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REGULATION NO. ME-2007-3

RULES AND REGULATIONS FOR THE UNIFORM STANDARDS CODE FOR THE FACTORY-BUILT HOMES LAW AS RELATED TO MODULAR HOMES

AMENDED JULY 1, 2007

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REGULATION NO. ME-2007- 3
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This document constitutes the Rules and Regulations (hereinafter referred to as "Regulations" or "this Regulation") for "The Uniform Standards Code for Factory-Built Homes Law," codified at Mississippi Code Ann., Sections 75-49-1 through 75-49-21 (1972), as revised and amended by HB1552 effective July 1, 2005, and HB1108 effective July 1, 2007, as passed by the Mississippi Legislature and signed by the Governor of Mississippi.

ARTICLE I.
PROMULGATION AND PURPOSE

Section 100. - General

These Regulations for Factory-Built Homes are promulgated by the Commissioner of Insurance of the State of Mississippi, acting through the State Chief Deputy Fire Marshal and the Factory-Built Home Division, in accordance with The Uniform Standards Code for Factory-Built Homes Law, codified at Mississippi Code Ann., Section 75-49-1, *et seq*., (1972 and Supp. 2007), and the Mississippi Administrative Procedures Act, codified at Mississippi Code Ann., Section 25-43-1, et *seq*., (1972). These Regulations shall become effective after adopted and promulgated in accordance with the provisions of the Mississippi Administrative Procedures Act.

Section 101. - Purpose

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, as related to modular homes, by providing standards for construction and heating systems and by requiring compliance with such standards during construction, prior to selling, or offering for sale such modular homes in the State of Mississippi.

Section 102. - Definitions

For purposes of this Regulation, the terms hereinafter set forth are defined as follows:

A. "Approved construction inspection agency" means an approved inspection agency which is responsible for performing the functions described in Section 304 herein and has been approved by the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance.

B. "Approved design review agency" means an approved inspection agency which is responsible for performing the functions described in Section 304 herein and has been approved by the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance.

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

D. "Certification" means written confirmation from a modular home manufacturer verifying that a Modular Home Contractor or an Independent Contractor Installer or Transporter is qualified to install and/or transport his modular home as defined in Section 102 (X).

E. "State Chief Deputy 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 Regulation and to maintain, among other duties, the Factory-Built Home Division.

F. "Closed construction" means any modular building unit, 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.

G. "Commissioner" means the Commissioner of Insurance of the State of Mississippi.

H. "Compliance assurance program" means the system documentation and methods of assuring that modular building units and their components, including the manufacturing, storage, transportation, assembly, handling and installation thereof, conform to the Standards, as defined in Section 102(GG).

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

J. "Damage" means any impairment, alteration, or breakage occurring to a modular building unit, or any part thereof, that causes it not to comply with the Standards, as defined in Section 102(GG).

K. "Data plate" means the label requested and installed by independent third-party inspection agencies, verifying compliance with construction standards approved by the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance.

L. "Developer" means any person who buys factory-built homes and real estate and then offers to sell or lease to the general public land-home "package deals" consisting of a home with real estate. Upon renewal of a license, a developer must provide documentation to the Department of Insurance that he or she has at least five (5) available manufactured or modular home sites. A developer shall be responsible for installation requirements for manufactured or modular housing as set forth in Article IV of this Regulation. The term "Developer" does not apply to entities that meet the requirements of and are licensed as a "Modular home contractor" as defined in Section 102(Y).

M. "Division" means the Factory-Built Home Division of the State Fire Marshal's Office.

N. "Endorsement" means the stamp affixed to a privilege license indicating manufacturer certification as defined in Section 102(D).

O. "Factory-built home" means a mobile home, a manufactured home, and a modular home as those terms are defined herein.

P. "Independent contractor installer or transporter" means any person who is engaged for hire in the movement or transportation, or both, or the installation on an approved foundation blocking, anchoring and tie-down of a factory-built home. An "independent contractor installer or transporter" shall not include persons who do not hold themselves out for hire to the general public for the purposes described in this definition. An independent contractor installer or transporter shall be responsible for installation requirements for manufactured, mobile or modular homes as set forth in Section 308 of the rules and regulations for the Uniform Standards Code for Factory-Built Home Law.

Q. "International Residential Code for One and Two-Family Dwellings (IRC)" means the International Residential Code, 2006 edition, published by the International Code Council (ICC), 900 Montclair Road, Birmingham, Alabama 35213, as referenced in Article II. Standards herein.

R. "Licensee" means any manufacturer, retailer, developer, modular home contractor or installer/transporter who obtains a privilege license from the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance. The licensee shall comply with all laws of the State of Mississippi regarding factory-built homes.

S. "Manufactured home" means a structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C.S. 5401 *et seq.*), and manufactured after June 14, 1976.

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

U. "Mississippi Department of Transportation (MDOT)" means the regulatory agency for transportation in the State of Mississippi. All licensees (manufacturers, retailers, developers, modular home contractors and installer/transporters) shall comply with the requirements regarding transportation of factory-built homes under the jurisdiction of MDOT in the State of Mississippi.

V. "Mobile home" means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C.S. 5401 *et seq...*). It is a structure that is transportable in one or more sections, that, in the traveling mode, is eight (8) body feet or more in width and thirty-two (32) body feet or more in length, or when erected on site, is two hundred fifty-six (256) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Commissioner and complies with the standards established under The Uniform Standards Code for Factory-Built Homes Law, Mississippi Code Ann., Section 75-49-1, *et seq*.

W. "Model" means a specific design of modular building unit 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.

X. "Modular home" means a structure which is: (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; and (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code; and (iv) designed to be permanently installed at its final destination on an approved foundation constructed in compliance with a nationally recognized building code. The term "modular home" does not include manufactured housing as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974.

Y. "Modular home contractor" means a licensed residential building contractor or a licensed retailer who buys factory-built modular homes for resale to the general public, whether to be located on the consumer's home site or a land-home package on property owned by the modular home contractor. A Mississippi licensed modular home contractor is authorized to sell new modular homes for installation on a consumer's home site or as part of a land-home package without the necessity of maintaining a separate sales center. A modular home contractor shall be responsible for the installation requirements for modular housing as provided in Section 308 of the rules and regulations for Uniform Standards Code for the Factory-Built Homes As Related To Modular Homes.

Z. "Non-coded area" means any local jurisdiction (county or municipality) that has not adopted the latest edition and Appendices of the International Building Code, published by the International Code Council, or the Southern Building Code, published by the Southern Building Code Congress International, or any county in

in which the board of supervisors has not adopted Mississippi Code Ann., Section 75-49-21, entitled "permit Fees for Manufactured or Mobile Homes," or other recognized building codes or portion thereof.

AA. "Open construction" means any modular building unit, component, assembly, or system manufactured in such a manner that all portions can be readily inspected at the site without disassembly, damage, or destruction.

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

CC. "Residential Building Contractor" means any person who is licensed by the State of Mississippi to construct a residential building or structure, or to construct the foundation and perform the installation and site work for a modular home, or to offer for sale or for use by another a residential building or structure, or who, for a fixed price, commission, fee, wage, or other compensation, undertakes or offers to undertake the construction, or superintending of the construction, of a residential building or structure.

DD. "Retailer" means any person engaged in the retail sale of new or used manufactured mobile or modular homes to the general public. Upon renewal of a license, a retailer must provide documentation to the Department of Insurance that he or she has at least three (3) available manufactured mobile or modular homes on a sales lot. A retailer shall be responsible for installation requirements for manufactured mobile or modular housing set forth in Section 308 of this Regulation.

EE. Site" means the location on which a modular building unit is installed or is to be installed.

FF. "Southern Building Code Congress International (hereinafter referred to as "SBCCI") means the former Southern Building Code Congress International of Birmingham, Alabama, which changed on January 2000 to the new International Code Council.

GG. "Standards" means the standards for the construction and installation of modular homes established in Article II of this Regulation.

HH. "Standard design" means any modular building unit, component, model or series intended for duplication or repetitive manufacture.

