

**MISSISSIPPI DEPARTMENT INSURANCE-STATE FIRE MARSHAL'S OFFICE  
MODULAR HOMES  
REGULATION NO. ME-2006-1  
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The Rules and Regulations for the Uniform Standards Code for Factory-Built Homes Law, Section 75-49-1 through 75-49-21, Mississippi Code, 1972, Annotated, as revised and amended by HB1552 effective July 1, 2005 as passed by the Mississippi Legislature and signed by the Governor.

## **I. PROMULGATION AND PURPOSE**

### **Section 100 - General**

These Rules and Regulations for Factory-Built Homes are promulgated by the Commissioner of Insurance of the state of Mississippi acting through the Chief Deputy State Fire Marshal and the Factory-Built Home Division in accordance with the Uniform Standards Code for Factory-Built Homes Law and the Mississippi Administrative Procedures Act, Section 25-43-1, et seq., Mississippi Code, 1972, as amended, and shall become effective after adopted and promulgated in accordance with the provisions of the Mississippi Administrative Procedures Act as provided in Section 25-43-1, et seq., Code of Mississippi (1972).

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

### **Section 101 - Definitions**

- (A) "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.
- (B) "Factory-built home" means a mobile home, manufactured home and a modular home as those terms are defined herein.
- (C) "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. Section 5401 et seq.), and manufactured after June 14, 1976.
- (D) "Certification" means written confirmation from a manufacturer verifying that an Independent Contractor Installer or Transporter is qualified to install and/or transport his modular home (as defined in [A]).
- (E) "Commissioner" means the Commissioner of Insurance of the State of Mississippi.
- (F) "Chief Deputy State Fire Marshal" means the individual appointed by the Commissioner of Insurance, who, along with his employees, is designated by the Commissioner to implement and enforce this chapter and to maintain, among other duties, the Factory-Built Home Division.
- (G) "Division" means the Factory-Built Home Division of the State Fire Marshal's Office.

- (H) “Endorsement” means the stamp affixed to a privilege license indicating manufacturer certification.(as defined in [D])
- (I) "Person" means any individual, firm, corporation, partnership, association or other type of business entity.
- (J) "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 sales lot. A retailer shall be responsible for installation requirements for manufactured or modular housing as set forth in Chapter IV of this Regulation.
- (K) "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 Section IV of this Regulation.
- (L) “Manufacturer" means any person engaged in the production (construction) of modular or manufactured homes.
- (M) “Licensee” means any manufacturer, retailer, developer 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.
- (N) “Mississippi Department of Transportation (MDOT) means the regulatory agency for transportation in the State of Mississippi. All licensees (manufacturers, retailers, developers and installer/transporters) shall comply with the requirements regarding transportation of factory-built homes under the jurisdiction of MDOT in the State of Mississippi.
- (O) "Independent contractor installer or transporter" means any person engaged for hire in the movement of, transportation, or both, or the installation, 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 Chapter IV of the rules and regulations for the Uniform Standards Code for Factory-Built Home Law.

- (P) "Consumer Notice" means any person engaged in the manufacture and retail sale of new manufactured, factory-built, mobile or modular homes to the general public shall post a notice in the kitchen area stating:

**CONSUMER NOTICE**

**INSTALLATION REQUIREMENTS FOR BLOCKING, ANCHORS AND TIE-DOWNS FOR ALL NEW AND USED FACTORY-BUILT HOMES IN THE STATE OF MISSISSIPPI BY THE FACTORY-BUILT HOME DIVISION SHALL BE AS DEFINED BELOW:**

**• NEW FACTORY-BUILT HOMES •**

**DURING THE FIRST 12 MONTHS FROM THE DATE THE FACTORY-BUILT HOME IS SITED AT THE LOCATION INTENDED FOR HUMAN HABITATION AS VERIFIED BY THE DATE ON THE INSTALLATION DECAL AFFIXED TO THE FACTORY-BUILT HOME BY THE LICENSEE IN COMPLIANCE WITH SECTION 75-49-7(2).**

**• USED FACTORY-BUILT HOMES •**

**DURING THE FIRST 12 MONTHS FROM THE DATE THE FACTORY-BUILT HOME IS SITED AT THE LOCATION INTENDED FOR HUMAN HABITATION AS VERIFIED BY THE DATE ON THE INSTALLATION DECAL AFFIXED TO THE FACTORY-BUILT HOME BY THE LICENSEE IN COMPLIANCE WITH SECTION 75-49-7(2).**

**FACTORY-BUILT HOME DIVISION  
OFFICE OF THE STATE FIRE MARSHAL,  
P.O. BOX 79, JACKSON, MS 39205,  
(601) 359-1061 OR WATTS: 1-888-648-0877**

- (Q) "Non-coded area" means any local jurisdiction (county or municipality) who have not adopted the latest edition and Appendices of the International Building Code published by the International Code Council or Southern Building Code published by the Southern Building Code Congress International, or any county in which the board of supervisors of any county who has not adopted Section 75-49-21, Code of Mississippi (1972), or other recognized building codes or portion thereof.
- (R) "Approved construction inspection agency" means an approved inspection agency which is responsible for performing the functions described in Section 203 herein and has been approved by the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance.
- (S) "Approved design review agency" means an approved inspection agency which is responsible for performing the functions described in Section 204 herein and has been approved by the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance.

- (T) "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.
- (U) "Southern Building Code Congress International (SBCCI)" means the former Southern Building Code Congress International of Birmingham, Alabama, which changed on January 2000 to the new International Code Council.
- (V) "International Residential Code for One and Two-Family Dwellings (IRC)" means the International Residential Code.
- (W) "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.
- (X) "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.
- (Y) "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.
- (Z) "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.
- (AA) "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.
- (AB) "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.
- (AC) "Open construction" means any modular building unit, component, assemble, or system manufactured in such a manner that all portions can be readily inspected at the site without disassembly, damage, or destruction.
- (AD) "Site" means the location on which a modular building unit is installed or is to be installed.

- (AE) "Standards" means the standards for the construction and installation of modular homes established in Chapter II of this regulation.
- (AF) "Standard design" means any modular building unit, component, model or series intended for duplication or repetitive manufacture.
- (AG) "System prototype" means a specific design or 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.

## **II. STANDARDS**

- (A) Unless otherwise provided by applicable law or the provisions of this chapter, the standards for the construction and installation of modular homes in the State of Mississippi shall be those prescribed in:
  - (1) The National Electrical Code, 1999 edition, published by the National Fire Protection Association (NFPA), Batterymarch Park, Quincy, Massachusetts 02269;
  - (2) The International Building Code, 2003 edition, published by the International Code Council (ICC) formerly the Southern Building Code Congress International, Inc. (SBCCI), 900 Montclair Road, Birmingham, Alabama 35213.;
  - (3) The International Residential Code, 2003 edition, published by the International Code Council (ICC), 900 Montclair Road, Birmingham, Alabama 35213;
  - (4) The International Mechanical Code, 2003 edition, published by the ICC;
  - (5) The International Gas Code, 2003 edition, published by the ICC;
  - (6) The International Plumbing Code, 2003 edition, published by the ICC; and
  - (7) Southern Building Code Congress International Standard for Hurricane Resistant Residential Construction (SSTD 10); or Minimum Design Loads for Buildings and Other Structures (ASCE-7);
  - (8) As all of the above same codes may be revised or amended.

