or portions thereof)
 to be used in lieu of Diagonal Tie down Strap
 Spacing Table

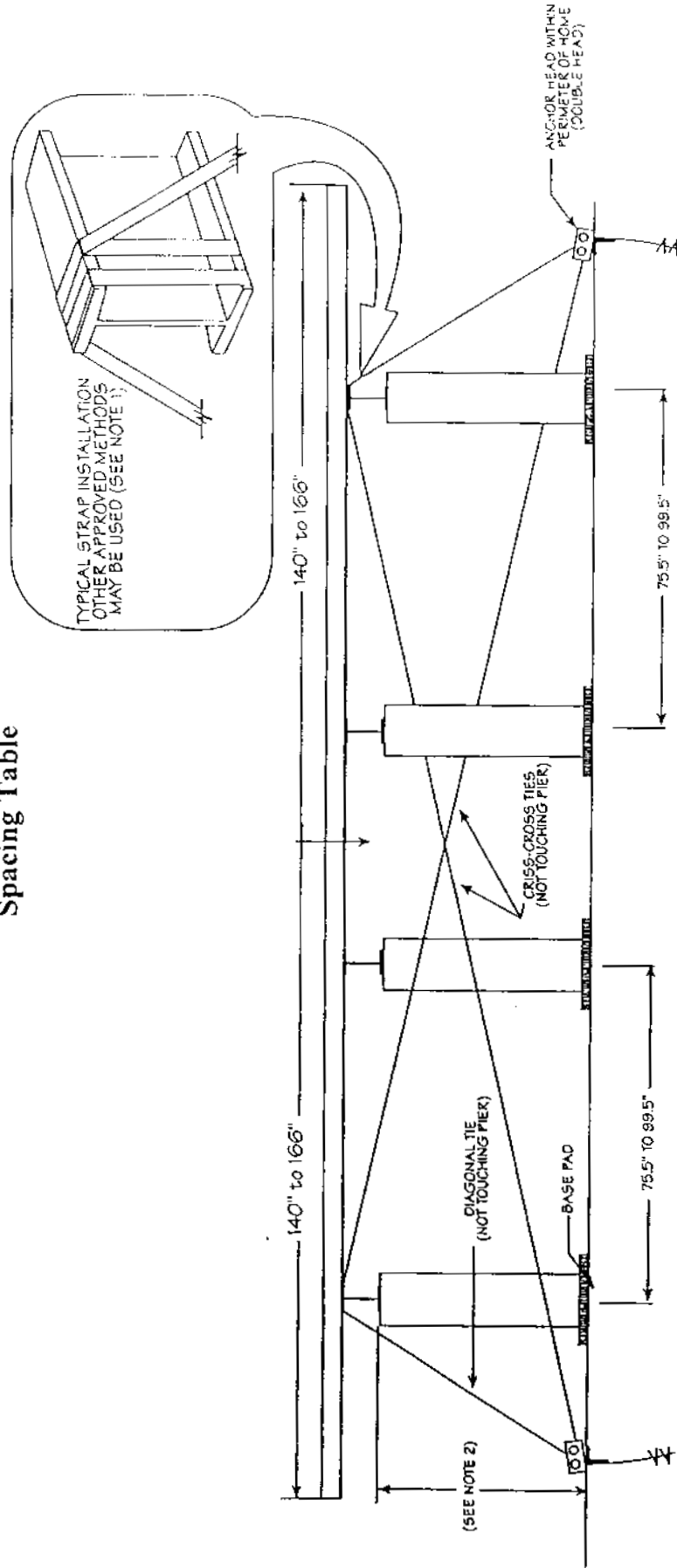


• 50° Min. Strap Angle applies only to homes with 75.5" or less I-Beam spacing.

NOTES:

1. Inset drawing shows typical strap installation. All anchors, devices, and tiedown straps to be rated for a 3150 lbs. working load (4725 lbs. overload capacity), in classified soils.
2. Pier height is measured from the top of the ground to the top of the I-Beam. Pier heights exceeding 80" must have piers and tiedowns designed by a Professional Engineer. Minimum pier height is 12"

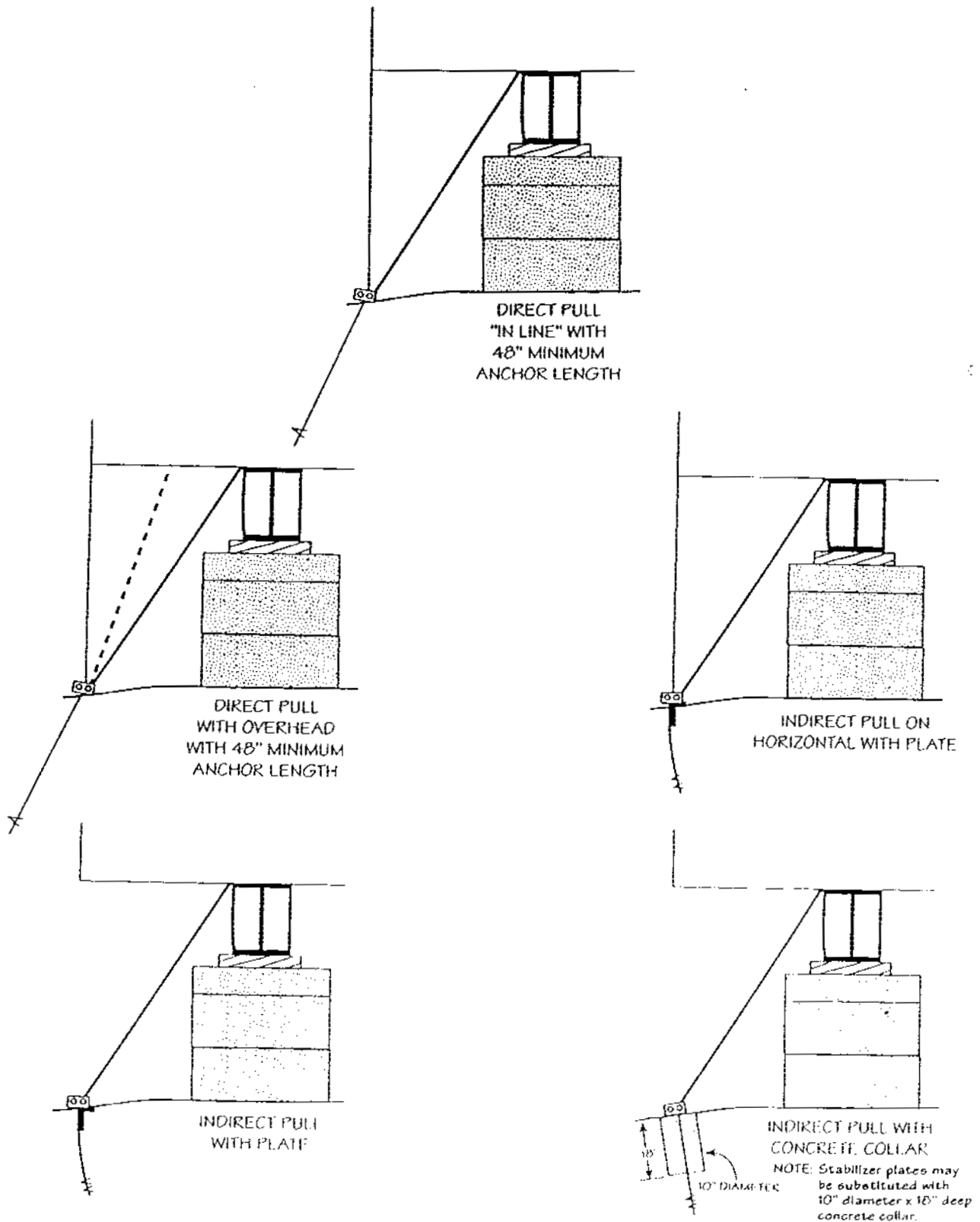
TABLE (E)
CRISS-CROSS STRAPPING SYSTEM
 For elevated multi-section homes
 (or portions thereof)
 to be used in lieu of Diagonal Tie down Strap
 Spacing Table



NOTES:

1. Inset drawing shows typical strap installation. All anchors, devices, and tiedown straps to be rated for a 3150 lbs. working load (4725 lbs. overload capacity), in classified soils.
2. Pier height is measured from the top of the ground to the top of the I-Beam. Pier heights exceeding 80" must have piers and tiedowns designed by a Professional Engineer. Minimum pier height is 12".

