

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Department of Administration - Building Code Division
(Agency or Board)

Regulation No. MOH 103 thru 904 (amended)

Subject: Mobile Homes

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

MAY 30 1975 3:45 pm

BY Eda Staudenmaier
AUTH. SIGNATURE EJ

Stamped and filed with the Secretary of State 5-30-75

Rev. 9-72

SET #2

PUBLIC HEARING

March 4, 1975

Mobile Homes

Building Code Division

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General J. Michael Miles, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

J. Michael Miles
SPECIAL ASSISTANT ATTORNEY GENERAL

Date: 5/20/75

Exhibit 6

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE

COMMISSIONER OF ADMINISTRATION

In the matter of the Proposed Adoption of Amendments to the Rules and Regulations of the Building Code Division, Department of Administration, Relating to Mobile Homes.

APPOINTMENT

Herbert W. Meyer is hereby appointed to serve as hearing officer on behalf of the Commissioner of Administration in the above-captioned matter, said hearing to be held on March 4, 1975, and continue until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

This appointment is made pursuant to Minnesota Statutes 1971, Section 327.24, Subdivision 3.

Richard L. Brubacher
Commissioner of Administration

Dated: 1-17-75

Exhibit A

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE

COMMISSIONER OF ADMINISTRATION

In the matter of the Proposed Adoption of Amendments to the Rules and Regulations of the Building Code Division, Department of Administration, Relating to Mobile Homes.

ORDER FOR HEARING

To effectively implement Minn. Stat. 1971, Section 327.33, the Commissioner of Administration deems it necessary to consider adoption of certain amendments to the Rules and Regulations of the Building Code Division, Department of Administration, Relating to Mobile Homes pursuant to the authority vested in the Commissioner by the Statute cited above.

NOW, THEREFORE, IT IS ORDERED this 24th day of January, 1975, that a public hearing on the proposed amendments be held in the Conference Room of the Building Code Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota, commencing at 9:00 a.m., and continuing until all local governmental units, representatives of associations, and other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given pursuant to the provisions of Minn. Stat. 1971, Section 15.0412, Subdivision 4, and to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

Richard L. Brubacher

Richard L. Brubacher
Commissioner of Administration

Exhibit B

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE

COMMISSIONER OF ADMINISTRATION

In the matter of the Proposed Adoption of Amendments to the Rules and Regulations of the Building Code Division, Department of Administration, Relating to Mobile Homes.

STATEMENT OF NEED

Pursuant to Minn. Stat. 1971, Chapter 327, Section 327.33, Subdivision 3, the Commissioner of Administration may adopt such amendments as may be necessary to administer and enforce Sections 327.31 - 327.34 including such periodic revisions of the Code as he may deem necessary to protect the health and safety of the public.

Further, the Commissioner of Administration may hold public hearings at such times as interested parties petition for revisions to the Mobile Homes Building Code. Pursuant to Minn. Stat. 1971, Section 15.0412, Subdivision 1 and 4, the Commissioner is empowered to promulgate reasonable substantive rules and may also amend rules as is deemed necessary upon a showing of need for the revisions subsequent to a public hearing. Further, the Commissioner of Administration may hold public hearings at such times as interested parties petition for revisions to the Mobile Homes Building Code. The above captioned amendment falls within the above mentioned conditions and is deemed of sufficient importance to warrant consideration through the process of public hearing.

Richard L. Brubacher

Richard L. Brubacher
Commissioner of Administration

Exhibit C

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE

COMMISSIONER OF ADMINISTRATION

In the matter of the Proposed Adoption of Amendments to the Rules and Regulations of the Building Code Division, Department of Administration, Relating to Mobile Homes.

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. 1971, Section 327.33, and Minn. Stat. 1971, Section 15.0412, Subdivision 4, regarding the above-entitled matter, in the Conference Room of the Building Code Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota, 55101, commencing at 9:00 a.m., March 4, 1975, and continuing until all local governmental units, all representatives of associations and other interested groups or persons have had an opportunity to be heard concerning the adoption of the proposed rules captioned above by submitting either oral or written data, statements, or arguments. Statements or briefs may be submitted without appearing at the hearing.