## **III. ADMINISTRATION**

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

methods and practices to make effective such provisions and he may make such investigations and inspection as in his judgment are necessary to enforce and administer this chapter Section 75-49-11.

### Section 200 - Rules and Regulations

- (A) Pursuant to Section 75-49-11, Code of Mississippi (1972), the Commissioner acting through the Chief Deputy State Fire Marshal and the Factory-Built Home Division of the Insurance Department, is hereby charged with the administration of this chapter.
- (B) After July 1, 1988, every manufacturer engaged in the production (construction) of manufactured, mobile or modular homes within the State of Mississippi shall apply for and obtain a license from the Commissioner.
- (C) After July 1, 2005, every retailer or developer who sales, transports or installs new or used manufactured, mobile or modular homes within the State of Mississippi shall apply for and obtain a license from the Commissioner.
- (D) 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.

All independent contracted installer/transporters, retailers, developers or manufacturers shall permanently attach a serial numbered installation decal beside the data plate near the electrical panel box on each modular home verifying as having been installed in accordance with the manufacturer's specification, the authority having jurisdiction in coded areas or the State of Mississippi's rules and regulations by:

1. Requesting such installation decals from the State Fire Marshal's Office who will supply decals to each licensed retailer, developer 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. (SECTION 75-49-1 ET SEQ., CODE OF MISSISSIPPI (1972), AS AMENDED)**

Each installation decal to be attached to a factory-built, mobile or modular home shall be assessed an administrative fee.

Installation decal fees shall be paid by check or money order made payable to the State Fire Marshal's Office, P. O. Box 79, Jackson, MS 39205.

To ensure compliance with Section 75-49-9(2), it shall be the responsibility of each manufacturer, retailer, developer and installer/transporter to submit an Installation Property Locator form to the Factory-Built Home Division of the State Fire Marshal's Office for all factory-built, manufactured, mobile or modular homes that is scheduled to be delivered or installed within seventy-two (72) hours (3 days) of installation of home during regular business hours. The Installation Property Locator form is to enable the Factory-Built Home Division to conduct random inspections as required according to the Division.

- (E) After July 1, 2005, every manufacturer, transporter or installer or retailer and developer who first sells, manufactures, transports or installs a new or used factory-built 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 Chapter III (Section 201) of 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 in the State Treasury to the credit of the Department of Insurance.
- (F) After July 1, 2005, every manufacturer of modular homes shall submit written certification stating that the contractor installer is qualified to install their modular home. Where the State Fire Marshal's Office relies upon such certification, the manufacturer shall assume responsibility for the compliance with all provisions of the rules and regulations relative to installation. If, for just cause, a manufacturer revokes a contractor installer'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.
- (G) After July 1, 2005, any person as defined in Section 75-49-3(h), Code of Mississippi (1972) 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.



Any person as defined in Section 75-49-3(h), Code of Mississippi (1972), 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's or developer's license.

- (H) No retailer, developer, transporter or installer shall deliver or cause to be delivered any factory-built home to any person at any site where such home is to be used for human habitation without anchoring and blocking such home in accordance with rules, regulations and procedures promulgated by the Commissioner of Insurance. A period of thirty (30) days from date of delivery shall be allowed for the anchoring and blocking of homes. This requirement is provided for in Section 75-49-9(2), Code of Mississippi (1972).

Nothing contained herein shall restrict or limit the customer's option of independently contracting with a properly licensed transporter or installer for set-up and installation rather than purchasing transportation and installation services from the retailer or developer.

- (I) It shall be the responsibility of each installer/transporter that transports or installs a home to submit a report, by fax or mail, to the Factory-Built Home Division of the State Fire Marshal's Office for all factory-built, manufactured, mobile or 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 new and used homes that are transported or installed by an installer/transporter for someone other than a licensed retailer or developer.** The report must include:
- (1) The retailer/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, date and time of installation;
  - (5) The serial number of home, size of home, HUD number, Wind Zone, year/make/model of home, new or used, 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.
- (J) An administrative fee will be charged for data plates for what it cost this division to produce which this division will provide to approved construction inspection agencies for

certification that such modular homes, to the best of the manufacturer's knowledge and belief, conforms 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 201 - License

(A) Pursuant to Section 75-49-9(1), Code of Mississippi (1972), which states:

“After July 1, 1992, every manufacturer, every transporter or installer, developer and every retailer who sells, manufacturers, 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) An application for a license required hereunder shall be submitted on the form prescribed by the Division, and accompanied by a non-refundable license fee as follows:

Manufacturer.....	\$250.00
Retailer.....	\$150.00
Developer.....	\$150.00
Installer/Transporter.....	\$100.00

(C) If a factory-built, manufactured, mobile or modular home is new, the applicant shall certify in the application to the Commissioner that the applicant will comply with the Construction Standards set forth under Rules and Regulations provided in Section 75-49-5 (1), Code of Mississippi (1972), and that the applicant has obtained a current and valid tax identification number.

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

(E) The application shall include the following information:

- (1) Name and address of the applicant;
- (2) Ownership and management of the applicant's business;
- (3) The applicant's experience in modular homes manufacturing, third party inspections, sales, or installation;
- (4) Any manufacturer's, third party inspection agencies, retailer's, developers or installer/transporter's licenses held by the applicants in this or another state;
- (5) Any disciplinary proceedings affecting any such licenses; and
- (6) The Division shall be notified in writing of any changes in the information furnished in an application within thirty (30) days of such change.

- (F) The application shall be accompanied by:
- (1) A prospectus describing (Construction inspection agency)
    - (i) The applicant's qualifications to inspect equipment systems;
    - (ii) The education and qualifications of the employees who would conduct the actual inspections;
    - (iii) The applicant's experience in third party inspections;
    - (iv) The applicant's organizational structure; and
    - (v) The relationship which the applicant would establish with approved design review agencies to ensure that modular building units and components are produced in accordance with the standards.
  - (2) A prospectus describing (Design review agency)
    - (i) The applicant's qualifications to review plans, specifications, and building systems of modular homes or components for compliance with the standards;
    - (ii) The education and qualifications of the employees who would conduct the actual reviews of plans, specifications, and building systems;
    - (iii) The management and professional personnel (including an architect or engineer duly registered in the State of Mississippi) responsible for compliance with the provision of this Chapter;
    - (iv) The applicant's experience in Athird party design review;
    - (v) The applicant's organizational structure; and
    - (vi) The relationship which the applicant would establish with approved construction inspection agencies to ensure that modular homes and components are produced in accordance with the standards.
- (G) Pursuant to Section 75-49-9 of the Code of Mississippi (1972), the original license fee and all annual renewals thereof shall be Two Hundred Fifty Dollars (\$250.00) for manufacturing plants 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 retailer location and developer company within the State of Mississippi. The licensing fee for an independent contractor transporter or installer is One Hundred Dollars (\$100.00) for each company. The license shall be valid for the current license period (July 1 through June 30 of the following year) unless suspended or revoked as

provided herein. 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.