TABLE (F)
APPROVED METHODS OF GROUND
ANCHOR INSTALLATION



AUTHORITY: section 700.076, RSMo 2000. Original rule filed June 12, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and
Air Pollution Control Regulations for the Entire State
of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.050 Start-Up, Shutdown and Malfunction Conditions. The commission proposes to amend this rule by amending the Purpose section, adding new sections (1), (2), (4) and (5) and renumbering and amending original section (1) as new section (3). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: This amendment will clarify what constitutes a malfunction, start-up or shutdown condition. It will also determine the reporting requirements for each condition. The evidence supporting the need for this proposed rulemaking is the public comment from the U.S. Environmental Protection Agency regarding complaints and Notices of Violation due to excess emissions commonly from the start-up, shutdown and malfunction conditions at air pollution sources.

PURPOSE: This rule, applicable to all installations in Missouri, provides the owner or operator of an installation the opportunity to submit data regarding conditions which result[ed] in excess emissions. These submittals will be used by the director to determine whether the excess emissions were due to a start-up, shutdown or malfunction condition. These determinations will be [the basis for further enforcement action] used in deciding whether or not enforcement action is appropriate.

(1) **Applicability.** This regulation applies to all installations in the state of Missouri.

(2) **Definitions.**

(A) **Engineering limitations of equipment—**A failure of air pollution control equipment or process equipment that does not classify as a malfunction but causes a release of excess emissions.

(B) **Malfunction—**A sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal and usual manner, not to exceed five percent (5%) of the normal yearly operating hours.

(C) **Release—**Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, dumping or disposing into the environment of any air contaminant which becomes, or may become, airborne.

(D) **Definitions of certain terms in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.**

[(1)](3) General Provisions.

(A) **In the event of a malfunction or release, which results in excess emissions, the owner or operator of such facility shall notify the Missouri Department of Natural Resources' Air Pollution Control Program in both of the following ways:**

1. **An oral report shall be submitted no later than close of business of the following working day. The oral report shall include:**

- A. **Name and location of installation;**
- B. **Name and telephone number of person responsible for the installation;**
- C. **Time and duration of the period of excess emissions;**

and

- D. **Type of air contaminant involved; and**

2. **A written report shall be submitted within ten (10) business days. The written report shall include, at a minimum, the following:**

- A. **Name and location of installation;**
- B. **Name and telephone number of person responsible for the installation;**
- C. **Identity of the equipment causing the excess emissions;**

- D. **Time and duration of the period of excess emissions;**
- E. **Cause of the excess emissions;**
- F. **Air pollutants involved;**

G. **Estimate of the magnitude of the excess emissions expressed in the units of the applicable requirement and the operating data and calculations used in estimating the magnitude;**

H. **Measures taken to mitigate the extent and duration of the excess emissions; and**

I. **Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.**

(B) **The owner or operator shall notify the Missouri Department of Natural Resources' Air Pollution Control Program at least ten (10) days prior to any maintenance, start-up or shutdown, which is expected to cause an excess release of emissions. If notice cannot be given ten (10) days prior to any maintenance, start-up or shutdown, which is expected to cause an excess release of emissions, notice shall be given as soon as practicable prior to the maintenance, start-up or shutdown or orally as soon as practical during normal working hours after the release and no later than close of business of the following working day with written notice to follow within ten (10) working days of the release. The owner or operator of such facility shall notify the Missouri Department of Natural Resources' Air Pollution Control Program in both of the following ways:**

1. **An oral report including:**

- A. **Name and location of installation;**
- B. **Name and telephone number of person responsible for the installation;**
- C. **Type of air contaminant involved;**
- D. **Expected date and time of the maintenance, start-up or shutdown;**

E. **Processes and equipment involved; and**

F. **Expected duration of the maintenance, start-up or shutdown; and**

2. **A written report including:**

- A. **Name and location of installation;**
- B. **Name and telephone number of person responsible for the installation;**
- C. **Identity of the equipment causing the excess emissions;**

- D. **Time and duration of the period of excess emissions;**

E. Type of activity and the reason for the maintenance, start-up or shutdown;

F. Type of air contaminant involved;

G. Estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude;

H. Measures taken to mitigate the extent and duration of the excess emissions; and

I. Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

(C) In the event of a release which results in excess emissions due to the engineering limitations of the equipment, the owner or operator of such facility shall notify the Missouri Department of Natural Resources' Air Pollution Control Program in both of the following ways:

1. An oral report shall be submitted no later than close of business of the following working day. The oral report shall include:

A. Name and location of installation;

B. Name and telephone number of person responsible for the installation;

C. Time and duration of the period of excess emissions; and

D. Type of air contaminant involved; and

2. A written report shall be submitted within ten (10) business days. The written report shall include, at a minimum, the following:

A. Name and location of installation;

B. Name and telephone number of person responsible for the installation;

C. Identity of the equipment causing the excess emissions;

D. Time and duration of the period of excess emissions;

E. Cause of the excess emissions;

F. Type of air contaminant involved;

G. Estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude;

H. Measures taken to mitigate the extent and duration of the excess emissions;

I. Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations; and

J. Reasons and data upon which the owner or operator bases the conclusions that such excess emissions either will or did occur as a result of engineering limitations in the equipment.

[(A)](D) In the event that a facility did not abide by the requirements of subsections (3)(A) and (3)(B) and [U]upon receipt of a notice of excess emissions issued by the Missouri Department of Natural Resources or an agency holding a certificate of authority under section 643.140, RSMo, the source to which the notice is issued may provide information showing that the excess emissions were the consequence of a malfunction, start-up or shutdown. Based upon any information submitted by the source operator and any other pertinent information available, the director or the commission shall make a determination whether the excess emissions constitute a malfunction, start-up or shutdown and whether the nature, extent and duration of the excess emissions warrant enforcement action under section 643.080 or 643.151, RSMo.

1. In determining whether enforcement action is warranted, the director or commission shall consider the following factors:

[1.]A. Whether the excess emissions during start-up, shutdown or malfunction occurred as a result of safety, technological

or operating constraints of the control equipment, process equipment or process;

[2.]B. Whether the air pollution control equipment, process equipment or processes were, at all times, maintained and operated to the maximum extent practical, in a manner consistent with good practice for minimizing emissions;

[3.]C. Whether repairs were made as expeditiously as practicable when the operator knew or should have known when excess emissions were occurring;

[4.]D. Whether the amount and duration of the excess emissions were limited to the maximum extent practical during periods of this emission; and

[5.]E. Whether all practical steps were taken to limit the impact of the excess emissions on the ambient air quality.

[(B)]2. The information provided by the source operator under [subsection (1)(A)] paragraph (3)(D)1. shall include, at a minimum, the following:

[1.]A. Name and location of installation;

[2.]B. Name and telephone number of person responsible for the installation;

[3.]C. The identity of the equipment causing the excess emissions;

[4.]D. The time and duration of the period of excess emissions;

[5.]E. The cause of the excess emissions;

[6.]F. The type of air contaminant involved;

[7.]G. A best estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude;

[8.]H. The measures taken to mitigate the extent and duration of the excess emissions; and

[9.]I. The measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

[(C)] The information specified in subsection (1)(B) shall be submitted to the director not later than fifteen (15) days after receipt of the notice of excess emissions.]

[(D)](E) Nothing in this rule shall be construed to limit the authority of the director or the commission to take appropriate action, under sections 643.080, 643.090 and 643.151, RSMo to enforce the provisions of the Air Conservation Law and the corresponding rule.

(F) Compliance with this rule does not absolve the owner or operator of such facility of liability for the excess emissions reported.

(4) Reporting and Record Keeping.

