



Rules of
Department of Economic
Development
Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured Homes

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 121—Pre-Owned Manufactured
Homes**

4 CSR 240-121.010 Definitions

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

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

(A) Application means an application for a seal;

(B) Approved insignia means an insignia issued by a state with which this state has entered into a reciprocity agreement under section 700.030, RSMo. Approved insignia also means a label or tag issued under 42 U.S.C. 5414;

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

(D) Approved insignia means a label or tag issued by authority of 42 U.S.C. 5414 under the Federal Manufactured Home Procedural and Enforcement Regulations; and

(E) Pre-owned manufactured home means a manufactured home that has been sold at retail or rented, leased or occupied either as a dwelling or a place of business.

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

(G) Seal as defined by section 700.010, RSMo includes replacement seal.

(2) All sections of Chapter 700, RSMo cited are contained in Senate Substitute for House Committee Substitute for House Bill No. 1393, 78th General Assembly, Second Regular Session.

AUTHORITY: section 700.040, RSMo Supp. 1989. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001, effective Dec. 30, 2001.*

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

4 CSR 240-121.020 Administration and Enforcement

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

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

AUTHORITY: section 700.040, RSMo 2000. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001, effective Dec. 30, 2001.*

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

4 CSR 240-121.030 Seals

PURPOSE: This rule describes the preowned mobile homes to which seals or approved insignia must be affixed and the standards and procedures which relate to the issuance of seals and the removal of seals and approved insignia.

(1) No preowned mobile home which entered the first stage of production after January 1, 1974 shall be rented, leased or sold or offered for rent, lease or sale in this state unless a seal or approved insignia is properly affixed to it.

(2) An application for a seal shall be submitted to the director and shall be executed by the person who owns the preowned mobile home to which the requested seal will be affixed. An application shall be executed on a form which shall be provided by the director upon delivery to him/her of a nonrefundable two dollar (\$2) fee. One (1) form may be used to apply for all seals required at a given time. To be complete, an application shall include:

(A) The name and address of the manufacturer of each preowned mobile home for which a seal is requested;

(B) The make, style and manufacturer's identifying number of each preowned mobile home for which a seal is requested;

(C) The date on which each preowned mobile home for which a seal is requested entered the first stage of production;

(D) With respect to each preowned mobile home for which a seal is requested, a list of all parts and components for which the code includes a criterion which have been added, removed, replaced or altered since the completion of production and which have not been approved in writing by the director.

(E) The name and address of the immediate previous owner of each preowned mobile home for which a seal is requested;

(F) The jurisdiction in which each pre-owned mobile home for which a seal is requested was immediately previously registered or titled and the registration or title number assigned by that jurisdiction;

(G) The title number, if any, presently assigned by this state to each preowned mobile home for which a seal is requested;

(H) If the applicant is a corporation, a copy of the applicant'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. These copies shall be retained by the commission so that as long as the original documents remain unchanged, an applicant who has once submitted the copies shall not be required to resubmit them with subsequent applications;

(I) An affidavit of the applicant or the applicant's authorized representative if the applicant is a corporation, certifying that each preowned mobile home for which a seal is requested complies with the code which was in effect when it entered the first stage of production and that no parts or components for which the code includes a criterion will be added, removed, replaced or altered after the application has been submitted; and

(J) A fee of eight dollars (\$8) for each seal requested. This fee is refundable if a written request for refund is received by the director before the seal for which the fee was remitted has been issued.

(3) Within eight (8) working days after a complete application has been received by the director, the director shall inspect for code compliance each preowned mobile home for which a seal has been requested. If through no fault of the applicant the inspection is not conducted within the prescribed time, the requested seal shall be issued within the required time if no basis for rejection is found on the face of the application.



(4) The director is authorized to refuse to issue a seal under the following circumstances:

(A) If the preowned mobile home to which the seal is to be affixed does not comply with the code which was in effect when it entered the first stage of production;

(B) If at the time of application the director has reason to believe that the applicant is failing to abide by this chapter or Chapter 700, RSMo as it relates to preowned mobile homes; and

(C) If the director has reason to believe that the seal will be placed on a unit which is not a preowned mobile home.

(5) A seal or a written refusal to issue a seal shall be issued by the director within ten (10) working days after s/he has received a complete application. A notice of refusal shall specify the reason for refusal.

(6) Seals shall be delivered by one (1) of the following methods:

(A) By prepaid certified mail, requesting a return receipt signed by addressee only, sent to the applicant's place of business;

(B) By delivery by an authorized representative of the commission to the applicant's place of business. Upon delivery of seals by this method, the applicant shall provide a written acknowledgment of receipt to the commission's authorized representative; and

(C) By delivery to an applicant in person at the office of the secretary of the commission. Upon delivery of seals by this method, the applicant shall provide to the secretary of the commission a written acknowledgment of receipt.

(7) A seal shall be affixed with a permanent weatherproof adhesive to the outside section housing directly adjacent to the primary door and located no less than ten inches (10") vertically from the lower edge of the door and not less than ten inches (10") vertically from the junction of the side wall and roof edge or molding.