(H) Pursuant to Section 75-49-9(7), Code of Mississippi (1972), which states:

“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.”

(I) Pursuant to Section 75-49-9(8), Code of Mississippi (1972), which states:

“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, which include mobile homes and new or used manufactured homes and modular homes, shall be verified by the oath or affirmation of the applicant, and every such application by a partnership or corporation shall be verified by the oath or affirmation of a partner or an officer thereof. The applications for licenses shall be in such form and detail as the Commissioner shall prescribe.”

Effective July 1, 2005, every independent contractor installer or transporter who transports or installs new or used factory built homes within the State of Mississippi shall have passed a written examination (passing 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 factory-built homes in the State of Mississippi and questions specifically related to the practical installation (anchoring, blocking, and tie-down) of factory-built homes in this state. The examination shall be provided by the Commissioner or by a 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 application.

Prior to the issuance of a privilege license, the applicant shall verify in writing and/or submit a copy of training certificate, that he has attended an approved eight (8) hour installation and set up training class.

Effective July 1, 2005, every independent contractor installer or transporter who transports or installs new or used factory built (modular) homes within the State of Mississippi shall obtain written certification from each manufacture of a modular home intended for human habitation that he is to install and/or transport. Failure to obtain manufacturer certification may be grounds for denial of a modular endorsement as defined in Chapter III (Section 101).

- (J) 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 chapter.
- (K) Pursuant to Section 75-49-10, Code of Mississippi (1972), every license 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 and 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.

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 chapter.

Annual renewals of a retailer shall require, as a condition precedent, that the retailer verify by oath or affirmation that he maintains a retail sales lot in accordance with all rules and regulations promulgated by the Commissioner and that he has three (3) or more retail units for sale available on his retail lot. A retailer shall be responsible for installation requirements for manufactured or modular housing as set forth in Chapter IV of this Regulation.

Annual renewals of a developer's license shall require, as a condition precedent, that the developer verify and submit a copy of legal documentation indicating that the developer has five (5) or more locations for a factory-built home/land package.

- (L) Any company/individual who is found to be operating without an appropriate privilege 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 privilege license.
  - (2) Request a retailer's and developer's privilege license application. This application is to be returned, signed and notarized with a check for \$150.00 payable to the Office of the State Fire Marshal.
  - (3) Set an inspection date with the State Fire Marshal's Office which is required to verify compliance with this chapter prior to issuance of license.
  - (4) Be subject to penalties as set forth in Section 75-49-19 – *Violations; Penalties; Exceptions* – Code of Mississippi (1972).
- (M) 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 are otherwise licensed transporters or installers in other states. 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 to transport or install entered into during the period of the temporary license has been completed. Within five (5) days of any applicant delivery or beginning work as a transporter or installer under this section, the employer or person contracting with such person shall provide a copy of their installer license from out-of-state, proof of insurance and certify to the Commissioner such application without being deemed in violation of this act.

### **License Exceptions**

Pursuant to Section 75-49-5, Code of Mississippi (1972), the following entities or individuals are not required to have a privilege license:

- (1) An individual installing the manufactured 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 manufacturers, retailer or developers;
- (3) A transporter that conducts interstate transport through the State of Mississippi for manufacturers, retailer or developers and does not install at home sites intended for human habitation.

### **Section 202 – Manufacturers**

- (A) All manufacturer applicants shall certify in the application that they will fully comply with "modular homes" as defined in Section 101(A) of this code, a structure which is

primarily designed: (i) to provide permanent living quarters for year-round use; and (ii) a gross area exceeding 400 square feet in the set-up mode. This section does not apply to structures built under the 24 CFR 3280 and CFR 3282 of the National Manufactured Home Construction 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) and the American National Standards Institute (ANSI) 119.5.

- (B) All manufacturers of modular homes shall certify in the application that they will fully comply with the Regulation Number ME-2 for the Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes.
- (C) 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 responsible Architect and/or Engineer, duly registered in the State of Mississippi certifying that the building system complies with the standards.
- (D) After July 1, 2005, every manufacturer of modular homes shall submit written certification stating that the contractor installer is qualified to install their modular home. Where the State Fire Marshal's Office relies upon such certification, the manufacturer shall assume responsibility for the compliance with all provisions of the rules and regulations relative to installation. If, for just cause, a manufacturer revokes a contractor installer'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 203 - Approved Construction Inspection Agencies**

- (A) All approved construction inspection agencies applicants of modular homes shall certify in the application that they will fully comply with the International Residential Code as set forth under the Rules and Regulations provided in Section 75-49-5 and 75-49-11, Mississippi Code, 1972, as Amended.
  - (1) Each approved construction inspection agency shall:
    - (i) Monitor the compliance assurance program of each manufacturer which such agency serves;
    - (ii) Verify that modular homes and components have been manufactured pursuant to approved building system documentation and approved compliance assurance program;

- (iii) Authorize the attachment of labels to such modular homes and components; and
- (iv) Prepare all reports which the Division may reasonably require in carrying out its responsibilities under this Chapter.

(2) Initial Plant Certification Inspection

- (i) 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.
- (ii) The initial plant certification inspection shall consist of a complete evaluation of the manufacturer's adherence to its compliance assurance program and capability of producing unit of component in accordance with approved building system.
- (iii) The approved construction inspection agency shall become familiar with every aspect of the manufacturer's approved building system and compliance assurance program.
- (iv) The approved construction inspection agency shall make a complete inspection of the manufacturer of at least one (1) modular home or component throughout all of the operation in the facility. If the first unit or component inspected fails to conform to the standards, additional units or components shall be similarly inspected until the agency is satisfied that the manufacturer is complying with approved building system and the standards.

(3) Plant Certification Report

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

- (i) The name and address of the manufacturing facility;
- (ii) The name of the approved design review agency which approved the manufacturer's building system and compliance assurance program, and dates of approval;
- (iii) The name and titles of the inspection agency personnel performing the initial plant certification inspection;



- (iv) The serial numbers of the modular homes or components inspected;
  - (v) Full report of all inspections conducted, non-conformities observed and corrective actions taken, and
  - (vi) The date of certification
- (4) Frequency of Inspections

After initial plant certification, the approved construction inspection agency shall Inspect:

- (i) Each modular home or component in at least one stage of construction;
- (ii) Every stage of construction during the course of each inspection visit to a manufacturing facility.
- (iii) Conduct unannounced inspections at the manufacturing site to review any aspects of the manufacturing process
- (iv) Nothing in this paragraph shall preclude an approved construction inspection agency from conducting inspections at a greater frequency than the minimum prescribed herein if, in the agency's professional judgment, such action is necessary to discharge its responsibilities properly. In determining the appropriate frequency of inspection for any manufacturer, an approved construction inspection agency should consider such factors as:
  - a. The production volume of the factory;
  - b. The complexity of the design;
  - c. The qualifications of the manufacturer's quality control personnel;
  - d. The experience record of the manufacturer

#### **Section 204 - Approved Design Review Agencies**

- (A) All approved design review agencies applicants of modular homes shall certify in the application that they will fully comply with the International Residential Code as set forth under the Rules and Regulations provided in Section 75-49-5 and 75-49-11, Mississippi Code, 1972, as Amended.