The proposed amendments to the Rules and Regulations of the Building Code Division, Department of Administration, Relating to Mobile Homes, are attached. Copies of all said amendments are also available for inspection at Room 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota, 55101, and additional copies of the amendment materials will be available at the door on the date of the hearing. Telephone inquiries regarding the amendments should be directed to 612-296-4639.

A copy of the procedural rules for the hearing is attached. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand and may be presented either orally or in writing at the public hearing or by mailing a statement to Herbert W. Meyer, State Building Inspector, at the above mentioned address within 20 days following the conclusion of the subject hearing. If the person submitting a statement cannot be present to read his statement at the time of the hearing, the statement will be entered into the record. For those wishing to submit written statement or exhibits, it is requested that at least three (3) copies of such statement, exhibit, or summary be furnished at the hearing. It is suggested that to save time and avoid duplication, those organizations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

Amendments to be heard are as follows:

MoH 103 Definitions. In addition to the definitions contained herein, the definitions in ANSI A119.1 or NFPA 501B shall apply.

1. Accessory.

A. A subordinate structure ~~in addition to, or supplementing a mobile home,~~ which, when installed, becomes a part of a mobile home,

B. Components which constitute portions or parts of ground support and anchoring systems.

MoH 201 Requirement for Construction Seals.

1. After July 1, 1972, no person shall:

A. Sell or offer for sale, in this state, any mobile home manufactured after July 1, 1972,

B. Manufacture any mobile home, in this state or,

C. Park any mobile home manufactured after July 1, 1972, in any mobile home park in this state, unless the mobile home complies with the code and the Commissioner's revisions thereto, bears a construction seal issued by the Commissioner and is accompanied by a construction compliance certificate by the manufacturer or dealer, on a form issued by the Commissioner, both evidencing that it so complies with the code.

Rev 7-B 72(272

Mobile homes manufactured prior to July 2, 1972, or bearing the construction seal of a state having reciprocity with the state of Minnesota need not bear a Minnesota construction seal.

2. After July 1, 1972, no person shall alter any mobile home bearing, or required to bear, a construction seal as provided in MoH 201(1), unless said person has complied with MoH 701.

MoH 210 Compliance Certificates.

1. Construction. A manufacturer or a dealer shall provide the Commissioner with a construction compliance certificate ~~in addition to the certificate required in MoH 201~~. Construction compliance certificate forms shall be issued by the Commissioner.

2. Installation. A dealer or installer shall provide the Commissioner with an installation compliance certificate in addition to the certificate required in MoH 201. The installation compliance certificate shall be issued by the Commissioner.

3. Accessory Structure Compliance Certificate. A manufacturer or dealer shall provide the Commissioner with an accessory structure compliance certificate required in MoH 201. Accessory structure compliance certificate forms shall be issued by the Commissioner.

MoH 801(a) Pursuant to the provisions of MoH 801 the Commissioner has established reciprocity with the following states which have granted reciprocity to the State of Minnesota.

1. State of Indiana (Filed Secretary of State 6-26-73)

2. State of Illinois 3. State of Wisconsin

MoH 902 Mobile Home and Accessory Structure Construction Seal Fees, ~~Ten Dollars ($10.00)~~ Five Dollars ($5.00) per seal. ~~Replacement seals, Three Dollars ($3.00) per Seal.~~

Mobile Home Installation Seal Fees, Three Dollars ($3.00) per Seal.

~~Mobile Home Accessory Structure Seal Fees, Ten Dollars ($10.00) per Seal. Replacement Seals Three Dollars ($3.00) per Seal.~~ Mobile Home and Accessory Structure Construction Compliance Certificate Fee Ten Dollars ($10.00).

MoH 904 Annual Registration ~~and Certification~~ Fees.

1. ~~Dealer and/or~~ Installer. ~~Effective September 1, 1974~~ A registration fee of Ten Dollars ($10.00) ~~will be~~ is required. ~~Effective January 1, 1975 this Registration Fee will be required~~ annually ~~thereafter~~, due January 1 of each year.

2. Independent Inspection Agencies. ~~Effective January 1, 1975, an~~ An annual registration ~~and certification~~ fee of Seventy Five Dollars ($75.00) ~~will be~~ is required ~~and renewed~~ annually ~~thereafter.~~ , due January 1 of each year.