(8) Within thirty (30) days of the discovery that a seal issued to him/her has become lost, mutilated or otherwise unserviceable, a dealer shall provide written notice of that fact to the director.

(9) Any person to whom a seal has been issued or who owns a preowned mobile home to which a seal or approved insignia has been affixed may apply for the replacement of the seal or approved insignia if it becomes lost, mutilated or otherwise unserviceable. Applications for replacement seals shall be

made on the same forms and in the same manner as applications for seals are made under this rule. A fee of four dollars (\$4) shall be charged for a replacement seal.

(10) Seals and approved insignia may be removed by the director from any preowned mobile home which is found to be in violation of the code which was in effect when it entered the first stage of production.

(11) If the director removes a seal or approved insignia from a preowned mobile home, s/he shall provide written notice of that action to the owner of the home. This notice shall be mailed within five (5) working days of the removal and shall be sent by prepaid certified mail, requesting a return receipt signed by addressee only, to the last known address of the owner. The notice shall state the reason for the removal.

(12) When a seal or approved insignia is removed by the director, s/he shall place a prohibited sale notice in the location specified in section (7) for the seal. The prohibited sale notice shall state that the rental, lease or sale or the offering for rent, lease or sale of the preowned mobile home to which the notice is attached is prohibited under section 700.015, RSMo. The prohibited sale notice shall also state that further information may be obtained from the director, whose name, address and telephone number shall be listed. A copy of the prohibited sale notice shall be filed with the commission.

AUTHORITY: section 700.040, RSMo Supp. 1989. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977.*

**Original authority: 700.040, RSMo 1973, amended 1976, 1978, 1982, 1984, 1989.*



Missouri Public Service Commission

Application for Seals Certifying Compliance
With Recreational Vehicle Standards and Modular Home Standards

To: Manager
Manufactured Housing
Missouri Public Service Commission
Post Office Box 360
Jefferson City, MO 65102

Date: _____

Applicant: _____

Street: _____

City: _____ State: _____ (Zip Code)

Phone: _____

Applicant is a Manufacturer of Recreational Vehicles _____

Applicant is a Manufacturer of Modular Homes _____
(Check One)

Applicant hereby applies for the issuance of _____ (number) recreational
vehicle seals or _____ park trailer seals or _____ modular
seals as required by the provisions of section 700.015, RSMo (1986). The fee of such seals is \$20.00 each. A
check or money order payable to the Director of Revenue in the amount of \$ _____ is
enclosed.

A Remittance of \$2.00 if Required For Postage and Handling

I, the undersigned, under penalty for false statement, do hereby certify that I am an owner or officer of applicant and the above
information is true and correct and I hereby certify the seals herein applied for will be affixed only to recreational vehicles which
comply fully with the standards code of the American National Standards Institute, identified as ANSI A119.2 (1990), for recre-
ational vehicles. As a modulars which comply with the 1988 UBC or 1987 BOCA Codes and CABO Model Energy Code so
designated by the state.

(Signature)

(Title)



4 CSR 240-121.040 Inspection of Dealer Books, Records, Inventory and Premises

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

(1) The books, records, inventory and premises of a dealer, from time-to-time during normal business hours, shall be subject to an inspection by the director to ascertain if the dealer is complying with this chapter and Chapter 700, RSMo as it relates to pre-owned manufactured homes and also to ascertain if grounds exist under section 700.100, RSMo to reject an application for registration filed under section 700.090, RSMo or to refuse to renew or to suspend, revoke or place on probation a registration which has been made under section 700.090, RSMo.

AUTHORITY: section 700.040, RSMo 2000. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed April 26, 2001, effective Dec. 30, 2001.*

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

4 CSR 240-121.050 Inspection of Preowned Manufactured Homes Rented, Leased or Sold or Offered for Rent, Lease or Sale by Persons Other Than Dealers

PURPOSE: This rule sets forth the extent to which preowned manufactured homes rented, leased, sold or offered for rent, lease or sale by persons other than dealers are subject to inspection by the director.

(1) In order to determine if preowned mobile homes which are rented, leased, sold, or offered for rent, lease or sale in this state by persons other than dealers comply with the code, these preowned mobile homes are subject to periodic inspection by the director.

(2) Inspections under this rule shall be conducted during normal business hours and upon twenty-four (24) hours' written notice to the occupants, if any, of the preowned mobile home to be inspected. Upon the director's request, the owner of a preowned mobile home to be inspected shall furnish the name and address of the occupants of the preowned mobile home.

AUTHORITY: section 700.040, RSMo Supp. 1989. Emergency rule filed Nov. 12, 1976,*

effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977.

**Original authority: 700.040, RSMo 1973, amended 1976, 1978, 1982, 1984, 1989.*

4 CSR 240-121.060 Complaints and Review of Director Action

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

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

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

AUTHORITY: section 700.040, RSMo Supp. 1989. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977.*

**Original authority: 700.040, RSMo 1973, amended 1976, 1978, 1982, 1984, 1989.*

4 CSR 240-121.170 Criteria for Good Moral Character for Registration of Manufactured Home Dealers

PURPOSE: The Missouri Public Service Commission is charged with the responsibility of determining that applicants for registration as manufactured home dealers are of good moral character. This rule establishes the criteria for evaluating applicants for dealer registration as to their good moral character.

