NOTICE OF TERMINATION
WITHDRAWAL OF PROPOSED RULE

STATE OF MISSISSIPPI
MISSISSIPPI DEPARTMENT OF INSURANCE
Division of the State Fire Marshal

Mississippi Department of Insurance
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Date Rule Proposed: May 7, 1997

Name of proposed rule being terminated:

ME -1997-1: Uniform Standards Code for the Factory-Built Homes Law as related to Relocatable (Modular) Homes.

Explanation of the purpose of the proposed rule and the reason(s) for proposing the rule:

To prevent the loss of life and property from fire and related hazards, and to restrict health hazards in relocatable (modular) homes by providing standards for the construction of such homes.

Reason(s) for terminating the proposed rule:

To enact Regulation ME-2006-1 which supersedes ME-1997-1 as it is based upon the latest and current standards of the International Code Council.

Date Proposed Rule Terminated: May 1, 2006

Kimberly Gilmer
Special Assistant Attorney General
Mississippi Department of Insurance

MISSISSIPPI

REGULATION NO. ME-1997-1

FOR THE
UNIFORM STANDARDS CODE
FOR THE
FACTORY-BUILT HOMES LAW AS RELATED TO
RELOCATABLE (MODULAR) HOMES

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MISSISSIPPI DEPARTMENT INSURANCE-STATE FIRE MARSHAL'S OFFICE
RELOCATABLE (MODULAR) HOMES
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The Rules and Regulations for the Uniform Standards Code for Factory-Built Homes Law, Section 75-49-1 through 75-49-19, Mississippi Code, 1972, Annotated, as revised and amended fiscal year 1997 as related to relocatable (modular) homes.

I. PROMULGATION AND PURPOSE:

Section 100 - General

(A) These Rules and Regulations for Factory-Built Homes as related **to relocatable (modular) homes are** promulgated by the Commissioner of Insurance of the State of Mississippi in accordance with the Uniform Standards Code for Factory-Built Homes Law and the Mississippi Administrative Procedures Act, Section 25-43-1 et seq., Mississippi Code, 1972, as Amended, and shall become effective after adopted and promulgated in accordance with the provisions of the Mississippi Administrative Procedures Act as provided in Section 25-43-1, et seq., Mississippi Code, 1972

(B) The purpose of these Rules and Regulations is to prevent the **loss of life and property from fire and** related hazards, and to restrict health hazards in relocatable (modular) homes by providing standards for construction, heating systems, and by requiring compliance with such standards during construction, prior to selling, offering for sale, such relocatable (modular) homes in the State of Mississippi.

Section 101 -Definitions

(A) "Relocatable home" means a movable or portable dwelling over thirty-two (32) feet in length and over eight (8) feet wide, designed and constructed without carriage or hitch; as stationary house construction for placement upon permanent foundations, to be connected to utilities, for year-round occupancy. It is of closed-end or open-end construction capable of being separated from its foundation and utilities and relocated. It can consist of one or more components that can be retracted when transported and subsequently expanded for additional capacity, or of two (2) or more units separately transportable but designed to be joined into one (1) integral unit.

(B) "Modular home" means a relocatable home as those terms are defined herein.

(C) "Commissioner" means the Commissioner of Insurance of the State of Mississippi.

(D) "Chief Deputy State Fire Marshal" means the individual appointed by the Commissioner of Insurance, who, along with his employees, is designated by the Commissioner to implement and enforce this chapter and to maintain? among other duties, the Manufactured Housing Division of the Insurance Department

(E) "Division" means the Manufactured Housing Division of the State Fire Marshal's Office.

(F) "Person" means any individual, firm, corporation, partnership, association or other type of business entity.

(G) "Dealer" means any person engaged in the retail sale of new or used relocatable (modular) homes to the general public.

(H) "Manufacturer" means any person engaged in the production (construction) of relocatable homes or modular homes.

(I) "Approved Construction Inspection Agency" means an approved inspection agency which is responsible for performing the functions described in Section VII herein.

(J) "Approved Design Review Agency" means an approved inspection agency which is responsible for performing the functions described in rule Section VIII.

(K) "Label" means an insignia approved by the Department for certifying compliance with the standards.

(L) "Southern Building Code Congress International (SBCCI)" means the Southern Building Code.

(M "Building system" means plans, specifications, and documentation for a system or type of relocatable (modular) home, or for the foundation, structural, electrical, mechanical, plumbing, fire protection, or other system(s)) thereof affecting health and safety.

(N) "Closed construction" means any relocatable (modular) home, component, assembly, or system manufactured in such a manner that all concealed parts processes of manufacturing cannot be inspected before installation at the site without disassembly, damage or destruction.

(O) "Compliance assurance program" means the system documentation, and methods of assuring that relocatable (modular) homes and their components, including the manufacturing, storage, transportation, assembly, handling, and installation thereof, conform to the standards.

(P) "Component" means any assembly, sub-assembly, or combination of elements for use as a part of a relocatable (modular) home, which may include the structural, electrical, mechanical, plumbing, fire protection, or other system(s) thereof affecting life safety.

(Q) "Damage" means any impairment, alteration, or breakage occurring to a relocatable (modular) home or any part thereof, that causes it not to comply with the standards.

(R) "Independent contractor installer or transporter" means any person who is engaged for hire in the movement or transportation, or both, in assembly of relocatable (modular) homes on-site or the process or affixing components to land, a foundation, footings, utilities, or an existing building.

(S) "Model" means a specific design of relocatable (modular) home which is based upon size, room arrangement, method of construction, location, arrangement or size of plumbing, mechanical, or electrical equipment and systems therein in accordance with plans and specifications submitted to an approved design review agency.