II. "System prototype" means a specific design of modular homes 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.

ARTICLE II.
STANDARDS

Section 200. - General

Unless otherwise provided by applicable law or the provisions of this Regulation, the Standards for the construction and installation of modular homes in the State of Mississippi (hereinafter referred to as "Standards") shall be those prescribed in the following codes:

A. The National Electrical Code (NFPA 70), 2005 edition, published by the National Fire Protection Association (NFPA), Batterymarch Park, Quincy, Massachusetts 02269;

B. The International Building Code, 2006 edition, published by the International Code Council (ICC) formerly the Southern Building Code Congress International, Inc. (SBCCI), 900 Montclair Road, Birmingham, Alabama 35213;

C. The International Residential Code, 2006 edition, published by the International Code Council (ICC), 900 Montclair Road, Birmingham, Alabama 35213;

D. The International Mechanical Code, 2006 edition, published by the ICC;

E. The International Gas Code, 2006 edition, published by the ICC;

F. The International Plumbing Code, 2006 edition, published by the ICC; and

G. Southern Building Code Congress International Standard for Hurricane Resistant Residential Construction (SSTD 10); or Minimum Design Loads for Buildings and Other Structures (ASCE-7);

H. All of the above codes as they may be revised or amended.

ARTICLE III.
ADMINISTRATION

Section 300. - General

In furtherance of Mississippi Code Ann., Section 75-49-11, the Commissioner, acting through the State Chief Deputy Fire Marshal and the Factory-Built Home Division of the Mississippi Insurance Department, is hereby charged with the administration of this Regulation. He may make, amend, alter, or repeal the general rules and regulations of procedure for carrying into effect all provisions of this Regulation and for obtaining statistical data respecting manufactured, mobile, and modular homes. The Commissioner, acting through the State Chief Deputy Fire Marshall and the Factory-Built Home Division of the Mississippi Insurance Department, may prescribe means, methods,

and practices to make effective such provisions. Further, the Commissioner, acting through the State Chief Deputy Fire Marshall and the Factory-Built Home Division of the Mississippi Insurance Department, may make such investigations and inspections as in his judgment are necessary to enforce and administer this Regulation.

Section 301. - Rules and Regulations

A. After July 1, 1988, every manufacturer engaged in the production (construction) of modular homes within the State of Mississippi shall apply for and obtain a license from the Commissioner.

B. After July 1, 2005, every retailer, developer, or modular home contractor who sells, transports, or installs modular homes within the State of Mississippi shall apply for and obtain a license from the Commissioner.

C. After July 1, 1992, every independent contractor installer or transporter who transports or installs new or used factory-built homes within the State of Mississippi shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility for cargo loss or damage.

D. After July 1, 2005, every manufacturer, transporter, installer, retailer, modular home contractor, and developer who first sells, manufactures, transports or installs a modular home in this state, before such first construction, sale, transportation, or installation, shall apply for and obtain a license from the Commissioner. The original license fee and all annual renewals thereof shall be due as set forth in this Regulation. The fee shall be paid to the Commissioner in such a manner as the Commissioner may by rule require. All funds received by the Commissioner shall be deposited into the State Treasury to the credit of the Department of Insurance.

E. After July 1, 2005, every manufacturer of modular homes shall submit written certification, approved by the State Fire Marshal's Office, stating that the contractor installer/transporter or modular home contractor is qualified to install their modular home. If, for just cause, a manufacturer revokes an installer/transporter or modular home contractor's certification, he shall give written notification to the Factory-Built Homes Division within ten five (10) working days. Manufacturers of modular homes are permitted in accordance with their manufacturer's license to install modular homes constructed by their company. If a modular manufacturer installs modular homes built by other modular manufacturers holding themselves out for hire to the public, they will be required to obtain an installer/transporter's license.

F. After July 1, 2005, any person as defined in Mississippi Code Ann., Section 75-49-3(i) (Supp. 2007), that repossesses and sells twelve (12) or more new or used factory-built homes within the fiscal year (July 1 through June 30) to be **relocated (moved) from the existing home site where the home was sited** immediately

prior to repossession, shall apply for and obtain a retailer's or developer's license, unless the sale is contracted through a current licensed retailer or developer to insure that the factory-built home is installed and set-up by a licensed installer/transporter in compliance with the Division's rules and regulations. Upon license renewal, licensees are exempt from having three (3) units available for retailers, five (5) home sites for developers, and from annual educational seminars.

> **EXCEPTION:** Any person as defined in Mississippi Code Ann., Section 75-49-3(i) (Supp. 2007), who repossess and sells new or used factory-built homes **that are not to be relocated or moved from the existing home-site** prior to repossession within the State of Mississippi, shall be exempt from obtaining a retailer or developer's license.

G. No retailer, modular home contractor, developer, transporter or installer shall deliver or cause to be delivered any modular home to any site which, if required by local statute, does not prominently display a valid building permit issued for the construction of a residence on that site.

H. It shall be the responsibility of each installer/transporter that transports or installs a modular home to submit a report, by fax or mail, to the Factory-Built Home Division of the State Fire Marshal's Office for all modular homes delivered or installed within seventy-two (72) hours of installation. The State Fire Marshal's Office will devise an acceptable form for reporting purposes for designated licensees as mentioned above. **This report is required for modular homes that are transported or installed by an installer/transporter for someone other than a licensed retailer or modular home contractor or developer**. The report must include:

1. The retailer/modular home contractor/developer's name, license number, address, telephone number, and fax number;

2. The installer/transporter's name, address, telephone number, and fax number;

3. The installation decal number, soil density test results, and the class anchor used;

4. The homeowner's name, address, telephone number, county where home is located, and date and time of installation;

5. The serial number of home, size of home, wind speed, and the manufacturer of the home.

6. Directions to the home; and

7. A map showing directions to the home-site from a known starting point.

I. An administrative fee will be charged for data plates in the amount that it costs this division to produce same. This division will provide the data plates to approved construction inspection agencies for certification that such modular homes, to the best of the manufacturer's knowledge and belief, conform to all applicable rules, regulations and safety standards. The data plate shall be affixed only at the end of the last stage of production.

Section 302. – Licenses

A. In accordance with Mississippi Code Ann., Sections 75-49-9 (1) and 75-49-9 (5), after July 1, 1992, every manufacturer, transporter, installer, developer, modular home contractor, and retailer who sells, manufactures, transports, or installs new or used factory-built homes within the State of Mississippi shall apply for and obtain a license from the Commissioner.

B. In accordance with Mississippi Code Ann., Section 75-49-9(4), the original license fee and all annual renewals thereof shall be Two Hundred Fifty Dollars ($250.00) for manufacturing plants that build manufactured homes, Two Hundred Fifty Dollars ($250.00) for manufacturing plants that manufacture modular homes located within or without the State of Mississippi manufacturing or delivering homes for sale within the State of Mississippi, and One Hundred Fifty Dollars ($150.00) per manufactured home and/or modular home retailer location and developer location and modular home contractor within the State of Mississippi. The licensing fee for a manufactured home and/or modular home independent contractor transporter or installer is One Hundred Dollars ($100.00) for each company. The fee for modular home plan review shall be Four Hundred Dollars ($400.00) per floor plan; however, this fee shall not apply to any modular home plan reviews completed before July 1, 1998.

C. An application for a license and/or renewal shall be submitted on the form prescribed by the Division and shall be accompanied by a non-refundable license fee as follows:

Manufacturer……	……..$250.00
Retailer……	..$150.00 per location
Modular home contractor……	..$150.00
Developer……	..$150.00 per location
Independent Contractor Installer/Transporter……	..$100.00
Floor Plan Review ……	$400.00 per floor plan

D. The applicant shall certify in the application to the Commissioner that the applicant will comply with the International Residential Code (IRC), as set forth under these Rules and Regulations and as required by The Uniform Standards Code for Factory-Build Homes Law, codified at Mississippi Code Annotated, Section 75-49-1, *et seq.*, and that the applicant has obtained a current and valid tax identification number, as required by Mississippi Code Ann., Section 75-49-9 (2).

E. Applications shall be obtained from and submitted to the Commissioner on forms prescribed by the Commissioner. All funds received by the Commissioner shall be deposited in a special fund account in the State treasury to the credit of the Department of Insurance.

F. In accordance with Mississippi Code Ann., Section 75-49-9 (9), 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 if the licensee is in compliance with this Regulation.

Section 302.1. - Examination or Investigation

A. In accordance with Mississippi Code Ann., Section 75-49-9(7), 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.

B. In accordance with Mississippi Code Ann., Section 75-49-9(8), 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 employees; and if a partnership or corporation or any other type of business or organization, by the examination of one or more of the 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, transport, or install factory-built 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 officer thereof. The applications for licenses shall be in such form and detail as the Commissioner shall prescribe.

Section 302.2. - Expenses for Examination or Investigation

All expenses of the examination or investigation incurred by the Commissioner of Insurance or his designee in determining the fitness or expertise of the applicant inside or outside this state shall be borne by the entity or person being examined or investigated. Such expenses of an examination or investigation pursuant to this section may include, but are not limited to, staff time, travel, lodging, per diem, and any other expenses related to the examination or investigation. At a

reasonable time following completion of each examination or investigation, the Commissioner of Insurance or his designee shall provide the entity or person examined or investigated an invoice for the expenses incurred during the examination or investigation. Payment of the invoiced amount is due within thirty days of the date of the invoice.

