

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File No. 892

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 6-23-82
DATE FOR REVIEW 7-2-82
DATE DUE 7-7-82

Adopted w/a hearing _____
Adopted w/o hearing ✓
Temporary rule _____

Approved 7-7-82 Disapproved _____ Returned to Agency 7-12-82

Resubmitted _____ Due _____
Approved _____ Disapproved _____ Returned to Agency _____

Date filed w/Secretary of State 7-12-82 Revisor approved 6/25/82 disapproved _____

✓ Rule as Adopted

✓ Rule as Proposed see SR.

✓ Order Adopting 6.23.82 Date many typos.

N/A Notice of Intent to Solicit Outside Opinion

? Order for rulemaking
N/A date of Hearing never existed

N/A Certificate of Board's Authorizing Resolution

✓ Notice of rulemaking
✓ Sufficiency

✓ Affidavit of Mailing Notice or rulemaking
5.14.82 At least 30 days prior to ~~hearing~~/adoption

✓ Mailing list Certificate

✓ Publication in State Register + errata sheet
5.17.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
_____ Approving H.E.'s Report
_____ Approving agency action

N/A Agency's Findings of Fact — no changes

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

✓ Order Approving Incorporation by Reference

✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

N/A Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ Certificate of Compliance w/Rulemaking Procedures

✓ Affidavit of Mailing Notice of Submission to Attorney General

? Notice of Submission to the Attorney General
Mistates number of days for comment

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO JAMES J. HINIKER, JR. DATE: 7/7/82
Commissioner of Administration

ATTN : LARRY D. STARNS, Spec. Ass't. Atty. Gen.

FROM : TED A. MARTINEZ PHONE: 296-4692
Special Assistant
Attorney General

SUBJECT: In the Matter of the Proposed Adoption of Amendments to the Manufactured Home Building Code Rules

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

TAM:drw
Encs.

cc: Ms. Kathy Burek
Mr. Duane Harves

Department of Administration
Division of Building Codes and Standards

Adopted Rules for the Minnesota Manufactured Home Building Code
2 MCAR SS 1.90100-1.90904 Adopting Federal Mobile Home Construction and Safety Standards and Procedural and Enforcement Regulations and Revisions to the Existing Rules.

Rules as Adopted

2 MCAR S 1.90101 Authorization. Rules 2 MCAR SS 1.90101-1.90906 are authorized by Minn. Stat. SS 327.31-327.36; and 327.55 and established through the rulemaking procedures set forth in Minn. Stat. SS 15.0411-15.0417, to implement, interpret, and carry out the provisions of Minn. Stat. SS 327.31-327.36; and 327.55 relating to manufactured homes. If these rules differ from the code promulgated by the American National Standards Institute as ANSI A119.1, or the provisions of the National Fire Protection Association identified as NFPA 501B, ~~or the federal mobile home construction and safety standards in Code of Federal Regulations, title 24, part 3280 (1981), or the mobile home procedural and enforcement regulations in Code of Federal Regulations, title 24, part 3282 (1981), as amended at Federal Register, volume 47, pages 5887 and 5888, (1981),~~ these rules shall govern in all cases.

2 MCAR S 1.90102 Enforcement. The commissioner shall administer and enforce all the provisions of 2 MCAR SS 1.90101-1.90906 and the code. Any authorized representative of the Department of Administration may enter any premises where manufactured homes are manufactured, sold, offered for sale, parked in any manufactured home park in the state, or installed in the state if the installation was made after September 1, 1974. The authorized representative may examine any records and may inspect any manufactured home, equipment, or installations to ensure compliance with the provisions of 2 MCAR SS 1.90101-1.90906 and the code. The authorized representative may

require that a portion or portions of a manufactured home be removed or exposed in order that an inspection may be made to determine compliance, or require that all portions of an installation be removed or exposed to make this determination.

2 MCAR S 1.90103 Definitions.

A. Applicability. For the purposes of 2 MCAR SS 1.90101-1.90906, the terms defined in B.-GGG. have the meanings given them.

B. Accessory structure. "Accessory structure" means manufactured home accessory structure.

C. Act. "Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, title VI of the Housing and Community Development Act of 1974, United States Code, title 42, sections 5401-5426 (1976), as amended through March 15, 1982.

D. Anchor. "Anchor" means ground anchor.

E. Anchoring equipment. "Anchoring equipment" means straps, cables, turnbuckles, and chains, including tensioning devices, which are used with ties to secure a manufactured home to ground anchors.

F. Anchoring system. "Anchoring system" means any method used for securing the manufactured home to a foundation system or the ground.

G. Approved. "Approved" means acceptable to the authority having jurisdiction.

H. Authority having jurisdiction. "Authority having jurisdiction" means the Commissioner of Administration or his authorized representative.

I. Authorized representative. "Authorized representative" means any person, firm, or corporation, or employee thereof, approved or hired by the commissioner to perform inspection services.

J. Baling. "Baling" means a method of "wrapping" a cross section (roof, walls, and floor) and the main frame (chassis) of a manufactured home with straps.

K. Code. "Code" means the manufactured home building code.

L. Commissioner. "Commissioner" means the Commissioner of Administration or his duly authorized representative.

M. Construction alteration. "Construction alteration" means the replacement, addition, modification, or removal of any equipment or installation which may affect the construction, plumbing, heating, cooling, or fuel burning system, or electrical system or the functioning of any of these in manufactured homes subject to the code.

N. Construction compliance certificate. "Construction compliance certificate" means the certificate provided by the manufacturer or dealer to both the commissioner and the owner which warrants that the manufactured home complies with the code.

O. Dealer. "Dealer" means any person engaged in the sale, leasing, or distribution of a manufactured home primarily to persons who purchase or lease for purposes other than resale.

P. Defect. "Defect" means a failure to comply with an applicable federal mobile home construction and safety standard, as set forth in Code of Federal Regulations, title 24, part 3280 (1981), that renders the manufactured home or any part or component of it not fit for the ordinary use for which it was intended, but that does not result in an unreasonable risk of injury or death to occupants of the manufactured home.

Q. Design approval inspection agency. "Design approval inspection agency" means a state or private organization that has been accepted by the secretary.

R. Diagonal tie. "Diagonal tie" means a tie intended primarily to resist horizontal or shear forces and which may secondarily resist vertical, uplift, and overturning forces.

S. Distributor. "Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

T. Evaluation agency. "Evaluation agency" means an organization approved by the commissioner which is qualified by reason of facilities, personnel, experience, and demonstrated reliability to investigate and evaluate manufactured homes.

U. Failure to conform. "Failure to conform" includes noncompliance, having a defect or serious defect, and having an

imminent safety hazard related to failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 42, part 3280 (1981). "Failure to conform" is used as a substitute for all of those terms.

U. Footing. "Footing" means that portion of the support system that transmits loads directly to the soil.

V. Foundation system. "Foundation system" means a permanent foundation constructed in conformance with the state building code.

W. Ground anchor. "Ground anchor" means any device at the manufactured home stand designed to transfer manufactured home anchoring loads to the ground.

X. Imminent safety hazard. "Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 42, part 3280 (1981).

Y. Independent inspection agency. "Independent inspection agency" means an organization approved by the commissioner qualified to review and approve plans and specifications for manufactured homes with respect to model, structural, electrical, mechanical, and plumbing requirements and to evaluate quality control programs and make inspections.

Z. Installation. "Installation" of a manufactured home means assembly, at the site of occupancy, of all portions of the manufactured home, connection of the manufactured home to existing utility connections, and installation of support or anchoring systems.

AA. Installation alteration. "Installation alteration" means the replacement, addition, modification, or removal of any components of the ground support or ground anchoring systems required under the provisions of 2 MCAR SS 1.90101-1.90906.

BB. Installation compliance certificate. "Installation compliance certificate" means the certificate provided by the

installer to both the commissioner and the owner which warrants that the manufactured home complies with 2 MCAR SS 1.90101-1.90906.

CC. Installation instructions. "Installation instructions" means those instructions provided by the manufacturer accompanying each manufactured home detailing the manufacturer's requirements for ground supports and anchoring systems attachments.

DD. Installation seal. "Installation seal" means a device or insignia issued by the commissioner to a manufactured home installer to be displayed on the manufactured home to evidence compliance with the commissioner's rules pertaining to manufactured home installations.

EE. Installer. "Installer" means manufactured home installer.

FF. Label. "Label" means the approved form of certification required by the secretary or the secretary's agents to be affixed to each transportable section of each manufactured home manufactured for sale, after June 14, 1976, to a purchaser in the United States.

GG. Length of a manufactured home. "Length of a manufactured home" means its largest overall length in the traveling mode, including cabinets and other projections which contain interior space. Length does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space, nor does it include drawbars, couplings, or hitches.

HH. Listed. "Listed" means equipment or materials included in a list published by a nationally recognized testing laboratory that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

II. Listing agency. "Listing agency" means an agency approved by the commissioner which is in the business of listing

or labeling and which maintains a periodic inspection program on current production of listed products, and which makes available at least an annual published report of the listing which includes specific information that the product has been tested to approved standards and found safe for use in a specified manner.

JJ. Main frame. "Main frame" means the structural component on which is mounted the body of the manufactured home.

KK. Manufactured home. "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under Minn. Stat. ch. 327.

LL. Manufactured home accessory structure. "Manufactured home accessory structure" means a factory-built building or structure which is an addition or supplement to a manufactured home and, when installed, becomes a part of the manufactured home.

MM. Manufactured home building code. "Manufactured home building code" means for manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976, the standards code promulgated by the American National Standards Institute and identified as ANSI A119.1, including all revisions thereof in effect on May 21, 1971, or the provisions of the National Fire Protection Association and identified as NFPA 501B, and further revisions adopted by the commissioner.

"Manufactured home building code" means for manufactured homes constructed after June 14, 1976, the mobile home

construction and safety standards promulgated by the United States Department of Housing and Urban Development which are in effect at the time of the manufactured home's manufacture.

NN. Manufactured home installer. "Manufactured home installer" means any person, firm, or corporation which installs manufactured homes for others at site of occupancy, except manufactured homes installed on a foundation system.

OO. Manufacturer. "Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for sale.

PP. Mobile home. "Mobile home" is synonymous with manufactured home whenever it appears in 2 MCAR SS 1.90101-1.90906 and in other documents or on construction or installation seals.

QQ. Model group. "Model group" means two or more manufacturer-designed accessory structures which constitute one model.

RR. Noncompliance. "Noncompliance" means a failure of a manufactured home to comply with a federal mobile home construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard.

SS. Person. "Person" means a person, partnership, corporation, or other legal entity.

TT. Production inspection primary inspection agency. "Production inspection primary inspection agency" means an agency which evaluates the ability of manufactured home manufacturing plants to follow approved quality control procedures and which provides ongoing surveillance of the manufacturing process.

UU. Purchaser. "Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

VV. Seal. "Seal" means a device or insignia issued by the commissioner to be displayed on the manufactured home to evidence compliance with the manufactured home building code. "Seal" includes construction and installation seals.

WW. Secretary. "Secretary" means the Secretary of the United States Department of Housing and Urban Development or the head of any successor agency with responsibility for enforcement of federal laws relating to manufactured homes.

XX. Serious defect. "Serious defect" means any failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 24, part 3280 (1981) that renders the manufactured home or any part of it not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected manufactured home.

YY. Stabilizing devices. "Stabilizing devices" means all components of the anchoring and support systems such as piers, footings, ties, anchoring equipment, ground anchors, and any other equipment which supports the manufactured home and secures it to the ground.

ZZ. Stabilizing system. "Stabilizing system" means a combination of the anchoring system and the support system when properly installed.

AAA. State administrative agency. "State administrative agency" means an agency of a state which has been approved or conditionally approved to carry out the state plan for enforcement of the federal mobile home construction and safety standards. For manufactured homes manufactured after June 14, 1976, and located in Minnesota, the commissioner of administration is the state administrative agency.

BBB. Support system. "Support system" means any foundation system or other structural method used for the purpose of supporting a manufactured home at the site of occupancy.

CCC. Testing agency. "Testing agency" means an organization which:

1. Is primarily interested in testing and evaluating equipment and installations;

2. Is qualified and equipped to observe experimental testing to approved standards;

3. Is not under the jurisdiction or control of any

manufacturer or supplier of any industry;

4. Makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and

5. Is approved by the commissioner.

DDD. Tie. "Tie" means a strap, cable, or securing device used to connect the manufactured home to ground anchors.

EEE. Utility connections. "Utility connections" means the connection of the manufactured home to existing utilities including, but not limited to, electricity, water, sewer, gas, or fuel oil.