(T) "Open construction" means any relocatable (modular) home, component, assemble, or system manufactured in such a manner that all portions can be readily inspected at the site without disassembly, damage, or destruction.

(U) "Site" means the location on which a relocatable (modular) home is installed or is to be installed.

(V) "Standards" means the standards for the construction and installation of relocatable (modular) homes established by Section II.

(W) "Standard design" means any relocatable (modular) home, component, model or series intended for duplication or repetitive manufacture.

(X) "System prototype" means a specific design or relocatable (modular) home designated by the manufacturer to be the standard for imitation reproduction. A system prototype may include options that do not affect the performance function of any system.

II. STANDARDS

(A) Unless otherwise provided by applicable law or the provisions of this chapter, the standards for the construction and installation of relocatable (modular) homes in the State of Mississippi shall be those prescribed in:

(1) The *National Electrical Code,* 1993 edition, published by the National Fire Protection Association (NFPA), Batterymarch Park, Quincy, Massachusetts 02269;

(2) The *Standard Building Code, 1994* edition, published by the Southern Building Code Congress International, Inc. (SBCCI), 900 Montclair Road, Birmingham, Alabama, 35213.;

(3) The *Standard Mechanical Code,* 1994 edition, published by the SBCCI;

(4) The *Standard Gas Code,* 1994 edition, published by the SBCCI;

(5) The *Standard Plumbing Code,* 1994 edition, published by the SBCCI;

and as all of the above same may be revised or amended.

(B) In lieu of the codes listed in paragraphs A(1)) through (5) above, the *One and Two Family Dwelling Code,* 1986 edition with 1987 and 1988 amendments, published by the Council of American Building Officials (CABO), 5205 Leesburg Pike, Suite 201, Falls Church, Virginia 22041, may be used for any "dwelling" (as defined therein) covered by such code, and as the above same may be revised or amended.

(C) This rule shall not be construed as adopting any provision of the cited publications which establishes:

(1) An optional or recommended, rather than mandatory, standard or practice; or

(2) Any agency, procedure, fees, or penalties for administration or enforcement purposes.

III. ADMINISTRATION

Section 200 - Rules and Regulations

(A) After May 7, 1997, every manufacturer engaged in the production (construction) of relocatable (modular) homes within the State of Mississippi shall apply for and obtain a license from the Commissioner.

(B) After May 7, 1997, every dealer who sells, transports or installs new or used relocatable (modular) homes within the State of Mississippi shall apply for and obtain a license from the Commissioner.

(C) If a relocatable (modular) home is new, the applicant shall certify in the application to the Commissioner that the applicant will comply with the Construction Standards set forth under Rules and Regulations provided in Section 75-49-5 herein, and that the applicant has obtained a current and valid tax identification number.

(D) Applications shall be obtained from and submitted to the Commissioner on forms prescribed by the Commissioner

(E) The original license fee and all annual renewals thereof shall be One Hundred Twenty-five Dollars ($125.00) for manufacturing plants located within or without the State of Mississippi manufacturing or delivering homes for sale within the State of Mississippi and Fifty Dollars ($50.00) per dealer location within the State of Mississippi.

(F) An administrative fee will be charged for labels for what it cost this division to produce which this division will provide to approved construction inspection agencies for certification that such relocatable (modular) homes, to the best of the manufacturer's knowledge and belief, conforms to all applicable rules, regulations and safety standards. The label shall be affixed only at the end of the last stage of production.

(G) The Commissioner shall investigate and examine all applicants for all licenses by holding such hearings as he shall deem necessary or conducting investigations or examinations, or any combination thereof, as to the fitness or expertise of the applicant for the type of license for which the applicant applied. A license shall be granted only to a person who bears a good reputation for honesty, trustworthiness, integrity and competency to transact the business in such a manner as to safeguard the interest of-the public and only after satisfactory proof of such qualifications has been presented to the Commissioner.

(H) The Commissioner shall take all applicants under consideration after having examined them through oral or written examinations, or both, before granting any license. If the applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible, full-time managing officers or members of the executive staff of the applicant's firm. Every application by an individual for a license to sell or transport relocatable modular homes, shall be verified by the oath or affirmation of the applicant, and every such application by a partnership or corporation shall be verified by the oath or affirmation of a partner or an of officer thereof. The applications for licenses shall be in such form and detail as the Commissioner shall prescribe.

(I) The holder of any valid license issued by the Commissioner at the time this section becomes effective shall be automatically issued an equivalent license in the same category for which his previous license was issued.

(J) Beginning May 7, 1997, every license issued under this chapter shall be issued annually and shall expire on June 30 following the date upon which it was issued. License fees shall not be prorated for the remainder of the year in which the application was made but shall be paid for the entire year regardless of the date of the application. The Commissioner shall on or before April 30, 1998, and on or before April 30 of each succeeding year thereafter, forward a "Notice of Renewal", by regular United States mail, to each licensee at his or its last known mailing address. After depositing the "Notice of Renewal" in the United States mail, the Commissioner shall have no other duty or obligation to notify the licensee of the expiration of his or its annual license. The failure of the licensee to obtain a renewal license on or before June 30 or the ensuing license period shall act as an automatic suspension of the license unless the Commissioner, for good cause shown in writing and the payment of an amount equal to double the renewal fee for said delinquency, lifts the suspension and issues the renewal license. During the period of suspension any practice by the

licensee under the color of such license shall be deemed a violation of this chapter. Annual renewals of a dealer's license shall require, as a condition precedent, that the dealer verify by oath or affirmation that he maintains a retail sales lot in accordance with all rules and regulations promulgated by the Commissioner and that the lot has three (3) or more new or used relocatable (modular) homes located thereon for retail sale as a residential dwelling or for any other use at the time of application.