Section 302.3. - Renewal of Privilege License

A. Pursuant to Mississippi Code Ann., Section 75-49-9(10), every license issued herein 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 of each year forward a "Notice of Renewal" by regular United States mail to each licensee at his or its last known mailing address.

B. 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 of 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 Regulation.

C. Annual renewal applications shall be accompanied by copies of approved certificates of training. All required documentation for license renewal shall be submitted by the licensee to the Factory-Built Home Division. Annual renewal of a license shall require, **as a condition precedent to the renewal thereof**, that the licensee verify by oath or affirmation, in writing, the following factors:

1. A retailer shall submit proof that he maintains a retail sales lot in accordance with all rules and regulations promulgated by the Commissioner and that the retailer's lot has three (3) retail display units for sale available on his retail lot.

2. A developer shall submit proof that he has at least five (5) available modular home lots/sites.

3. An installer/transporter shall submit proof of attending eight (8) hours of training per licensing year (July 1 – June 30), as provided, approved, or recommended by the Factory-Built Home Division of the State Fire Marshal's Office.

4. A modular home contractor shall submit proof of the following:

   a. A copy of a current factory-built home retailer's privilege license as issued by the Mississippi State Fire Marshal's Office; **or**

   b. A current residential builder's license as issued by the Mississippi State Board of Contractors.

Section 302.4. - Operating Without a License

A. Any company/individual who is found to be operating without an appropriate license in the State of Mississippi shall:

   1. Show good cause in writing to the Factory-Built Home Division of the State Fire Marshal's Office why this violation occurred and the approximate number of homes sold prior to obtaining a license.

   2. Request a retailer, developer, or modular home contractor's license application. The completed application shall be returned to the Factory-Built Home Division, signed and notarized, together with a check for $150.00 payable to the Office of the State Fire Marshal.

   3. Obtain an inspection date from the State Fire Marshal's Office, which inspection is required to verify compliance with this Regulation prior to issuance of a license.

   4. Be subject to penalties set forth in Mississippi Code Ann., Section 75-49-19, which section is entitled "Violations; Penalties; Exceptions."

B. After July 1, 2005, the Commissioner, upon application, may issue a temporary license to persons or companies who are non-residents of this state and who otherwise are licensed transporters or installers in another state. Such temporary license shall remain in force for a period not to exceed thirty (30) days, unless extended for an additional period, not to exceed 120 days, by the Commissioner or until a contract with a Mississippi-licensed entity to transport or install has been completed during the period of the temporary license. Within five (5) days of any non-resident applicant making delivery or beginning work as a transporter or installer under this section, the non-resident transporter or installer shall provide a copy of their out-of-state license, proof of insurance, and certification, in writing, to the Commissioner that the state in which such non-resident applicant is licensed has laws and regulations that provide safeguards equally effective to applicable Mississippi laws and this implementing Regulation.

Section 302.5. - License Exceptions

A. Pursuant to Mississippi Code Ann., Section 75-49-9, the following entities or individuals are not required to have a privilege license:

1. An individual installing the manufactured modular home is the owner thereof, or the manufactured home is owned by a member of the individual's family, and the home is not intended for sale, exchange, lease or rent.

2. An individual performing maintenance, repairs, or corrections to an installation for the purpose of customer service on behalf of a manufacturer, retailer, developer, or modular home contractor.

3. A transporter that conducts interstate transport through the State of Mississippi for a manufacturer, retailer, modular home contractor, or developer and does not install at home sites intended for human habitation in Mississippi.

Section 303. – Manufacturers

A. All manufacturer applicants shall certify in the application that they will fully comply with "modular homes" as defined in Section 102(X) of this Regulation, which is defined as a structure which is (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code [the IRC as defined herein] and (iv) designed to be permanently installed at its final destination on an approved foundation construction in compliance with a nationally recognized building code. The term "modular home" does not include manufactured housing as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974." In other words, manufacturer applicants shall certify in the application that they will comply with the above-defined standards which involve a structure which is primarily designed: (i) to provide permanent living quarters for year-round use, (ii) to include a gross area exceeding 400 square feet in the set–up mode, and (iii) is built to the IRC. This section does not apply to structures built under the 24 CFR 3280 and CFR 3282 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C.S. 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000, (HUD Code – which regulates manufactured homes for year-round use with more than 400 square feet) and the American National Standards Institute (ANSI) A119.5 (which regulates "park model homes" for seasonal use, with less than 400 square feet, and built to ANSI A119.5 Standards).

B. All manufacturers of modular homes shall certify in the application that they will fully comply with the Mississippi Insurance Department Regulation Number ME-

2007-3, which is entitled "Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes."

C. All manufacturer of modular homes 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 or in states whose licenses are recognized by the State of Mississippi, certifying that the building system complies with the Standards, as defined in ARTICLE II. – STANDARDS, of this Regulation.

D. All manufacturer applicants of modular homes shall certify in the application that approval of a building system shall bear the signature and seal of a Mississippi-approved third-party agency certifying that the building system complies with the Standards, as defined in ARTICLE II., STANDARDS, of this Regulation.

E. All manufacturer applicants of modular homes shall certify in the application that approval of a building system shall bear the initial and seal of the State Fire Marshal's Office, certifying that the building system complies with the Standards, as defined in ARTICLE II, STANDARDS, of this Regulation.

F. After July 1, 2005, every manufacturer of modular homes shall submit written certification stating that the contractor installer or modular home contractor is qualified to install their modular home. If, for just cause, a manufacturer revokes a contractor installer's or modular home contractor's certification, he shall give written notification to the Factory-Built Homes Division within five (5) working days. Manufacturers of modular homes are permitted in accordance with their manufacturer's license to install modular homes constructed by their company. If a modular manufacturer installs modular homes built by other modular manufacturers holding themselves out for hire to the public, they will be required to obtain an installer/transporter's license.

Section 304. - Design Review / Construction Inspection Agency Approval

A. All approved modular home design review/construction inspection agency applicants of modular homes shall certify in the application that they will fully comply with the International Residential Code, the Uniform Standards Code for Factory-Built Homes Law, codified at Mississippi Code Annotated, Section 75-49-1 *et seq.*, and this Regulation.

1. Approval

a. No person shall act as a design review/construction inspection agency under this Regulation without a valid Letter of Approval from the Commissioner, acting through the State Deputy Fire Marshal and the Factory-Built Home Division (hereinafter referred to as "Division").

b. An application for approval as a design review/construction inspection agency shall be submitted on the requesting company's stationery. The application for approval shall be accompanied by a prospectus describing:

(1) The applicant's qualifications to review plans, specifications, and building systems of modular building units or components for compliance with the Standards, as defined in this Regulation.

(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 these provisions of this Regulation.

(4) The applicant's experience in third-party design review/construction inspection.

(5) The applicant's organizational structure.

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

d. The Division shall issue a Letter of Approval to qualified applicants.

e. All approvals issued under this Regulation shall expire on June 30 of each year.

f. An application for renewal of an approval shall be submitted on the form prescribed by the Division.

Section 304.1. - Approved Design Review Agencies

A. Each approved design review agency shall do the following:

1. Investigate, evaluate, test, and, if justified, approve under the Standards, as defined herein, each set of building system documentation (or amendment thereto) submitted by the manufacturer(s) which such agency serves.

2. Investigate, evaluate, test, and, if justified, approve the compliance assurance program (or amendment thereto) relating to the manufacture of modular homes and components described in each set of building system documentation submitted to such agency.

3. Prepare and periodically revise, as necessary, the building system approval report for each set of approved building system documentation and related compliance assurance program.

4. Prepare all reports which the Division may reasonably require in carrying out its responsibilities under this Regulation.

5. Submit three (3) copies of third-party sealed plans, bearing the signature and seal of the responsible architect and/or engineer, duly registered in the State of Mississippi, to State Fire Marshal's Office.

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

Section 304.2. - Building Systems and Compliance Assurance Programs

A. Approval Required.

1. No modular home or component shall be manufactured for sale or installation in this state until the building system and compliance assurance program therefor 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 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.

Section 304.3. - Submission of Building Systems

A General Requirements:

1. 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 defined herein.

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

3. 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.

4.. All work to be performed on-site, including locations of connections for all systems, equipment, and appliances shall be identified and distinguished from work to be performed in the manufacturing facility.

5. The nature, grade, and quality of all materials shall be specified.

6. Design calculations and test reports shall be submitted when required by the Division.

7. Drawings shall be drawn to scale, dated, and identified. Further, the number of sheets in each set shall be numbered.

8. Drawings shall indicate the location of the label and data plate.

Section 304.4. – Required Construction Details

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

1. General Detail Requirements

a. Details and methods of installation of modular building units or components on foundations and/or to each other.

b. Attic access and attic ventilation.

c. Sizes, locations, and types of doors and windows.

d. Recommended foundation plans, vents, and under floor access.

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

f. Information contained in the manufacturer's data plate.