(A) The information specified in subsection (3)(D) shall be submitted to the director not later than fifteen (15) days after receipt of the notice of excess emissions. Information regarding the type and amount of emissions and time of the episode shall be recorded and kept on file. This data shall be included in emissions reported on any required Emissions Inventory Questionnaire.

(B) The information submitted according to paragraphs (3)(A)2., (3)(B)2., (3)(C)2., and (3)(D)2., shall be kept on file at the installation for a period of five (5) years. The information shall be available to the director upon request.

(5) Test Methods. (Not Applicable)

AUTHORITY: section 643.050, RSMo [Supp. 1992] 2000. Original rule filed March 15, 1979, effective Nov. 11, 1979. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed June 15, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., August 30, 2001. The public hearing will be held at Truman State University, Georgian Room, 100 East Normal, Kirksville, MO 63501. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., September 6, 2001. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RULE

12 CSR 10-23.452 Internet Renewal of License Plates

PURPOSE: This rule will allow Missouri citizens to renew their Missouri license plates via the Missouri On-Line Registration Exchange, Missouri Internet Vehicle Registration Renewal System, by using a Personal Identification Number.

(1) Any person desiring to renew their Missouri license plates via the Missouri On-Line Registration Exchange (MORE), Missouri Internet Vehicle Registration Renewal System, must use the eight (8) digit Personal Identification Number (PIN) recorded on their renewal notice. Entering the PIN into the Missouri Internet Vehicle Registration Renewal System shall be deemed the signature of the owner where a signature is required. This includes certification by the vehicle owner that he/she has and will maintain, during the period of registration, financial responsibility with respect to each motor vehicle that is owned, licensed or operated on the streets or highways.

(2) Only vehicle owners whose county (including the City of St. Louis) has provided the owner's personal property tax records to the Department of Revenue's Personal Property Tax Record System may have the option of renewing the license plates via the Missouri Internet Vehicle Registration Renewal System.

(3) Only vehicle owners displaying regular or personalized license plates in one of the following categories may use the Missouri Internet Vehicle Registration Renewal System for vehicle renewal purposes:

(A) Motor vehicles subject to the registration fees according to horsepower, as provided in section 301.055, RSMo;

(B) Local and beyond local property-carrying commercial motor vehicles licensed for a gross weight not to exceed fifty-four thousand (54,000) pounds;

(C) Trailers, excluding trailers displaying a three (3)-year trailer plate;

(D) Recreational vehicles;

(E) Motorcycles and motortricycles;

(F) Shuttle buses;

(G) Van pool; and

(H) Private school buses.

(4) Vehicles owners who must annually present an Emblem Use Authorization Statement issued by the organization cannot renew their registration through the Missouri Internet Vehicle Registration Renewal System.

(5) If a vehicle owner enters information into the Missouri Internet Vehicle Registration Renewal System indicating that his/her vehicle has been out-of-state for the past sixty (60) days and he/she is unable to enter a vehicle safety or emissions inspection number, if applicable, the owner must enter the out-of-state address. The Missouri Department of Revenue will mail the validation tabs to the out-of-state address entered by the applicant.

AUTHORITY: section 32.300, RSMo 2000. Original rule filed June 7, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.442 Stacking Sixty (60)-Day, Ninety (90)-Day, One Hundred Twenty (120)-Day and One Hundred Eighty (180)-Day Disqualifications. The director proposes to amend the Purpose, section (1) and add a new section to this rule.

PURPOSE: This rule is being amended to include railroad-highway grade crossing violations as indicated in 49 CFR sections 384.219 and 383.51.

PURPOSE: This rule establishes that a second or subsequent disqualification for a serious traffic violation, a railroad-highway grade crossing violation or for driving while out of service shall be in addition to any other previous period of disqualification as stated in 49 CFR sections 384.219 and 383.51.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) If a person is under a period of disqualification as a result of the accumulation of serious traffic violations, **conviction of a railroad-highway grade crossing violation** or for driving while out of service, any subsequent disqualification period shall only run consecutively and shall not run concurrently.

(2) The following material is incorporated into this rule by reference: Office of the Federal Register National Archives and Records Administration, Title 49 Code of Federal Regulations, sections 384.219 and 383.51, (Washington: U.S. Government Printing Office, Revised October 1, 2000).

AUTHORITY: section 302.765, RSMo [1994] 2000. Original rule filed Oct. 18, 1995, effective April 30, 1996. Amended: Filed June 7, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 5—Retirement, Options and Benefits

PROPOSED AMENDMENT

16 CSR 10-5.030 Beneficiary. The board is adding section (14).

PURPOSE: This proposed amendment sets forth the requirements for proving the death of the member prior to benefits being paid to beneficiaries and estates.

(14) Proof of the death of the member or beneficiary is required before any benefits, including, but not limited to, accumulated contributions are paid to an estate or other beneficiary. Proof of death shall be established by submission of an original or a certified copy of a death certificate issued by the authority of the governmental entity responsible for issuing such certificates. Other documentation, including, but not limited to, an appropriate court order may be submitted for evaluation if it is not possible to obtain a death certificate.

AUTHORITY: section 169.020, RSMo 2000. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed June 7, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Non-Teacher School Employee Retirement Systems of Missouri, Joel Walters, Executive Director, PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The Non-Teacher School Employee Retirement System of Missouri

PROPOSED AMENDMENT

16 CSR 10-6.090 Beneficiary. The board is adding section (7).

PURPOSE: This proposed amendment sets forth the requirements for proving the death of the member prior to benefits being paid to beneficiaries and estates.

(7) Proof of the death of the member or beneficiary is required before any benefits, including, but not limited to, accumulated contributions are paid to an estate or other beneficiary. Proof of death shall be established by submission of an original or a certified copy of a death certificate issued by the authority of the governmental entity responsible for issuing such certificates. Other documentation, including, but not limited to, an appropriate court order may be submitted for evaluation if it is not possible to obtain a death certificate.

AUTHORITY: section 169.610, RSMo 2000. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed Aug. 11, 1977, effective Nov. 15, 1977. Amended: Filed Sept. 11, 1981, effective Dec. 11, 1981. Emergency amendment filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Amended: Filed Oct. 29, 1993, effective May 9, 1994. Amended: Filed June 15, 1994, effective Nov. 30, 1994. Amended: Filed July 31, 1995, effective Feb. 25, 1996. Amended: Filed Dec. 12, 1996, effective June 30, 1997. Amended: Filed Oct. 15, 1997, effective April 30, 1998. Amended: Filed Aug. 10, 1998, effective Feb. 28, 1999. Amended: Filed Aug. 9, 1999, effective Feb. 29, 2000. Amended: Filed Dec. 15, 2000, effective June 30, 2001. Amended: Filed June 7, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Non-Teacher School Employee Retirement Systems of Missouri, Joel Walters, Executive Director, PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 1—Financial Solvency and Accounting Standards

PROPOSED AMENDMENT

20 CSR 200-1.030 Financial Statement and Diskette Filing. The department is amending sections (1), (2), and (3).

PURPOSE: The purpose of this amendment is to update the provisions of this rule and to eliminate unnecessary filing requirements.

(1) Each health services corporation, health maintenance organization (HMO), stock or mutual life insurance company, assessment or stipulated premium plan life insurance company, fraternal

benefit society, stock or mutual insurance company other than life, Chapter 383 assessment company, reciprocal and eligible surplus lines insurer shall file a sworn annual statement on or before March 1 of each year, for its business and affairs for the year ended the next previous December 31, in accordance with the National Association of Insurance Commissioners (NAIC) Annual Statement Blank and the instructions for it, or in accordance with any other form as the director expressly permits to the entity. This statement also shall be prepared in accordance with the applicable accounting standards or principles approved by the NAIC, published in the *Accounting Practices and Procedures Manual for Fire and Casualty Insurance Companies*, *Accounting Practices and Procedures Manual for Life and Accident and Health Insurance Companies*, *Valuation of Securities* or *Examiner's Handbook*, or a combination of these, except where the applicable provisions of Chapters 354 and 374-385, RSMo, or other specific rules expressly provide otherwise. For entities not domiciled in Missouri, one (1) copy of the annual statement shall be filed with the Missouri department's office in Jefferson City and one (1) copy shall be filed with NAIC's office in Kansas City, Missouri. For entities domiciled in Missouri, one (1) signed original and two (2) copies of the annual statement shall be filed with the Missouri department's office in Jefferson City and one (1) copy shall be filed with the NAIC's Kansas City office; provided, however, that for domiciled companies doing business in seventeen (17) or more states, for life and health insurers writing fifty (50) million dollars or more in gross premium, and for property and casualty insurers writing thirty (30) million dollars or more in gross premium, an additional copy also shall be filed with NAIC's office in [Washington, D.C.] **Kansas City, Missouri**, but only upon the written request of the NAIC. **The annual and quarterly statements should be signed by three (3) officers of the company.**

(2) Each entity shall file a diskette including all annual statement information with the NAIC's office in Kansas City, Missouri, *and an additional diskette with the Missouri department's Jefferson City office*. The diskette shall be prepared under guidelines contained in the NAIC's Annual Statement Diskette Filing Specifications.