FFF. Vertical tie. "Vertical tie" means a tie intended primarily to resist the uplifting and overturning forces.

GGG. Width of a manufactured home. "Width of a manufactured home" means its largest overall width in the traveling mode, including cabinets and other projections which contain interior space. Width does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space.

2 MCAR S 1.90201 Requirement for seals, code compliance, construction compliance certificates, or labels.

A. Construction seals; code compliance; construction compliance certificates; or labels. After July 1, 1972, no person shall sell or offer for sale in this state any manufactured home manufactured after July 1, 1972; manufacture any manufactured home in this state; or park any manufactured home manufactured after July 1, 1972, in any manufactured home park in this state, unless the manufactured home complies with the code and the commissioner's revisions to it, 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 complies with the code, or if manufactured after June 14, 1976, bears a label as required by the secretary.

B. Alteration of manufactured homes required to have a construction seal or label. After July 1, 1972, no person shall

alter any manufactured home bearing, or required to bear, a construction seal or label as provided in A. unless the person has complied with 2 MCAR S 1.90701.

C. Requirement for installation seals.

1. No person shall install or connect to any manufactured home or manufactured home accessory structure a ground support or anchoring system unless the system and installation comply with these rules. The installer shall affix the correct installation seals to the manufactured home or the manufactured home accessory structure installed in compliance with 2 MCAR SS 1.90101-1.90906. Evidence of compliance shall be supported by the submission of a certificate to the commissioner and the manufactured home owner. Installation seals are not required for manufactured homes installed on a foundation system. A permit to install a manufactured home in a municipality enforcing the state building code may be required by the municipality.

2. When climatic conditions interfere with the completion of installation, the dealer or installer will assign an installation seal for the manufactured home incompletely installed and notify the commissioner stating the condition prohibiting the completion of the installation using the form issued by the commissioner. A copy of this notice shall be provided to the owner. When climatic conditions permit the completion of installation, the installation will be promptly completed and the installation seal affixed to the manufactured home. The installation compliance certificate shall be provided to the commissioner and the owner.

D. Requirement for manufactured home accessory structure seal. No person shall install or connect to any manufactured home a subordinate structure manufactured after September 1, 1974, unless the accessory structure complies with 2 MCAR SS 1.90101-1.90906 and the code and bears a manufactured home accessory structure seal and is accompanied by a certificate by the manufacturer or dealer evidencing that it complies with the code.

2 MCAR S 1.90202 Acquisition of labels and seals; installer registration.

A. Acquisition of labels. United States Department of Housing and Urban Development labels are acquired by the manufacturer from the secretary pursuant to the act and with submission of the fee required in 2 MCAR S 1.90902.

B. Acquisition of construction seals. Any person may qualify for construction seals by furnishing proof on forms furnished by the commissioner that the manufactured home to which the seal is to be affixed was manufactured in compliance with the state manufactured home building code and has not been brought out of conformance because of damage, additions, or alterations.

C. Acquisition of accessory structure seals. Any manufacturer of accessory structures shall qualify for acquisition of a construction seal by:

1. Obtaining plan approval pursuant to 2 MCAR SS 1.90301-1.90310 and requesting an inspection of each manufactured home constructed pursuant to 2 MCAR S 1.90401;

2. Obtaining plan approval pursuant to 2 MCAR SS 1.90301-1.90310 and quality control approval pursuant to 2 MCAR S 1.90501; or

3. Obtaining certification by an independent agency approved by the commissioner pursuant to 2 MCAR S 1.90601.

D. Installer registration. Application for installer registration shall be on the form issued by the commissioner supporting evidence the commissioner deems necessary to establish that installation seals issued to an installer will be affixed only to those manufactured homes where the support system and ground anchoring system installations comply with 2 MCAR SS 1.90101-1.90906 and the code.

E. Acquisition of installation seals. Any registered installer shall qualify for acquisition of an installation seal by applying for registration as an installer to the commissioner on the form issued by the commissioner.

2 MCAR S 1.90204 Application for seals.

A. Application for construction seals. Any person who has met the applicable requirements of 2 MCAR S 1.90202 shall apply for construction seals using the forms issued by the commissioner. The application shall be accompanied by the construction seal fee set forth in 2 MCAR S 1.90902.

B. Application for installation seals. Any registered installer who has met the applicable requirements of 2 MCAR S 1.90202 shall apply for installation seals. The application shall be on forms issued by the commissioner, and the application shall be accompanied by the installation seal fee set forth in 2 MCAR S 1.90902.

C. Application for accessory structure seals. Any manufacturer of manufactured home accessory structures who has met the applicable requirements of 2 MCAR S 1.90202 shall apply for accessory structure seals. The application shall be on the forms issued by the commissioner, and the application shall be accompanied by the accessory structure seal fee set forth in 2 MCAR S 1.90902.

2 MCAR S 1.90205 Denial and repossession of seals.

A. Installation seals. Should investigation or inspection reveal that a registered installer has not installed a manufactured home according to 2 MCAR SS 1.90101-1.90906 and the code, the commissioner may deny the installer's application for new installation seals, and any installation seals previously issued shall be confiscated. Upon satisfactory proof of modification of such installation bringing it into compliance, the installer may resubmit an application for installation seals.

B. Accessory seals. Should investigation or inspection reveal that a manufacturer is not constructing manufactured home accessory structures according to plans approved by the commissioner, and the manufacturer, after having been served with a notice setting forth in what respect the provisions of 2 MCAR SS 1.90101-1.90906 and the code have been violated, continues to manufacture manufactured home accessory structures in violation of these rules and the code, applications for new

accessory seals shall be denied, and the accessory seals previously issued shall be confiscated. Upon satisfactory proof of compliance the manufacturer may resubmit an application for accessory seals.

2 MCAR S 1.90206 Seal or label removal.

A. Construction seals or labels. If any manufactured home bearing the construction seal or label or any manufactured home once sold to a consumer is found to be in violation of the code, the commissioner may remove the construction seal or label after furnishing the owner or his agent with a written statement of the violation. The commissioner shall not issue a new construction seal or reissue a label until corrections have been made and the owner or his agent has requested an inspection pursuant to 2 MCAR S 1.90401.

B. Installation seals. Should a violation of the rules and regulations regarding installation be found, the commissioner may remove the installation seal after furnishing the owner or his agent with a written statement of the violation. The commissioner shall not issue a new installation seal until corrections have been made and the owner or his agent has requested an inspection pursuant to 2 MCAR S 1.90401.

C. Accessory structure seals. If any accessory structure bearing the accessory structure seal is found to be in violation of the code, the commissioner may remove the accessory structure seal after furnishing the owner or his agent with a written statement of the violation. The commissioner shall not issue a new accessory structure seal until corrections have been made and the owner or his agent has requested an inspection pursuant to 2 MCAR S 1.90401.

2 MCAR S 1.90207 Placement of seals.

A. Construction seals.

1. Each construction seal shall be assigned and affixed to a specific manufactured home. Assigned construction seals are not transferable and are void when not affixed as assigned, and all voided construction seals shall be returned to, or may

be confiscated by, the commissioner. The construction seal shall remain the property of the commissioner and may be reappropriated by the commissioner in the event of violation of the conditions of approval. Multiple unit manufactured homes shall be assigned and bear consecutively serial numbered construction seals.

2. The construction seal shall be securely affixed to the rear of the manufactured home on the lower left corner of the exterior wall not less than six inches above the floor line.

B. Installation seals. Only one of each type of installation seal shall be assigned to a manufactured home whether the manufactured home consists of one or multiple units. The installation seal shall be placed in a readily visible location adjacent to the primary label or construction seal. Appropriate installation seals shall be affixed to each accessory structure.

C. Accessory structure seals.

1. Each accessory structure seal shall be assigned and affixed to a specific accessory structure. Assigned accessory structure seals are not transferable and are void when not affixed as assigned, and all such accessory structure seals shall be returned to, or may be confiscated by, the commissioner. The accessory structure seal shall remain the property of the commissioner and may be reappropriated by the commissioner in the event of violation of the conditions of approval. Multiple unit accessory structures shall be assigned and bear consecutively serial numbered accessory structure seals.

2. The accessory structure seal shall be securely affixed in a readily visible location.

2 MCAR S 1.90209 Return of seals.

A. Installation seals. When an installer discontinues the installation of manufactured homes, he shall notify the commissioner within ten days of the date of such discontinuance and return all unused installation seals which have been issued to him. Installation seals may not be transferred by any installer.

B. Accessory structure seals. When a manufactured home manufacturer of accessory structures discontinues production of a model carrying the commissioner's plan approval, the manufacturer shall, within ten days, advise the commissioner of the date of such discontinuance and either return all seals allocated for such discontinued accessory structure model or assign the seals to other approved accessory structure models.

2 MCAR S 1.90210 Compliance certificate.

A. Installation compliance certificate. The installer shall provide the commissioner with an installation compliance certificate in addition to the certificate required in 2 MCAR S 1.90201. The installation compliance certificate shall be issued by the commissioner.

B. Manufactured home accessory structure compliance certificate. A manufacturer shall provide the commissioner with a manufactured home accessory structure compliance certificate required in 2 MCAR S 1.90201. Manufactured home accessory structure compliance certificate forms shall be issued by the commissioner.

2 MCAR S 1.90301 Plans required. To obtain plan approval a manufacturer shall submit plans for an accessory structure model or model group and for structural, electrical, mechanical, and plumbing systems, where such systems are involved in the construction. The plans shall include installation requirements.

2 MCAR S 1.90302 Application for manufactured home accessory structure approval.

A. Contents; generally. An application for a manufactured home accessory structure approval shall contain the following:

1. Name and address of manufacturer;

2. Location of plant where manufacture will take place;

3. Identification of plans, specifications, or other documents being submitted; and

4. Identification of approved quality control procedures and manual.

B. Plans and specifications. Submissions of required plans

and specifications shall be in duplicate and shall include, but not be limited to, the following:

1. A dimensioned floor plan(s);

2. Proposed use of rooms and method of light and ventilation;

3. Size, type, and location of windows and exterior doors;

4. Type and location of all appliances and fixtures;

5. Type and location of plumbing, drain, water, gas, and electrical connections;

6. Type and location of all electrical outlets (receptacles and lights);

7. Number of outlets and appliances on each circuit and circuit rating; and

8. Installation details and instructions.

2 MCAR S 1.90303 Application for support and anchoring systems approval.

A. Contents. All support and anchor systems equipment manufacturers shall submit plans, structural details, specifications, installation instructions, and test reports prepared by an independent testing agency, including engineering calculations in such detail as is necessary for evaluation and approval of support and anchoring systems based on 2 MCAR S 1.90450.

B. Approval. Approval of support and anchoring systems is required from all equipment manufacturers.

2 MCAR S 1.90308 Evidence of commissioner's approval. Approved plans and specifications for accessory structures and support and anchoring systems shall be evidenced by the stamp of approval of the commissioner and the assignment of an approval number to evidence approval. Installation instructions shall be supplied by the manufacturer and shall reference the Minnesota approval number.

2 MCAR S 1.90309 Support and anchoring systems approval expiration. Approval of support and anchoring systems shall expire when the commissioner adopts revisions to requirements

under which approval was granted unless the manufacturer submits evidence to the commissioner establishing that the plans are in compliance with the code as revised.

2 MCAR S 1.90310 Changes to approved support and anchoring systems. Where the manufacturer proposes changes to approved support and anchoring systems, two sets of supplemental details shall be submitted to the commissioner for review and approval. Approved changes will be reflected in the approval number identification previously assigned by the commissioner.

2 MCAR S 1.90402 Action after requested inspection. If the manufactured home inspected meets the requirements of the code, if plan approval has been obtained, and if all applicable fees have been remitted, the applicant may apply for a construction seal. If the requested inspection was to determine compliance with respect to support and anchoring requirements and if all applicable fees have been remitted, the applicant may apply for an installation seal.

2 MCAR S 1.90403 Other inspections. In addition to making inspections on request, the commissioner shall make periodic inspections of the facilities of persons who are subject to the code and 2 MCAR SS 1.90101-1.90906. The inspections shall include oversight inspections at the in-state manufactured home manufacturing facilities to review the manufacturer's consumer complaint handling and notification and correction as required by 2 MCAR SS 1.90702-1.90720. Oversight inspections shall be made annually. The frequency of oversight inspections may be increased when the need is indicated by the number of consumer complaints received by the commissioner.

2 MCAR S 1.90450 Stabilizing systems for manufactured home installation.

A. Stabilizing devices installed at site of occupancy. Stabilizing devices when installed at the site of occupancy shall comply with these rules.