Section 201 -Manufacturers

(K) All manufacturer applicants shall certify in the application that they will fully comply with the Southern Building Code set forth under the Rules and Regulations provided in Section 75-49-5, Mississippi Code, 1972, as Amended.

(L) All manufacturer applicants shall certify in the application that they will fully comply with the Southern Building Code, and shall comply with the Rules and Regulations provided in Section 75-49- 11, Mississippi Code, 1972, as Amended.

(M) All manufacturer applicants shall certify in the application that approval of a building system shall bear the signature and seal of a responsible Architect and /or Engineer, duly registered in the State of Mississippi certifying that the building system complies with the standards.

Section 202 - Dealers

In order to protect the health, safety and welfare of the public of this state, each applicant for a dealer's license shall:

(N) Demonstrate to the Commissioner that he has a good general working mechanical knowledge of relocatable (modular) home construction and repair;

(O) Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the Southern Building Code as they pertain to the responsibilities of a dealer to properly safeguard the public interest,

(P) Demonstrate to the Commissioner that he has an adequate space to display his relocatable (modular) homes at each sales lot and that he has or shall maintain a sales office located at each of those sales lots with running water and sewer facilities to comply with the county health department standards in the county in which they are located; and

(Q) Demonstrate to the Commissioner that he shall have or has adequate facilities for the repair and servicing of relocatable (modular) homes and storage of parts and accessories and has at least one operable service truck. If, however, the dealer is contracting out all installation, repair and service, then he shall provide a duplicate of the executed contract to the Commissioner and said contract shall contain a clause stating that the Commissioner shall be notified 30 days in advance of its cancellation.

Section 203 - Independent Contractor Installer or Transporter

In order to protect the Health, Safety and Welfare of the public of this State, each applicant for an independent contractor installer or transporter licensee shall:

(R) Demonstrate to the Commissioner that he has a good general working mechanical knowledge of a relocatable (modular) home construction and repair;

(S) Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which relocatable (modular) homes are installed, in accordance with rules, regulations and procedures promulgated by the Southern Building Code;

(T) Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the Southern Building Code, as they pertain to the responsibilities of installers or transporters to properly safeguard to the public interest;

(U) Demonstrate to the Commissioner that he is in compliance with the Mississippi Public Service Commission under the provisions of the Mississippi Motor Carrier Regulatory Law of 1938 as amended, Section 77-7-1 et seq., Mississippi Code of 1972, Annotated, Section 601 of the Federal Aviation Authority Authorization Act effective January 1, 1995, and proof of registration with the Mississippi Public Service Commission.

(V) Demonstrate that he will attend eight (8) hours of training per year if provided by, approved by, or recommended by the Manufactured Housing Division of the State Fire Marshal's Office.

IV. INSPECTION PROCEDURES

(A) The Manufactured Housing Division of the State Fire Marshal's Office shall periodically inspect each manufacturing location to assist and ensure that relocatable (modular) homes are being constructed in compliance with the Southern Building Code, and these Rules and Regulations.

(B) The Manufactured Housing Division of the State Fire Marshal's Office shall periodically inspect each dealer location to ensure that relocatable (modular) homes offered for sale comply with the Southern Building Code, and these Rules and Regulations.

(C) Results of the inspection may be made available to the manufacturers or dealers upon request. When serious violations are found, the Manufactured Housing Division of the State Fire Marshal's Office shall immediately attach a non-compliance identification tag to the unit in question.

(D) It shall be a violation of these Rules and Regulations for any relocatable (modular) home to be sold or offered for sale which has a non-compliance identification tag attached. The wording on such tag shall be as follows:

> "This unit, having been found to be in NON-COMPLIANCE with the Uniform Standards Code for Factory-Built Homes Law as Related to Relocatable (Modular) Homes and having been so identified, shall not be sold or offered for sale in the State of Mississippi. Anyone tampering with or removing this Identification Tag from this unit will be prosecuted as set forth in this Law, and shall be subject to revocation of his license."

(E) A non-compliance identification tag attached to a unit may be removed only by the Manufactured Housing Division of the State Fire Marshal's Office. Such tag shall be completed as required thereon.

(F) When the State Fire Marshal has reasonable ground to believe that a unit has been constructed in non-compliance with these standards, he may require, at the manufacturers expense that the walls, floors, decking or other panels be removed for the purpose of inspection.

(G) Units having been identified as being in non-compliance with these Rules and Regulations and having a non-compliance tag attached may be transported and relocated only after notice has been given to the Manufactured Housing Division of the State Fire Marshal's Office. Such notice will set forth the purpose for moving such unit, to whom the unit is to be delivered along with complete mailing address and telephone number, serial number and any other information as may be requested.

(H) When such violation(s)) have been corrected, the unit in question shall be re-inspected by the Manufactured Housing Division of the State Fire Marshal's Office and if found in compliance with the Southern Building Code and these Rules and Regulations, the inspector shall remove the non- compliance identification tag. The unit can then be sold or offered for sale.

(I) All relocatable (modular) homes, delivered by dealers to any site where such home is to be used for human habitation, shall be in accordance with rules, regulations and procedures as required by the Manufactured Housing Division of the State Fire Marshal's Office. Section 75-49-7 MS Code, 1972.

(J) The Manufactured Housing Division of the State Fire Marshal's Office shall periodically inspect site locations where relocatable (modular) homes have been delivered by dealer's, when such home is to be used for human habitation as required by these Rules and Regulations, Section 75-49-7, Mississippi Code, 1972, Annotated.

(K) Manufacturing plants located in or outside the State of Mississippi, relocatable (modular) home retail dealer sales lots, business locations and equipment shall be subject to inspections by State Chief Deputy Fire Marshal, State Deputy Fire Marshal's or a Duly Authorized Representative as required to insure Compliance with Section 75-49-11, Mississippi Code, 1972, Annotated.