2. The requirements of this subparagraph (b) 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.

Section 304.5. - Submission of Compliance Assurance Programs

A. General Requirements - It is the responsibility of the manufacturer to take the following actions:

1. Execute every aspect of its compliance assurance program.

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:

1. 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. A system to control changes in production or inspection procedures.

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

e. A serial numbering system for modular building units or components.

f. The method of storing, handling, issuing, attaching, and accounting for all labels to assure that they are attached only to modular

building units or components manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program.

g. A procedure for periodic revision of the manual.

2. Materials Control

a. Procedures for inspection of materials, supplies, and other items at the point of receipt.

b. Method for protection of materials, supplies, and other items against deterioration prior to their incorporation into the labeled modular building unit or component.

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

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

e. Inspection and test procedures, including accept/reject criteria and mandatory inspection characteristics.

f. Standards of workmanship.

g. Provision for disposal of rejects.

4. Finished Product Control

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

b. Procedure for handling and storing all finished 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.

5. 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.

Section 304.6. Review and Approval

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

B. The approved design review agency shall approve the manufacturer's building system and compliance assurance program when it determines that they meet the Standards as defined herein. 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 Department of a set of approved documentation for a modular homes or component shall be accompanied by an administrative fee.

Section 304.7. - Variations.

A. 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.

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

Section 304.8. - Withdrawal of Approval.

A. The Division or approved design review agency may withdraw the approval of any building system or compliance assurance program if one of the following conditions occurs:

1. Such approval was granted in error;

2. Such approval was granted on the basis of incorrect information; or

3. Such building system or compliance assurance program fails to comply with the provisions of this Regulation.

B. 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.

C. Upon such withdrawal of approval, the manufacturer shall not attach a label to any 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 unit or component as it determines to be in compliance with the Standards defined hereinafter a complete inspection.

D. The manufacturer shall return all unused labels allocated for modular building units 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.

Section 304.9. - Approved Construction Inspection Agencies

A. General Requirements

1. In addition to the requirements imposed on a Construction Inspection Agency in Section 304 herein, each approved construction inspection agency shall comply with the following requirements:

a. Monitor the compliance assurance program of each manufacturer which such agency serves;

b. Verify that modular homes and components have been manufactured pursuant to approved building system documentation and approved compliance assurance program;

c. Authorize the attachment of labels to such modular homes and components; and

d. Prepare all reports which the Division may reasonably require in carrying out its responsibilities under this Regulation.

Section 304.10. - Initial Plant Certification Inspection

A. No data plate shall be affixed to any modular home or component until the approved construction inspection agency has completed an initial plant certification inspection of the manufacturer's facility.

B. 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 or component in accordance with approved building system.

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

D. The approved construction inspection agency shall make a complete inspection of the manufacturer of at least one (1) modular building unit and any component(s) pertaining to that particular unit throughout all of the operation in the facility. If the first unit or component inspected fails to conform to the Standards defined herein, additional units or components shall be similarly inspected until the agency is satisfied that the manufacturer is complying with an approved building system and the Standards defined herein.

Section 304.11. - Plant Certification Report

A. 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 defined herein, the agency shall prepare and forward to the Division a certification report. The certification report shall include the following information:

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 such approvals;

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

4. The serial numbers of the modular homes or components inspected;

5. A full report of all inspections conducted, non-conformities observed, and corrective actions taken, and;

6 The date of certification.

Section 304.12. - Frequency of Inspections

A. After the initial plant certification, the approved construction inspection agency shall inspect as follows:

1. Each modular home or component in at least one stage of construction;

2. Every stage of construction during the course of each inspection visit to a manufacturing facility.

3. Conduct unannounced inspections at the manufacturing site to review any aspects of the manufacturing process.

B. However, nothing in this section shall preclude an approved construction 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:

1. The production volume of the factory;

2. The complexity of the design;

3. The qualifications of the manufacturer's quality control personnel; and

4. The experience record of the manufacturer.

Section 304.13. - Data Plates

A. The approved construction inspection agency of modular homes shall permanently attach, in a visible location as shown on the modular home, a data plate to each modular home or component accepted as having been manufactured in accordance with the Standards defined herein. The data plate shall contain 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;

6. The title and edition of each applicable nationally recognized code with which the unit or component complies. Compliance with each applicable nationally cognized code shall be verified by the Mississippi architect or engineer's signature and seal; and

7. Snow, wind, seismic, and other live loads as required in Chapter 3 of the IRC;

B. The data plate(s) shall be attached to the modular building unit or component in the vicinity of the electrical distribution panel, or in some other location where it will be readily accessible for inspection. See example: **Appendix A**. The data plate contains all relevant information regarding construction standards as they may be revised or amended.

C. 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 Regulation may be placed as follows:

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

2. On the shipping container in which the component is shipped, if such information will not be needed by future occupants of the building.

3. However, if life safety is affected, the item in question shall be plainly designated.

D. The Division will supply data plates to approved construction inspection agencies upon request. Each data plate will bear the following statement:

"This unit has been constructed in compliance with the International Residential Code, as published by the International Code Council, Birmingham, AL, as required by "The Uniform Standards Code For Factory-Built Homes Law" (Modular Homes), Mississippi Code Ann., Section 75-49-1, *et seq*.

E. 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 times, such agency may entrust data plates to the custody of one or more employees of the manufacturer. Such employees shall not be given custody of more data plates than are necessary to accommodate the manufacturer's anticipated production for one month. If the conditions of such custody are

violated, the approved construction inspection agency shall immediately regain possession of all data plates that have not been attached to modular homes or components. The approved construction inspection agency shall take such further action with respect to units or components already labeled, and with respect to future labeling, as the agency may deem necessary to assure compliance with this Regulation.

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

1. The number of data plates attached to modular homes or components;

2. The identity of each unit or component to which a data plate has been attached and the serial number of such data plate, including, but not limited to, the serial number for the unit/component and the data therefor;

3. The disposition of any damaged or rejected data plates; and

4. The location and custody of all unused data plates.

Section 304.14. – Fees for Data Plates

A. An administrative fee shall be charged for each data plate to be attached to a modular home or component.

B. The fee for replacement of a lost, damaged, or removed data plate shall be an administrative fee per data plate.

C. The approved construction inspection agency shall collect all data plate fees from the manufacturer before assigning data plates for attachment in a plant or entrusting data plates to the manufacturer's custody as provided in Section 304.4 E of this Regulation.

D. Data plate fees shall be paid for by check or money order made payable to the Office of the State Fire Marshal.

Section 304.15. - Alterations of Labeled Units (Data Plates)

A. No modular home or component bearing a data plate shall be modified prior to or during installation unless an approved design review agency has approved the modification and the unit 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 nondestructive disassembly as such agency deems necessary to assure compliance with this Regulation.

Section 304.16. - Removal of Data Plates

A. The Division or an approved inspection agency shall remove or cause to be removed any data plates from 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 data plate shall send the manufacturer a written notice setting forth the reasons for such removal within ten (10) days thereafter.

Section 304.17. - Installation Procedures

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

B. The manufacturer, retailer, modular home contractor, and developer shall furnish the installer and affected local government, if requested, a complete set of installation specifications at least ten (10) days prior to the commencement of installation work.

C. Specific installation procedures provided by the manufacturer shall include the following:

1. Connection details of modular home or components to the foundation.

2. Structural connections between the modular home or component.

3. Connections required completing the mechanical and/or utility system.

4. Any special conditions affecting other structural elements.

Section 305. – Retailers

A. In order to protect the health, safety, and welfare of the public of the State of Mississippi, each applicant for a retailer's license shall comply with the following requirements:

1. Demonstrate to the Commissioner that he has a good general working/ mechanical knowledge of modular home construction and repair;

2. Demonstrate to the Commissioner that he has a good practical working knowledge of and will comply with the requirements of the International Residential Code, as they pertain to the responsibilities of a retailer to properly safeguard the public interest;

3. Demonstrate to the Commissioner that he has an adequate space to display his modular homes at each sales lot. Each sales lot shall comply with the following requirements:

   a. Maintain a permanent sales office at each sales lot. Each permanent office at each sales lot shall have running water and sewer facilities for public comfort and convenience and shall comply with the county health department regulations and other applicable safety standards for a permanent sales site in the county or municipality in which it is located.

   b. Comply with all local ordinance signage requirements. If there are no municipal or county signage requirements, each sales lot sign shall be at least four (4) feet by eight (8) feet in size, with lettering at least twelve (12) inches high. This sign shall be prominently located on the site for viewing by the public.

4. Demonstrate to the Commissioner that he has or shall have adequate facilities for the repair and servicing of modular homes and storage of parts and accessories and that he has at least one operable service truck.