1. Manufacturer's installation instructions. Each

manufactured home shall have its stabilizing system installed in accordance with the manufactured home manufacturer's installation instructions. The manufacturer's instructions shall include a typical support system designed by a registered professional engineer or architect to support the anticipated loads that the manufacturer's installation instructions specify for the design zone, including climate, of installation. The instructions shall also meet the requirements of 2 MCAR SS 1.90702-1.90720. These instructions shall be left with the manufactured home following installation.

Footings shall be sized to support the loads shown in these instructions.

Stabilizing devices not provided with the manufactured home shall meet or exceed the design and capacity requirements of the manufactured home manufacturer and these rules and shall be installed in accordance with the manufactured home manufacturer's installation instructions.

Foundation systems shall be in compliance with the state building code.

No portion of a manufactured home shall be removed during installation or when located on its home site unless it is designed to be removable and is removed in accordance with the manufacturer's instructions.

2. [Unchanged.]

B. Foundation and support systems. Each manufactured home shall be installed on a foundation system or shall have a support system as specified herein. A minimum clearance of 12 inches shall be maintained beneath the underside of the main frame (I-beam or channel beam) in the area of utility connections when the manufactured home is not installed on a foundation system.

1.-6. [Unchanged.]

C. [Unchanged.]

D. Ground anchors. Ground anchors, including means for attaching ties, shall be located to effectively match the anchoring system instructions provided by the manufactured home

manufacturer, or, if there are no instructions, in accordance with the requirements of A., and shall be designed and installed to transfer the anchoring loads to the ground.

1. [Unchanged.]

2. Anchor design and installation. Each manufactured ground anchor shall be approved pursuant to 2 MCAR S 1.90303 and installed in accordance with the anchor manufacturer's instructions and shall include means of attachment of ties meeting the requirements of C.4. Ground anchor manufacturer's installation instructions shall include the amount of preload required, the methods of adjustment after installation, and the load capacity in various types of soils. These instructions shall include tensioning adjustments which may be needed to prevent damage to the manufactured home, particularly damage that can be caused by frost heave.

a. [Unchanged.]

3.-4. [Unchanged.]

E.-F. [Unchanged.]

Table 1.90450 A.2.a.(1) [Unchanged.]

Figures A-1 to A-4 [Unchanged.]

2 MCAR S 1.90460 Utility connections.

A. Water connections. Water piping to manufactured homes shall be in compliance with the 1979 Minnesota Plumbing Code, rules MHD 120-135 of the Department of Health. Pipes shall be protected from freezing. A heat tape, when installed, shall be listed and installed in conformance with its listing and the manufacturer's instructions. When the manufactured home is installed on a support system subject to ground movement due to freezing and thawing, approved flexible connectors or semirigid copper tubing shall be used to prevent pipe breakage.

B. Sewer connections. Waste piping to manufactured homes shall be in compliance with the 1979 Minnesota Plumbing Code, rules MHD 120-135 of the Department of Health. When a manufactured home is installed on a support system subject to ground movement due to freezing and thawing, offsets or approved flexible connectors, or both, shall be used to prevent pipe

breakage.

C. Gas piping. Gas piping to the manufactured home shall be of adequate capacity rating to supply the connected load. It shall be installed in compliance with the Minnesota Heating, Ventilating, Air Conditioning, and Refrigeration Code, rules SBC 7101-8505 of the Department of Administration. When the manufactured home is installed on a support system subject to ground movement because of freezing and thawing, semi-rigid copper pipe or a listed manufactured home gas connector for exterior use only shall be installed to prevent pipe breakage. Gas piping shall be protected from physical damage.

1. The manufactured home fuel gas piping system shall be tested before it is connected to the gas supply. Only air shall be used for the test. The manufactured home gas piping system shall be subjected to a pressure test with all appliance shutoff valves, except those ahead of fuel gas cooking appliances, in the open position. Appliance shutoff valves ahead of fuel gas cooking appliances shall be closed.

2. The test shall consist of air pressure at not less than ten inches nor more than 14 inches water column (six ounces to eight ounces per square inch). The system shall be isolated from the air pressure source and maintain this pressure for not less than ten minutes without perceptible leakage. Upon satisfactory completion of the test, the appliance valves ahead of fuel gas cooking appliances shall be opened, and the gas cooking appliance connectors tested with soapy water or bubble solution while under the pressure remaining in the piping system. Solutions used for testing for leakage shall not contain corrosive chemicals. Pressure shall be measured with either a manometer, slope gage, or gage calibrated in either water inches or pounds per square inch with increments of either one-tenth inch or one-tenth pounds per square inch, as applicable. Upon satisfactory completion of the test, the manufactured home gas supply connector shall be installed and the connections tested with soapy water or bubble solution.

D. Electrical connections. On-site electrical connections

to the manufactured home and any on-site electrical wiring required to prepare the manufactured home for occupancy shall be done in conformance with the manufactured home building code and shall be installed and inspected as required by the Minnesota Electrical Act, Minn. Stat. SS 326.241-326.248.

2 MCAR S 1.90701 Construction alterations.

A. Effect on seal. Any alteration of the construction, plumbing, heating, cooling, or fuel burning system, electrical equipment or installations or fire safety in a manufactured home which bears a seal shall void such approval, and the seal shall be returned to the commissioner.

B. Acts not constituting alterations. The following shall not constitute an alteration:

1. Repairs with approved components or parts;

2. Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

3. Adjustment and maintenance of equipment; or

4. Replacement of equipment in kind.

C. Application. Any person proposing an alteration to a manufactured home bearing a seal or label shall make application to the commissioner on the form issued by the commissioner.

D. Inspection. Upon completion of the alteration, the applicant shall request the commissioner to make an inspection pursuant to 2 MCAR S 1.90401.

E. Replacement construction seal. The applicant may apply for a replacement construction seal upon inspection and approval of the alteration.

F. Replacement accessory structure seal. The applicant may apply for a replacement accessory structure seal upon inspection and approval of the alteration.

2 MCAR S 1.90702 Consumer complaint handling and remedial actions. Rules 2 MCAR SS 1.90702-1.90720 govern consumer complaint handling and remedial actions.

2 MCAR S 1.90703 Purpose. The purpose of 2 MCAR SS 1.90702-1.90720 is to establish a system under which the

protections of the act are provided with a minimum of formality and delay, but in which the rights of all parties are protected.

2 MCAR S 1.90704 Scope. Rules 2 MCAR SS 1.90702-1.90720 set out the procedures to be followed by manufacturers, production inspection primary inspection agencies, and the commissioner to assure that manufacturers provide notification and correction with respect to their manufactured homes as required by the act. Rules 2 MCAR SS 1.90702-1.90720 set out the rights of dealers under United States Code, title 42, section 5412 (1976), as amended through March 15, 1982 to obtain remedies from manufacturers in certain circumstances.

2 MCAR S 1.90705 Consumer complaints. Under 2 MCAR SS 1.90702-1.90720, all consumer complaints or other information indicating the possible existence of an imminent safety hazard, serious defect, defect, or noncompliance shall be referred to the manufacturer of the potentially affected manufactured homes in a timely manner so that the manufacturer can quickly respond to the consumer and take any necessary remedial actions.

2 MCAR S 1.90706 Notification and correction requirement.

A. Requirement. Notification and correction shall be required to be provided with respect to manufactured homes that have been sold or otherwise released by the manufacturer to another party when the manufacturer, a state administrative agency, the commissioner, or the secretary determines that an imminent safety hazard, serious defect, defect, or noncompliance may exist in those manufactured homes.

B. Extent of manufacturer's responsibility. The extent of a manufacturer's responsibility for providing notification or correction shall be governed by the seriousness of problems for which the manufacturer is responsible under 2 MCAR SS 1.90702-1.90720.

C. Limitation of manufacturer's liability to provide remedial action. The liability of manufactured home manufacturers to provide remedial actions under 2 MCAR SS 1.90702-1.90720 is limited by the principle that manufacturers

are not responsible for failures that occur in manufactured homes or components solely as the result of normal wear and aging, gross and unforeseeable consumer abuse, or unforeseeable neglect of maintenance.

2 MCAR S 1.90707 Consumer complaint and information referral. When a consumer complaint or other information indicating the possible existence of a noncompliance, defect, serious defect, or imminent safety hazard is received by the commissioner, the commissioner shall forward the complaint or other information to the manufacturer of the manufactured home in question. The commissioner shall, when it appears from the complaint or other information that more than one manufactured home may be involved, simultaneously send a copy of the complaint or other information to the state administrative agency of the state where the manufactured home was manufactured or to the secretary if there is no such state administrative agency, and when it appears that an imminent safety hazard or serious defect may be involved, simultaneously send a copy to the secretary.

2 MCAR S 1.90708 Notification pursuant to manufacturer's determination.

A. Notice requirement. The manufacturer shall provide notification as set out in 2 MCAR SS 1.90702-1.90720 with respect to all manufactured homes produced by the manufacturer in which there exists or may exist an imminent safety hazard or serious defect. The manufacturer shall provide such notification with respect to manufactured homes produced by the manufacturer in which a defect exists or may exist if the manufacturer has information indicating that the defect may exist in a class of manufactured homes that is identifiable because the cause of the defect or defects actually known to the manufacturer is such that the same defect would probably have been systematically introduced into more than one manufactured home during the course of production. This information may include, but is not limited to, complaints that can be traced to the same cause, defects known to exist in supplies of components

or parts, information related to the performance of a particular employee, and information indicating a failure to follow quality control procedures with respect to a particular aspect of the manufactured home. A manufacturer is required to provide notification with respect to a noncompliance only after the issuance of a final determination under 2 MCAR S 1.90711.

B. Investigations and inspections. Whenever the manufacturer receives from any source information that may indicate the existence of a problem in a manufactured home for which the manufacturer is responsible for providing notification under A., the manufacturer shall, as soon as possible, but not later than 20 days after receiving the information, carry out any necesary investigations and inspections to determine and shall determine whether the manufacturer is responsible for providing notification under A. The manufacturer shall maintain complete records of all such information and determinations in a form that will allow the commissioner to discern readily who made the determination with respect to a particular piece of information, what the determination was, and the basis for the determination. The records shall be kept for a minimum of five years from the date the manufacturer received the information. Consumer complaints or other information indicating the possible existence of noncompliances or defects received before the effective date of 2 MCAR SS 1.90702-1.90720 shall, for purposes of this paragraph, be deemed to have been received on the date 2 MCAR SS 1.90702-1.90720 became effective.

C. Preparation of plan. If a manufacturer determines under B. that the manufacturer is responsible for providing notification under A., the manufacturer shall prepare a plan for notification as set out in 2 MCAR S 1.90713. Where the manufacturer is required to correct under 2 MCAR S 1.90710, the manufacturer shall include in the plan provision for correction of affected manufactured homes.

D. Submission of plan. The manufacturer shall, as soon as possible, but not later than 20 days after making the determination, submit the plan to the commissioner.

However, where only one manufactured home is involved, the manufacturer need not submit the plan if the manufacturer corrects the manufactured home within the 20-day period. The manufacturer shall maintain, in the plant where the manufactured home was manufactured, a complete record of the correction. The record shall describe briefly the facts of the case and state what corrective actions were taken. It shall be maintained in a separate file in a form that will allow the commissioner to review all such corrections.

E. Action after approval of plan. Upon approval of the plan with any necessary changes, the manufacturer shall carry out the approved plan within the time limits stated in it.

F. Action before plan approval. The manufacturer may act before obtaining approval of the plan. However, such action is subject to review and disapproval by the commissioner except to the extent that agreement to the correction is obtained as described in this paragraph. To be assured that the corrective action will be accepted, the manufacturer may obtain the agreement of the commissioner that the corrective action is adequate before the correction is made regardless of whether a plan has been submitted under D. If such an agreement is obtained, the correction shall be accepted as adequate by the commissioner if the correction is made as agreed to and any imminent safety hazard or serious defect is eliminated.

G. Waiver of formal plan approval and notification. If the manufacturer wishes to obtain a waiver of the formal plan approval and notification requirements that would result from a determination under B., the manufacturer may act under this paragraph. The plan approval and notification requirements shall be waived by the commissioner who would otherwise review the plan under D. if:

1. The manufacturer, before the expiration of the time period determined under D., shows to the satisfaction of the commissioner through documentation that:

a. The manufacturer has identified the class of possibly affected manufactured homes in accordance with 2 MCAR S

1.90713;

b. The manufacturer will correct, at the manufacturer's expense, all affected manufactured homes in the class within 60 days of being informed that the request for waiver has been accepted; and

c. The proposed repairs are adequate to remove the failure to conform or imminent safety hazard that gave rise to the determination under B.; and

2. The manufacturer corrects all affected manufactured homes within 60 days of being informed that the request for waiver has been accepted.