(L) When any provision of Section 75-49-1 through 75-49-19 Mississippi Code, 1972, annotated, as Amended, is violated, the State Chief Deputy Fire Marshal, State Deputy Fire Marshal's or a Duly Authorized Representative shall file appropriate action as set forth in Section 75-49-19 MS Code, 1972, Annotated.

V. LOCAL CODE ADOPTION AND INSPECTION

Any local government (county or municipality) which has adopted the latest edition and Appendices of the Southern Building Code published by the Southern Building Code Congress International or the board of supervisors of any county who has adopted Section 75-49-21, MS Code, 1972, Annotated, will be regarded by the Manufactured Housing Division of the State Fire Marshal's Office as being in full compliance with these Rules and Regulations of the "Uniform Standards Code for Factory-Built Homes Law as Related to Relocatable (Modular) Homes" and as such will assume responsibility for local code enforcement of relocatable (modular) homes, which are defined as modular homes within their respected jurisdictions.

VI. LICENSES

(A) No person shall engage in business as a manufacturer of relocatable (modular) homes for sale or installation in the State of Mississippi without first having obtained a manufacturer's license from the Division.

(B) No person shall engage in business as a dealer of relocatable (modular) homes in the State of Mississippi,without first having obtained a dealer's license from the Division

(C) No person shall engage in business as an installer of relocatable (modular) homes in the State of Mississippi without first having obtained an installer's license from the Division.

(D) A separate license shall be required for each place of business operated by a manufacturer, dealer, or installer under this Chapter.

(E) An application for a license required hereunder shall be submitted on the form prescribed by the Division,and accompanied by a non-refundable license fee as follows:

Manufacturer	$125.00
Dealer	$ 50.00
Installer	$ 50.00

(F) The application shall include the following information:

(1) Name and address of the applicant;

(2) Ownership and management of the applicant's business;

(3) The applicant's experience in relocatable (modular) homes manufacturing, sales, or installation;

(4) Any manufacturer's, dealer's, or installer's licenses held by the applicants in this or another state; and

(5) Any disciplinary proceedings affecting any such licenses.

(6) The Division shall be notified in writing of any changes in the information furnished in an application within thirty (30) days of such change.

VII. RESPONSIBILITIES OF APPROVED CONSTRUCTION INSPECTION AGENCIES

(A) Each approved construction inspection agency shall discharge the following responsibilities:

(1) Monitoring the compliance assurance program of each manufacturer which such agency serves;

(2) Verifying that relocatable (modular) homes and components have been manufactured pursuant to approved building system documentation and an approved compliance assurance program;

(3) Authorizing the attachment of labels to such relocatable (modular) homes and components; and

(4) Preparing all reports which the Division may reasonably require in carrying out its responsibilities under this Chapter.

(B) Initial Plant Certification Inspection

(1) No label shall be affixed to any relocatable (modular) home or component until the approved construction inspection agency has completed an initial plant certification inspection of the manufacturer's facility.

(2) The initial plant certification inspection shall consist of a complete evaluation of the manufacturer's adherence to its compliance assurance program and capability of producing unit of component in accordance with the approved building system.

(3) The approved construction inspection agency shall become familiar with every aspect of the manufacturer's approved building system and compliance assurance program.

(4) The approved construction inspection agency shall make a complete inspection of the manufacture of at least one relocatable (modular) home or component throughout all of the operation in the facility. If the first unit or component inspected fails to conform to the standards, additional units or components shall be similarly inspected until the agency is satisfied that the manufacturer is complying with the approved building system and the standards.

(C) Plant Certification Report.. If, on the basis of the initial plant certification inspection, the approved construction inspection agency determines that the manufacturer is in compliance with its approved building system, compliance assurance program, and the standards, the agency shall prepare and forward to the Division a certification report. The certification report shall include:

(1) The name and address of the manufacturing facility;

(2) The name of the approved design review agency which approved the manufacturer's building system and compliance assurance program, and the dates of approval;

(3) The names and titles of the inspection agency personnel performing the initial plant certification inspection;

(4) The serial numbers of the relocatable (modular) homes or components inspected;

(5) A full report of all inspection conducted, nonconformities observed, and corrective actions taken; and

(6) The date of certification.

(D) Frequency of Inspections.

(1) After initial plant certification, the approved construction inspection agency shall inspect:

(a) Each relocatable (modular) home or component in at least one stage of construction; and

(b) Every stage of construction during the course of each inspection visit to a manufacturing facility.

(2) The Division may waive compliance with a compliance assurance program at the request of the manufacturer. Upon the grant of such waiver, the manufacturer shall have each relocatable (modular) home or component which it produces completely inspected by an approved construction inspection agency.

(3) The approved construction inspection agency shall conduct unannounced inspections at the manufacturing site to review any aspects of the manufacturing process.

(4) Nothing in this paragraph shall preclude an approved construction inspection agency from conducting inspections at a greater frequency than the minimum prescribed herein, if, in the agency's professional judgment, such action is necessary to discharge its responsibilities properly. In determining the appropriate frequency of inspection for any manufacturer, an approved construction inspection agency should consider such factors as:

(a) the production volume of the factory;

(b) the complexity of the design;

(c) the qualifications of the manufacturer's quality control personnel; and

(d) the experience record of the manufacturer.

(5) No person shall act as a design review agency under this Chapter without a valid letter of approval from the Division.