- (1) Each approved design review agency shall:
  - (i) Investigate, evaluate, test, and, if justified, approve under the standards each set of building system documentation (or amendment thereto) submitted by the manufacturer(s) which such agency serves.
  - (ii) 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.
  - (iii) Prepare and periodic revise, as necessary, the building system approval report for each set of approved building system documentation and related compliance assurance program.
  - (iv) Prepare all reports which the Division may reasonably require in carrying out its responsibilities under this Chapter.
- (B) Nothing in this Chapter shall preclude the Division from approving a qualified person as both a design review and construction inspection agency

### **Section 205 - 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 therefore 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.
- (B) Submission of Building Systems
  - (1) General Requirements.
    - (a) An application for approval of a building system shall bear the signature and seal of the responsible architect and/or engineer, duly registered in the State of Mississippi, certifying that the building system complies with the standards.

- (b) All documents submitted with the application shall indicate the manufacturer's name, office address, and the address of the manufacturing facility.
  - (c) The manufacturer shall submit plans showing all elements relating to specific systems on properly identifiable sheets. All sheets shall contain a blank rectangular space near the title box for the approved design review agency's stamp of approval.
  - (d) All work to be performed on-site, including location of connection of all systems, equipment, and appliances, shall be identified and distinguished from work to be performed in the manufacturing facility.
  - (e) The nature, grade, and quality of all materials shall be specified.
  - (f) Design calculations and test reports shall be submitted when required.
  - (g) Drawings shall be drawn to scale, dated, and identified. The number of sheets in each set shall be numbered.
  - (h) Drawings shall indicate the location of the label and data plate.
- (2) 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);
    - (i) General
      - (a) Details and methods of installation of modular building units or components on foundations and/or to each other.
      - (b) All exterior elevations.
      - (c) Cross sections as necessary to identify major building components.
      - (d) Details of flashing, such as at openings and at penetrations through roofs and sub-component connections. Indicate flashing material and gauge to be used.
      - (e) Attic access and attic ventilation.
      - (f) Exterior wall, roof, and soffit material as well as finish.

- (g) Interior wall and ceiling finish material.
  - (h) Tenant separation walls.
  - (i) Sizes, locations, and types of doors and windows.
  - (j) Recommended foundation plans, vents, and under floor access.
  - (k) Insulation value for water, piping, air ducts, walls, attic flues, and ground flues (if above grade).
  - (l) Information contained in the manufacturer's data plate.
- (ii) Component Usage.
- (a) Intended use.
  - (b) Area, height, and number of stories.
  - (c) Type of construction.
  - (d) Fire resistance ratings.
- (iii) Space and Fire Safety.
- (a) Detail of fire resistance rated assemblies for all stairway enclosures, doors, walls, floors, ceilings, partitions, columns, roof, and shaft enclosures.
  - (b) Details as to width of all aisles, exits, corridors, passageways, and stairway enclosures.
  - (c) Toxicity and flame spread classification of finished materials.
  - (d) Structural
  - (e) Engineer's calculations of structural members, framing, and foundation, where appropriate.
  - (f) Design soil bearing value
  - (g) Structural and framing details of all floors, walls, and roof.
  - (h) Details and stress diagrams of roof trusses.

- (i) Details of reinforcing steel.
  - (j) Complete loading schedule
  - (k) Column loads and column schedule.
  - (l) Lintel schedule.
  - (m) Size, spacing, and details of all structural elements.
  - (n) Grade or quality of all structural elements (lumber, steel, etc)
  - (o) Elevation of structural elements, walls, or sections thereof, providing resistance to vertical loads or lateral forces
  - (p) Complete details of all structural connection
- (iv) Mechanical.
- (a) Location of all equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.
  - (b) Heat gain and loss calculations.
  - (c) Manufacturer's name, make, model, number, BTU, input rating of all equipment and appliances, as appropriate, or the equivalent thereof.
  - (d) Duct and register locations, sizes, and materials.
  - (e) Clearances from combustible material or surfaces for all ducts, flues, and chimneys.
  - (f) Method of providing required combustion air and return air.
  - (g) Location, size, and weight of flues, vents, and chimneys and clearances from air intakes and other vents and flues.
  - (h) Details regarding dampers in ducts penetrating fire separations.
  - (i) Complete drawings of fire sprinkler systems, standpipe system, or fire alarm system, if required.

- (j) Detail of elevator or escalator system, including method of emergency operation.
- (v) Plumbing
- (a) Plan or schematic drawing of the plumbing layout, including, but not limited to, size of piping, fittings, traps and vents, cleanouts and valves, of gas, water, waste, and drainage systems.
  - (b) Plumbing materials, location of all equipment and appliances to be used. Indicate the fixture unit capacity of the system(s) and make, model, and rating/capacity of equipment and appliances. Indicate equipment and appliances listed or labeled by approved agencies.
  - (c) Make and model of safety controls (such as for water heaters), their location, and whether listed or labeled by approved agencies.
  - (d) Method of supporting piping and intervals of support.
  - (e) Location, size, and height of vents above roofs and required clearances, including, but not limited to, clearances from air intakes, other vents, and flues.
  - (f) Location and methods of penetration of piping through load-bearing structural members.
  - (g) Methods of testing.
- (vi) Electrical
- (a) Single line diagram of the entire electrical installation.
  - (b) Load calculations for service and feeders.
  - (c) Sizes of all feeders and branch circuits.
  - (d) Size, rating, and location of main disconnect/over-current protective devices.
  - (e) Method of interconnection between modular building units or components and location of connections
  - (f) Location of all outlets and junction boxes.

- (g) Method of mounting fixtures and wiring installations.
- (C) 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.
- (D) Submission of Compliance Assurance Programs
- 1. General Requirements.
    - a. It is the responsibility of the manufacturer to
      - (1) Execute every aspect of its compliance assurance program,
      - (2) Take any required corrective action with respect to such program.
    - b. The manufacturer shall cooperate with the approved construction inspection agency by providing such agency with all necessary reports, information, documents, records, facilities, equipment samples, and other assistance for assuring compliance.
    - c. An application for approval of a compliance assurance program shall be submitted in the form of a compliance assurance manual containing complete documentation of all the compliance assurance activities of the manufacturer. The manual shall include an index, and shall treat in detail the following material:
      - (i) Organizational Structure.
        - (a) An organizational structure (including names, training, and qualification of responsible officers and employees) for implementing and maintaining the compliance assurance program, and its functional relationship to other elements of the manufacturer's organizational structure. The personnel in charge of the compliance assurance program must be independent of the production department.
        - (b) A uniform system of audit (in-depth analysis of program effectiveness and means to identify deficiencies) to monitor program performance periodically.