   Exception: If the retailer is subcontracting with other entities for the installation, repair, and service of modular homes, then the retailer shall provide a duplicate of the executed subcontract to the Commissioner. This subcontract shall contain a clause stating that the Commissioner will be notified in writing thirty (30) days in advance of any cancellation of the subcontract.

5. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of these Regulations, ME-2007-3, as they pertain to the responsibilities of a retailer to properly safeguard the public interest. No retailer shall use transportation affecting interstate or foreign commerce or the United States mail to sell, lease, or offer for sale or lease in the State of Mississippi any modular home unless the retailer, acting as a reasonable retailer, does not know that the modular home does not conform to applicable Standards as defined herein. This sales prohibition applies to any affected modular home through the completion of the entire sales transaction. A sales transaction with a purchaser is considered complete when all the goods and service that the retailer agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale occurs at the time the retailer completes setup of the modular home if the retailer has agreed to provide

setup; however, if the retailer has not agreed to transport or setup the modular home, this sales prohibition does not apply.

6. Ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training and that thereafter they will attend an additional eight (8) hours training every three (3) years. This training must be approved and/or provided by the Factory-Built Home Division. Retailers shall display the current training certificates of all sales staff at the retailer's current business location. The employer of the sales staff is responsible for submitting in writing to the Factory-Built Home Division a list of all sales staff, their dates of employment, and proof of the required training.

Section 305.1. – Retailers' Temporary Promotional Activity

A Nothing in this Regulation shall prohibit a licensed Mississippi retailer that has a permanent sales center from conducting a temporary promotional activity to retail consumers at a location other than its licensed permanent retailer location provided the following provisions are satisfied:

1. The licensed Mississippi retailer shall provide thirty (30) days' advance written notice to the Factory-Built Home Division of the State Fire Marshal's Office of this promotional activity through submission of a license application for the promotional activity. The licensed Mississippi retailer shall submit with this license application any applicable county or municipal permits and shall allow adequate time for site inspection by the State Fire Marshal's Office.

2. Any license issued for a temporary promotional activity will be effective only for that period of time (actual days) during which sales are actively solicited or the period of time during which homes are promoted by the retailer. However, the temporary promotional activity must not exceed seventeen (17) consecutive days in duration and may not be repeated at the same location within the next six (6) months.

3. The temporary promotional activity must occur within the county in which the retailer has a licensed permanent sales center or within a fifty (50) miles radius of the location of the permanent licensed Mississippi sales center location, whichever is greater.

4. There must be adequate space to display the modular homes at the temporary promotional site.

5. The temporary promotional site shall have running water and sewer facilities for public comfort and convenience and shall comply with the health and safety standards, as well as with other applicable local ordinance requirements, for a temporary sales site in the county or municipality in which the site is located.

6. If there are no municipal or county signage requirements, the temporary promotional site shall have a sign at least four (4) feet by eight (8) feet in size, with lettering at least twelve (12) inches high, advising the public that this is a temporary location, and designating the address of the permanently-licensed sales center/location of the retailer. This sign shall be prominently located on the temporary promotional site for viewing by the public.

7. A separate license be must be issued by the Commissioner for each temporary promotional site where employees or agents of the retailer meet the public, regardless of whether or not sales will be made on such site.

Section 306. - Developers

A. In order to protect the health, safety, and welfare of the public of the State of Mississippi, each applicant for a developer's license shall comply with the following requirements:

1. Demonstrate to the Commissioner that he has a good general working/ mechanical knowledge of modular home construction and repair;

2. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which modular homes are installed in accordance with the rules, regulations, and procedures that are promulgated by the Commissioner;

3. Demonstrate to the Commissioner that he has or shall have adequate facilities for the repair and servicing of modular homes, for the storage of parts and accessories, and that he has at least one operable service truck. If, however, the developer is subcontracting to other entities all installation, repair, and service, then he shall provide a duplicate of the executed subcontract therefor to the Commissioner. This subcontract shall contain a clause stating that the Commissioner shall be notified in writing 30 days in advance of any cancellation of the subcontract.

4. Demonstrate to the Commissioner that he has an adequate space to display his modular homes at each development site and that he has or shall maintain a permanent sales/business office within the State of Mississippi. This permanent sales/business office shall have running water and sewer facilities for public comfort and convenience, shall comply with all local ordinance signage requirements, and shall comply with the county health department regulations and other applicable safety standards for a permanent structure in the county or municipality in which it is located. If there are no municipal or county signage requirements, the developer's sign shall be at least four (4) feet by eight (8) feet in size, with lettering at least twelve (12) inches high. This sign shall be prominently located on the site for viewing by the public.

5. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the Rules and Regulations for the Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes, (ME-2007-3), as they pertain to the responsibilities of a developer to properly safeguard the public interest. No developer shall use transportation affecting interstate or foreign commerce or the United States mail to sell, lease, or offer for sale or lease in the State of Mississippi any modular home unless the developer, acting as a reasonable developer, does not know that the modular home does not conform to applicable Standards as defined herein. This sales prohibition applies to any affected modular homes through completion of the entire sales transaction. A sales transaction with a purchaser is considered complete when all the goods and service that the developer has agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale occurs at the time the developer completes setup of the modular home if the developer has agreed to provide setup; however, if the developer has not agreed to transport or setup the modular home, this sales prohibition does not apply;

6. Ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training and that, thereafter, they will attend an additional eight (8) hours training every three (3) years. This training must be approved and/or provided by the Factory-Built Home Division. The developer shall display current training certificates of all sales staff at the developer's current business location. The employer of the sales staff is responsible for submitting in writing to the Factory-Built Home Division a list of all sales staff, their dates of employment, and proof of the required training.

7. To ensure compliance with Mississippi Code Ann., Section 75-49-9(2), it shall be the responsibility of each developer to submit an Installation Property Locator form to the Factory-Built Home Division of the State Fire Marshal's Office for each modular home that is scheduled to be delivered or installed. This Installation Property Locator form must be submitted during the regular business hours of the State Fire Marshal's Office. Further, this form must be submitted seventy-two (72) hours, (3 days), **prior** to delivery or installation of the modular home. The purpose of the Installation Property Locator form is to enable the Factory-Built Home Division to conduct random inspections as required by this Regulation.

Section 307. - Modular Home Contractors

A. In order to protect the health, safety, and welfare of the public of the State of Mississippi, each applicant for a **Modular Home Contractor**'s license shall comply with the following requirements.

1. Submit a copy of a current factory-built home retailer's privilege license as issued by the Mississippi State Fire Marshal's Office; **OR**

2. Submit a current residential builder's license as issued by the Mississippi State Board of Contractors.

3. Demonstrate to the Commissioner that he has a good general working/ mechanical knowledge of modular home construction.

4. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which modular homes are installed in accordance with the rules, regulations, and procedures that are promulgated by the Commissioner;

5. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the Rules and Regulations for the Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes, (ME-2007-3), as they pertain to the responsibilities of a modular home contractor to properly safeguard the public interest. No modular home contractor shall use transportation affecting interstate or foreign commerce or the United States mail to sell, lease, or offer for sale or lease in the State of Mississippi any modular home unless the modular home contractor, acting as a reasonable modular home contractor, does not know that the modular home does not conform to applicable Standards as defined herein. This sales prohibition applies to affected modular homes through the completion of the entire sales transaction. A sales transaction with a purchaser is considered complete when all the goods and services that the modular home contractor agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale occurs at the time the modular home contractor completes setup of the modular home if the modular home contractor has agreed to provide setup; however, if the modular home contractor has not agreed to transport or setup the modular home, this sales prohibition does not apply;

6. Ensure that within one (1) year of employment, all installation staff, including, but not limited to, supervisors, superintendents, and others overseeing or carrying out installation will attend eight (8) hours training per licensing year to be approved and/or provided by the Factory-Built Home Division of the State Fire Marshal's Office.

7. To ensure compliance with Mississippi Code Ann., Section 75-49-9 (2), it shall be the responsibility of each modular home contractor to submit an Installation Property Locator form to the Factory-Built Home Division of the State Fire Marshal's Office for each modular home that is scheduled to be delivered or installed seventy-two (72) hours, (3 days), **prior** to the

delivery or installation of the home. This Installation Property Locator form must be submitted during the regular business hours of the State Fire Marshal's Office. The purpose of the Installation Property Locator form is to enable the Factory-Built Home Division to conduct random inspections as required herein. A modular home contractor shall be responsible for installation requirements for modular housing as set forth in this Regulation.

Section 308. - Independent Contractor Installer or Transporter

A. In order to protect the health, safety, and welfare of the public of the State of Mississippi, each applicant for an independent contractor installer or transporter license shall comply with the following requirements:

1. Prior to the issuance of a privilege license:

   a. Verify in writing and/or submit a copy of an appropriate training certificate that he has attended an approved eight (8) hour installation and set-up training class.

   b. Demonstrate to the Commissioner that he has obtained a written certification from each manufacturer of any modular home he will be installing by providing a copy of the manufacturer certification(s) to this Division.