The formal plan and notification requirements are waived pending final resolution of a waiver request under G. as of the date of the request. If a waiver request is not accepted, the plan called for by C. and D. shall be submitted within five days after the manufacturer is notified that the request was not accepted.

H. Classification of problem. When a manufacturer acts under A.-G., the manufacturer will not be required to classify the problem that triggered the action as a noncompliance, defect, serious defect, or imminent safety hazard.

2 MCAR S 1.90709 Responsibilities of commissioner.

A. Consumer complaints. The commissioner shall oversee the handling of consumer complaints by manufacturers within this state. As part of that responsibility, the commissioner shall monitor manufacturer compliance with 2 MCAR SS 1.90702-1.90720, and particularly with 2 MCAR S 1.90708. This monitoring will be done primarily by periodically checking the records that manufacturers are required to keep under 2 MCAR S 1.90708 B.

B. Preliminary determination. If the commissioner finds under A. that a manufacturer has failed to comply with 2 MCAR S 1.90708 or if the commissioner finds that the manufacturer has decided not to act under 2 MCAR S 1.90708 C. and D. and the commissioner believes the manufacturer is required to act, or if the manufacturer failed to fulfill the requirements of 2 MCAR S 1.90708 G. after requesting a waiver, the commissioner shall

make the preliminary determination he deems appropriate under 2 MCAR S 1.90711. However, if the affected manufactured homes were manufactured in more than one state or if it appears that the appropriate preliminary determination would be an imminent safety hazard or serious defect, the commissioner shall refer the matter to the secretary.

C. Preliminary determinations under 2 MCAR S 1.90711. Where the commissioner who is reviewing a plan under 2 MCAR S 1.90708 D. finds that the manufacturer is not acting reasonably in refusing to accept changes to a proposed plan, the commissioner shall make such preliminary determinations as may be appropriate under 2 MCAR S 1.90711. However, if it appears that it would be appropriate to make a preliminary determination of imminent safety hazard or serious defect, the commissioner shall refer the matter to the secretary.

2 MCAR S 1.90710 Required manufacturer correction. A manufacturer required to furnish notification under 2 MCAR S 1.90708 or 2 MCAR S 1.90711 shall correct, at its expense, any imminent safety hazard or serious defect that can be related to an error in design or assembly for the manufactured home by the manufacturer, including an error in design or assembly of any component or system incorporated in the manufactured home by the manufacturer.

2 MCAR S 1.90711 Notification and correction pursuant to administrative determination.

A. Preliminary determinations. Whenever the commissioner has information indicating the possible existence of an imminent safety hazard or serious defect in a manufactured home, the commissioner may issue a preliminary determination to that effect to the manufacturer.

Whenever the information indicates that the manufacturer is required to correct the imminent safety hazard or serious defect under 2 MCAR S 1.90710, the commissioner shall issue a preliminary determination to that effect to the manufacturer. Whenever the commissioner has information indicating that a

defect or noncompliance may exist in a class of manufactured homes that is identifiable because the cause of the defect or noncompliance is such that the same defect or noncompliance would probably have been systematically introduced into more than one manufactured home during production, and whenever all manufactured homes in the class appear to have been manufactured in this state, the commissioner may issue a preliminary determination of defect or noncompliance to the manufacturer. Information on which the commissioner will base a conclusion that an affected class of manufactured homes exists consists of complaints that can be traced to the same cause, defects known to exist in supplies of components or parts, information related to the performance of a particular employee, and information indicating a failure to follow quality control procedures with respect to a particular aspect of the manufactured home. If, during the course of these proceedings, evidence arises that indicates that manufactured homes in the same identifiable class were manufactured in more than one state, the commissioner shall refer the matter to the secretary.

B. Notice and request for hearing or presentation of views. Notice of the preliminary determination under A. shall be sent by certified mail. It shall include the factual basis for the determination and the identifying criteria of the manufactured homes known to be affected and those believed to be in the class of possibly affected manufactured homes. The notice shall inform the manufacturer that the preliminary determination shall become final unless the manufacturer requests a hearing or presentation of views under 2 MCAR S 1.90803 within 15 days after receiving a notice of preliminary determination of serious defect, defect, or noncompliance, or within five days of receipt of a notice of preliminary determination of imminent safety hazard.

Promptly upon receipt of a manufacturer's request for a hearing or presentation of views meeting, the hearing or presentation shall be held pursuant to 2 MCAR S 1.90803. Parties may propose in writing, at any time, offers of

settlement which shall be submitted to and considered by the commissioner. If determined to be appropriate, the party making the offer may be given an opportunity to make an oral presentation in support of the offer. If an offer of settlement is rejected, the party making the offer shall be so notified, and the offer shall be deemed withdrawn and shall not constitute a part of the record in the proceeding. Final acceptance by the commissioner of any offer of settlement shall automatically terminate any proceedings related to it.

C. Final determinations. If the manufacturer fails to respond to the notice of preliminary determination within the time period established in B., or if the commissioner decides that the views and evidence presented by the manufacturer or others are insufficient to rebut the preliminary determination, the commissioner shall make a final determination that an imminent safety hazard, serious defect, defect, or noncompliance exists. If there is a final determination that an imminent safety hazard, serious defect, defect, or noncompliance exists, the commissioner shall issue an order directing the manufacturer to furnish notification.

D. Appeals. When the commissioner has made a final determination that a defect or noncompliance exists, the manufacturer may appeal to the secretary within ten days after receiving the notice of final determination.

E. Waiver of formal notification requirements. Where a preliminary determination of defect or noncompliance has been issued, the manufacturer may request a waiver of the formal notification requirements at any time during the proceedings called for in A.-D. or after the issuance of a final determination and order. The manufacturer may request a waiver from the commissioner. When requesting a waiver, the manufacturer shall certify and provide assurances that:

1. The manufacturer has identified the class of possibly affected manufactured homes in accordance with 2 MCAR S 1.90713;

2. The manufacturer will correct, at the manufacturer's expense, all affected manufactured homes in the class within a

time period specified by the commissioner but not later than 60 days after being informed of the acceptance of the request for waiver or issuance of the final determination, whichever is later; and

3. The proposed repairs are adequate to remove the failure to conform or imminent safety hazard that gave rise to the issuance of the preliminary determination.

The commissioner shall grant the request or waiver if the manufacturer agrees to an offer of settlement that includes an order that embodies the assurances made by the manufacturer.

2 MCAR S 1.90712 Reimbursement for prior correction by owner. A manufacturer that is required to correct under 2 MCAR S 1.90710 or who decides to correct and obtain a waiver under 2 MCAR S 1.90708 G. or 2 MCAR S 1.90711 E. shall provide reimbursement for reasonable cost of correction to any owner of an affected manufactured home who chooses to make the correction before the manufacturer does.

2 MCAR S 1.90713 Manufacturer's plan for notification and correction.

A. Basic requirement. Paragraphs A.-F. set out the requirements that manufacturers shall meet in preparing plans they are required to submit under 2 MCAR S 1.90708 C. and D. The underlying requirement is that a plan show how the manufacturer will fulfill its responsibilities with respect to notification and correction.

B. Copy of proposed notice. The plan shall include a copy of the proposed notice that meets the requirements of 2 MCAR S 1.90714.

C. Affected class. The plan shall identify, by serial number and other appropriate identifying criteria, all manufactured homes with respect to which notification is to be provided. The class of manufactured homes with respect to which notification shall be provided and which shall be covered by the plan is that class of manufactured homes that was or is suspected of having been affected by the cause of an imminent

safety hazard or failure to conform. The class is identifiable to the extent that the cause of the imminent safety hazard or failure to conform is such that it would probably have been systematically introduced into the manufactured homes in the class during the course of production. In determining the extent of such a class, the manufacturer may rely either upon information that positively identifies the extent of the class or upon information that indicates what manufactured homes were not affected by the same cause, thereby identifying the class by excluding those manufactured homes. Methods that may be used in determining the extent of the class of manufactured homes include, but are not limited to:

1. Inspection of manufactured homes produced before and after the manufactured homes known to be affected;

2. Inspection of manufacturer quality control records to determine whether quality control procedures were followed;

3. Inspection of production inspection primary inspection agency records to determine whether the imminent safety hazard or failure to conform was either detected or specifically found not to exist in some manufactured homes;

4. Inspection of the design of the manufactured home in question to determine whether the imminent safety hazard or failure to conform resulted from the design itself;

5. Identification of the cause as relating to a particular employee or process that was employed for a known period of time or in producing the manufactured homes manufactured during that time; and

6. Inspection of records relating to components supplied by other parties and known to contain or suspected of containing imminent safety hazards or failures to conform.

The class of manufactured homes identified by these methods may include only manufactured homes actually affected by the imminent safety hazard or failure to conform if the manufacturer can identify the precise manufactured homes. If it is not possible to identify the precise manufactured homes, the class shall include manufactured homes suspected of containing the

imminent safety hazard or failure to conform because the evidence shows that they may have been affected.

D. Production inspection primary inspection agency statement. The plan shall include a statement by the production inspection primary inspection agency operating in each plant in which manufactured homes in question were produced. In this statement, the production inspection primary inspection agency shall concur in the methods used by the manufacturer to determine the class of potentially affected manufactured homes or state why it believes the methods to have been inappropriate, inadequate, or incorrect.

E. Deadline. The plan shall include a deadline for completion of all notification and corrections.

F. Notification. The plan shall provide for notification by certified mail or other more expeditious means to the dealers or distributors of a manufacturer to whom the manufactured homes were delivered. Where a serious defect or imminent safety hazard is involved, notification shall be sent by certified mail if it is mailed. The plan shall provide for notification by certified mail to the first purchaser of each manufactured home in the class of manufactured homes set out in the plan under C. and to any subsequent owner who has any warranty provided by the manufacturer or required by federal, state, or local law on the manufactured home that has been transferred, to the extent feasible. However, notification need not be sent to any person known by the manufacturer not to own the manufactured home in question if the manufacturer has a record of a subsequent owner of the manufactured home. The plan shall provide for notification by certified mail to any other person who is a registered owner of each manufactured home containing the imminent safety hazard, serious defect, defect, or noncompliance and whose name has been ascertained pursuant to the manufacturer's records.

2 MCAR S 1.90714 Contents of notice. Except as otherwise agreed by the commissioner who will review the plan under 2 MCAR S 1.90708 D., the notification to be sent by the manufacturer

shall include the following:

A. An opening statement: "This notice is sent to you in accordance with the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974";

B. Except where the manufacturer is acting under 2 MCAR S 1.90708 the following statement, as appropriate:

"(manufacturer's name, or the commissioner or the secretary)" has determined that:

1. An imminent safety hazard may exist in (identifying criteria of manufactured home);

2. A serious defect may exist in (identifying criteria of manufactured home);

3. A defect may exist in (identifying criteria of manufactured home); or

4. (Identifying criteria of manufactured home) may not comply with an applicable federal mobile home construction or safety standard;

C. A clear description of the imminent safety hazard, serious defect, defect, or noncompliance which shall include:

1. The location of the imminent safety hazard, serious defect, defect, or noncompliance in the manufactured home;

2. A description of any hazards, malfunctions, deterioration, or other consequences which may result from the imminent safety hazard, serious defect, defect, or noncompliance;

3. A statement of the conditions which may cause such consequences to arise; and

4. Precautions, if any, that the owner should take to reduce the chance that the consequences will arise before the manufactured home is repaired;

D. An evaluation of the risk to manufactured home occupants' safety and the durability of the manufactured home reasonably related to such imminent safety hazard, serious defect, defect, or noncompliance, including:

1. The type of injury which may occur to occupants of the manufactured home; and

2. Whether there will be any warning that a dangerous

occurrence may take place and what that warning would be, and any signs which the owner might see, hear, smell, or feel which might indicate danger or deterioration of the manufactured home as a result of the imminent safety hazard, serious defect, defect, or noncompliance.

E. If the manufacturer will correct the manufactured home, a statement that the manufacturer will correct the manufactured home;

F. A statement in accordance with whichever of the following is appropriate:

1. Where the manufacturer will correct the manufactured home at no cost to the owner, the statement shall indicate how and when the correction will be done, how long the correction will take, and any other information that may be helpful to the owner; or

2. When the manufacturer does not bear the cost of repair, the notification shall include a detailed description of all parts and materials needed to make the correction, a description of all steps to be followed in making the corrections, including appropriate illustrations and an estimate of the cost to the purchaser or owner of the correction;

G. A statement informing the owner that the owner may submit a complaint to the commissioner if the owner believes that the notification or the remedy described in it is inadequate or the manufacturer has failed or is unable to remedy within a reasonable time after the owner's first attempt to obtain a remedy; and

H. A statement that any actions taken by the manufacturer under the act in no way limit the rights of the owner or any other person under any contract or other applicable law and that the owner may have further rights under contract or other applicable law.