(6) An application for approval as a design review agency shall be submitted on the form prescribed by the Division. The applications shall be accompanied by:

(a) A prospectus describing -

(1) the applicant's qualifications to review plans, specifications, and building systems of relocatable (modular) homes or components for compliance with the standards;

(2) the education and qualifications of the employees who would conduct the actual reviews of plans, specifications, and building systems;

(3) the management and professional personnel (including an architect or engineer duly registered in the State of Mississippi) responsible for compliance with the provision of this Chapter;

(4) the applicant's experience in "third party" design review;

(5) the applicant's organizational structure; and

(6) the relationship which the applicant would establish with approved construction inspection agencies to ensure that the relocatable (modular) homes and components are produced in accordance with the standards.

(7) The Division shall be notified in writing of any change in the information furnished in an application within thirty (30) days of such change.

(8) The Division shall issue a letter of approval to qualified applicants.

(9) All approvals issued under this rule shall expire on June 30 of each year.

VIII. RESPONSIBILITIES OF APPROVED DESIGN REVIEW AGENCIES

(A) Each approved design review agency shall discharge the following responsibilities:

(1) Investigation, evaluation, testing, review, and if justified, approval under the standards of each set of building system documentation (or amendment thereto) submitted by the manufacturer(s) which such agency serves;

(2) Investigation, evaluation, and, if justified,, approval of the compliance assurance program (or amendment thereto) relating to the manufacturer of relocatable (modular) homes and components described in each set of building system documentation submitted to such agency;

(3) Preparation and periodic revision, as necessary, of the building system approval report for each set of approved building system documentation and related compliance assurance program; and

(4) Preparation of all reports which the Division may reasonably require in carrying out its responsibilities under this Chapter.

(5) An approved design review agency shall not perform any consulting engineering services relating to relocatable (modular) homes or components for any manufacturer which such agency serves.

(B) No person shall act as a design review agency under this Chapter without a valid letter of approval from the Division.

(C) An application for approval as a design review agency shall be submitted on the form prescribed by the Division. The applications shall be accompanied by:

(1)A prospectus describing -

(a) the applicant s qualifications to review plans, specifications, and building systems of relocatable (modular) homes or components for compliance with the standards;

(b) the education and qualifications of the employees who would conduct the actual reviews of plans, specifications, and building systems;

(c) the management and professional personnel (including an architect or engineer duly registered in the State of Mississippi) responsible for compliance with the provision of this Chapter.

(d) the applicant's experience in "third party" design review;

(e) the applicant's organizational structure; and

(f) the relationship which the applicant would establish with approved construction inspection agencies to ensure that relocatable (modular) homes and components are produced in accordance with the standards.

(D) The Division shall be notified in writing of any change in the information furnished in an application within thirty (30) days of such change.

(E) The Division shall issue a letter of approval to qualified applicants.

(F) All approvals issued under this rule shall expire on June 30 of each year.

IX. COMBINED AGENCIES

Nothing in this Chapter shall preclude the Division from approving a qualified person as both a design review and construction inspection agency.

X. BUILDING SYSTEMS AND COMPLIANCE ASSURANCE PROGRAMS

(A) Approval Required.

(1) No relocatable (modular) home or component shall be manufactured for sale or installation in this state until the building system and compliance assurance program have been approved by an approved design review agency.

(2) Separate approval of a building system and compliance assurance program must be obtained for each location at which the manufacturer intends to produce relocatable (modular) homes or components.

(3) The manufacturer shall submit three (3) copies of proposed building system and compliance assurance program documentation to an approved design review agency in the manner prescribed in this rule.

(B) Submission of Building Systems.

(1) General Requirements.

(a) An application for approval of a building system shall bear the signature and seal of the responsible architect and/or engineer, duly registered in the State of Mississippi, certifying that the building system complies with the standards.

(b) All documents submitted with the application shall indicate the manufacturer's name, office address, and the address of the manufacturing facility.

(c) The manufacturer shall submit plans showing all elements relating to specific systems on properly identifiable sheets. All sheets shall contain a blank rectangular space near the title box for the approved design review agency's stamp of approval.

(d) All work to be performed on-site, including location of connection of all systems, equipment, and appliances, shall be identified and distinguished from work to be performed in the manufacturing facility.

(e) The nature, grade, and quality of all materials shall be specified.

(f) Design calculations and test reports shall be submitted when required.

(g) Drawings shall be drawn to scale, dated, and identified. The number of sheets in each set shall be indicated.

(h) Drawings shall indicate the location of the label and data plate.

(2) Required Construction Details.

(a) The building system for a relocatable (modular) home shall provide or show, but not be limited to, the following details, including the method of their testing or evaluating (or both);

(i) General.

(a) Details and methods of installation of relocatable (modular) homes or components on foundations and/or to each other.

(b) All exterior elevations.

(c) Cross sections as necessary to identify major building components.

(d) Details of flashing, such as at openings and at penetrations through roofs and subcomponent connections. Indicate flashing material and gauge to be used.

(e) Attic access and attic ventilation.

(f) Exterior wall, roof, and soffit material as well as finish.

(g) Interior wall and ceiling finish material.

(h) Tenant separation walls.

(i) Sizes, locations, and types of doors and windows.

(j) Recommended foundation plans, vents, and under-floor access.

(k) Insulation value for water, piping, air ducts, walls, attic flues, and ground flues (if above grade).

(l) Information contained on the manufacturer's data plate.

(ii) Component Usage.

(a) Intended use.

(b) Area, height, and number of stories.

(c) Type of construction.

(d) Fire resistance ratings.

(iii) Space and Fire Safety.

(a) Detail of fire resistance rated assemblies for all stairway enclosures, doors, walls, floors, ceilings, partitions, columns, roof, and shaft enclosures.

(b) Details as to width of all aisles, exits, corridors, passageways, and stairway enclosures.

(c) Toxicity and flame spread classification of finished materials.