2. Demonstrate to the Commissioner that he has a good general working/ mechanical knowledge of modular home construction and repair.

3. Demonstrate to the Commissioner that the set-up crew shall insure that the manufacturer's installation instructions shall be available on the job site at the time of installation and/or inspection, as required by the Factory-Built Home Division of the State Fire Marshal's Office.

4. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the International Residential Code, as it pertains to the responsibilities of installers or transporters to properly safeguard the public interest.

5. Demonstrate to the Commissioner that he is in compliance with the applicable requirements of the Mississippi Department of Transportation (MDOT), as the regulatory agency for transportation in the State of Mississippi. All licensees (manufacturers, retailers, modular home contractors, developers, and installer/transporters) shall comply with the requirements regarding transportation of modular homes under the jurisdiction of MDOT in the State of Mississippi.

6. Demonstrate that he will attend eight (8) hours of training per licensing year (July 1 - June 30) as provided by, approved by, or recommended by the Factory-Built Home Division of the State Fire Marshal's Office.

> **EXCEPTION:** A licensee who has a physical or mental disability or illness during the license period may apply for a petition of exemption. A petition of exemption provides an extension of time for the continuing education requirements. The petition of exemption requires the signature of a licensed health care professional, who can attest to the existence of a disability or illness during the license period. If the petition is from a licensee who is the primary caregiver for a relative who is ill or disabled and needs care from the primary caregiver, the physician shall verify the licensee's status as the primary caregiver. A licensee who applies for an exemption shall be notified of the decision regarding the petition in writing from the State Fire Marshal's Office. A licensee who obtains approval shall retain a copy of the exemption letter to be presented to the State Fire Marshall's Office upon completion of the continuing education requirements. The State Fire Marshal's Office may, as a condition of any extension granted, require the licensee to make-up the continuing education requirement in the manner determined by the State Fire Marshal's Office.

7. All installer/transporters, retailers, modular home contractors, and developers who install modular homes shall be required to display a license decal on the driver's door of all trucks (toter) and service vehicles. The original decal will be issued by the State Fire Marshal's Office/Factory-Built Home Division, based upon the number requested by the licensee at time of renewal. Any additional decals required by the licensee will have to be purchased from the Division at its cost of production of the decals. This decal shall denote the current date of the licensing period. The decal must be placed on the driver's door of the vehicle in plain view to verify the existence of a current license.

8. On or from July 1, 2005, after the receipt of verifiable information from any source, all independent contract installers retained by homeowners, retailers, developers, modular home contractors, or manufacturers shall be subject to the fines as set forth in this Regulation for the improper installation of modular homes.

9. All independently contracted installers/transporters, retailers, developers, modular home contractors, or manufacturers shall permanently attach a serial numbered installation decal near the electrical panel box on each modular home to verify it has been installed in accordance with the manufacturer's specifications and the authority having jurisdiction in

coded areas as defined in this Regulation. In the absence of installation manual, all independently contracted installers/transporters, retailers, developers, modular home contractors, or manufacturers shall comply with the State of Mississippi's rules and regulations by doing the following:

a. Requesting such installation decals from the State Fire Marshal's Office, who will supply decals to each licensed retailer, developer, modular home contractor or independent installer/transporter upon written request. Each installation decal will have the installer's name, address, date of installation, and license number, and will bear the following statement:

THIS FACTORY-BUILT, MOBILE OR MODULAR HOME HAS BEEN INSTALLED IN COMPLIANCE WITH THE UNIFORM STANDARDS CODE FOR THE FACTORY-BUILT HOMES LAW. ANYONE TAMPERING WITH OR REMOVING THIS INSTALLATION DECAL FROM THIS UNIT WILL BE PROSECUTED AS SET FORTH IN THESE RULES AND REGULATIONS, AND SHALL BE SUBJECT TO SUSPENSION OR REVOCATION OF THEIR PRIVILEGE LICENSE. (MISSISSIPPI CODE ANN., SECTION 75-49-1 *ET SEQ.*, (1972 AND 2007 SUPP.).

Section 308.1. - Written Examination for Independent Contractor Installer or Transporter

Effective July 1, 2005, to demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which modular homes are installed, and in accordance with rules, regulations and procedures promulgated by the Factory-Built Home Division of the State Fire Marshal's Office, every independent contractor installer or transporter who transports or installs modular homes within the State of Mississippi shall have passed a written examination. A passing score shall be a score of 70 or above. The examination shall consist of questions determined by the Commissioner to establish an applicant's knowledge related to the rules and regulations and administration relative to modular homes in the State of Mississippi and questions specifically related to the practical installation of modular homes in this state. The examination shall be provided by the Commissioner or by testing service acting on behalf of the Commissioner. The applicant is responsible for registering with the testing service to schedule the examination and is responsible for all fees. The applicant shall follow all procedures established with regard to conduct at the examination. Failure to comply with all procedures established with regard to conduct at the examination may be grounds for denial of the application.

ARTICLE IV.
INSPECTION PROCEDURES

Section 400. - General

A. To ensure compliance with this Regulation and applicable Mississippi law, the Factory-Built Home Division of the State Fire Marshal's Office shall:

1. Periodically inspect each manufacturing location to assist and insure that modular homes are being constructed in compliance with the International Residential Code and this Regulation.

2. Periodically inspect each modular home contractor, retailer, and developer location to insure that modular homes offered for sale and being installed comply with the International Residential Code and this Regulation.

3. At reasonable hours and without advance notice:

   a. Inspect any activities carried on by a modular home manufacturer, retailer, modular home contractor, developer, installer, or transporter which are regulated hereunder; and

   b. Monitor the performance of any approved modular home inspection agency in order to determine whether it is properly discharging its responsibilities under this Regulation.

4. Periodically inspect site locations where modular homes have been delivered by retailers, modular home contractors, developers, independent contractor installers, or transporters when such home is to be used for human habitation to insure that the home is properly installed as required by these Regulations and Mississippi Code Ann., Section 75-49-7.

5. Manufacturing plants located in or outside the State of Mississippi, distributors, modular home retailer's sales lots, developer's lots, modular home contractor's construction sites, and independent contractor installers or transporters' business locations and equipment shall be subject to inspections by State Chief Deputy Fire Marshal, State Deputy Fire Marshal's or their duly authorized representative as required to insure compliance with Mississippi Code Ann., Section 75-49-11, as well as this Regulations.

Section 400.1. - Inspection Results and Non-Compliance Tag Attachment

A. Results of the Division's inspection may be made available to the modular home manufacturers, modular home contractors, retailers or developers upon written request. When serious violations are found, the Factory-Built Home Division of the State Fire Marshal's Office shall immediately attach a non-compliance identification tag to the unit in question.

B. It shall be a violation of this Regulation for any factory-built 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 Modular Homes and its implementing Regulation, shall not be sold or offered for sale in the State of Mississippi. Anyone tampering with or removing this Non-Compliance Identification Tag from this unit will be prosecuted as set forth in the Regulation and shall be subject to revocation of his license."

C. A non-compliance identification tag attached to a unit may be removed only by the Factory-Built Home Division of the State Fire Marshal's Office. Such tag shall be completed as required by the non-compliance identification tag.

D. When the State Fire Marshal has reasonable ground to believe that a unit has been constructed in non-compliance with the Standards as defined herein, he may require, at the manufacturer's expense, that the walls, floors, decking, or other panels be removed for the purpose of inspection.

E. Units having been identified as being in non-compliance with this Regulation and having a non-compliance tag attached may be transported and relocated only after written notice has been given to the Factory-Built Home Division of the State Fire Marshal's Office. Such written notice will set forth the purpose for moving such unit, to whom the unit is to be delivered, along with the complete mailing address and telephone number of the person to whom the unit is to be delivered, the serial number of the unit, and any other information as may be requested by the State Fire Marshal's Office.

F. When these violation(s) have been corrected, the unit in question shall be re-inspected by the Factory-Built Home Division of the State Fire Marshal's Office. If the unit is then found to be in compliance with the International Residential Code, the inspector shall remove the non-compliance identification tag. The unit can then be sold or offered for sale.

G. All modular homes, delivered by retailers, modular home contractors, developers or installers/transporters to any site where such home is to be used for human habitation shall be in accordance with all rules, regulations and procedures required by the Factory-Built Home Division of the State Fire Marshal's Office, pursuant to Mississippi Code Ann., Section 75-49-7 (1992 and Supp. 2007).

H. In the interest of public safety, deputy state fire marshals, who are certified law enforcement officers, are duly authorized to stop and conduct inspections of installers/transporters that are transporting modular homes to verify compliance with The Mississippi Uniform Standards Code for Factory-Built Homes Law, Mississippi Code Ann., Section 75-49-1, *et seq.*, (1992 and 2007 Supp.) and this Regulation.