- (c) Complete and reliable records of manufacturing and site operations (if any). Suitable means of storage, preservation, and accessibility of copies of forms to be utilized shall be included.)
  - (d) A system to control changes in production or inspection procedures.
  - (e) A system to assure that working drawings and specifications, working instructions and standards, procurement documents, etc., conform to the approved building system.
  - (f) A serial numbering system for modular building units or components.
  - (g) 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.
  - (h) A procedure for periodic revision of the manual.
- (ii) Materials Control.
- (a) Procedures to assure effective control over procurement sources to ensure that materials, supplies, and other items used in production and site operations (if any) conform to the approved building system.
  - (b) Procedures for inspection of materials, supplies, and other items at the point of receipt.
  - (c) Method of protection of materials, supplies, and other items against deterioration prior to their incorporation in the labeled modular building unit or component.
  - (d) Provision for disposal of rejected materials, supplies, and other items.
- (iii) Production Control.
- (a) Procedures for timely remedial and preventive measures to assure product quality.



- (b) Provision, maintenance, and use of testing and inspecting equipment to assure compliance with the approved building system.
  - (c) Provision for frequency of sampling inspections.
  - (d) Provision of necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs.
  - (e) A schematic detail of the manufacturing operation showing the location of inspection stations and “hold” points for mandatory inspection characteristics.
  - (f) Inspection and test procedures, including accept/reject criteria and mandatory inspection characteristics.
  - (g) Standards of workmanship.
  - (h) Provision for disposal of rejects.
- (iv) Finished Product Control
- (a) Procedure for final inspection of all modular homes 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.
- (v) Installation Control.
- (a) Installation procedures, including component placement, equipment, and procedures, field erection and finishing work, utility connection instructions, and all appropriate on-site inspection criteria and test descriptions
  - (b) Organization provisions for field repair and disposal of rejects.

(E) Review and Approval.

- (1) The approved design review agency shall evaluate the building system and compliance assurance program documentation to determine compliance with the standards. Such agency may require tests to determine whether a building system or compliance assurance program meets the standards if that determination cannot be made from evaluation of plans, specifications, and documentation alone.
- (2) The approved design review agency shall approve the manufacturer's building system and compliance assurance program when it determines that they meet the standards. Within thirty (30) days of approval, such agency shall forward to both the manufacturer and 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.

(F) Amendments.

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

(G) Variations.

- (1) No approved building system (or amendment thereto) shall be varied in any way without prior authorization by the approved design review agency. If such authorization is oral, it shall be confirmed in writing within ten (10) days.
- (2) All approved variations shall be made a part of the written record of the approval of the building system.

(H) Withdrawal of Approval.

- (1) The Division or approved design review agency may withdraw the approval of any building system or compliance assurance program if:
  - a. Such approval was granted in error;
  - b. Such approval was granted on the basis of incorrect information; or
  - c. Such building system or compliance assurance program fails to comply with the provisions of this chapter.
- (2) The Division or agency instituting withdrawal of approval shall notify the manufacturer in writing within ten (10) days of the effective date of such

withdrawal. Such notice shall clearly set forth the reasons for the withdrawal of approval.

- (3) Upon such withdrawal of approval, the manufacturer shall not attach a label to any modular home or component manufactured pursuant to the building system or compliance assurance program whose approval was withdrawn. However, the department or approved construction inspection agency may thereafter label such units or components as it determines to be in compliance with the standards after a complete inspection.
- (4) The manufacturer shall return all unused labels allocated for 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 is no longer needed.

#### **Section 206 - 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. 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; and
  - (6) The title and edition of each applicable nationally recognized code with which the unit or component complies.
- (B) The data plate(s) shall also include the following information, if required by the standards:
  - (1) Identification of permissible type of gas for appliances and directions for water and drain connection;
  - (2) Snow, wind, seismic, and other live loads as required in Chapter 3 of the IRC;

- (3) Electrical ratings - instructions and warnings on voltage; and
  - (4) Special conditions or limitations on use of the unit or component, including unsuitability for areas in which specified environmental conditions prevail.
- (C) The data plate(s) shall be attached to the 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 and as may be revised or amended.

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

- (1) In a manual crated with the component, if such information will be needed by future occupants of the building; or
  - (2) On a tag attached to the crate in which the component is shipped, if such information will not be needed by future occupants of the building.
  - (3) If life safety is affected, the item in question shall be plainly designated.
- (D) The Department will supply data plates to approved construction inspection agencies upon request. Each data plate will be serially numbered, and 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) Section 75-49-1 MS Code.”**

- (E) If the approved construction inspection agency determines that a manufacturer’s record of compliance is such that the agency needs 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 of 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; and shall take such further action with respect to units or components already labeled, and with respect to future labeling, as such agency may deem necessary to assure compliance with this chapter.

- (F) The approved construction inspection agency or, if entrusted with labels as provided in paragraph (3) above, the manufacturer shall keep permanent records of the handling of all data plates. A copy of such records shall be sent to the Division upon request. The records shall specify at least:
- (1) The number of data plates attached to modular homes or components;
  - (2) Each unit or component to which a data plate has been attached, and the serial number of such data plate;
  - (3) The disposition of any damaged or rejected data plates; and
  - (4) The location and custody of all unused data plates.
- (G) Fees
- (1) For each data plate to be attached to a modular home or component shall be an administrative fee.
  - (2) The fee for replacement of a lost, damaged, or removed data plate shall be an administrative fee per data plate.
  - (3) 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 paragraph (3) of this rule.
  - (4) Data plate fees shall be paid by check or money order made payable to the Office of the State Fire Marshal.
  - (5) The approved construction inspection agency shall forward all payment for data plates to the Department within ten (10) days after receipt of such payment.

#### **Section 207 - 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 non-destructive disassembly as such agency deems necessary to assure compliance with this chapter.