(3) Each health services corporation, HMO, stock or mutual life insurance company, assessment or stipulated premium plan life insurance company, fraternal benefit society, stock or mutual insurance company other than life, Chapter 383 assessment company, reciprocal and eligible surplus lines insurer shall file, in addition to the sworn annual statement required in section (1), three (3) quarterly statements for its business and affairs for the quarters ending, respectively, the next previous March 31, June 30 and September 30, in accordance with NAIC Quarterly Statement Blank and the instructions for it, or in accordance with any other forms as the director expressly permits to the entity. For entities not domiciled in Missouri, one (1) copy of each quarterly statement shall be filed with the Missouri department's office in Jefferson City and one (1) copy shall be filed with the NAIC's office in Kansas City, Missouri. For entities domiciled in Missouri, one (1) signed original and two (2) copies of each quarterly statement shall be filed with the Missouri department's office in Jefferson City and one (1) copy shall be filed with the NAIC's Kansas City office; provided, however, that for domiciled companies doing business in seventeen (17) or more states, for life and health insurers writing fifty (50) million dollars or more in gross premium, and for property and casualty insurers writing thirty (30) million dollars or more in gross premium, an additional copy also shall be filed with the NAIC's office in [Washington, D.C.] **Kansas City, Missouri**, but only upon the written request of the NAIC.

AUTHORITY: sections 354.120, 354.485, [RSMo 1986] 354.723, [RSMo Supp. 1987] 374.045, 380.561, RSMo [Supp 1993] 2000. This rule was previously filed as 4 CSR 190-II.180. Original rule filed Sept. 2, 1988, effective Jan. 1, 1989. For intervening history, please consult the Code of State Regulations. Amended: Filed June 14, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 9:30 a.m. on August 22, 2001. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on August 22, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 11—Control and Management of Insurance
Companies**

PROPOSED AMENDMENT

20 CSR 200-11.101 Insurance Holding Company System Regulation with Reporting Forms and Instructions. The department is amending sections (8), (18) and the forms.

PURPOSE: The purposes of this amendment are (1) to assist the Director of the Missouri Department of Insurance in investigating the competency, experience and integrity of certain individuals and (2) to require the filing of certain pre-acquisition information on a form, Form E.

(8) Acquisition of Control—Statement Filing. A person required to file a statement pursuant to sections 382.040, [and] 382.050 and **382.060** of the Act shall furnish the required information on Form A, [which follows this rule] hereby made a part of this regulation. Such person shall also furnish the required information on Form E, hereby made a part of this regulation and described in section (18) of this regulation.

(18) Pre-Acquisition Notification. If a domestic insurer, including any person controlling a domestic insurer, is proposing a merger or acquisition pursuant to the provisions of section **382.040** of the Act and is required by such section to file a pre-acquisition notification, that person shall file a pre-acquisition notification form, Form E, which was developed pursuant to section **382.095.3** of the Act. Additionally, if a non-domiciliary insurer licensed to do business in this state is proposing a merger or acquisition pursuant to section **382.095** of the Act, that person shall file a pre-acquisition notification form, Form E. No pre-acquisition notification form need be filed if the acquisition is beyond the scope of section **382.095** as set forth in section **382.095.2(1)-(7)**. In addition to the information

required by Form E, the director may wish to require an expert opinion as to the competitive impact of the proposed acquisition.

FORM A

Statement Regarding the Acquisition of Control of or Merger with a Domestic Insurer

(Name of Domestic Insurer)
by
(Name of Acquiring Person (Applicant))
Filed with the Insurance Department of
(State of domicile of insurer being acquired)

Dated: _____, _____

Name, title, address and telephone number of individual to whom notices and correspondence concerning this statement should be addressed:

Item 1. Insurer and Method of Acquisition. State the name and address of the domestic insurer to which this application relates and a brief description of how control is to be acquired.

Item 2. Identify and Background of the Applicant. (a) State the name and address of the applicant seeking to acquire control over the insurer.

(b) If the applicant is not an individual, state the nature of its business operations for the past five (5) years or for lesser period as the applicant person and any of its predecessors thereof shall have been in existence. Briefly describe the business intended to be done by the applicant and the applicant's subsidiaries.

(c) Furnish a chart [of]or list clearly presenting the identities of the interrelationships among the applicant and all affiliates of the applicant. No affiliate need be identified if its total assets are equal to less than one-half (1/2) of one percent (1%) of the total assets of the ultimate controlling person affiliated with the applicant. Indicate in the chart or listing the percentage of voting securities of each such person which is owned or controlled by the applicant or by any other such person. If control of any person is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (for example, corporation, trust, partnership) and the state or other jurisdiction of domicile. If court proceedings involving a reorganization or liquidation are pending with respect to any such person, and set forth the title of the court, nature of proceedings and the date when commenced.

Item 3. Identity and Background of Individuals Associated With the Applicant.

State the following with respect to—1) the applicant if s/he is an individual or 2) all persons who are directors, executive officers

or owners of ten percent (10%) [of] or more of the voting securities of the applicant if the applicant is not an individual:

(a) Name and business address;
(b) Present principal business activity, occupation or employment including position and office held and the name, principal business and address of any corporation or other organization in which the employment is carried on;

(c) Material occupations, positions, offices or employment during the last five (5) years, giving the starting and ending dates of each and the name, principal business and address of any business operation or other corporation in which each such occupation, position, office or employment was carried on; if any such occupation, position, office or employment required licensing by or registration with any federal, state or municipal governmental agency, indicate such fact, the current status of the licensing or registration, and an explanation of any surrender, revocation, suspension or disciplinary proceedings in connection with the licensing or registration;

(d) Whether or not such person has ever been convicted in a criminal proceeding (excluding minor traffic violations) during the last ten (10) years and, if so, give the date, nature of conviction, name and location of court, and penalty imposed or other disposition of the case./;

(e) Date of birth, place of birth and Social Security number. Disclosure of the Social Security number: (1) is optional; (2) is solicited pursuant to the director's statutory authority to investigate and determine the competence, experience and integrity of those persons who would control the operation of the insurer pursuant to section 382.060.1(5), RSMo, and to inquire into and investigate the business of insurance transacted in this state pursuant to section 374.190.1, RSMo; and (3) will be used to conduct a criminal background check of the individual providing the Social Security number. The Department of Insurance will maintain the Social Security number as confidential pursuant to section 610.035, RSMo, if the Social Security number(s) is (are) provided to the department on a separate paper (along with the individual's name) from other information provided under this item; if not provided on a separate paper, the Department may deem the holder to have authorized disclosure of the Social Security number.

Item 4. Nature, Source and Amount of Consideration.

(a) Describe the nature, source and amount of funds or other considerations used or to be used in effecting the merger or other acquisition of control. If any part of the same is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding or trading securities, furnish a description of the transaction, the names of the parties to the transaction, the relationship, if any, between the borrower and the lender, the amounts borrowed or to be borrowed and copies of all agreements, promissory notes and security arrangements relating thereto.

(b) Explain the criteria used in determining the nature and amount of such consideration.