2 MCAR S 1.90715 Time for implementation.

A. Plan for correction. The manufacturer shall complete implementation of the plan for correction approved under 2 MCAR S 1.90708 E. on or before the deadline established in the plan

as required by 2 MCAR S 1.90713 E. The deadline shall allow a reasonable amount of time to complete the plan, taking into account the seriousness of the problem, the number of manufactured homes involved, the immediacy of any risk, and the difficulty of completing the action. The seriousness and immediacy of any risk shall be given greater weight than other considerations. If a manufacturer is required to correct an imminent safety hazard or serious defect under 2 MCAR S 1.90710, the deadline shall be no later than 60 days after approval of the plan.

B. Notifications and corrections. The manufacturer shall complete the implementation of any notifications and corrections being carried out under an order of the commissioner under 2 MCAR S 1.90711 C. on or before the deadline established in the order. In establishing each deadline, the commissioner shall allow a reasonable time to complete all notifications and corrections, taking into account the seriousness of the imminent safety hazard, serious defect, defect, or noncompliance; the number of manufactured homes involved; the location of the homes; and the extent of correction required. In no case shall the time allowed exceed the following limits:

1. 30 days after the issuance of final determination of imminent safety hazard; and

2. 60 days after the issuance of final determination of serious defect, defect, or noncompliance.

C. Extension of time. The commissioner shall grant an extension of the deadlines included in a plan or order if the manufacturer requests extension in writing and shows good cause for the extension and if the commissioner is satisfied that the extension is justified in the public interest. When the commissioner grants an extension, the commissioner shall notify the manufacturer and forward to the secretary a draft notice of the extension to be published in the Federal Register.

2 MCAR S 1.90716 Completion of remedial actions and report.

A. Notification. Where a manufacturer is required to provide notification under 2 MCAR SS 1.90702-1.90720, the

manufacturer shall maintain in its files for five years from the date the notification campaign is completed a copy of the notice sent and a complete list of the names and addresses of those persons notified. The files shall be organized so that each notification and correction campaign can be readily identified and reviewed by the commissioner.

B. Correction. Where a manufacturer is required to provide correction under 2 MCAR S 1.90710 or where the manufacturer otherwise corrects under 2 MCAR S 1.90708 or 2 MCAR S 1.90711 E., the manufacturer shall maintain in its files, for five years from the date the correction campaign is completed, one of the following, as appropriate for each manufactured home involved:

1. Where the correction is made, a certification by the manufacturer that the repair was made to satisfy completely the standards in effect at the time the manufactured home was manufactured and that any imminent safety hazard has been eliminated; or

2. Where the owner refuses to allow the manufacturer to repair the home, a certification by the manufacturer that the owner has been informed of the problem which may exist in the manufactured home, that the owner has been informed of any risk to safety or durability of the manufactured home which may result from the problem, and that an attempt has been made to repair the problems only to have the owner refuse the repair.

C. Additional notifications or corrections. If any actions taken under 2 MCAR SS 1.90702-1.90720 are not adequate under the approved plan or an order of the commissioner, the manufacturer may be required to provide additional notifications or corrections to satisfy the plan or order.

D. Report. The manufacturer shall, within 30 days after the deadline for completing any notifications and required corrections, under an approved plan or under an order of the commissioner, or any corrections required to obtain a waiver under 2 MCAR S 1.90708 G. or 2 MCAR S 1.90711 E., provide a complete report of the action taken to the commissioner who approved the plan under 2 MCAR S 1.90708 D., granted the waiver,

or issued the order under 2 MCAR S 1.90711 C., and to any other state administrative agency or the secretary that forwarded a relevant complaint or information to the manufacturer under 2 MCAR S 1.90707.

2 MCAR S 1.90717 Correction of certain hazards and defects. If, in the course of making corrections under 2 MCAR S 1.90715, the manufacturer creates an imminent safety hazard or serious defect, the manufacturer shall correct the imminent safety hazard or serious defect under 2 MCAR S 1.90710.

2 MCAR S 1.90718 Manufactured homes in the hands of dealers and distributors.

A. Responsibility of manufacturer. The manufacturer is responsible for correcting any failures to conform and imminent safety hazards which exist in manufactured homes which have been sold or otherwise released to a distributor or dealer but which have not yet been sold to a purchaser. Generally this responsibility does not extend to failures to conform or imminent safety hazards that result solely from transit damages that occur after the manufactured home leaves the control of the manufacturer when the home is released by the manufacturer. Rule 2 MCAR S 1.90718 sets out the procedures to be followed by dealers and distributors for handling manufactured homes in these cases. Regardless of whether the manufacturer is responsible for repairing a manufactured home, no dealer or distributor may sell a manufactured home if it contains a failure to conform or an imminent safety hazard.

B. Notification and record. Whenever a dealer or distributor finds a problem in a manufactured home which the manufacturer is responsible for correcting, the dealer or distributor shall contact the manufacturer, provide full information concerning the problem, and request appropriate action by the manufacturer in accord with D. Where the manufacturer agrees to correct, the manufacturer shall maintain a complete record of its actions. Where the manufacturer authorizes the dealer to make the necessary corrections on a

reimbursable basis, the dealer or distributor shall maintain a complete record of its actions.

C. Amount of reimbursement. An agreement by the manufacturer to correct or to authorize corrections on a reimbursable basis constitutes the commissioner's determination, for purposes of section 613(b) of the act with respect to judicial review of the amount which the manufacturer agrees to reimburse the dealer or distributor for corrections.

D. Manufacturer's option. Upon a final determination by the commissioner under 2 MCAR S 1.90711, or upon a determination by the secretary or a court of competent jurisdiction that a manufactured home fails to conform to the standard or contains an imminent safety hazard after the manufactured home is sold or otherwise released by a manufacturer to a distributor or a dealer and prior to the sale of the manufactured home by the distributor or dealer to a purchaser, the manufacturer shall have the option to either:

1. Immediately furnish, at the manufacturer's expense, to the purchasing distributor or dealer the required conforming part or parts or equipment for installation by the distributor or dealer on or in the manufactured home, and the manufacturer shall reimburse the distributor or dealer for the reasonable value of the installation plus a reasonable reimbursement of not less than one percent per month of the manufacturer's or distributor's selling price prorated from the date of receipt by certified mail of notice of noncompliance to the date the manufactured home is brought into compliance with the standards, so long as the distributor or dealer proceeds with reasonable diligence with the installation after the part or component is received; or

2. Immediately repurchase, at the manufacturer's expense, the manufactured home from the distributor or dealer at the price paid by the distributor or dealer, plus all transportation charges involved and a reasonable reimbursement of not less than one percent per month of the price paid prorated from the date of receipt by certified mail of notice of the imminent safety

hazard, serious defect, defect, or noncompliance to the distributor. The value of the reasonable reimbursements shall be fixed by mutual agreement of the parties or by a court in an action brought under section 613(b) of the act.

Rule 2 MCAR S 1.90718 does not apply to any manufactured home purchased by a dealer or distributor which has been leased by the dealer or distributor to a tenant for purposes other than resale. In that instance the dealer or distributor has the remedies available to a purchaser under 2 MCAR SS 1.90702-1.90720.

2 MCAR S 1.90719 Notices, bulletins, and other communications. At the time of dispatch, each manufacturer shall give to the commissioner a true or representative copy of all notices, bulletins, and other written communications to the dealers or distributors of the manufacturers regarding any serious defect or imminent safety hazard which may exist in any manufactured homes produced by the manufacturer. Manufacturers shall keep complete records of all other communications with dealers, owners, and purchasers regarding noncompliances and defects.

2 MCAR S 1.90720 Supervision of notification and correction actions.

A. Notifications and corrections. The production inspection primary inspection agency in each manufacturing plant shall be responsible for assuring that notifications are sent to all owners, purchasers, dealers, or distributors of whom the manufacturer has knowledge under the requirements of the act. The production inspection primary inspection agency shall be responsible for assuring that the required corrections are carried out by auditing the certificates required by 2 MCAR S 1.90716.

B. Accomplishment of remedial actions. The commissioner or secretary to whom the report required by 2 MCAR S 1.90716 D. is sent shall be responsible for assuring through oversight that remedial actions described in the report have been carried out.

C. Inspection. The commissioner may inspect a manufactured

commissioner considers appropriate.

5. Oral proceedings shall be stenographically or mechanically reported, or recorded, or transcribed, under the supervision of the presiding officer, unless the presiding officer and the parties otherwise agree, in which case a summary approved by the presiding officer shall be kept.

D. Presentation of views meetings.

1. A presentation of views meeting may be written or oral and may include an opportunity for an oral presentation, whether requested or not, whenever the commissioner concludes that an oral presentation would be in the public interest and states this in the notice. A presiding officer shall preside over all oral presentations. The purpose of these presentations shall be to gather information to allow fully informed decision making. Presentations of views meetings shall not be adversary proceedings. Oral presentations shall be conducted in an informal but orderly manner. The presiding officer shall have the duty and authority to conduct a fair proceeding, to take all necessary action to avoid delay, and to maintain order. In the absence of extraordinary circumstances, the presiding officer at an oral presentation of views meeting shall not require that testimony be given under oath or affirmation and shall not permit either cross-examination of witnesses by other witnesses or their representatives, or the presentation of rebuttal testimony by persons who have already testified. The rules of evidence prevailing in courts of law or equity shall not control the conduct of oral presentation of views meeting.

2. Within ten days after a presentation of views meeting, the presiding officer shall refer to the commissioner all documentary evidence submitted, any transcript that has been made, a summary of the issues involved, information presented in the presentation of views meeting, and the presiding official's recommendations with the rationale for them. The presiding officer shall make any appropriate statements concerning the apparent veracity of witnesses or the validity of factual assertions which may be within the competence of the presiding

officer. The commissioner shall issue a final determination concerning the matters at issue within 30 days of receipt of the presiding officer's summary. The final determination shall include a statement of findings, with specific references to principal supporting items of evidence in the record and conclusions, as well as the reasons or bases for them upon all of the material issues of fact, law, or discretion as presented on the record; and an appropriate order. Notice of the final determination shall be given in writing and transmitted by certified mail, return receipt requested, to all participants in the presentation of views meeting. The final determination shall be conclusive with respect to persons whose interests were represented.

E. Hearings. Whenever the commissioner determines that a formal hearing is necessary in order to resolve the presentation of adversary views on matters governed by these rules, such hearing shall be conducted in accordance with the applicable provisions of Minn. Stat. ch. 15 governing contested case hearings and applicable provisions of the administrative rules of the Office of Administrative Hearings.

F. Public participation in presentation of views meetings.

1. Any interested persons may participate in writing in any presentation of views meeting held under the provision of D. The presiding officer shall consider to the extent practicable any written materials.

2. Any interested person may participate in the oral portion of any presentation of views meeting held under D. unless the presiding officer determines that participation should be limited or barred so as not to prejudice unduly the rights of the parties directly involved or unnecessarily delay the proceedings.

2 MCAR S 1.90902 Fees for seals, construction compliance certificates, and labels.

A. Construction seal fees. Manufactured home and accessory structure construction seal fees are $5 per seal.

B. Installation seal fees. Manufactured home installation

seal fees are $6 for a support/utility seal and $4 for an anchoring system seal.

C. Construction compliance certificate fee. The manufactured home and accessory structure construction compliance certificate fee is $10.

D. Label fee. The United States Department of Housing and Urban Development monitoring (label) fee is $19 per label. The United States Department of Housing and Urban Development monitoring (label) fee shall be paid by the manufacturer to the secretary.

2 MCAR S 1.90904 Annual registration fees. An installer shall pay a registration fee of $20 annually. The fee is due January 1 of each year.

2 MCAR S 1.90905 Other fees. For all other work performed by the Department of Administration such as, but not limited to, the review of plans, specifications, and independent agency reports, and quality control evaluation; a fee of $25 per man hour shall be charged.

2 MCAR S 1.90906 Reservation of rights. Nothing in 2 MCAR SS 1.90101-1.90906 shall limit the rights of the purchaser under any contract or applicable law.

Relettering. Reletter 2 MCAR S 1.90103 U.-GGG. as 2 MCAR S 1.90103 V.-HHH.