### **Section 208 - 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 209 - 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 and developer shall furnish the installer and affected local government with a complete set of installation specifications at least ten (10) days prior to the commencement of installation work.
- (C) Specific installation procedures provided by the manufacturer shall include:
  - (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 210 - Developers**

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

- (A) Demonstrate to the Commissioner that he has a good general working mechanical knowledge of factory-built, manufactured, mobile or modular homes construction and repair;
- (B) Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which factory-built homes are anchored and blocked in accordance with rules, regulations and procedures that are promulgated by the Commissioner;
- (C) Demonstrate to the Commissioner that any developer or retailer engaged in the manufacture and retail sell of new manufactured factory-built, mobile or modular homes to the general public shall post a notice in the kitchen area stating:

**CONSUMER NOTICE**

**INSTALLATION REQUIREMENTS FOR BLOCKING, ANCHORS AND THE TIE-DOWNS FOR ALL NEW AND USED FACTORY-BUILT HOMES IN THE STATE OF MISSISSIPPI BY THE FACTORY-BUILT HOME DIVISION SHALL BE AS DEFINED BELOW:**

**• NEW FACTORY-BUILT HOMES •**

**DURING THE FIRST 12 MONTHS FROM THE DATE THE FACTORY-BUILT HOME IS SITED AT THE LOCATION INTENDED FOR HUMAN HABITATION AS VERIFIED BY THE DATE ON THE INSTALLATION DECAL AFFIXED TO THE FACTORY-BUILT HOME BY THE LICENSEE IN COMPLIANCE WITH SECTION 75-49-7(2).**

**• USED FACTORY-BUILT HOMES •**

**DURING THE FIRST 12 MONTHS FROM THE DATE THE FACTORY-BUILT HOME IS SITED AT THE LOCATION INTENDED FOR HUMAN HABITATION AS VERIFIED BY THE DATE ON THE INSTALLATION DECAL AFFIXED TO THE FACTORY-BUILT HOME BY THE LICENSEE IN COMPLIANCE WITH SECTION 75-49-7(2).**

**FACTORY-BUILT HOME DIVISION  
OFFICE OF THE STATE FIRE MARSHAL,  
P.O. BOX 79, JACKSON, MS 39205,  
(601) 359-1061 OR WATTS: 1-888-648-0877**

- (D) Demonstrate to the Commissioner that he shall have or has adequate facilities for the repair and servicing of factory-built homes or modular homes and storage of parts and accessories and has at least one operable service truck. If, however, the developer is contracting out all installation, repair and service, then he shall provide a duplicate of the executed contract to the Commissioner and said contract shall contain a clause stating that the Commissioner shall be notified 30 days in advance of its cancellation.
- (E) Demonstrate to the Commissioner that he has an adequate space to display his factory-built homes at each development site and that he has or shall maintain a permanent sales/business office within the State of Mississippi with running water and sewer facilities for public comfort and convenience, comply with all local ordinance signage requirements, and to comply with the county health department regulations and other applicable safety standards for a permanent structure in the county or municipality in which they are located. If there are no municipality or county signage requirements, the sign shall be at least four (4) feet by eight (8) feet in size with lettering at least twelve (12) inches high with the sign to be prominently located on the site for viewing by the public;

- (F) 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 Factory-Built Homes Law as Related to Modular Homes (ME-2) as they pertain to the responsibilities of a retailer or developer to properly safeguard the public interest in that no distributor, retailer or developer shall make use of transportation affecting interstate or foreign commerce or the mail to sell, lease, or offer for sale or lease in the State of Mississippi any factory-built home unless the distributor or retailer, acting as a reasonable distributor or retailer, does not know that the factory-built home does not conform to applicable standards. This prohibition of sale applies to any affected modular homes until the completion of the entire sales transaction. A sales transaction with a purchaser is considered completed when all the goods and service that the retailer has agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale will be at the time the retailer completes setup of the factory-built home if the retailer has agreed to provide setup, if the retailer has not agreed to transport or setup the factory-built home, this prohibition of sale does not apply; and ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training and thereafter, attend eight (8) hours training every three (3) years to be approved and/or provided by the Factory-Built Home Division. (Display current training certificates of all sales staff at the retailer's current business location.)
- (G) To ensure compliance with Section 75-49-9(2), it shall be the responsibility of each manufacturer, retailer, developer and installer/transporter to submit a Installation Property Locator form to the Factory-Built Home Division of the State Fire Marshal's Office for all factory-built, manufactured, mobile or modular homes that is scheduled to be delivered or installed within seventy-two (72) hours (3 days) of installation of home during regular business hours. The Installation Property Locator form is to enable the Factory-Built Home Division to conduct random inspections as required according to the Division.

### **Section 211 – Retailers**

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

- (A) Demonstrate to the Commissioner that he has a good general working mechanical knowledge of factory-built, manufactured, mobile or modular homes construction and repair;
- (B) Demonstrate to the Commissioner that he has a good practical working knowledge 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;
- (C) Demonstrate to the Commissioner that he has an adequate space to display his modular homes at each sales lot and that he has or shall maintain a permanent sales office located at each of those sales lots with running water and sewer facilities for public comfort and



convenience, comply with all local ordinance signage requirements, and to comply with the county health department regulations and other applicable safety standards for a permanent sales site in the county or municipality in which they are located. If there are no municipalities or county signage requirements, the sign shall be at least four (4) feet by eight (8) feet in size with lettering at least twelve (12) inches high with the sign to be prominently located on the site for viewing by the public. Nothing in this regulation shall prohibit a licensed Mississippi permanent retailer sales center from conducting a temporary promotional activity to retail consumers at a location other than its licensed permanent retailer location center so long as:

- (1) The activity does not exceed seventeen (17) consecutive days in duration and is not repeated at that location within the next six (6) months;
- (2) The activity is within the county in which the retailer sales center has a permanent license or within fifty (50) miles radius of the location of the permanent licensed Mississippi sales center location, whichever is greater;
- (3) The temporary promotional site has running water and sewer facilities for public comfort and convenience and to comply with the health and safety standards as well as other local ordinance requirements for a temporary sales site in the county or municipality in which the site is they are located;
- (4) The temporary promotional site has 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 permanent licensed sales center retailer location, with the sign to be prominently located on the temporary promotional site for viewing by the public;
- (5) There is adequate space to display the factory-built homes at the temporary promotional site, and;
- (6) A license must be is granted 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 site;
- (7) The licensed Mississippi retailer shall provide a thirty (30) day advance notice to the Factory-Built Home Division of the State Fire Marshal's Office for the purpose of license application, all counties or municipalities, permits and site inspection. The license will only be good for the seventeen (17) day time frame requested.
- (8) The licensed Mississippi retailer shall submit its application for a license to the Factory-Built Home Division of the State Fire Marshal's Office at least thirty (30) days prior to the proposed effective date of the temporary promotional event. Any license issued will only be good for the seventeen (17) day time frame or any

shorter period of time requested. Any license issued will only be effective for that period of time [actual days] in which sales are actively solicited or the period of time in which the homes are promoted by the retailer.