(c) If the source of the consideration is a loan made in the lender's ordinary course of business and if the applicant wishes the identity of the lender to remain confidential, s/he must specifically request that the identity be kept confidential.

Item 5. Future Plans of Insurer.

Describe any plans or proposals which the applicant may have to declare an extraordinary dividend, to liquidate such insurer, to sell its assets to or merge it with any person or persons or to make any other material change in its business operations or corporate structure or management.

Item 6. Voting Securities to be Acquired.

State the number of shares of the insurer's voting securities which the applicant, its affiliates and any person listed in Item 3, plan to acquire, and the terms of the offer, request, invitation, agreement or acquisition, and a statement as to the method by which the fairness of the proposal was arrived at.

Item 7. Ownership of Voting Securities.

State the amount of each class of any voting security of the insurer which is beneficially owned or concerning which there is a right to acquire beneficial ownership by the applicant, its affiliates or any person listed in Item 3.

Item 8. Contracts, Arrangements or Understanding With Respect to Voting Securities of the Insurer.

Give the full description of any contracts, arrangements or understandings with respect to any voting security of the insurer in which the applicant, its affiliates or any person listed in Item 3., is involved, including, but not limited to, transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. This description shall identify the persons with whom the contracts, arrangements or understandings have been entered into.

Item 9. Recent Purchases of Voting Securities.

Describe any purchases of any voting securities of the insurer by the applicant, its affiliates or any person listed in Item 3. during the twelve (12) calendar months preceding the filing of this statement. Include in such description the dates of purchase, the names of the purchasers, and the consideration paid or agreed to be paid. State whether any shares so purchased are hypothecated.

Item 10. Recent Recommendations to Purchase.

Describe any recommendations to purchase any voting security of the insurer made by the applicant, its affiliates or any person listed in Item 3., or by anyone based upon interviews or at the suggestion of the applicant, its affiliates or any person listed in Item 3. during the twelve (12) calendar months preceding the filing of this statement.

Item 11. Agreements With Broker-Dealers.

Describe the terms of any agreement, contract or understanding made with any broker-dealer as to solicitation of voting securities of the insurer for tender and the amount of any fees, commission or other compensation to be paid to broker-dealers with regard thereto.

Item 12. Financial Statements and Exhibits.

(a) Attach financial statements and exhibits to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statements shall include the annual financial statements of the persons identified in Item 2(c) for the preceding five (5) fiscal years (or for a lesser period as the applicant and its affiliates and any predecessors of the applicant shall have been in existence), and similar information covering the period from the end of the person's last fiscal year, if this information is available. These statements may be prepared on either an individual basis or, unless the director otherwise requires, on a consolidated basis if consolidated statements are prepared in the usual course of business.

(c) The annual financial statements of the applicant shall be accompanied by the certificate of an independent public accountant to the effect that the statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles

prescribed or permitted under law. If the applicant is an insurer which is actively engaged in the business of insurance, the financial statements need not be certified, provided they are based on the Annual Statement of such person filed with the insurance department of the person's domiciliary state and are in accordance with the requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state.

(d) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the insurer and (if distributed) of additional soliciting material relating thereto, any proposed employment, consultation, advisory or management contracts concerning the insurer, annual reports to the stockholders of the insurer and the applicant for the last two (2) fiscal years, and any additional documents or papers required by Form A or 20 CSR 200-11.101(2) and (4).

Item 13. Signature and Certification.

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of sections 382.040-382.060 of

the Act _____ has caused this application to be duly signed on its behalf in the City of

_____ and State of

_____, on the

_____ day of _____, _____.

(SEAL)

(Name of Applicant)

[By/by

(Name)

(Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that s/he has duly executed the attached application dated _____,

_____, for and on behalf of _____;

(Name of Applicant)

that s/he is the _____ of

(Title of Officer)

(Name of Company)

and that s/he is authorized to execute and file such instrument. Deponent further says that s/he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name)

FORM B
Insurance Holding Company System
Annual Registration Statement

Filed with the Insurance Department of the state of _____

/By/by

(Name of Registrant)

On behalf of following insurance companies:	
Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

Date _____, _____.

Name, title, address and telephone number of individual to whom notices and correspondence concerning this statement should be addressed:

Item 1. Identity and Control of Registrant.
Furnish the exact name of each insurer registering or being registered (after this called the registrant), the home office address and principal executive offices of each; the date on which each registrant became part of the insurance holding company system; and the method(s) by which control of each registrant was acquired and is maintained.

Item 2. Organizational Chart.
Furnish a chart or listing clearly presenting the identities of and interrelationships among all affiliated persons with the insurance holding company system. No affiliate need be shown its total assets are equal to less than one-half (1/2) of one percent (1%) of the total assets of the ultimate controlling person within the insurance holding company system unless it has assets valued at or exceeding (insert amount). The chart or listing should show the percentage of each class of voting securities of each affiliate which is owned, directly or indirectly, by another affiliate. If control of any person within the system is maintained other than by the ownership or control of voting securities, indicate the basis of the control. As to each person specified or listing indicate the type of organization (for example, corporation, trust, partnership) and the state or other jurisdiction of domicile.

Item 3. The Ultimate Controlling Person.

As to the ultimate controlling person in the insurance holding company system, furnish the following information:

- (a) Name;
- (b) Home office address;
- (c) Principal executive office address;
- (d) The organizational structure of the person, that is, corporation, partnership, individual, trust, etc;
- (e) The principal business of the person;
- (f) The name and address of any person who holds or owns ten percent (10%) or more of any class of voting security, the class of such security, the number of shares held of record or known to be beneficially owned, and the percentage of class so held or owned; and
- (g) If court proceedings involving a reorganization or liquidation are pending, indicate the title and location of the court, the nature of proceedings and the date when commenced.

Item 4. Biographical Information.
Furnish the following information for the directors and executive officers of the ultimate controlling person: the individual's name and address, his/her principal occupation and all offices and positions held during the past five (5) years, and any conviction of crimes other than minor traffic violations during the past ten (10) years.

Item 5. Transactions and Agreements.
Briefly describe the following agreements in force, and transactions currently outstanding or which have occurred during the last calendar year between the registrant and its affiliates:
(a) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the registrant or of the registrant by its affiliates;
(b) Purchases, sales or exchanges of assets;
(c) Transactions not in the ordinary course of business;
(d) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the registrant's assets to liability, other than insurance contracts entered into in the ordinary course of the registrant's business;
(e) All management agreements, service contracts, tax allocation arrangements, and cost-sharing arrangements;
(f) Reinsurance agreements;
(g) Dividends and other distributions to shareholders;
(h) Consolidated tax allocation agreements; and
(i) Any pledge of the registrant's stock, the stock of any subsidiary or controlling affiliate, or both, for a loan made to any member of the insurance holding company system.

No information need be disclosed if such information is not material for purposes of sections 382.100-382.160 of the Act.

Sales, purchases, exchanges, loans or extension of credit, investments or guarantees involving one-half (1/2) of one percent (1%) of the registrant's admitted assets as of the 31st day of December next preceding shall not be deemed material. (Note: the director by rule or order may provide otherwise.)

The description shall be in a manner as to permit the proper evaluation by the director, and shall include at least the following: the nature and purpose of the transaction, the nature and amounts of any payments or transfers of assets between the parties, the identity of all parties to such transaction, and relationship of the affiliated parties to the registrant.

Item 6. Litigation or Administrative Proceedings.
A brief description of any litigation or administrative proceedings of the following types, either then pending or concluded within the preceding fiscal year, to which the ultimate controlling person or any of its directors or executive officers was a party or of which the property of any such person is or was the subject; give the names of the parties and the court or agency in which the litigation or proceeding is or was pending:

(a) Criminal prosecutions or administrative proceedings by any government agency or authority which may be relevant to the trustworthiness of any party to the prosecutions or proceedings; and

(b) Proceedings which may have a material effect upon the solvency or capital structure of the ultimate holding company including, but not necessarily limited to, bankruptcy, receivership or other corporate reorganizations.

Item 7. Statement Regarding Plan or Series [or] of Transactions.