(d) Structural.

(e) Engineer's calculations of structural members, framing, and foundation, where appropriate.

(f) Design soil bearing value.

(g) Structural and framing details of all floors, walls, and roof.

(h) Details and stress diagrams of roof trusses.

(i) Details of reinforcing steel.

(j) Complete loading schedule.

(k) Column loads and column schedule.

(l) Lintel schedule.

(m) Size, spacing, and details of all structural elements.

(n) Grade or quality of all structural elements (lumber, steel, etc).).

(o) Elevation of structural elements, walls, or sections thereof, providing resistance to vertical loads or lateral forces.

(p) Complete details of all structural connections.

(iv) Mechanical.

(a) Location of all equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.

(b) Heat gain and loss calculations.

(c) Manufacturer's name, make, model, number, BTU, input rating of all equipment and appliances, as appropriate, or the equivalent thereof.

(d) Duct and register locations, sizes, and materials.

(e) Clearances from combustible material or surfaces for all ducts, flues, and chimneys.

(f) Method of providing required combustion air and return air.

(g) Location, size, and weight of flues, vents, and chimneys and clearances from air intakes and other vents and flues.

(h) Details regarding dampers in ducts penetrating fire separations.

(i) Complete drawings of fire sprinkler systems, standpipe system, or fire alarm system, if required.

(j) Detail of elevator or escalator system, including method of emergency operation.

(v) Plumbing.

(a) Plan or schematic drawing of the plumbing layout, including, but not limited to, size of piping, fittings, traps and vents, cleanouts and valves, of gas, water, waste, and drainage systems.

(b) Plumbing materials, and location of all equipment and appliances to be used. Indicate the fixture unit capacity of the system(s) and make, model, and rating/capacity of equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.

(c) Make and model of safety controls (such as for water heaters), their location, and whether listed or labeled by approved agencies.

(d) Method of supporting piping and intervals of support.

(e) Location, size, and height of vents above roofs and required clearances, including, but not limited to, clearances from air intakes, other vents, and flues.

(f) Location and methods of penetration of piping through load-bearing structural members.

(g) Methods of testing.

(vi) Electrical.

(a) Single line diagram of the entire electrical installation.

(b) Load calculations for service and feeders.

(c) Sizes of all feeders and branch circuits.

(d) Size, rating, and location of main disconnect/overcurrent protective devices.

(e) Method of interconnection between relocatable (modular) homes or components and location of connections.

(f) Location of all outlets and junction boxes.

(g) Method of mounting fixtures and wiring installations.

(b) The requirements of this section shall apply to building systems for components only to the extent deemed necessary by the approved design review agency to permit proper evaluations of such components.

(C) Submission of Compliance Assurance Programs.

(1) General Requirements.

(a) It is the responsibility of the manufacturer to -

(1) execute every aspect of its compliance assurance program; and

(2) take any required corrective action with respect to such program.

(b) The manufacturer shall cooperate with the approved construction inspection agency by providing such agency with all necessary reports, information, documents, records, facilities, equipment samples, and other assistance for assuring compliance.

(c) An application for approval of a compliance assurance program shall be submitted in the form of a compliance assurance manual containing complete documentation of all the compliance assurance activities of the manufacturer. The manual shall include an index, and shall treat in detail the following material:
(i) Organizational Structure.

(a) An organizational structure (including names, training, and qualification of responsible officers and employees) for implementing and maintaining the compliance assurance program, and its functional relationship to other elements of the manufacturer's organizational structure. The personnel in charge of the compliance assurance program must be independent of the production department.

(b) A uniform system of audit (in-depth analysis of program effectiveness and means to identify deficiencies) to monitor program performance periodically.

(c) Complete and reliable records of manufacturing and site operations (if any). (Suitable means of storage, preservation, and accessibility of copies of forms to be utilized shall be included.)

(d) A system to control changes in production or inspection procedures.

(e) A system to assure that working drawings and specifications, working instructions and standards, procurement documents, etc., conform to the approved building system.

(f) A serial numbering system for relocatable (modular) or components.

(g) The method of storing, handling, issuing, attaching, and accounting for all labels to assure that they are attached only to relocatable (modular) homes or components manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program.

(h) A procedure for periodic revision of the manual.

(ii) Materials Control.

(a) Procedures to assure effective control over procurement sources to ensure that materials, supplies, and other items used in production and site operations (if any) conform to the approved building system.

(b) Procedures for inspection of materials, supplies, and other items at the point of receipt.

(c) Method of protection of materials, supplies, and other items against deterioration prior to their incorporation in the labeled relocatable (modular) homes or component.

(d) Provision for disposal of rejected materials, supplies, and other items.

(iii) Production Control.

(a) Procedures for timely remedial and preventive measures to assure product quality.

(b) Provision, maintenance, and use of testing and inspecting equipment to assure compliance with the approved building system.

(c) Provision for frequency of sampling inspections.

(d) Provision of necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs.

(e) A schematic detail of the manufacturing operation showing the location of inspection stations and "hold" points for mandatory inspection characteristics.

(f) Inspection and test procedures, including accept/reject criteria and mandatory inspection characteristics.

(g) Standards of workmanship.

(h) Provision for disposal of rejects.

(iv) Finished Product Control.

(a) Procedure for final inspection of all relocatable (modular) homes or components before shipment to the site or storage point, including identification and labeling.

(b) Procedure for handling and storing all finished relocatable (modular) homes or components, both at the manufacturing plant or other storage point and after delivery to the site.

(c) Procedure for packing, packaging, and shipping operations and related inspections.

(v) Installation Control.

(a) Installation procedures, including component placement, equipment, and procedures, field erection and finishing work, utility connection instructions, and all appropriate on-site inspection criteria and test descriptions.