Repealer. Rules 2 MCAR SS 1.90200, 1.90203, 1.90211, 1.90212, 1.90213, 1.90300, 1.90304, 1.90306, 1.90400, 1.90500, 1.90600, 1.90700, 1.90800, and 1.90900 are repealed.

APPROVED AS TO LEGALITY

July 7 19 82

WARREN SPANNAUS, ATTORNEY GENERAL

BY Ted A. Mondale

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 12 1982
Joan Anderson Growe
Secretary of State

10:16 AM

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

In the Matter of the Proposed Adoption of Amendments to The Manufactured Home Building Code Rules

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on May 17, 1982 and was sent by the United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes section 15.0412, subdivision 4 on May 14, 1982. After affording interested and affected persons an opportunity to submit comments fo 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing the comments, and determining the need for a reasonableness of the above-captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules identified as amendments to the Manufactured Home Building Code Rules are adopted this 23rd day of June, 1982, pursuant to authority vested in my by Minnesota Statutes Section 327.33 subdivision 3.

STATE OF MINNESOTA

JAMES J. HINIKER, JR.
COMMISIONER OF ADMINISTRATION

DEPARTMENT OF ADMINISTRATION

DIVISION OF BUILDING CODES & STANDARDS

Proposed Rules for the Minnesota Manufactured Home Building Code 2MCAR 1.90100 - 1.90904 Adopting Federal Mobile Home Construction and Safety Standards and Procedural and Enforcement Regulations and Revisions to the Existing Rules.

Notice of Intent to Adopt Amended Rules without a Public Hearing

Notice is hereby given that the Minnesta Department of Administration (hereinafter "agency") intends to adopt the above-entitled rule without a public hearing. The agency has determined that the proposed adoption of this rule is noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. §15.0412 Subd. 4h, for adoption of noncontroversial rules.

The proposed rules provides for amending 2MCAR 1.90100 thru 1.90904 by adopting the Federal Mobile Home Construction and Safety Standard and Rules and changing the term "Mobile Home" to that of "Manufactured Home" in amended sections, and adding to and revising the definition section; deleting certain sections dealing with construction; adding a new section concerning Consumer Complaint Handling; adding requirements for Manufactured Home Utility Connections; Revising the fees schedule and adding the HUD Monitoring Fee paid by the manufacturer to HUD. In general, most of the changes were made in order for the Division to become a fully approved State Administratie Agency under HUD. The rule revisions are authorized under Minn. Stat. §327.33 Subd. 3, 4, 5 & 6.

The agency has prepared a Statement of Need and Reasonableness that describes the agency's reason for the proposed rule and identifies the data and information relied upon by the Agency to support the proposed rule. Copies of the Statement of Need and Reasonableness may be obtained from the agency by contacting:

Ms. Peggi Opalinski
Building Codes & Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101

Interested persons have 30 days after publication in the State Register to submit comments on the proposed rules. The proposed rules may be modified if the data and views submitted to the agency warrant modifications and the modification does not result in the substantial change in the proposed language.

If, during the comment period, seven or more persons submit to the agency a written request for a hearing on the proposed rule, the agency shall proceed to schedule a public hearing before the adoption of the rules. The agency requests that if a person desires a public hearing, the written request, identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

Persons who wish to submit comments or a request for a public hearing should submit such comments or requests no later than 30 days after publication in the State Register to Ms. Peggi Opalinski at the address given above.

In the event a hearing is required, the agency will proceed according to provisons of Minn. Stat. §15.0412, Subd. 4-4F. Persons who wish to receive a copy of the final rule as proposed for adoption should submit a written statement of such desire to Ms. Opalinski.

After adoption of the final rule by the agency, the proposed rule, this notice, the Statement of Need and Reasonableness, all written comments received by the agency, and the final rule as adopted will be sent to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General should submit a written statement of such desire to Ms. Opalinski.

Please be advised that Minn. Stat. Ch. 10A (1978) requires each lobbyist to register with the Ethical Practices Board within five days after he/she commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250.00 per year for lobbying or any indivdual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250.00 per year or five hours per month lobbying. The statute in questions provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, Telephone: (612) 296-5651.

James J. Hiniker, Jr.
Commissioner

4-27-82
Date

In the Matter of the Proposed
Adoption of Amendments to
the Manufactured Home Building Code
Rules

AFFIDAVIT OF MAILING

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Gloria Safford, being first duly sworn, deposes and says:

That on the 14th day of May, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Intent to Adopt Rules Without a Public Hearing by depositing in the State of Minnesota Central Mail System for first class mailing, a copy thereof, properly enveloped with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Department of Administration, Building Codes and Standards Division for the purpose of receiving notice of the proposed adoption of rules by the Division.

Gloria Safford
Gloria Safford

Subscribed and sworn to before me
this 14th day of May, 1982

Mary A. Kahnke

MARY A. KAHNKE
NOTARY PUBLIC - MINNESOTA
DAKOTA COUNTY
My Commission Expires May 9, 1984

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In The Matter of the Proposed
Adoption of Amendments to the
Manufactured Home Building Code Rules

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. § 15.0412, subd. 4, that their names be placed on file with and maintained by the Department of Administration, Building Codes and Standards Division for the purpose of receiving notice of the proposed adoption of rules by this Division is accurate and complete as of 2:00 p.m., this 14th day of May, 1982.

Margaret Ann Opalinski

Margaret Ann Opalinski
Building Codes and Standards Division

ERRATA

MANUFACTURED BUILDING CODE RULES

The following errata exists in the State Register printing of the subject rules.

page 1882 2MCAR 1.90101 last line should read: Pages 5887 and 5888. State Register reads: Pages 4887 and 5888.

page 1885 2MCAR 1.90103 BB. Last line should read - SS 1.90101 - 1.90906. State Register reads: SS 1.90901 - 1.90906.

page 1888 2MCAR 1.90202 C.1. First line should read 2MCAR SS 1.90301 - 1.90310. State Register reads: 2MCAR S 1.90301 - 1.90310.

page 1889 2MCAR 1.90206. Title should read: Seal or label removal. ~~construction~~. State Register reads: Seal or label removal; ~~construction~~.

page 1896 2MCAR 109708. First line should read (of a waiver request under G.) State Register reads: (of a waiver requested under G.)

page 1902 2MCAR 1.90718 D. Last line should read: Have the option to either: State Register reads: Have the option to either;

page 1902 2MCAR 1.90718 D.1. Third line should read: Part or parts or. State Register reads: Parts or parts or

STATE REGISTER

STATE OF MINNESOTA



VOLUME 6, NUMBER 46

May 17, 1982

Pages 1877-1920

STATE REGISTER

Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
	SCHEDULE FOR VOLUME 6		
47	Monday May 10	Monday May 17	Monday May 24
48	Monday May 17	Monday May 24	Monday May 31
49	Monday May 24	Friday May 28	Monday June 7
50	Monday May 31	Monday June 7	Monday June 14

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, 506 Rice Street, St. Paul, Minnesota 55103, (612) 296-0930.

The *State Register* is published by the State of Minnesota, State Register and Public Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 15.051. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $3.00 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

Albert H. Quie
Governor

James J. Hiniker, Jr.
Commissioner
Department of Administration

Stephen A. Ordahl
Director
State Register and
Public Documents Division

Carol Anderson Porter
Editor

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Editorial Staff

Debbie Kobold
Circulation Manager

Margaret Connelly
State Register Index Editor

Cover graphic: *Minnesota State Capitol*, ink drawing by Ric James.

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How to Follow State Agency Rulemaking Action in the *State Register*

State agencies must publish notice of their rulemaking action in the *State Register*. If an agency seeks outside opinion before promulgating new rules or rule amendments, it must publish a **NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION.** Such notices are published in the **OFFICIAL NOTICES** section. Proposed rules and adopted rules are published in separate sections of the magazine.

The PROPOSED RULES section contains:

- Calendar of Public Hearings on Proposed Rules.
- Proposed new rules (including Notice of Hearing and/or Notice of Intent to Adopt Rules without A Hearing).
- Proposed amendments to rules already in existence in the Minnesota Code of Agency Rules (MCAR).
- Proposed temporary rules.

The ADOPTED RULES section contains:

- Notice of adoption of new rules and rule amendments (those which were adopted without change from the proposed version previously published).
- Adopted amendments to new rules or rule amendments (changes made since the proposed version was published).
- Notice of adoption of temporary rules.
- Adopted amendments to temporary rules (changes made since the proposed version was published).

All ADOPTED RULES and ADOPTED AMENDMENTS TO EXISTING RULES published in the *State Register* will be published in the Minnesota Code of Agency Rules (MCAR). Proposed and adopted TEMPORARY RULES appear in the *State Register* but are not published in the MCAR due to the short-term nature of their legal effectiveness.

The *State Register* publishes partial and cumulative listings of rule action in the MCAR AMENDMENTS AND ADDITIONS list on the following schedule:

Issues 1-13, inclusive
Issues 14-25, inclusive
Issue 26, cumulative for 1-26
Issue 27-38, inclusive
Issue 39, cumulative for 1-39
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PROPOSED RULES

Pursuant to Minn. Laws of 1980, § 15.0412, subd. 4h, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless seven or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules;

and

4. that the rule may be modified if modifications are supported by the data and views submitted.

If, during the 30-day comment period, seven or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of § 15.0412, subds. 4 through 4g, which state that if an agency decides to hold a public hearing, it must publish in the *State Register* a notice of its intent to do so. This notice must appear at least 30 days prior to the date set for the hearing, along with the full text of the proposed rules. (If the agency has followed the provisions of subd. 4h and has already published the proposed rules, a citation to the prior publication may be substituted for republication.)

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Administration
Division of Building Codes and Standards

Proposed Rules for the Minnesota Manufactured Home Building Code 2 MCAR §§ 1.90100-1.90904 Adopting Federal Mobile Home Construction and Safety Standards and Procedural and Enforcement Regulations and Revisions to the Existing Rules

Notice of Intent to Adopt Rules without a Public Hearing

Notice is hereby given that the Minnesota Department of Administration (hereinafter "agency") intends to adopt the above-entitled rules without a public hearing. The agency has determined that the proposed adoption of these rules is noncontroversial in nature and has elected to follow the procedures set forth in Minn. Stat. § 15.0412, subd. 4h, for adoption of noncontroversial rules.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

The proposed rules provide for amending 2 MCAR §§ 1.90100 thru 1.90904 by adopting the Federal Mobile Home Construction and Safety Standard and Rules and changing the term "Mobile Home" to that of "Manufactured Home" in amended sections, and adding to and revising the definition section; deleting certain sections dealing with construction; adding a new section concerning Consumer Complaint Handling; adding requirements for Manufactured Home Utility Connections; revising the fees schedule and adding the HUD Monitoring Fee paid by the manufacturer to HUD. In general, most of the changes were made in order for the division to become a fully approved State Administrative Agency under HUD. The rule revisions are authorized under Minn. Stat. § 327.33, subds. 3, 4, 5 & 6.

The agency has prepared a statement of need and reasonableness that describes the agency's reason for the proposed rule and identifies the data and information relied upon by the agency to support the proposed rule. Copies of the statement of need and reasonableness may be obtained from the agency by contacting:

Ms. Peggi Opalinski
Building Codes & Standards Division
408 Metro Square Building
7th and Robert Streets
St. Paul, MN 55101

Interested persons have 30 days after publication in the *State Register* to submit comments on the proposed rules. The proposed rules may be modified if the data and views submitted to the agency warrant modifications and the modification does not result in the substantial change in the proposed language.

If, during the comment period, seven or more persons submit to the agency a written request for a hearing on the proposed rule, the agency shall proceed to schedule a public hearing before the adoption of the rules. The agency requests that if a person desires a public hearing, the written request, identify the particular provisions objected to, the suggested modifications to the proposed language, and the reasons and data relied on to support the suggested modifications.

Persons who wish to submit comments or a request for a public hearing should submit such comments or requests no later than 30 days after publication in the *State Register* to Ms. Peggi Opalinski at the address given above.

In the event a hearing is required, the agency will proceed according to provisions of Minn. Stat. § 15.0412, subds. 4-4F. Persons who wish to receive a copy of the final rule as proposed for adoption should submit a written statement of such desire to Ms. Opalinski.

After adoption of the final rule by the agency, the proposed rule, this notice, the statement of need and reasonableness, all written comments received by the agency, and the final rule as adopted will be sent to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General should submit a written statement of such desire to Ms. Opalinski.

Please be advised that Minn. Stat. ch. 10A (1978) requires each lobbyist to register with the Ethical Practices Board within five days after he/she commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250.00 per year or five hours per month lobbying. The statute in questions provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, Telephone: (612) 296-5651.