- (D) Demonstrate to the Commissioner that he shall have or has adequate facilities for the repair and servicing of modular homes and storage of parts and accessories and has at least one operable service truck. If, however, the retailer is contracting out all installation, repair and service, then he shall provide a duplicate of the executed contract to the Commissioner and said contract shall contain a clause stating that the Commissioner shall be notified 30 days in advance of its cancellation.
- (E) Demonstrate to the Commissioner that any retailer or developer engaged in the manufacture and retail sale of new manufactured, factory-built, mobile or modular homes to the general public shall post a notice in the kitchen area stating:

### **CONSUMER NOTICE**

**INSTALLATION REQUIREMENTS FOR BLOCKING, ANCHORS AND TIE-DOWNS FOR ALL NEW AND USED FACTORY-BUILT HOMES IN THE STATE OF MISSISSIPPI BY THE FACTORY-BUILT HOME DIVISION SHALL BE AS DEFINED BELOW:**

**• NEW FACTORY-BUILT HOMES •**

**DURING THE FIRST 12 MONTHS FROM THE DATE THE FACTORY-BUILT HOME IS SITED AT THE LOCATION INTENDED FOR HUMAN HABITATION AS VERIFIED BY THE DATE ON THE INSTALLATION DECAL AFFIXED TO THE FACTORY-BUILT HOME BY THE LICENSEE IN COMPLIANCE WITH SECTION 75-49-7(2).**

**• USED FACTORY-BUILT HOMES •**

**DURING THE FIRST 12 MONTHS FROM THE DATE THE FACTORY-BUILT HOME IS SITED AT THE LOCATION INTENDED FOR HUMAN HABITATION AS VERIFIED BY THE DATE ON THE INSTALLATION DECAL AFFIXED TO THE FACTORY-BUILT HOME BY THE LICENSEE IN COMPLIANCE WITH SECTION 75-49-7(2).**

**FACTORY-BUILT HOME DIVISION  
OFFICE OF THE STATE FIRE MARSHAL,  
P. O. BOX 79, JACKSON, MS 39205,  
(601) 359-1061 OR WATTS: 1-888-648-0877**

- (F) Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the Modular Regulations ME-2005-2 as they pertain to the responsibilities of a retailer or developer to properly safeguard the public interest in that no distributor, retailer or developer shall make use of transportation affecting interstate or foreign commerce or the mails to sell, lease, or offer for sale or lease in the

State of Mississippi any factory-built home unless the distributor or retailer, acting as a reasonable distributor or retailer, does not know that the factory-built home does not conform to applicable standards. This prohibition of sale applies to any affected manufactured homes until the completion of the entire sales transaction. A sales transaction with a purchaser is considered completed when all the goods and service that the retailer has agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale will be at the time the retailer completes setup of the factory-built home if the retailer has agreed to provide setup, if the retailer has not agreed to transport or setup the factory-built home, this prohibition of sale does not apply; and ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training and thereafter, attend eight (8) hours training every three (3) years to be approved and/or provided by the Factory-Built Home Division. (Display current training certificates of all sales staff at the retailer's current business location.) The employer of sales staff is responsible for submit in writing to the Factory-Built Home Division a list of all sales staff and their date of employment.

With annual renewal applications, all copies of approved certificates of training shall be submitted by the retailer for their sales staff to the Factory-Built Home Division and affirmation in writing, as required by the Division, and: (1) If selling manufactured (HUD) homes or mobile homes, the retailer shall have three (3) retail units for sale available on his retail lot; (2) If the retailer is also engaged in the sale of modular homes, shall also be required to have at least five (5) available modular home sites. A retailer shall be responsible for installation requirements for manufactured or modular housing as set forth in Section IV of this Regulation.

### **Section 212 - Independent Contractor Installer or Transporter**

In order to protect the health, safety and welfare of the public of this State, each applicant for an independent contractor installer or transporter licensee shall:

- (A) Demonstrate to the Commissioner that the he has a written certification from each manufacturer of the modular homes he will be installing. Where the State Fire Marshal's Office relies upon such certification, the manufacturer shall assume responsibility for the compliance with all provisions of the rules and regulations relative to installation.
- (B) Demonstrate to the Commissioner that he has a good general working mechanical knowledge of a modular home construction and repair.
- (C) Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which modular homes are installed, in accordance with rules, regulations and procedures promulgated by the Factory-Built Home Division of the State Fire Marshal's Office.

Effective July 1, 2005, every independent contractor installer or transporter who transports or installs new or used factory built homes within the State of Mississippi shall have passed a written examination (passing 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 factory-built homes in the State of Mississippi and questions specifically related to the practical installation (anchoring, blocking, and tie-down) of factory-built homes in this state. The examination shall be provided by the Commissioner or by a 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 application.

Prior to the issuance of a privilege license the applicant shall:

1. Verify in writing and/or submit a copy of training certificate that he has attended an approved eight (8) hour installation and set up training class.
  2. Provide a copy of his manufacturer certification(s).
- (D) 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.
- (E) Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the International Residential Code, as they pertain to the responsibilities of installers or transporters to properly safeguard to the public interest.
- (F) Demonstrate to the Commissioner that he is in compliance with the Mississippi Department of Transportation (MDOT) as the regulatory agency for transportation in the State of Mississippi. All licensees (manufacturers, retailers and developers and installer/transporters) shall comply with the requirements regarding transportation of factory-built homes under the jurisdiction of MDOT in the State of Mississippi.
- (G) 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.
- (H) Demonstrate to the Commissioner that installer/transporters who conducts secondary moves of factory-built or modular homes shall have a written contract with the consumer and that the installer/transporter will maintain a copy of the said contract on file for a period of not less than eighteen (12) months available for random inspections by the Factory-Built Home Division pursuant to Section 75-49-5, Code of Mississippi (1972).
- (I) All installer/transporters, retailers and developers who install new or used factory-built homes or 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 the cost of production of the decals. This decal shall denote the current date of the licensing period. Decal must be placed on the driver's side door of the vehicle in plain view to verify current license.

- (J) On or from July 1, 2005, after the receipt of verifiable information from any source, all independent contract installers retained by homeowners, retailers, developers or manufacturers shall be subject to the fines as set forth in this chapter for the improper installation of mobile, factory-built or modular homes.
- (K) All independent contracted installer/transporters, retailers, developers or manufacturers shall permanently attach a serial numbered installation decal near the electrical panel box on each modular home verifying as having been installed in accordance with the manufacturer's specification, the authority having jurisdiction in coded areas or in the absence of an installation manual, the State of Mississippi's rules and regulations by:
1. Requesting such installation decals from the State Fire Marshal's Office who will supply decals to each licensed retailer, developer 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. (SECTION 75-49-1 ET SEQ., CODE OF MISSISSIPPI (1972), AS AMENDED)**

### **Section 213 – Dispute Resolution Program**

- (A) The provisions of the Rules and Regulations for the Uniform Code for the Factory-Built Homes Law shall govern all matters and procedures respecting the hearing and judicial review of any contested case arising under this chapter.
- (B) An administrative review of all licensees [manufacturers, retailers, developers, and installer/transporters] privilege licenses pursuant to Section 75-49-9(7) of the Mississippi Code, Annotated, shall be conducted upon receipt of any verifiable complaint(s) of any nature that exceed sixty (60) days in length without resolution, which may lead to a possible licensure hearing (hereafter known as the Dispute Resolution Program) pursuant

to Section 75-49-13 of the Mississippi Code, Annotated, as amended. The sixty (60) day period shall not serve as a mandatory waiting period, and in the appropriate case the Commissioner may, at his discretion, schedule a licensure hearing prior to the expiration of sixty (60) days.