3. Manufacturers of Components and/or Systems, and Ground Support and Anchoring Systems for Mobile Homes. ~~Effective September 1, 1974, a~~ A registration fee of Ten Dollars ($10.00) ~~will be required. Effective January 1, 1975, this registration fee will be~~ is required ~~and renewed~~ annually ~~thereafter.~~ , due January 1 of each year.

MINNESOTA DEPARTMENT OF ADMINISTRATION

Dated: 1-17-75

Richard L. Brubacher
Commissioner of Administration

Rev 7 LB 72272

Exhibit D

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Amendments to the Rules and Regulations of the Building Code Division, Department of Administration, Relating to Mobile Homes.

AFFIDAVIT

Herbert W. Meyer, being duly sworn, on oath deposes and says:

1. That he is an employee of the Department of Administration of the State of Minnesota.

2. That on the 27th day of January , 1975, he requested from the Secretary of State's office for the State of Minnesota current list of all representatives of associations and other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of regulations pursuant to Minn. Stat. 15.0412.

3. That on the 27th day of January , 1975, in response to the above request, the Secretary of State provided him with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

NORENE M. CARR
Notary Public, Ramsey Co. Mn.
MY COMMISSION EXPIRES
Febuary 25, 1981

Herbert W. Meyer

Herbert W. Meyer
State Building Inspector
Minnesota Department of Administration

Exhibit F.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Amendments to the Rules and Regulations of the Building Code Division, Department of Administration, Relating to Mobile Homes.

AFFIDAVIT OF MAILING

Herbert W. Meyer, being first duly sworn, deposes and says:

That on the 28th day of January , 1975, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped, with postage prepaid, to all local governmental units, all persons and associations at the addresses listed on the attached Certificate regarding the Secretary of State, members of the Minnesota Legislature, and other interested individuals.

Norene M. Carr

NORENE M. CARR
Notary Public, Ramsey Co. Mn.
MY COMMISSION EXPIRES
February 25, 1981

Herbert W. Meyer

Herbert W. Meyer
State Building Inspector
Minnesota Department of Administration

Exhibit E

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the matter of the Proposed Adoption of Amendments to the Rules and Regulations of the Building Code Division, Department of Administration, Relating to Mobile Homes.

CERTIFICATE

I hereby certify that the attached Two sheets and 404 labels constitute the complete list of persons, associations, and other interested groups who as of 8:45 o'clock a m., this 27th day of January, 1975, have requested pursuant to Minn. Stat. 1971, Section 15.0421, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Joan Anderson Growe
SECRETARY OF STATE

By: Ceil Dion

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE

COMMISSIONER OF ADMINISTRATION

In the matter of the Proposed Adoption of Amendments to the Rules and Regulations of the Building Code Division, Department of Administration, Relating to Mobile Homes.

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Commissioner of Administration of the State of Minnesota on the 4th day of March, 1975, at 9:00 a.m. in the Conference Room of the Building Code Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota, 55101, after proper notice required by Minn. Stat. 1974, Section 15.0412, Subdivision 4, was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following facts and conclusions regarding the adoption of amendments to the Rules and Regulations of the Building Code Division Relating to Mobile Homes:

With respect to MoH 103 Definitions:

1. Accessory.
   A. A subordinate structure ~~in addition to, or supplementing a mobile home.~~ which, when installed, becomes a part of a mobile home,
   B. Components which constitute portions or parts of ground support and anchoring systems.

(a) The present language needs clarification.

(b) The new language provides such clarification.

With respect to MoH 201 Requirement for Construction Seals:

1. After July 1, 1972, no person shall:
   A. Sell or offer for sale, in this state, any mobile home manufactured after July 1, 1972,
   B. Manufacture any mobile home, in this state or,
   C. Park any mobile home manufactured after July 1, 1972, in any mobile home park in this state, unless the mobile home complies with the code and the Commissioner's revisions thereto, bears a construction seal issued by the Commissioner and is accompanied by a construction compliance certificate by the manufacturer or dealer, on a form issued by the Commissioner, both evidencing that it so complies with the code.