The insurer shall furnish a statement that transactions entered into since the filing of the prior year's annual registration statement are not part of a plan or series of like transactions, the purpose of which is to avoid statutory threshold amounts and the review that might otherwise occur.

Item 8. Financial Statements and Exhibits.

(a) Financial statements and exhibits should be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statement shall include the annual financial statements of the ultimate controlling person in the holding company system as of the end of the person's latest fiscal year.

(c) If at the time of the initial registration, the annual financial statements for the latest fiscal year are not available, annual statements for the previous fiscal year may be filed and similar financial information shall be filed for any subsequent period to the extent such information is available. These financial statements may be prepared on either an individual basis, or unless the director otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

(d) Unless the director otherwise permits, the annual financial statements shall be accompanied by the certificate of an independent public accountant to the effect that these statements present fairly the financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the ultimate controlling person is an insurer which is actively engaged in the business of insurance, the annual financial statements need not be certified, provided they are based on the annual statement of such insurer filed with the insurance department of the insurer's domiciliary state and are in accordance with requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state.

(e) Exhibits shall include copies of the latest annual reports to shareholders of the ultimate controlling person and proxy materials used by the ultimate controlling person; and any additional documents or papers required by Form B or 20 CSR 200-11.101(2) and (4).

Item 9. Form C Required.

A Form C, Summary of Registration Statement, must be prepared and filed with this Form B.

Item 10. Signature and Certification.

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of sections 382.100-382.160 of the Act, the Registrant has caused this annual registration statement to be duly signed on its behalf in the City of _____ and the

State of _____ on the _____ day

of _____, _____.

(SEAL)

(Name of Registrant)

/By/by

(Name)

(Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that s/he has duly executed the attached annual registration statement dated _____, _____, for and on behalf of _____;
(Name of Officer)

that s/he is the _____ of
(Title of Officer)

(Name of Company)

and that s/he is authorized to execute and file such instrument. Deponent further says that s/he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name)

FORM C
Summary of Registration

STATEMENT

Filed with the Insurance Department of the State of _____

/By/by

(Name of Registrant)

On behalf of following insurance companies:
Name _____ Address _____

Date _____, _____

(e) A description of the nature of the parties' business operations;

(f) Relationship, if any, of other parties to the transaction to the insurer filing the notice, including any ownership or debtor/creditor interest by any other parties to the transaction in the insurer seeking approval, or by the insurer filing the notice in the affiliated parties; and

(g) Where the transaction is with a nonaffiliate, the name(s) of the affiliate(s) which will receive, in whole or in substantial part, the proceeds of the transaction.

Item 2. Description of the Transaction.

Furnish the following information for each transaction for which notice is being given:

(a) A statement as to whether notice is being given under section 382.195.1(1), (2), (3), (4) or (5) of the Act;

(b) A statement of the nature of the transaction; and

(c) The proposed effective date of the transaction.

Item 3. Sales, Purchases, Exchanges, Loans, Extensions of Credit, Guarantees or Investments.

Furnish a brief description of the amount and source of funds, securities, property or other consideration for the sale, purchase, exchange, loan, extension of credit, guarantee, or investment, whether any provision exists for purchase by the insurer filing notice, by any party to the transaction, or by any affiliate of the insurer filing notice, a description of the terms of any securities being received, if any, and a description of any other agreements relating to the transaction such as contracts or agreements for services, consulting agreements and the like. If the transaction involves other than cash, furnish a description of the consideration, its cost and its fair market value, together with an explanation of the basis for evaluation.

If the transaction involves a loan, extension of credit or a guarantee, furnish a description of the maximum amount which the insurer will be obligated to make available under such loan, extension of credit or guarantee, the date on which the credit or guarantee will terminate, and any provisions for the accrual of or deferral of interest.

If the transaction involves an investment, guarantee or other arrangement, state the time period during which the investment, guarantee or other arrangement will remain in effect, together with any provisions for extensions or renewals of these investments, guarantees or arrangements. Furnish a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given if the maximum amount which at any time can be outstanding or for which the insurer can be legally obligated under the loan, extension of credit or guarantee is less than—

(a) In the case of nonlife insurers, the lesser of three percent (3%) of the insurer's admitted assets or twenty-five percent (25%) of surplus as regards policyholders; or

(b) In the case of life insurers, three percent (3%) of the insurer's admitted assets, each as of the 31st day of December next preceding.

Item 4. Loans or Extensions of Credit to a Nonaffiliate.

If the transaction involves a loan or extension of credit to any person who is not an affiliate, furnish a brief description of the agreement or understanding where the proceeds of the proposed transaction, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase the assets of, or to make investments in, any affiliate of the insurer making these loans or extensions of credit, and specify in what manner the proceeds are to be used to loan to, extend credit to, purchase assets of or make investments in any affiliate. Describe the amount and source of funds, securities, property or other consideration for the loan or extension of credit and, if the transaction is one involving

consideration other than cash, a description of its cost and its fair market value together with an explanation of the basis for evaluation. Furnish a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given if the loan or extension of credit is one which equals less than, in the case of nonlife insurer's, the lesser of three percent (3%) of the insurer's admitted assets or twenty-five percent (25%) of surplus as regards policyholders or, with respect to life insurers, three percent (3%) of the insurer's admitted assets, each as of the 31st day of December next preceding.

Item 5. Reinsurance.

If the transaction is a reinsurance agreement or modification to it, as described by section 382.195.1(3) of the Act, furnish a description of the known, estimated amount of liability or else to be ceded, or both assumed in each calendar year, the period of time during which the agreement will be in effect, and a statement whether an agreement or understanding exists between the insurer and nonaffiliate to the effect that any portion of the assets constituting the consideration for the agreement will be transferred to one (1) or more of the insurer's affiliates. Furnish a brief description of the consideration involved in the transaction, and brief statement as to the effect of the transaction, upon the insurer's surplus.

No notice need be given for reinsurance agreements or modifications to them if the reinsurance premium or a change in the insurer's liabilities in connection with the reinsurance agreement or modification to it is less than five percent (5%) of the insurer's surplus as regards policyholders, as of the 31st day of December next preceding.

Item 6. Management Agreements, Service Agreements, Tax Allocation Arrangements, and Cost-Sharing Arrangements.

For management and service agreements, furnish—

(a) A brief description of the managerial responsibilities, or services to be performed; and

(b) A brief description of the agreement, including a statement of its duration, together with brief descriptions of the basis for compensation and the terms under which payment or compensation is to be made;

For tax allocation arrangements and cost-sharing arrangements, furnish—

(a) A brief description of the purpose of the agreement;

(b) A description of the period of time during which the agreement is to be in effect;

(c) A brief description of each party's expenses or costs covered by the agreement; and

(d) A brief description of the accounting basis to be used in calculating each party's costs under the agreement.

Item 7. Signature and Certification.

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of section 382.195 of the Act _____ has caused this application to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, _____.

(SEAL)

(Name of Applicant)

/By/by

(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that s/he has duly executed the attached notice dated _____, _____, for and on behalf of _____;
(Name of Officer)

that s/he is the _____
(Title of Officer)

[of]of _____
(Name of Company)

and that s/he is authorized to execute and file such instrument. Deponent further says that s/he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name)

FORM E

Pre-Acquisition Notification Form
Regarding The Potential Competitive Impact
of a Proposed Merger or Acquisition by a
Non-Domiciliary Insurer Doing Business in this
State or by a Domestic Insurer

(Name of Applicant)

(Name of Other Person Involved in Merger or Acquisition)

Filed with the Insurance Department of the State of _____ by

(Name of Registrant)

Name, title, address and telephone number of person completing this statement:

Item 1. Name and Address.

State the names and addresses of the persons who hereby provide notice of their involvement in a pending acquisition or change in corporate control.

Item 2. Name and Addresses of Affiliated Companies.

State the names and addresses of the persons affiliated with those listed in Item 1. Describe their affiliations.

Item 3. Nature and Purpose of The Proposed Merger or Acquisition.

State the nature and purpose of the proposed merger or acquisition.

Item 4. Nature of Business.