(1) Registration as a manufactured home dealer will be denied for lack of good moral character if—

(A) The applicant, within the ten (10) years preceding the application, has been convicted in any federal or state court of a felony relating to the acquisition or transfer

of a manufactured home or any other form of property; or

(B) The applicant, within the five (5) years preceding the application, has been convicted in any federal or state court of a misdemeanor relating to the acquisition or transfer of a manufactured home or any other form of property.

(2) For the purposes of this rule, the applicants who must show good moral character include all partners of the dealership if the dealership is a partnership; all officers of the dealership if the dealership is a corporation; or all owners of the dealership if the dealership is neither a partnership nor a corporation.

AUTHORITY: section 700.455, RSMo Supp. 1987. Original rule filed Nov. 8, 1985, effective Feb. 24, 1986.*

**Original authority: 700.455, RSMo 1985, amended 1987.*

4 CSR 240-121.180 Monthly Report Requirement for Registered Manufactured Home Dealers

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

(1) Each person registered as a manufactured home dealer must file a monthly sales report (see 4 CSR 240-120.130) with the commission no later than the tenth of the month following the month when the sales were made.

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

(3) The director may reject all monthly sales reports that are incomplete.

(4) Failure to submit a completed monthly report by the due date could result in suspension or revocation of the dealer's registration under section 700.090, RSMo.

(5) A report must be filed for each month or part of a month for which the person is a registered manufactured home dealer. If no sales are made in a given month, the dealer must file the usual form no later than the tenth of the following month stating no sales were made.

(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) The dealer shall maintain a copy of this report for the records of the dealership.

(8) 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 manufactured home 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) Whether each unit sold is new or used;
 - (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 1994. Emergency rule filed Nov. 8, 1985, effective Nov. 18, 1985, expired March 18, 1986. Original rule filed Nov. 8, 1985, effective Feb. 24, 1986. Amended: Filed Sept. 5, 2000, effective April 30, 2001.*

**Original authority: 700.460, RSMo 1985.*

4 CSR 240-121.185 Pre-Owned Manufactured Home Inspection Fee

PURPOSE: This rule provides for the manner in which inspection fees assessed on pre-owned manufactured home sales are calculated by the commission and submitted by registered dealers.

(1) The commission may prior to the beginning of each fiscal year starting with the fiscal year commencing on July 1, 2000, issue an order establishing an inspection fee to be assessed on all pre-owned manufactured homes sold in the state of Missouri. Said inspection fee will be calculated as follows:

(A) The commission will determine the funding needs of the manufactured housing and modular units program;

(B) The director will determine through dealer monthly sales reports the aggregate number of new manufactured homes, pre-

owned manufactured homes, and modular units sold in the 12-month period commencing May 1 and ending April 30 immediately preceding each fiscal year;

(C) The director will estimate the funds that the program will receive through dealer and manufacturer registrations, plan approvals, and any other fees that the program receives on a yearly basis, based on prior year's receipts; and

(D) The director will subtract the amount determined in subsection (C) above from the program's legislative appropriation. That amount will then be divided by the aggregate number of new manufactured homes, pre-owned manufactured homes, and modular units sold as determined in subsection (B) above. The resulting amount will be rounded to the next nearest whole dollar amount. This amount will be presented to the commission for approval.

(2) Pre-owned manufactured home dealers shall remit fees to the director in an amount that equals the number of pre-owned manufactured homes sold, multiplied by the inspection fee as approved by the commission. Dealers shall submit said fees with the monthly sales report that is required by 4 CSR 240-121.180. Said fees shall be received no later than the tenth day following the month when the sales were made.

(3) The following situations shall constitute grounds for the denial, suspension, revocation, or placing on probation of a dealer's certificate of registration:

(A) Failure to pay fees within 30 days of their prescribed due date.

(B) Failure to pay fees by the prescribed due date for two consecutive months.

(C) Failure to pay fees by the prescribed due date for any four of the preceding 12 months.

(D) If a dealer remits the inspection fee for a pre-owned manufactured home and the sale is rescinded within 60 days of the date of the sale, the dealer has 60 days from the date of said rescission to request that the inspection fee be credited to the next month in which a dealer has a sale subject to the inspection fee.

(4) The director shall deliver copies of the commission's order establishing the pre-owned manufactured home inspection fee for the fiscal year to all existing registered dealers no later than July 15 of each fiscal year. The director shall also deliver a copy of the commission's order establishing the fee with each approved certificate of dealer registration.

AUTHORITY: sections 700.040 and 700.115, RSMo Supp. 1999. Original rule filed Sept. 5, 2000, effective April 30, 2001.*

**Original authority: 700.040, RSMo 1973, amended 1976, 1978, 1982, 1984, 1989, 1993, 1995, 1999; 700.115, RSMo 1976, amended 1978, 1982, 1984, 1995.*