ARTICLE V.
HEARINGS, APPEALS, AND PENALTIES

Section 500 – Hearings and Appeals

A. An administrative review of all licensees' (manufacturers, retailers, developers, modular home contractors and installers/transporters) privilege licenses pursuant to Mississippi Code Ann., Section 75-49-9 (7) (1992 and Supp. 2007), shall be conducted upon receipt of a verifiable written complaint of any nature that exceeds sixty (60) days in length without resolution. This administrative review may result in a possible administrative hearing pursuant to Mississippi Code Ann., Section 75-49-13. The sixty (60) day period shall not serve as a mandatory waiting period. In the appropriate case, the Commissioner may, at his discretion, schedule an administrative hearing prior to the expiration of sixty (60) days.

B. The Commissioner shall not deny an application for a license without first providing the applicant a hearing, or an opportunity to be heard, on the question of whether he is qualified under the provisions of the applicable Mississippi law and this Regulation to receive the license for which the applicant filed an application.

C. The Commissioner shall not revoke or suspend a license without first giving the licensee a hearing, or an opportunity to be heard, on the question of whether there are sufficient grounds, under the provisions of the applicable Mississippi law and this Regulation, on which to base such revocation or suspension.

D. Any interested party shall have the right to have the Commissioner call a hearing for the purpose of taking action in respect to any matter within the Commissioner's jurisdiction by filing with the Commissioner a verified written complaint setting forth the grounds on which the complaint is based.

E. The Commissioner may on his own motion call a hearing for the purpose of taking action in respect to any matter within his jurisdiction.

F. When a hearing is to be held before the Commissioner, the Commissioner shall give written notice thereof to all parties whose rights may be affected thereby. The notice shall set forth the reason for the hearing, the questions or issues to be decided by the Commissioner at such hearing, and the time for and place where the hearing will be held. All such notices shall be mailed to all parties whose rights may be affected by such hearing by registered or certified mail, addressed to their last known address.

G. All parties whose rights may be affected at any hearing before the Commissioner shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against them, and to produce evidence and witnesses in their own behalf. The Commissioner shall make and keep a record of each such hearing and shall provide a transcript thereof to any interested party upon such party's written request and at the party's expense. The Commissioner will provide a transcript to the requesting party AFTER receiving payment for the transcript. Testimony taken at all hearings shall be taken either stenographically or by machine.

H. If any party who is notified of a hearing as outlined herein fails to appear at such hearing, either in person or by counsel, the Commissioner may make any decision and take any action he deems necessary or appropriate with respect to any issues or questions scheduled for the hearing. In accordance with the applicable Mississippi law and this Regulation, the defaulting party shall have no right to appeal such a decision of the Commissioner.

I. All decisions of the Commissioner with respect to the hearings provided for in this section shall be incorporated into orders of the Commissioner. All such orders shall be made available during normal office hours for inspection by interested persons.

J. It shall be the duty of the sheriffs and constables of the counties of this state and of any employee of the Commissioner, when so directed by the Commissioner, to execute any summons, citation, or subpoena which the Commissioner may cause to be issued and to make his return thereof to the Commissioner. The sheriffs and constables so serving and returning same shall be paid for so doing the same fees provided for such services in circuit court. Any person who appears before the Commissioner or a duly designated employee of his department in response to a summons, citation, or subpoena shall be paid the same witness fee and mileage allowance as witnesses in the circuit court. In case of failure or refusal on the part of any person to comply with any summons, citation, or subpoena issued and served as above authorized or in the case of the refusal of any person to testify or answer to any matter regarding which he may be lawfully interrogated or the refusal of any person to produce his record books and

accounts relating to any matter regarding which he may be lawfully interrogated, the chancery court of any county of the State of Mississippi, or any chancellor of any such court in vacation, may, on application of the Commissioner, issue an attachment for such person and compel him to comply with such summons, citation, or subpoena and to attend before the Commissioner or his designated employee and to produce the documents specified in any subpoena duces tecum and give his testimony upon such matters as he may be lawfully required. Any such chancery court, or any chancellor of any such court in vacation, shall have the power to punish for contempt, as in case of disobedience of like process issued from or by any such chancery court, or by refusal to testify therein in response to such process, and such person shall be taxed with the costs of such proceedings.

K. No decision of the Commissioner made as a result of a hearing under the provisions of this section shall become final with respect to any party affected and aggrieved by such decision until such party shall have exhausted or shall have had an opportunity to exhaust all of his remedies provided for by this section; provided, however, any such decision may be made final if the Commissioner finds that failure to do so would be detrimental to the public interest or public welfare, but the finality of any such decision shall not prevent any party or parties affected and aggrieved thereby to appeal the same in accordance with the appellate procedure set forth in this section.

L. The Commissioner shall prescribe the rules of order or procedure to be used in hearings or other proceedings before him; however, these rules of order or procedure shall not be in conflict or contrary to the provisions of "The Uniform Standards Code for Factory-Built Homes Law," codified at Mississippi Code Ann., Section 75-49-1 *et seq.*

M. In accordance with Mississippi Code Ann., Section 75-49-13 (9), the following procedure shall govern in taking and perfecting appeals:

1. Any person who is a party to any hearing before the Commissioner and who is aggrieved by any decision of the Commissioner with respect to any hearing before him, unless prevented by the provisions of paragraph H. of this section, shall have the right of appeal to the chancery court of the county of such person's residence or principal place of business within this state. If any such person is a nonresident of this state, he shall have the right of appeal to the chancery court of the first judicial district of Hinds County, Mississippi. All such appeals shall be taken and perfected within sixty (60) days from the date of the decision of the Commissioner which is the subject of the appeal. The chancery court to which such appeal is taken may affirm such decision or reverse and remand the same to the Commissioner for further proceedings as justice may require or dismiss such decision. All such appeals shall be taken and perfected, heard and determined,

either in term time or in vacation, on the record, including a transcript of pleadings and evidence, both oral and documentary, heard and filed before the Commissioner. In perfecting any appeal provided by herein, the provisions of law respecting notice to the reporter and allowance of bills of exceptions, now or hereafter in force, respecting appeals from the chancery court to the supreme court shall be applicable, provided, however, that the reporter shall transcribe his notes, taken stenographically or by machine, and file the record with the Commissioner within thirty (30) days after approval of the appeal bond, unless, on application of the reporter, or of the appellant, an additional fifteen (15) days shall have been allowed by the Commissioner to the reporter within which to transcribe his notes and file the transcript of the record with the Commissioner.

(2) Upon the filing with the Commissioner of a petition of appeal to the proper chancery court, it shall be the duty of the Commissioner, as promptly as possible, and in any event within sixty (60) days after approval of the appeal bond, to file with the clerk of said chancery court to which the appeal is taken, a copy of the petition for appeal and of the decision appealed from, and the original and one (1) copy of the transcript of the record of the proceedings and evidence before the Commissioner After the filing of said petition, the appeal shall be perfected by the filing of a bond in the penal sum of Five Hundred Dollars ($500.00) with two (2) sureties or with a surety company qualified to do business in Mississippi as surety, conditioned to pay the costs of such appeal, said bond to be approved by the Commissioner or by the clerk of the chancery court to which such appeal is taken.

N. Nothing in this Regulation shall prohibit informal disposition by settlement or consent order, *i.e.*, an order based upon an agreement in writing, between the parties in lieu of an administrative hearing.

Section 501. – Civil Penalties

A. When any provision of "The Uniform Standards Code for Factory-Built Homes Law," codified at Mississippi Code Ann., Section 75-49-1, *et seq.* (1992 and Supp. 2007), is violated, the State Chief Deputy Fire Marshal, State Deputy Fire Marshals, or a duly authorized representative thereof shall file an appropriate action as set forth in Mississippi Code Ann., Section 75-49-13. The penalties include:

1. Any person who knowingly and willfully violates any of the provisions of the applicable Mississippi law and this Regulation shall be liable to the State of Mississippi for a civil penalty of not more than One Thousand

Dollars ($1,000.00) for each such violation. Each violation of a provision of the applicable law and this Regulation made hereunder shall constitute a separate violation with respect to each factory-built home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed one million dollars ($1,000,000.00) for any related series of violations occurring within one (1) year from the date of the first violation.

2. An individual, or a director, officer or agent of a corporation, who knowingly and willfully violates any of the provisions of the applicable law or this Regulation in a manner which threatens the health and safety of any purchaser of a factory-built home is guilty of a misdemeanor and, upon conviction thereof by a court of competent jurisdiction, shall be fined not more than One Thousand Dollars ($1,000.00) or imprisoned not more than one (1) year, or both.