(a) With the advent of the requirement for mobile home installation compliance including installation seals and installation certificates, the present language does not clearly identify the difference between the two required certificates.

(b) The new language corrects the above-noted deficiency and additionally the information called for on the form to be issued will permit more responsible record management.

With respect to MoH 210 Compliance Certificates

1. Construction. A manufacturer or a dealer shall provide the Commissioner with a construction compliance certificate ~~in addition to the certificate required in MoH 201.~~ Construction compliance certificate forms shall be issued by the Commissioner.

(a) The present language is confusing, since the certificate is referred to twice.

(b) The deletion provides clarity of the requirement for such certificate.

With respect to MoH 801(a):

Pursuant to the provisions of MoH 801 the Commissioner has established reciprocity with the following states which have granted reciprocity to the State of Minnesota.
1. State of Indiana (Filed Secretary of State 6-26-73)
2. State of Illinois
3. State of Wisconsin

(a) Additional reciprocity agreements can afford residents of this state a wider selection of mobile homes and Minnesota Mobile Home Manufacturers a larger market area without the costs attendent in the duplication of factory inspections and State seals. Additionally, reduced travel by Minnesota factory inspectors conserves both time and travel.

(b) Reciprocal agreements with the states of Illinois and Wisconsin will provide the above-mentioned benefits.

With respect to MoH 902:

Mobile Home and Accessory Structure Construction Seal Fees, ~~Ten Dollars ($10.00)~~ Five Dollars ($5.00) per seal. ~~Replacement seals, Three Dollars ($3.00) per Seal.~~

Mobile Home Installation Seal Fees, Three Dollars ($3.00) per Seal.

~~Mobile Home Accessory Structure Seal Fees, Ten Dollars ($10.00) per Seal. Replacement Seals Three Dollars ($3.00) per Seal.~~
Mobile Home and Accessory Structure Construction Compliance Certificate Fee Ten Dollars ($10.00).

(a) Review of costs, income and record systems have revealed that income from fees does not meet the costs of administration and enforcement and the record keeping system needs to be revised to provide greater accountability.

(b) The new fee schedule will provide greater income and also will offset increased costs of more complete record systems.

With respect to MoH 904 Annual Registration ~~and Certification~~ Fees:

1. ~~Dealer and/or~~ Installer. ~~Effective September 1, 1974~~ A registration fee of Ten Dollars ($10.00) ~~will be~~ is required. ~~Effective January 1, 1975 this Registration Fee will be required~~ annually ~~thereafter~~, due January 1 of each year.

2. Independent Inspection Agencies. ~~Effective January 1, 1975, an~~ An annual registration ~~and certification~~ fee of Seventy Five Dollars ($75.00) ~~will be~~ is required ~~and renewed~~ annually ~~thereafter.~~ , due January 1 of each year.

3. Manufacturers of Components and/or Systems, and Ground Support and Anchoring Systems for Mobile Homes. ~~Effective September 1, 1974, a~~ A registration fee of Ten Dollars ($10.00) ~~will be required. Effective January 1, 1975, this registration fee will be~~ is required ~~and renewed~~ annually ~~thereafter.~~ , due January 1 of each year.

(a) The present requirements do not recognize the changed statutory responsibilities relating to licensing of mobile home dealers and manfuacturers. The present language does not recognize that the effective date is no longer germane and clarification is required.

(b) The new language provides the required clarification.

Date 5-13-75

Richard L. Brubacher
Commissioner of Administration

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE THE

COMMISSIONER OF ADMINISTRATION

In the matter of the Proposed Adoption of Amendments to the Rules and Regulations of the Building Code Division, Department of Administration, Relating to Mobile Homes.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Commissioner of Administration of the State of Minnesota on the 4th day of March, 1975, at 9:00 a.m. in the Conference Room of the Building Code Division, 408 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota, 55101, after proper notice required by Minn. Stat. 1974, Section 15.0412, Subdivision 4, was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules:

NOW, THEREFORE, IT IS ORDERED that the Rules identified as MoH 103, MoH 201, MoH 210, MoH 801(a), MoH 902, and MoH 904 are adopted this 13th day of May, 1975 pursuant to the authority vested in me by Minn. Stat. 1974, Section 16.86.