April 27, 1982

James J. Hiniker, Jr.
Commissioner

Rules as Proposed

2 MCAR § 1.90101 Authorization. ~~These~~ Rules 2 MCAR §§ 1.90101-1.90906 are authorized by ~~Laws of 1971, ch. 409, as amended, Laws of 1974, ch. 273~~ Minn. Stat. §§ 327.31-327.36; and 327.55 and established through the rulemaking procedures set forth in Minn. Stat. ~~1969,~~ §§ 15.0411 ~~to~~ 15.0417, ~~in order~~ to implement, interpret, and carry out the provisions of ~~Laws of 1971, ch. 409, as amended, and Laws of 1974, ch. 273~~ Minn. Stat. §§ 327.31-327.36; and 327.55 relating to ~~Mobile~~ manufactured homes. ~~In the event that~~ If these rules differ ~~with~~ from the code promulgated by the American National Standards Institute as ~~(~~ANSI A119.1~~)~~, or the provisions of the National Fire Protection Association ~~and~~ identified as NFPA 501B, or the federal mobile home construction and safety standards in Code of Federal Regulations, title 24, part 3280 (1981), or the mobile home procedural and enforcement regulations in Code of Federal Regulations, title 24, part 3282 (1981), as amended at Federal Register, volume 47, pages 4887 and 5888, (1981), these rules shall govern in all cases.

2 MCAR § 1.90102 Enforcement. The commissioner shall administer and enforce all the provisions of ~~these rules~~ 2 MCAR §§ 1.90101-1.90906 and the code. Any ~~officer, agent or employee~~ authorized representative of the Department of

Administration ~~is authorized to~~ may enter any premises where ~~mobile~~ manufactured homes are manufactured, sold, offered for sale, parked in any ~~mobile~~ manufactured home park in the state, or installed in the state if ~~such~~ the installation was made after September 1, 1974. ~~He~~ The authorized representative may examine any records and may inspect any ~~mobile~~ manufactured home, equipment, or installations to ensure compliance with the provisions of ~~these rules~~ 2 MCAR §§ 1.90101-1.90906 and the code. ~~When it becomes necessary to determine compliance, he~~ The authorized representative may require that a portion or portions of ~~such mobile~~ a manufactured home be removed or exposed in order that an inspection may be made to determine compliance, or require that ~~ground supports and ground anchors~~ all portions of an installation be removed or exposed to make ~~such~~ this determination.

2 MCAR § 1.90103 Definitions. ~~In addition to the definition contained herein, the definitions in ANSI A119.1 or NFPA 501B shall apply.~~

A. Applicability. For the purposes of 2 MCAR §§ 1.90101-1.90906, the terms defined in B.-GGG. have the meanings given them.

~~A.~~ B. Accessory structure. "Accessory structure" means manufactured home accessory structure.

~~1. A subordinate structure which, when installed, becomes a part of a mobile home.~~

~~2. Components which constitute portions or parts of ground support and anchoring systems.~~

~~B. Agency, independent inspection. An organization, approved by the Commissioner, qualified to review and approve plans and specifications for mobile homes with respect to model, structural, electrical, mechanical and plumbing requirements and in addition evaluate quality control programs and make inspections.~~

~~C. Agency, listing. An agency approved by the Commissioner which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed products, and which makes available at least an annual published report of such listing in which specific information is included that the product has been tested to approved standards and found safe for use in a specified manner.~~

~~D. Agency, evaluation. An organization approved by the Commissioner which is qualified by reason of facilities, personnel, experience and demonstrated reliability to investigate and evaluate mobile homes.~~

~~E. Agency, testing. An organization which is:~~

~~1. Primarily interested in testing and evaluating equipment and installations;~~

~~2. Qualified and equipped for, or to observe experimental testing to approved standards;~~

~~3. Not under the jurisdiction or control of any manufacturer or supplier of any industry;~~

~~4. Makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and~~

~~5. Approved by the commissioner.~~

~~F. Alteration, construction. The replacement, addition, modification or removal of any equipment or installations which may affect the construction, plumbing, heat-producing or electrical system or the functioning thereof of mobile homes subject to the code.~~

~~G. Alteration, installation. The replacement, addition, modification or removal of any components of the ground support or ground anchoring systems required under the provisions of these rules.~~

C. Act. "Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, title VI of the Housing and Community Development Act of 1974, United States Code, title 42, sections 5401-5426 (1976), as amended through March 15, 1982.

D. Anchor. "Anchor" means ground anchor.

~~H.~~ E. Anchoring equipment. "Anchoring equipment" means straps, cables, turnbuckles, and chains, including tensioning devices, which are used with ties to secure a ~~mobile~~ manufactured home to ground anchors.

~~I.~~ F. Anchoring system. ~~A combination of ties, anchoring equipment, and ground anchors that will, when properly~~

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~~designed and installed, resist overturning and lateral movement of the mobile home from wind forces~~ "Anchoring system" means any method used for securing the manufactured home to a foundation system or the ground.

~~J.~~ G. Approved. "Approved" means acceptable to the authority having jurisdiction.

~~K.~~ H. Authority having jurisdiction. "Authority having jurisdiction" means the Commissioner of Administration or his authorized representative.

~~L.~~ I. Authorized representative. "Authorized representative" ~~includes~~ means any person, firm, or corporation, or employee thereof, approved or ~~recognized~~ hired by the commissioner to perform inspection services.

~~M.~~ J. Baling. "Baling" ~~is~~ means a method of "wrapping" a cross section (roof, walls, and floor) and the main frame (chassis) of a ~~mobile~~ manufactured home with straps.

~~N.~~ K. Code. "Code" means the ~~standards code promulgated by the American National Standards Institute and identified as ANSI A119.1 or the provisions of the National Fire Protection Association and identified as NFPA 501B, including revisions adopted by the Commissioner~~ manufactured home building code.

~~O. Compliance certificate, construction. The certificate provided by the manufacturer or dealer to both the Commissioner and the owner which warrants that the mobile home complies with the code.~~

~~P. Compliance certificate, installation. The certificate provided by the installer or dealer to both the Commissioner and the owner which warrants that the mobile home complies with these rules.~~

~~Q.~~ L. Commissioner. "Commissioner" means the Commissioner of Administration or his duly authorized representative.

M. Construction alteration. "Construction alteration" means the replacement, addition, modification, or removal of any equipment or installation which may affect the construction, plumbing, heating, cooling, or fuel burning system, or electrical system or the functioning of any of these in manufactured homes subject to the code.

N. Construction compliance certificate. "Construction compliance certificate" means the certificate provided by the manufacturer or dealer to both the commissioner and the owner which warrants that the manufactured home complies with the code.

~~R.~~ O. Dealer. "Dealer" means any person~~, other than a manufacturer who sells three (3) or more mobile homes in any consecutive twelve (12) month period~~ engaged in the sale, leasing, or distribution of a manufactured home primarily to persons who purchase or lease for purposes other than resale.

P. Defect. "Defect" means a failure to comply with an applicable federal mobile home construction and safety standard, as set forth in Code of Federal Regulations, title 24, part 3280 (1981), that renders the manufactured home or any part or component of it not fit for the ordinary use for which it was intended, but that does not result in an unreasonable risk of injury or death to occupants of the manufactured home.

Q. Design approval inspection agency. "Design approval inspection agency" means a state or private organization that has been accepted by the secretary.

~~S.~~ R. Diagonal tie. "Diagonal tie" means a tie intended ~~to~~ primarily to resist horizontal or shear forces and which may secondarily resist vertical, uplift, and overturning forces.

S. Distributor. "Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

T. Evaluation agency. "Evaluation agency" means an organization approved by the commissioner which is qualified by reason of facilities, personnel, experience, and demonstrated reliability to investigate and evaluate manufactured homes.

~~T.~~ U. Footing. "Footing" means that portion of the support system that transmits loads directly to the soil.

V. Foundation system. "Foundation system" means a permanent foundation constructed in conformance with the state building code.

~~U.~~ W. Ground anchor. "Ground anchor" means any device at the ~~mobile~~ manufactured home stand designed to transfer ~~mobile~~ manufactured home anchoring loads to the ground.

X. Imminent safety hazard. "Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 42, part 3280 (1981).

Y. Independent inspection agency. "Independent inspection agency" means an organization approved by the commissioner

qualified to review and approve plans and specifications for manufactured homes with respect to model, structural, electrical, mechanical, and plumbing requirements and to evaluate quality control programs and make inspections.

Z. Installation. "Installation" of a manufactured home means assembly, at the site of occupancy, of all portions of the manufactured home, connection of the manufactured home to existing utility connections, and installation of support or anchoring systems.

AA. Installation alteration. "Installation alteration" means the replacement, addition, modification, or removal of any components of the ground support or ground anchoring systems required under the provisions of 2 MCAR §§ 1.90101-1.90906.

BB. Installation compliance certificate. "Installation compliance certificate" means the certificate provided by the installer to both the commissioner and the owner which warrants that the manufactured home complies with 2 MCAR §§ 1.90901-1.90906.

CC. Installation instructions. "Installation instructions" means those instructions provided by the manufacturer accompanying each manufactured home detailing the manufacturer's requirements for ground supports and anchoring systems attachments.

DD. Installation seal. "Installation seal" means a device or insignia issued by the commissioner to a manufactured home installer to be displayed on the manufactured home to evidence compliance with the commissioner's rules pertaining to manufactured home installations.

~~V.~~ EE. Installer. ~~Mobile Home~~ "Installer" means ~~any person who, within any consecutive twelve (12) month period, installs for others three (3) mobile homes at site of occupancy by making necessary service connections or attaching support systems or ground anchoring systems~~ manufactured home installer.

~~W. Installation instructions. Those instructions provided by the manufacturer accompanying each mobile home detailing the manufacturer's requirements for ground supports and anchoring systems attachments.~~

FF. Label. "Label" means the approved form of certification required by the secretary or the secretary's agents to be affixed to each transportable section of each manufactured home manufactured for sale, after June 14, 1976, to a purchaser in the United States.

~~X.~~ GG. Length of ~~mobile homes~~ a manufactured home. "Length of a manufactured home" means ~~the distance measured from the extreme front to the extreme rear of a mobile home (excluding hitch, coupling, tongue and other attachments)~~ its largest overall length in the traveling mode, including cabinets and other projections which contain interior space. Length does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space, nor does it include drawbars, couplings, or hitches.

~~Y.~~ HH. Listed. "Listed" means equipment or materials included in a list published by a nationally recognized testing laboratory that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

II. Listing agency. "Listing agency" means an agency approved by the commissioner which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed products, and which makes available at least an annual published report of the listing which includes specific information that the product has been tested to approved standards and found safe for use in a specified manner.

~~Z.~~ JJ. Main frame. "Main frame" means the structural component on which is mounted the body of the ~~mobile~~ manufactured home.

KK. Manufactured home. "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems

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contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under Minn. Stat. ch. 327.

LL. Manufactured home accessory structure. "Manufactured home accessory structure" means a factory-built building or structure which is an addition or supplement to a manufactured home and, when installed, becomes a part of the manufactured home.

MM. Manufactured home building code. "Manufactured home building code" means for manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976, the standards code promulgated by the American National Standards Institute and identified as ANSI A119.1, including all revisions thereof in effect on May 21, 1971, or the provisions of the National Fire Protection Association and identified as NFPA 501B, and further revisions adopted by the commissioner.

"Manufactured home building code" means for manufactured homes constructed after June 14, 1976, the mobile home construction and safety standards promulgated by the United States Department of Housing and Urban Development which are in effect at the time of the manufactured home's manufacture.

NN. Manufactured home installer. "Manufactured home installer" means any person, firm, or corporation which installs manufactured homes for others at site of occupancy, except manufactured homes installed on a foundation system.

~~A1.~~ OO. Manufacturer. ~~A~~ "Manufacturer" means any person ~~who manufactures mobile~~ engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for sale.

~~B1.~~ PP. Mobile home. "Mobile home" ~~means a factory-built structure or structures equipped with the necessary service connections and made so as to be readily movable as a unit or units on its or their own running gear and designed to be a relocatable structure or structures used for any occupancy without a permanent foundation. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner~~ is synonymous with manufactured home whenever it appears in 2 MCAR §§ 1.90101-1.90906 and in other documents or on construction or installation seals.

~~C1.~~ QQ. Model group. "Model group" means two or more manufacturer-designed ~~mobile homes~~ accessory structures which constitute one model.

RR. Noncompliance. "Noncompliance" means a failure of a manufactured home to comply with a federal mobile home construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard.

~~D1.~~ SS. Person. ~~This~~ "Person" means a person, partnership, corporation, or other legal entity.