State the nature of the business performed by each of the persons identified in response to Item 1 and Item 2.

Item 5. Market and Market Share.

State specifically what market and market share in each relevant insurance market the persons identified in Item 1 and Item 2 currently enjoy in this state. Provide historical market and market share data for each person identified in Item 1 and Item 2 for the past five (5) years and identify the source of such data.

For purposes of this question, market means direct written insurance premium in this state for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this state.

AUTHORITY: sections 374.045 and 382.240, RSMo [1994] 2000. Original rule filed April 29, 1992, effective Dec. 3, 1992. Amended: Filed Nov. 23, 1998, effective July 30, 1999. Amended: Filed June 14, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 9:30 a.m. on August 22, 2001. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on August 22, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 11—Control and Management of Insurance
Companies

PROPOSED RULE

20 CSR 200-11.120 Material Transactions Between Affiliates Under Section 382.050.1(5), RSMo

PURPOSE: This rule specifies certain material transactions involving a domestic insurer and any person in its holding compa-

ny system, which transactions may not be entered into unless the insurer has notified the director in writing of its intention to enter into such a transaction at least thirty days prior thereto, or such shorter period as the director may permit, and the director has not disapproved such transaction.

(1) The transactions specified within or under section (2) of this rule constitute material transactions which the director determines may adversely affect the interests of the insurer's policyholders within the meaning of section 382.195.1(5), RSMo.

(2) Each of the following transactions involving a domestic insurer and any person in its holding company system may not be entered into unless the insurer has notified the director in writing through use of Form D to 20 CSR 200-11.101 of its intention to enter into such transaction at least thirty (30) days prior thereto, or such shorter period as the director may permit, and the director has not disapproved it within such period (see section 382.195.1, RSMo):

(A) Any tax allocation agreement, arrangement or contract; and

(B) Any other agreement, arrangement, or contract in which the consideration by or from or anticipated by or from the insurer has a value exceeding one-half of one percent (0.5%) of the insurer's admitted assets as of the thirty-first day of December next preceding.

(3) A domestic insurer may not enter into transactions, whether described in section (2) of this rule or subsection 1. of section 382.195, RSMo, which are part of a plan or series of like transactions with persons within the holding company system if the purpose of those separate transactions is to avoid the statutory or regulatory threshold amount and thus avoid the review that would occur otherwise. If the director determines that such separate transactions were entered into over any twelve (12)-month period for such purpose, the director may exercise the director's authority under section 382.265, RSMo.

AUTHORITY: sections 374.045 and 382.195, RSMo 2000. Original rule filed June 14, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities more than \$500 in the aggregate. A detailed fiscal note, which estimates the costs of compliance with this rule, has been filed with the secretary of state and attached hereto.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 10:00 a.m. on August 22, 2001. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on August 22, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 20-Department of Insurance

Division: 200-Financial Examination

Chapter: 11-Control and Management of Insurance Companies

Type of Rulemaking: Proposed rule

Rule: 20 CSR 200-11.120 Material Transactions Between Affiliates Under Section 382.050.1(5)

II. SUMMARY OF FISCAL IMPACT

It is estimated that the cost of complying with the proposed rule will average no more than \$3,000 annually in the aggregate, that is for all private entities. The agreements to be filed under the proposed rule are filed currently, so the Department may be overstating the actual cost of this rule to private person.

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type 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:
135 insurance companies and health maintenance organizations	Missouri domestic insurance companies and health maintenance organizations that are part of an insurance holding company system	\$3,000 or less annually

III. WORKSHEET

The Department of Insurance estimates that the annual private entity fiscal impact from the proposed rule will be about \$3,000 in the aggregate, such sum to be paid by domestic insurers (insurance companies and health maintenance organizations). This estimate is based on an estimate that about 15 tax allocation agreements will be filed annually. (Although such agreements are currently being filed as cost-sharing arrangements, they are included in the private fiscal statement for this proposed rule because of a desire to use a conservative basis for cost estimation.) These 15 agreements were multiplied by \$100, which represents the filing fee of \$50 plus and additional \$50 for preparation of the Form D notice. Added to the resulting

product of \$1500 was another \$1500, the latter based on an estimated 15 agreements annually being filed under section (2)(B) of this proposed rule.

IV. ASSUMPTIONS

This estimate is based on an estimate that about 15 tax allocation agreements will be filed annually. (Although such agreements are currently being filed as cost-sharing arrangements, they are included in the private fiscal statement for this proposed rule because of a desire to use a conservative basis for cost estimation.) These 15 agreements were multiplied by \$100, which represents the filing fee of \$50 plus and additional \$50 for preparation of the Form D notice. Added to the resulting product of \$1500 was another \$1500, the latter based on an estimated 15 agreements annually being filed under section (2)(B) of this proposed rule.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 12—Missouri and Extended Missouri Mutual Companies

PROPOSED AMENDMENT

20 CSR 200-12.020 Extended Missouri Mutual Companies' Approved Investments. The department is amending subsection (1)(C), section (2) and deleting subsection (2)(C).

PURPOSE: The purpose of this amendment is to update the provisions of this rule and to expand the scope of permissible home office real estate investments by extended Missouri mutual insurance companies.

(1) Approved Investments. The following described investments shall be deemed approved investments under the provisions of section 380.471, RSMo:

(C) **With prior approval of the director, [H/home office real estate having an asset value of [thirty thousand dollars (\$30,000) or less] sixty percent (60%) of the extended Missouri mutual company's surplus or ten percent (10%) of its admitted assets, as shown by its last annual statement preceding the date of acquisition, as filed with the director, whichever is lesser.**

(2) Limitations. The approved investments described in section (1) of this rule shall be subject to the following limitations:

(A) No more than five percent (5%) of an extended Missouri mutual's assets may be invested in the bonds or commercial paper described in subsections (1)(A) and (B) in any one (1) issuer; **and**

(B) No more than twenty percent (20%) of an extended Missouri mutual's assets may be invested in the aggregate in all bonds or commercial paper described in subsections (1)(A) and (B).; **and**
[(C) Home office real estate investment described in subsection (1)(C) shall not exceed twenty percent (20%) of an extended Missouri mutual's surplus without prior approval of the director.]

AUTHORITY: sections 374.045, 380.471, RSMo Supp. 1990] and 380.561, RSMo [1986] 2000. Original rule filed Oct. 24, 1991, effective March 9, 1992. Amended: Filed June 14, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 9:30 a.m. on August 22, 2001. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on August 22, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 17—Admissions

PROPOSED RULE

20 CSR 200-17.100 Procedure for Forming a Missouri Domestic Insurance Company

PURPOSE: The purpose of this rule is to prescribe forms and procedures to be followed in forming an insurance company organized under the laws of the state of Missouri. This rule also effectuates and aids in the interpretation of sections 376.010–376.120, RSMo (life insurance companies) and sections 379.010–379.065, RSMo (insurance companies other than life).

(1) The procedures outlined in section (2) of this rule are the procedures required for the successful formation of a Missouri domestic insurance company authorized to transact an insurance business in this state. The steps outlined in subsections (A) through (E) of section (2) are set forth in the required chronological order beginning with the first step.