3. This penalty shall not apply to any person who establishes that he did not have reason to know, in the exercise of due care, that such factory-built home was not in conformity with applicable factory-built construction and safety standards, or to any person who, before such first purchase, holds a certificate issued by the manufacturer or importer of such factory-built home to the effect that such factory-built home conforms to all applicable factory-built home construction and safety standards, unless such person knows that such factory-built home does not so conform.

4. An individual, or director, officer or agent of a corporation, who knowingly and willfully fails to obtain a required license in accordance with the applicable Mississippi law and this Regulation, and who knowingly and willfully violates any provisions of the applicable Mississippi law and this Regulation or any amended rules and regulations made hereafter, with respect to the manufacture, sale, distribution, safe anchoring, and blocking of a factory-built home when such home is intended to be used for human habitation, shall, upon conviction by a court of competent jurisdiction, be guilty of a misdemeanor and shall be fined not more than One Thousand Dollars ($1,000.00) or imprisoned not more than one (1) year, or both.

B. The schedule for civil penalties is listed below:

1. First Offense -- $250.00 per violation;

2. Second Offense within twelve (12) months of the first offense -- $500.00 per violation;

3. Third Offense within twelve (12) months of the first offense-- $1000.00 per violation;

4. In lieu of the civil penalty and making the required corrections, the licensee has the option to request an administrative hearing.

ARTICLE VI.
SEVERABILITY

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

ARTICLE VII.
LOCAL CODE ADOPTION AND INSPECTION

Section 700. - General

A. Any local government (county or municipality) which has adopted the latest edition and appendices of the International Building Code published by the International Code Council (formerly the Southern Building Code) as published by the Southern Building Code Congress International (SBCCI), or the board of supervisors of any county that has adopted Mississippi Code Ann., Section 75-49-21, will be regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance with this Regulation for the "Uniform Standards Code for Factory-Built Homes Law as related to Modular Homes." Resultantly, such county will assume responsibility for local code enforcement and inspections procedures for modular homes within their respective jurisdictions.

B. Local governments may require, and charge a fee for, a building permit prior to the installation of a modular home or component. If requested by the local government, an applicant for such permit shall furnish the following information to the local government:

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 modular home or component in accordance with the provisions of this Regulation;

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

3. A local government may inspect site preparation work (including foundations) [not within the scope of the Standards as defined herein], as well as the structural, mechanical, plumbing, and electrical connection among modular homes, for compliance with applicable law. Copies of noted violations by the local government shall be forwarded to the State Fire Marshal's Office for review.

Section 701. – Preemption

A. No county or municipal modular home ordinances, standards, or laws regarding modular home construction and design, which covers aspects of modular homes governed by the "Mississippi Uniform Standards Code for Factory-Built Homes Law" and this Regulation, shall be established or continue in effect with respect to modular homes subject this Regulation unless they are **identical** to the "Mississippi Uniform Standards Code for Factory-Build Homes Law" and this Regulation.

B. No county or municipality may require, as a condition of entry into or sale in the State, a modular home certified by the application of the data plate required by this Regulation and the International Residential Code to be subject to county or municipality inspection to determine compliance with any ordinances, standards, or laws covering any aspect of the modular home covered by this Regulation. Nor may any county or municipality require that a county or municipal data plate be placed on the modular home certifying conformance to the rules and regulations. The actions that counties or municipalities are permitted to take are the following: connection of units, additions, zoning, utility connections, foundation inspections, and permits.

C. This Regulation establishes the exclusive system for enforcement of the requirements of this Regulation. No county or municipality may establish or keep in effect, through a building code enforcement system or otherwise, procedures or requirements which constitute systems for enforcement of the "The Uniform Standards Code for Factory-Built Homes Law," codified at Mississippi Code Ann., Section 75-49-1 *et seq.*, and this implementing Regulation, or of identical county or municipal ordinances, standards, or laws which are outside the system established in this Regulation or which go beyond the system established in this Regulation to require remedial actions which are not required by this Regulation.

D. No county or municipality may establish or enforce any rule or regulation or take any action that stands as an obstacle to the accomplishment and execution of the full purposes and objectives of the Mississippi Legislature. The test of whether a county or municipal rule or action is valid or must give way to the requirements of "The Uniform Standards Code for Factory-Built Homes Law," Mississippi Code

Ann., Section 75-49-1 *et seq.*, and this implementing Regulation, is whether the county or municipal rule can be enforced or the action taken without impairing the governance of the modular home industry as established by the applicable Mississippi law and this Regulation.

ARTICLE VIII.
APPLICABILITY

After July 1, 2007, the provisions of "The Uniform Standards Code for Factory-Built Homes Law" codified at Mississippi Code Ann., Section 75-49-1 (1992 and Supp. 2007), *et seq.*, and this Regulation shall apply to all modular homes used for residential occupancy.

ARTICLE IX.
REPEAL OF REGULATION ME-2006-1

Mississippi Insurance Department Regulation ME-2006-1 shall be repealed upon adoption of this Regulation, which bears Regulation Number ME-2007-3.

ARTICLE X.
EFFECTIVE DATE

This Regulation shall become effective immediately upon filing with the Office of the Mississippi Secretary of State.

APPENDIX A
DATA PLATE

LEE HARRELL
DEPUTY COMMISSIONER OF INSURANCE

MODI-DP-1
01/06

APPENDIX A

State of Mississippi

Department of Insurance
OFFICE OF THE FIRE MARSHAL
Post Office Box 79, Jackson, Mississippi 39205
Phone: (601) 359-1061 FAX: (601) 356-1076
Email: firemarshal@mid.state.ms.us

MODULAR HOUSING DATA SUMMARY SHEET

Name(Manufacturer) _____

Address _____

Telephone No. _____ FAX No. _____

Applicable Codes

International Residential Code _____ Edition _____

TOTAL (Sq. Ft.) _____

Basic Wind Speed _____ mph (Fig. R301.2.1.5)
Importance Factor _____ (Table 1604.5)

Exposure Category (Section R301.2.1.4) ____A ____B ____C ____D ____E

Structural Forces (Section 1603.1.1 and 1603.1.2) Mean roof height _____ft
Design Wind Velocity _____m p.h.

Floor Design: Live Load _____p.s.f. Dead Load _____p.s.f.
Roof Design: Live Load _____p.s.f. Dead Load _____p.s.f.

Windows and Door Wind Pressure Design Loading:
Windows _____ p.s.f. Door _____ p.s.f. Garage Doors _____p.s.f.

Wind Debris Area: Yes _____ No _____

I certify to the best of my knowledge and belief that this structure has been designed to comply with the International Residential Code or applicable code as amended and enforced by the permitting jurisdiction.

_____
Architectural Signature

_____
Date

_____

Date of Manufacture _____

Manufacturer's Serial Number and Model Unit Designation

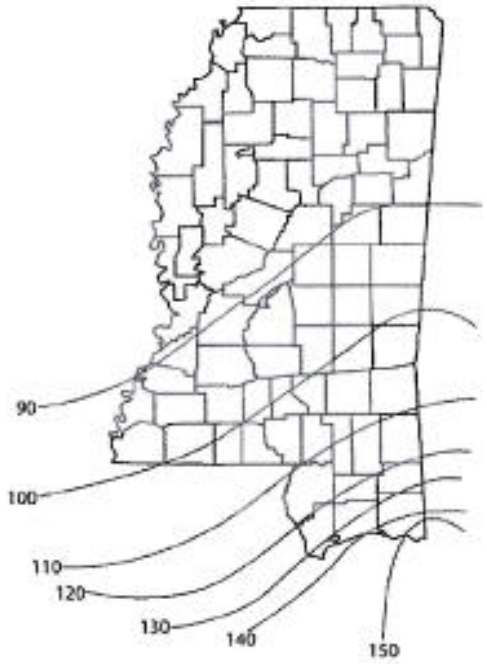
_____

Approved Design Review Agency _____

Approved Construction Agency _____

The factory installed equipment includes:

Equipment	Manufacturer	Model Designation
For heating		
For air cooling		
For cooking		
Refrigerator		
Water Heater		
Washer		
Clothes Dryer		
Dishwasher		
Garbage Disposal		
Fireplace		
Smoke Detector		
Ceiling Fan		
Microwave		



For SI: 1 foot = 304.8 mm, 1 mile per hour = 0.447 m/s.
a. Values are nominal design 3-second gust wind speeds in miles per hour at 33 feet above ground for Exposure C category.
b. Linear interpolation between wind contours is permitted.
c. Islands and coastal areas outside the last contour shall use the last wind speed contour of the coastal area.
d. Mountainous terrain, gorges, ocean promontories, and special wind regions shall be examined for unusual wind conditions.

(3) FIGURE R301.2(4)—CONTINUED
BASIC WIND SPEEDS FOR 50-YEAR MEAN RECURRENCE INTERVAL