(b) Organization provisions for field repair and disposal of rejects.

(D) *Review and Approval*

(1) The approved design review agency shall evaluate the building system and compliance assurance program documentation to determine compliance with the standards. Such agency may require tests to determine whether a building system or compliance assurance program meets the standards if that determination cannot be made from evaluation of plans, specifications, and documentation alone.

(2) The approved design review agency shall approve the manufacturer's building system and compliance assurance program when it determines that they meet the standards. Within thirty (30) days

of approval, such agency shall forward to both the manufacturer and the Division a complete copy of the approved building system and compliance assurance program documentation and the building system approval report. Each transmittal to the Division of a set of approved documentation for a relocatable (modular) home or component shall be accompanied by an administrative fee.

(E) *Amendments.* The procedures set out in this rule for submission, review, and approval of building systems and compliance assurance programs shall be followed with regard to proposed amendments thereto.

(F) *Variations.*

(1) No approved building system (or amendment thereto) shall be varied in any way without prior authorization by the approved design review agency. If such authorization is oral, it shall be confirmed in writing within ten (10) days.

(2) All approved variations shall be made a part of the written record of the approval of the building system.

(G) *Withdrawal of Approval.*

(1) The Division or approved design review agency may withdraw the approval of any building system or compliance assurance program if:

(a) Such approval was granted in error;

(b) Such approval was granted on the basis of incorrect information; or

(c) Such building system or compliance assurance program fails to comply with the provisions of this chapter.

(2) The Division or agency instituting withdrawal of approval shall notify the manufacturer in writing within ten (10) days of the effective date of such withdrawal. Such notice shall clearly set forth the reasons for the withdrawal of approval.

(3) Upon such withdrawal of approval, the manufacturer shall not attach a label to any relocatable (modular) home or component manufactured pursuant to the building system or compliance assurance program whose approval was withdrawn. However, the department or approved construction inspection agency may thereafter label such units or components as it determines to be in compliance with the standards after a complete inspection.

(4) The manufacturer shall return all unused labels allocated for relocatable (modular) homes or components to the Division within thirty (30) days after the effective date of withdrawal of approval of the building system or compliance assurance program pursuant to which such units or components are manufactured. The manufacturer shall also return to the Division all labels which it determines for any reason are no longer needed.

XI. DATA PLATES

(A) The manufacturer shall place directly or by reference on one or more permanent data plates the following information:

(1) The manufacturer's name and address;

(2) The serial number of the unit or component;

(3) The label serial number;

(4) The date of manufacture;

(5) The name of the manufacturer and the model designation of each major factory-installed appliance; and

(6) The title and edition of each applicable nationally recognized code with which the unit or component complies.

(B) The data plate(s) shall also include the following information, if required by the standards:

(1) Identification of permissible type of gas for appliances and directions for water and drain connection;

(2) Snow, wind, seismic, and other live loads;

(3) Electrical ratings - instructions and warnings on voltage; and

(4) Special conditions or limitations on use of the unit or component, including unsuitability for areas in which specified environmental conditions prevail.

(C) The data plate(s) shall be attached to the relocatable (modular) home or component in the vicinity of the electrical distribution panel, or in some other location where it will be readily accessible for inspection.

(D) If, in the opinion of the Division, the shape or size of a component is such that a data plate cannot be attached to it permanently, the information required by this rule may be placed -

(1) In a manual crated with the component, if such information will be needed by future occupants of the building; or

(2) On a tag attached to the crate in which the component is shipped, if such information will not be needed by future occupants of the building.

(3) If life safety is affected the item in question shall be plainly designated.

XII. LABELS

(A) The approved construction inspection agency shall permanently attach, in a visible location as shown on the approved building system, a label to each relocatable (modular) home or component accepted as having been manufactured in accordance with the standards.

(B) The Division will supply labels to approved construction inspection agencies upon request. Each label will be serially numbered, and will bear the following statement:

> "This relocatable (modular) home or component, has been manufactured and inspected in COMPLIANCE with the Uniform Standards Code for Factory-Built Homes Law as Related to Relocatable (Modular) Homes and having been so identified, may be sold or offered for sale in the State of Mississippi. Anyone tampering with or removing this Identification Tag from this unit will be prosecuted as set forth in this Act, and shall be subject to revocation of his license."

(C) If the approved construction inspection agency determines that a manufacturer's record of compliance is such that the agency need not maintain an inspector in the plant at all time, such agency may entrust labels to the custody of one or more employees of the manufacturer. Such employees shall not be give custody of more labels than are necessary to accommodate the manufacturer's anticipated production of one month. If the conditions of such custody are violated, the approved construction inspection agency shall immediately regain possession of all labels that have not been attached to relocatable (modular) homes or components and shall take such further action with respect to units or components already labeled, and with respect to future labeling, as such agency may deem necessary to assure compliance with this chapter..

(D) The approved construction inspection agency or, if entrusted with labels as provided in paragraph (3) above, the manufacturer shall keep permanent records of the handling of all labels. A copy of such records shall be sent to the Division upon request. The records shall specify at least:

(1) The number of labels attached to modular building units or components;

(2) Each unit or component to which a label has been attached, and the serial number of such label;

(3) The disposition of any damaged or rejected labels; and

(4) The location and custody of all unused labels.

(E) Fees.

(1) For each label to be attached to a relocatable (modular) home or component shall be assessed an administrative fee.

(2) For the replacement of a lost, damaged, or removed label shall be assessed an administrative fee per label.

(3) The approved construction inspection agency shall collect all label fees from the manufacturer before assigning labels for attachment in a plant or entrusting labels to the manufacturer's custody as provided in paragraph (3) of this rule.