(2) A Missouri domestic insurance company shall be formed in accordance with the following procedures and forms:

(A) The incorporators form the corporation that will become an insurance company organized under the laws of the state of Missouri. The incorporators must:

1. Issue a declaration of intent to form an insurance company and state its articles of incorporation to comply with the requirements of Missouri law. See sections 376.010 to 376.120, RSMo (life insurance companies) and sections 379.010 to 379.065, RSMo (other than life). Particular attention should be paid to the requirements for the number and residence of the members of the board of directors and the place where the principal office for the conduct of the insurance company's business will be conducted. Such place must be stated with sufficient specificity so that an examiner can verify that in fact the insurance company's principal business will be located at the address stated;

2. Publish the declaration and the articles as required by law; and

3. File with the Division of Financial Regulation (DFR) of the Missouri Department of Insurance (MDI) an affidavit of publication from the publisher of the declaration and articles, and the articles in triplicate original;

(B) If the insurance company's filings under paragraph 3 of subsection (A) are in compliance with the applicable laws and regulations relating to a Missouri domestic insurance company, the DFR will cause the articles to be reviewed by the Missouri attorney general (AG). Upon receipt of the AG's certification, the DFR will file the articles and a copy of the AG's certification with the Missouri secretary of state for the issuance of a certificate of incorporation. (The secretary of state may require the payment of certain fees and taxes before issuing the certificate of incorporation);

(C) Upon receipt of a copy of the certificate of incorporation, the company shall:

1. Form its board of directors, appoint officers, issue stock (if a stock company) or take deposits if a mutual company;

2. Place the proceeds from the stock subscription or deposits into accounts (including the deposit with Department of Insurance);

3. File with the MDI's Property and Casualty Section or the Life and Health Section (whichever is applicable) any premium rates, policy forms or endorsements as may be needed to transact the insurance company's business; and

4. Submit to the DFR a completed Uniform Certificate of Authority Application (UCAA)—primary application. Upon request, the DFR will provide information regarding:

A. How to obtain the appropriate UCAA form (including any forms specific to Missouri under the UCAA review process); and

B. The application of the statutory standards for evaluating an application for a certificate of authority;

(D) Upon notice from the company that the steps listed in subsection (C) have been completed, the DFR will contact the insurance company to schedule a pre-licensing examination. Among other things, the examination will verify the statutory deposit, compliance with financial requirements, the location of the insurance company's principal place of business, the filing of any necessary policy or endorsement forms, and the competency and integrity of the insurance company's officers and directors; and

(E) Based upon the recommendation in the report of the pre-licensing examination, the DFR will cause the completion of the formation process. Formation is complete upon the issuance by the director of the MDI of a certificate of authority to transact the business of insurance in this state.

AUTHORITY: section 374.045, RSMo 2000. Original rule filed June 14, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 9:30 a.m. on August 22, 2001. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on August 22, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 17—Admissions**

PROPOSED RULE

20 CSR 200-17.200 Procedure for Foreign Insurer to Obtain a Certificate of Authority to Transact the Business of Insurance

PURPOSE: The purpose of this rule is to prescribe forms and procedures to be followed in applications for a certificate of authority to transact an insurance business in this state. This rule also effectuates or aids in the interpretation of section 375.8II, RSMo.

(1) Any foreign insurance company, as that term is used in section 375.811, RSMo, making application to the director of the Department of Insurance for a certificate of authority to transact an insurance business in the state of Missouri shall do so by filing both of the following:

(A) A completed Uniform Certificate of Authority Application (UCAA) form as follows:

1. An expansion application, if the applicant is organized under the laws of a uniform state; or

2. A primary application, if the applicant is not organized under the laws of a uniform state; and

(B) Additional information as follows:

1. A letter from the insurance commissioner of the applicant's domicile state stating that according to his/her records, the applicant is prompt and equitable in its loss payments to policyholders and payments are in accordance with policy provisions;

2. A narrative description of the history of the applicant;

3. Explanation of any unique assets, liabilities or operating aspects of the applicant; and

4. A detailed explanation of any present controversy with any state or federal regulatory agency or of any presently pending formal or informal hearings.

(2) A uniform state is a state or territory of the United States that is committed to using the UCAA review process for company admissions.

(3) Upon request, the Missouri Department of Insurance will provide information regarding:

(A) Whether a state or territory is a uniform state;

(B) How to obtain the appropriate UCAA form (including any forms specific to Missouri under the UCAA review process); and

(C) The application of the statutory standards for evaluating an application for a certificate of authority.

AUTHORITY: section 374.045, RSMo 2000. Original rule filed June 14, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 9:30 a.m. on August 22, 2001. The public hearing will be held at the Harry S. Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on August 22, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 17—Admissions**

PROPOSED RULE

20 CSR 200-17.300 Procedure for Redomestication

PURPOSE: The purpose of this rule is to prescribe forms and procedures to be followed in redomesticating an insurance company from or into the state of Missouri. This rule also effectuates and aids in the interpretation of section 375.908, RSMo.

(1) Redomestication to Missouri from Another State. In order to redomesticate an insurance company organized under the laws of any other state to the state of Missouri, the insurance company

shall comply with the following forms and procedures in the chronological order set forth below beginning with subsection (A):

(A) The insurance company must obtain a certificate of authority to transact an insurance business in the state of Missouri, if not previously obtained;

(B) The insurance company must obtain the approval of the current state of domicile to redomesticate to Missouri. This approval may be either unconditional or conditioned on future events such as Missouri's acceptance of the redomestication;

(C) The insurance company must apply for redomestication to Missouri. The law (section 375.908, RSMo) requires a company redomesticating to Missouri to comply with all the requirements of law relative to organizing and licensing a domestic insurer. This means that the company must:

1. Locate its principal place of business at a place in Missouri;

2. Issue a declaration and amend and restate its articles of incorporation to comply with the requirements of Missouri law. See sections 376.010 to 376.120, RSMo (life insurance companies) and 379.010 to 379.065, RSMo (other than life). A declaration of intent to redomesticate will be accepted as a substitute for a declaration of intent to form. The amended and restated articles will be accepted as a substitute for the charter. The directors will be acceptable substitutes for the incorporators;

3. Publish the declaration and the amended and restated articles as required by law. The declaration may reflect the intent to redomesticate rather than the intent to form;

4. File with the Division of Financial Regulation (DFR) of the Missouri Department of Insurance (MDI) an affidavit of publication from the publisher of the amended and restated articles, the amended and restated articles in triplicate original, the order from the current state of domicile approving the redomestication, and an application for an amended certificate of authority (which will state among other things, the location of the principal place of business); and

5. File with the MDI's Property and Casualty Section or the Life and Health Section (whichever is applicable) any amended policy forms or endorsements as may be needed to reflect Missouri as the insurance company's state of domicile;

(D) If the insurance company's filings are in compliance with the applicable laws and regulations relating to a Missouri domestic insurance company, the DFR will cause the articles to be reviewed by the Missouri attorney general (AG). Upon receipt of the AG's certification, the DFR will file the articles and a copy of the AG's certification with the Missouri secretary of state for the issuance of a certificate of incorporation. (The secretary of state may require the payment of certain fees and taxes before issuing the certificate of incorporation);

(E) Upon receipt of the certificate of incorporation, the DFR will contact the insurance company to schedule a pre-licensing examination. The scope of this examination will vary depending on the circumstances, including the extent and as of date of the insurance company's most recent examination. Among other things, the examination will verify the statutory deposit, compliance with financial requirements, the location of the insurance company's principal place of business, the filing of any necessary policy or endorsement forms, and the competency and integrity of the insurance company's officers and directors; and

(F) Based upon the recommendation in the report of the pre-licensing examination, the DFR will cause the completion of the redomestication process. Redomestication is complete upon the issuance by the director of the MDI of a certificate of authority amended to reflect Missouri as the insurance company's state of domicile.

(2) Redomestication from Missouri to Another State. In order to redomesticate an insurance company organized under the laws of the state of Missouri to another state, the insurance company shall

comply with the following forms and procedures in the chronological order set forth below beginning with subsection (A):

(A) The Missouri domestic insurer must request the DFR to approve a redomestication to a specified state and provide evidence that the Missouri domestic insurer is admitted to do business in that state. The DFR will then cause the MDI to issue a contingent approval and state the terms for finalizing the redomestication and making the contingent approval absolute.

(B) After receipt of the contingent approval, the insurance company shall obtain and file each of the following:

1. A certified copy of the state's order approving the redomestication;

2. An application to amend certificate of authority (form enclosed);

3. A certified copy of amended or restated articles of incorporation from new state of domicile;

4. A certified copy of certificate of authority from new state of domicile;

5. An appointment of the director of the MDI as agent for receipt of service of process; and

6. The filing fee for amending the Missouri certificate of authority.

(C) The DFR will cause the MDI to make the contingent approval absolute after the insurer files all items described under subsection (B) of this section.

AUTHORITY: section 374.045, RSMo 2000. Original rule filed June 14, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 9:30 a.m. on August 22, 2001. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on August 22, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.