(C) The Dispute Resolution Program is as follows:

- (1) The Commissioner shall not:
  - (a) Deny an application for a license without first giving the applicant a hearing, or an opportunity to be heard, on the question of whether he is qualified under the provisions of this chapter to receive the license applied for.
  - (b) 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 this chapter upon which to base such revocation or suspension.
- (2) 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 complaint setting forth the grounds upon which the complaint is based.
- (3) The Commissioner may on his own motion call a hearing for the purpose of taking action in respect to any matter within his jurisdiction.
- (4) 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 and the questions or issues to be decided by the Commissioner at such hearing and the time when and the 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, and addressed to their last known address.
- (5) 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 his request and at his expense. Testimony taken at all such hearings shall be taken either stenographically or by machine.
- (6) If any party who is notified of a hearing in accordance with the requirements of this chapter fails to appear at such hearing, either in person or by counsel, then and in that event the Commissioner may make any decision and take any action

he may deem necessary or appropriate with respect to any issue or question scheduled for hearing and decision by him at such hearing which affects or may affect the rights of such defaulting party, and such defaulting party shall have no right of appeal under the provisions of this chapter.

- (7) 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.
- (8) 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 fees provided for 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.
- (9) The following procedure shall govern in taking and perfecting appeals:
  - (a) 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 subsection (6) 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, but 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, and 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 this chapter, 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

- (b) 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.
- (10) 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.
- (11) The Commissioner shall prescribe his rules of order or procedure in hearings or other proceedings before it under this chapter; provided, however, that such rules of order or procedure shall not be in conflict or contrary to the provisions of this section.



- (a) Nothing in these rules and regulations 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.

**Civil Penalties, Section 75-49-19(1):**

- (A) Whenever the State Chief Deputy Fire Marshal or State Deputy Fire Marshal have probable cause to believe that any person has knowingly and willingly violated any of the provisions of this chapter or any rule or regulation made hereunder, said person shall be liable to the State of Mississippi for a civil penalty of not more than \$1,000 for each such violation.
- (B) Each violation of a provision of this chapter or a rule or 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 require thereby, except that the maximum civil penalty may not exceed one million dollars (\$1,000,000.00) for any related series violations occurring within one year of the date of the first violation.
- (C) 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.

**Section 214 - Severability.**

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

**IV. INSPECTION PROCEDURES**

- (A) The Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect each manufacturing location to assist and insure that modular homes are being constructed in compliance with the International Residential Code, and these Rules and Regulations.

- (B) The Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect each retailer and developer location to insure that modular homes offered for sale comply with the International Residential Code and these Rules and Regulations.
- (C) The Factory-Built Home Division of the State Fire Marshal's Office may, at reasonable hours and without advance notice:
- (1) Inspect any activities carried on by a modular home manufacturer, retailer, developer, or installer transporter which are regulated under this chapter; and
  - (2) Monitor the performance of any approved modular home inspection agency in order to determine whether it is properly discharging its responsibilities under this chapter.
- (D) Results of the inspection may be made available to the modular home manufacturers, retailers or developers upon 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.
- (E) It shall be a violation of these Rules and Regulations 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 having been so identified, shall not be sold or offered for sale in the State of Mississippi. Anyone tampering with or removing this Identification Tag from this unit will be prosecuted as set forth in this Regulation, and shall be subject to revocation of his license."**

- (F) 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 thereon.
- (G) When the State Fire Marshal has reasonable ground to believe that a unit has been constructed in non-compliance with these standards, he may require, at the manufacturers expense that the walls, floors, decking or other panels be removed for the purpose of inspection.
- (H) Units having been identified as being in non-compliance with these Rules and Regulations and having a non-compliance tag attached may be transported and relocated only after notice has been given to the Factory-Built Home Division of the State Fire Marshal's Office. Such notice will set forth the purpose for moving such unit, to whom the unit is to be delivered along with complete mailing address and telephone number, serial number, and any other information as may be requested.

- (I) When such 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 and if found 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.
- (J) All modular homes, delivered by retailers, developers or installer/transporters to any site where such home is to be used for human habitation shall be in accordance with rules, regulations and procedures as required by the Factory-Built Home Division of the State Fire Marshal's Office, pursuant to Section 75-49-7, Mississippi Code, 1972.
- (K) The Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect site location where modular homes, which include new and used modular homes, have been delivered by retailers, 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 Rules and Regulations, Section 75-49-7, Mississippi Code, 1972, Annotated.
- (L) Manufacturing plants located in or outside of the State of Mississippi, modular homes retailer's sales lots, developer's lots, 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 Duly Authorized Representative as required to insure Compliance with Section 75-49-11, Mississippi Code, 1972, Annotated, as amended, as well as these Rules and Regulations.
- (M) Upon request, the Division will provide clarification in the field of technical data relating to the application of the standards by referring you to a professional engineer.
- (N) When any provision of Section 75-49-1 through 75-49-21, Mississippi Code, 1972, Annotated, as Amended, effective July 1, 1992, is violated, the State Chief Deputy Fire Marshal, State Deputy Fire Marshals or Duly Authorized Representative shall file appropriate action as set forth in Section 75-49-19 MS Code, 1972, Annotated. The penalties include:
  - (1) Any person who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder 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 this chapter or a rule or 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 provision s of this chapter or any rules and

regulations made hereunder 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, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

- (3) This chapter 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 is not in conformity with applicable factory-built construction and safety standards, or to any person who, before to 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 the applicable license under this chapter and who is required to obtain such a license under this chapter, and who may knowingly and willfully violate any provisions of this chapter or any rules and regulations made hereafter with respect to the manufacture or, selling or distribution of, safe anchoring and blocking of a factory-built home when intended to be used for human habitations is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.
- (O) 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 installer/transporters that are transporting factory-built homes to verify compliance with Sections 75-49-9, 75-49-19 and these rules and regulations.

## **V. LOCAL CODE ADOPTION AND INSPECTION**

- (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 who has adopted Section 75-49-21, MS Code, 1972, Annotated, will be regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance with these Rules and Regulations of the "Uniform Standards Code for Factory-built Homes Law as related to Modular Homes" and as such will assume responsibility for local code enforcement and inspections procedures thereof, which are defined as modular homes within their respected jurisdictions.
- (B) Local government 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:

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

## **VI. APPLICABILITY**

After July 1, 2005, the provisions of this Chapter shall apply to all modular homes used for residential occupancy.

## **VII. REPEAL OF REGULATION ME-1997-1**

Regulation ME-1997-1 shall be repealed upon adoption of the Regulations.

## **VIII. EFFECTIVE DATE**

This Regulation shall become effective on April 15, 2006.