Richard L. Brubacher
Commissioner of Administration

In the matter of the Proposed Adoption of Amendments to the Rules and Regulations of the Building Code Division, Department of Administration, Relating to Mobile Homes

The following rules are adopted:

MoH 103 Definitions. In addition to the definitions contained herein, the definitions in ANSI A119.1 or NFPA 501B shall apply.

1. Accessory.

A. A subordinate structure ~~in addition to, or supplementing a mobile home.~~ which, when installed, becomes a part of a mobile home,

B. Components which constitute portions or parts of ground support and anchoring systems.

MoH 201 Requirement for Construction Seals.

1. After July 1, 1972, no person shall:

A. Sell or offer for sale, in this state, any mobile home manufactured after July 1, 1972,

B. Manufacture any mobile home, in this state or,

C. Park any mobile home manufactured after July 1, 1972, in any mobile home park in this state, unless the mobile home complies with the code and the Commissioner's revisions thereto, bears a construction seal issued by the Commissioner and is accompanied by a construction compliance certificate by the manufacturer or dealer, on a form issued by the Commissioner, both evidencing that it so complies with the code.

Mobile homes manufactured prior to July 2, 1972, or bearing the construction seal of a state having reciprocity with the state of Minnesota need not bear a Minnesota construction seal.

2. After July 1, 1972, no person shall alter any mobile home bearing, or required to bear, a construction seal as provided in MoH 201(1), unless said person has complied with MoH 701.

MoH 210 Compliance Certificates.

1. Construction. A manufacturer or a dealer shall provide the Commissioner with a construction compliance certificate ~~in addition to the certificate required in MoH 201~~. Construction compliance certificate forms shall be issued by the Commissioner.

2. Installation. A dealer or installer shall provide the Commissioner with an installation compliance certificate in addition to the certificate required in MoH 201. The installation compliance certificate shall be issued by the Commissioner.

3. Accessory Structure Compliance Certificate. A manufacturer or dealer shall provide the Commissioner with an accessory structure compliance certificate required in MoH 201. Accessory structure compliance certificate forms shall be issued by the Commissioner.

MoH 801(a) Pursuant to the provisions of MoH 801 the Commissioner has established reciprocity with the following states which have granted reciprocity to the State of Minnesota.

1. State of Indiana (Filed Secretary of State 6-26-73)

2. State of Illinois

3. State of Wisconsin

MoH 902 Mobile Home and Accessory Structure Construction Seal Fees, ~~Ten Dollars ($10.00)~~ Five Dollars ($5.00) per seal. ~~Replacement seals, Three Dollars ($3.00) per Seal.~~

Mobile Home Installation Seal Fees, Three Dollars ($3.00) per Seal.

~~Mobile Home Accessory Structure Seal Fees, Ten Dollars ($10.00) per Seal. Replacement Seals Three Dollars ($3.00) per Seal.~~ Mobile Home and Accessory Structure Construction Compliance Certificate Fee Ten Dollars ($10.00).

MoH 904 Annual Registration and ~~Certification~~ Fees.

1. ~~Dealer and/or~~ Installer. ~~Effective September 1, 1974~~ A registration fee of Ten Dollars ($10.00) ~~will be~~ is required. ~~Effective January 1, 1975 this Registration Fee will be required~~ annually ~~thereafter~~, due January 1 of each year.

2. Independent Inspection Agencies. ~~Effective January 1, 1975, an~~ An annual registration ~~and certification~~ fee of Seventy Five Dollars ($75.00) ~~will be~~ is required ~~and renewed~~ annually ~~thereafter.~~ , due January 1 of each year.

3. Manufacturers of Components and/or Systems, and Ground Support and Anchoring Systems for Mobile Homes. ~~Effective September 1, 1974, a~~ A registration fee of Ten Dollars ($10.00) ~~will be required. Effective January 1, 1975, this registration fee will be~~ is required ~~and renewed~~ annually ~~thereafter.~~ , due January 1 of each year.

APPROVED AS TO FORM AND LEGALITY
MAY 30 1975 19____
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 30 1975 - 3:30 PM
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
MAY 30 1975
BY Eda Staudenmaier
AUTH. SIGNATURE
3:45 p.m.