(4) Label fees shall be paid by check or money order made payable to the Office of the State Fire Marshal.

(5) The approved construction inspection agency shall forward all payment for labels to the Division within ten (10) days after receipt of such payment.

XIII. ALTERATIONS OF LABELED UNITS

(A) No relocatable (modular) home or component bearing a label shall be modified prior to or during installation unless an approved design review agency has approved the modification and the unite which includes the modification.

(B) An approved construction inspection agency must inspect any modified component wherever it is located. Such inspection may include such tests or destructive or non-destructive disassembly as such agency deems necessary to assure compliance with this chapter.

XIV. REMOVAL OF LABELS

(A) The Division or an approved inspection agency shall remove or cause to be removed any labels from relocatable (modular) homes or components found not to comply with the manufacturer's approved building system or approved compliance assurance program.

(B) The Division or agency instituting removal of a label shall send the manufacturer a written notice setting forth the reasons for such removal within ten (10) days thereafter.

XV. INSTALLATION PROCEDURES

(A) The installation of a relocatable (modular) home or component shall conform to the specifications contained in the manufacturer's approved building system.

(B) The manufacturer or dealer shall furnish the installer and affected local government with a complete set of installation specifications at least ten (10) days prior to the commencement of installation work.

XVI. LOCAL GOVERNMENT PROCEDURES

(A) A local government may require, and charge a fee for, a building permit prior to the installation of a relocatable (modular) home or component. If requested by the local government, an applicant for such permit shall furnish:

(1) A statement, signed by the applicant or his agent (with the appropriate address), that the work to be performed under such permit will include the installation of a labeled relocatable (modular) home or component in accordance with the provisions of this Chapter; and

(2) A true copy of the approved building system pursuant to which the relocatable (modular) home or component was or is to be manufactured (unless that information has previously been furnished to such local government).

(B) A local government may inspect site preparation work (including foundations) not within the scope of the standards, as well as the structural, mechanical, plumbing, and electrical connection among relocatable (modular) homes, for compliance with applicable law.

XVII. DEPARTMENT FUNCTIONS

(A) *Inspections and Monitoring..*

(1) The Commissioner and his authorized representatives may, at reasonable hours and without advance notice:

(a) inspect any activities carried on by a manufacturer, dealer, or installer which are regulated under this chapter; and

(b) monitor the performance of any approved inspection agency in order to determine whether it is properly discharging its responsibilities under this chapter.

(2) With respect to any monitoring conducted pursuant to subparagraph (A) (1) above, the Division will:

(a) keep on file in its offices a report of its findings;

(b) send a copy of such report to any affected approved inspection agency; and

(c) notify such agency of any deficiencies and the time by which they must be corrected.

(B) *Technical Services.*

(1) Upon request, the Division will provide clarification in the field of technical data relating to the application of the standards by referring you to a professional engineer.

(C) *Damaged Units or Components.*

(1) The Division will require any damaged relocatable (modular) home or component to be brought into compliance with the standards promptly. If any such unit or component is not brought into compliance within a reasonable time, or if it is so damaged that it cannot be brought into compliance, the Division will order that label be removed from such unit or component.

(2) Irreparably damaged relocatable (modular) homes or components shall be disposed of in accordance with applicable law.

XVIII. DISCIPLINARY PROCEEDINGS

(A) The Commissioner may refuse to issue or renew, or suspend or revoke, any license to act as a manufacturer, dealer, or installer, or any approval to act as an inspection agency, on any of the following grounds:

(1) obtaining or attempting to obtain such license or approval by fraud or misrepresentation;

(2) violation of any provision of this chapter;
(3) willful or consistent failure to comply with the standards;

(4) conviction in a court of competent jurisdiction of any crime relating to activities regulated by this chapter;

(5) employment of fraudulent devices, methods, or practices in connection with activities regulated by this chapter;

(6) offering for sale, either wholesale or retail, products of an unlicensed manufacturer;

(7) offering for sale, either wholesale or retail, unlabeled relocatable (modular) homes or components;

(8) having such license or approval refused, suspended, or revoked by another state; or

(9) any cause for which issuance of such license or approval could have been refused had it existed and been known to the Commissioner at the time of issuance; and

(10) selling relocatable (modular) homes to an unlicensed dealer.

(B) The Division will notify all licensed manufacturers of any suspension or revocation of approval of a design review or construction inspection agency. Such notice will contain instructions as to the disposition of relocatable (modular) homes or components previously labeled by the agency whose approval has been suspended or revoked.

(C) A design review or construction inspection agency whose approval has been suspended or revoked shall, within thirty (30) days of such suspension or evocation, deliver to the custody of the Division:

(1) copies of all records required to have been kept by the agency; and

(2) all labels in the possession, or under the control or responsibility, of the agency.

XIX. CONTESTED CASES

The provisions of the Rules and Regulations for the Uniform Standards Code for the Factory- Built Homes Law shall govern all matters and procedures respecting the hearing and judicial review of any contested case (as defined therein) arising under this chapter.

XX. EXEMPTIONS OR EXCEPTIONS

Pursuant Miss. Code Ann. §75-49-15 (Rev. 1991), the Commissioner may provide appropriate exemption or exception with respect to factory-built homes produced in other states, upon his determining that the applicable rules and codes of such state of manufacture provide safeguards equally effective to those otherwise applicable under this chapter and rules made under this chapter.

XXI. SEVERABILITY

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of application of the chapter which can be given effect without the invalid provision or application, and to that end the provisions of this Chapter are declared to be severable.

XXII. APPLICABILITY

After May 7, 1997, the provisions of this Chapter shall apply to all relocatable (modular) homes used for residential occupancy.

GEORGE DALE
COMMISSIONER OF INSURANCE