TT. Production inspection primary inspection agency. "Production inspection primary inspection agency" means an agency which evaluates the ability of manufactured home manufacturing plants to follow approved quality control procedures and which provides ongoing surveillance of the manufacturing process.

UU. Purchaser. "Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

~~E1.~~ VV. Seal~~, construction~~. "Seal" means a device or insignia issued by the commissioner to be displayed on the ~~mobile~~ manufactured home to evidence compliance with the manufactured home building code ~~with respect to construction~~. "Seal" includes construction and installation seals.

~~F1. Seal, installation. Installation seal means a device or insignia issued by the Commissioner upon application supported by such evidence as the Commissioner deems necessary to establish that the installation seals will be affixed only to those mobile homes where support systems and ground anchoring systems comply with these Rules and the Code.~~

WW. Secretary. "Secretary" means the Secretary of the United States Department of Housing and Urban Development or the head of any successor agency with responsibility for enforcement of federal laws relating to manufactured homes.

XX. Serious defect. "Serious defect" means any failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 24, part 3280 (1981) that renders the manufactured home or any part of it not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected manufactured home.

~~G1.~~ YY. Stabilizing devices. "Stabilizing devices" means all components of the anchoring and support systems such as piers, footings, ties, anchoring equipment, ground anchors, and any other equipment which supports the ~~mobile~~ manufactured home and secures it to the ground.

~~H1.~~ ZZ. Stabilizing system. "Stabilizing system" means a combination of the anchoring system and the support system when properly installed.

AAA. State administrative agency. "State administrative agency" means an agency of a state which has been approved or conditionally approved to carry out the state plan for enforcement of the federal mobile home construction and safety standards. For manufactured homes manufactured after June 14, 1976, and located in Minnesota, the commissioner of administration is the state administrative agency.

~~I1.~~ BBB. Support system. ~~A combination of footings, piers, caps, and shims that will, when properly installed, support the mobile home~~ "Support system" means any foundation system or other structural method used for the purpose of supporting a manufactured home at the site of occupancy.

~~J1. Systems, construction. An arrangement or method of construction for structural, plumbing, heat-producing, and electrical installations in mobile homes subject to the code.~~

~~K1. Systems, ground support and anchoring.~~

~~1. Support system means any device or combination thereof placed beneath a mobile home at the site of occupancy for the purpose of providing support.~~

~~2. Anchoring system means any device or combination thereof connected to a mobile home and designed for the purpose of securing the mobile home to the ground.~~

CCC. Testing agency. "Testing agency" means an organization which:

1. Is primarily interested in testing and evaluating equipment and installations;

2. Is qualified and equipped to observe experimental testing to approved standards;

3. Is not under the jurisdiction or control of any manufacturer or supplier of any industry;

4. Makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and

5. Is approved by the commissioner.

~~L1.~~ DDD. Tie. "Tie" means a strap, cable, or securing device used to connect the ~~mobile~~ manufactured home to ground anchors.

EEE. Utility connections. "Utility connections" means the connection of the manufactured home to existing utilities including, but not limited to, electricity, water, sewer, gas, or fuel oil.

~~M1.~~ FFF. Vertical tie. "Vertical tie" means a tie intended ~~to~~ primarily to resist the uplifting and overturning forces.

GGG. Width of a manufactured home. "Width of a manufactured home" means its largest overall width in the traveling mode, including cabinets and other projections which contain interior space. Width does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space.

2 MCAR § 1.90201 Requirement for ~~construction~~ seals, code compliance, construction compliance certificates, or labels.

A. Construction seals; code compliance; construction compliance certificates; or labels. After July 1, 1972, no person shall~~:~~

~~1.~~ sell or offer for sale~~,~~ in this state~~,~~ any ~~mobile~~ manufactured home manufactured after July 1, 1972~~,~~;

~~2.~~ manufacture any ~~mobile~~ manufactured home~~,~~ in this state; or~~,~~

~~3.~~ park any ~~mobile~~ manufactured home manufactured after July 1, 1972, in any ~~mobile~~ manufactured home park in this state, unless the ~~mobile~~ manufactured home complies with the code and the commissioner's revisions ~~thereto~~ to it, 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, or if manufactured after June 14, 1976, bears a label as required by the secretary.

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B. Alteration of manufactured homes required to have a construction seal or label. After July 1, 1972, no person shall alter any ~~mobile~~ manufactured home bearing, or required to bear, a construction seal or label as provided in ~~2 MCAR § 1.90201,~~ A. unless ~~said~~ the person has complied with 2 MCAR § 1.90701.

C. Requirement for installation seals.

1. ~~Effective September 1, 1974,~~ No person shall install or connect to any ~~mobile~~ manufactured home or manufactured home accessory structure a ground support or anchoring system~~,~~ unless ~~such~~ the system and installation ~~complies~~ comply with these rules ~~governing such installation~~. ~~Such dealer or~~ The installer shall affix the correct installation ~~seal~~ seals to the ~~mobile~~ manufactured home or the manufactured home accessory structure installed in compliance with ~~these rules~~ 2 MCAR §§ 1.90101-1.90906. Evidence of ~~such~~ compliance shall be supported by the submission of a certificate to the commissioner ~~of a certificate, a copy of which will remain in the possession of~~ and the ~~mobile~~ manufactured home owner. Installation seals are not required for manufactured homes installed on a foundation system. A permit to install a manufactured home in a municipality enforcing the state building code may be required by the municipality.

2. ~~Incomplete installation.~~ When climatic conditions interfere with the completion of installation, the dealer or installer will assign an installation seal for the ~~mobile~~ manufactured home incompletely installed and notify the commissioner stating the condition prohibiting the completion of the installation using the form issued by the commissioner. A copy of this notice shall be provided to the owner. When climatic conditions permit the completion of installation, ~~such installations~~ the installation will be promptly completed and the installation seal affixed to the ~~mobile~~ manufactured home. The installation compliance certificate shall be provided to the commissioner and the owner.

D. Requirement for ~~mobile~~ manufactured home accessory structure seal. ~~Effective September 1, 1974,~~ No person shall install or connect to any ~~mobile~~ manufactured home ~~bearing, or required to bear, a construction seal,~~ a subordinate structure manufactured after September 1, 1974, ~~in addition to, or supplementing a mobile home~~ unless the accessory structure complies with ~~these rules~~ 2 MCAR §§ 1.90101-1.90906 and the code and bears a ~~mobile~~ manufactured home accessory structure seal and is accompanied by a certificate by the manufacturer or dealer~~, both~~ evidencing that it ~~so~~ complies with the code.

2 MCAR § 1.90202 Acquisition of ~~construction~~ labels and seals; installer registration.

A. Acquisition of labels. United States Department of Housing and Urban Development labels are acquired by the manufacturer from the secretary pursuant to the act and with submission of the fee required in 2 MCAR § 1.90902.

B. Acquisition of construction seals. Any person may qualify for construction seals by furnishing proof on forms furnished by the commissioner that the manufactured home to which the seal is to be affixed was manufactured in compliance with the state manufactured home building code and has not been brought out of conformance because of damage, additions, or alterations.

~~A.~~ C. Acquisition of accessory structure seals. Any ~~person, except one altering a mobile home,~~ manufacturer of accessory structures shall qualify for acquisition of a construction seal by:

1. Obtaining plan approval pursuant to 2 MCAR ~~§ 1.90300~~ § 1.90301-1.90310 and requesting an inspection of each ~~mobile~~ manufactured home constructed pursuant to 2 MCAR § ~~1.90400, or~~ 1.90401;

2. Obtaining plan approval pursuant to 2 MCAR ~~§ 1.90300~~ §§ 1.90301-1.90310 and quality control approval pursuant to 2 MCAR § ~~1.90500,~~ 1.90501; or~~;~~

3. Obtaining certification by an independent agency approved by the commissioner pursuant to 2 MCAR § ~~1.90600~~ 1.90601.

~~B.~~ D. Installer registration~~, dealer and/or installer~~. Application for installer registration shall be on the form issued by the commissioner supporting ~~such~~ evidence ~~as~~ the commissioner deems necessary to establish that installation seals issued to ~~such dealer or~~ an installer will be affixed only to those ~~mobile~~ manufactured homes where the support system and ground anchoring system installations comply with ~~these rules~~ 2 MCAR §§ 1.90101-1.90906 and the code.

~~C.~~ E. Acquisition of installation seals. Any registered installer ~~or dealer~~ shall qualify for acquisition of an installation seal by~~:~~

~~1.~~ applying for registration as ~~a dealer or~~ an installer to the commissioner ~~by making application~~ on the form issued by the commissioner.

2 MCAR § 1.90204 Application for ~~construction~~ seals.

A. Application for construction seals. Any person who has met the applicable requirements of 2 MCAR § 1.90202 shall apply for construction seals using the forms issued by the commissioner. The application shall be accompanied by the construction seal fee set forth in 2 MCAR § 1.90902.

~~1. If the applicant has qualified to apply for construction seals, pursuant to the plan and quality control approval~~

~~method set forth in 2 MCAR § 1.90202, the seal application shall include the plan approval number and the serial number of each mobile home for which a seal is requested. Multiple mobile homes shall be designated where applicable. Advance inclusions of the mobile home's serial number may be omitted from the application provided the applicant submits a report of the seal number and serial number of the specific mobile home to which the seal has been assigned. Such report shall be submitted not later than thirty (30) days after the receipt of such seals. A report of any seals not assigned to specific homes within the thirty day period shall be submitted to the Commissioner. When such seals are assigned to specific mobile homes, a report shall be submitted as set forth above.~~

B. Application for installation seals. Any ~~dealer or~~ registered installer who has met the applicable requirements of 2 MCAR § 1.90202 shall apply for installation seals. The application shall be on forms issued by the commissioner, and the application shall be accompanied by the installation seal fee set forth in 2 MCAR § 1.90902.

C. Application for accessory structure seals. Any manufacturer of ~~mobile~~ manufactured home accessory structures who has met the applicable requirements of 2 MCAR § 1.90202 shall apply for accessory structure seals. The application shall be on the forms issued by the commissioner, and the application shall be accompanied by the accessory structure seal fee set forth in 2 MCAR § 1.90902.

2 MCAR § 1.90205 Denial and repossession of construction seals.

~~A. Should investigation or inspection reveal that a manufacturer is not constructing mobile homes according to plans approved by the Commissioner, and such manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture mobile homes in violation of these rules and the code, applications for new construction seals shall be denied and the construction seals previously issued shall be confiscated. Upon satisfactory proof of compliance shall such manufacturer may resubmit an application for construction seals.~~

~~B. Denial and repossession of~~ Installation seals. Should investigation or inspection reveal that a ~~dealer or~~ registered installer has not installed a ~~mobile~~ manufactured home according to ~~these rules~~ 2 MCAR §§ 1.90101-1.90906 and the code, the commissioner may deny ~~such dealer or~~ the installer's application for new installation seals, and any installation seals previously issued shall be confiscated. Upon satisfactory proof of modification of such installation bringing ~~them~~ it into compliance, ~~such dealer or~~ the installer may resubmit an application for installation seals.

~~C. Denial and repossession of~~ B. Accessory seals. Should investigation or inspection reveal that a manufacturer is not constructing ~~mobile~~ manufactured home accessory structures according to plans approved by the commissioner, and ~~such~~ the manufacturer, after having been served with a notice setting forth in what respect the provisions of ~~these rules~~ 2 MCAR §§ 1.90101-1.90906 and the code have been violated, continues to manufacture ~~mobile~~ manufactured home accessory structures in violation of these rules and the code, applications for new accessory seals shall be denied, and the accessory seals previously issued shall be confiscated. Upon satisfactory proof of compliance ~~such~~ the manufacturer may resubmit an application for accessory seals.

2 MCAR § 1.90206 Seal or label removal; ~~construction~~.

A. Construction seals or labels. ~~In the event that~~ If any ~~mobile~~ manufactured home bearing the construction seal or label or any manufactured home once sold to a consumer is found to be in violation of the code, the commissioner may remove the construction seal or label after furnishing the owner or his agent with a written statement of ~~such~~ the violation. The commissioner shall not issue a new construction seal or reissue a label until corrections have been made and the owner or his agent has requested an inspection pursuant to 2 MCAR § ~~1.90400~~ 1.90401.

B. ~~Seal removal,~~ Installation seals. Should a violation of the rules and regulations regarding installation be found, the commissioner may remove the installation seal after furnishing the owner or his agent with a written statement of ~~such~~ the violation. The commissioner shall not issue a new installation seal until corrections have been made and the owner or his agent has requested an inspection pursuant to 2 MCAR § ~~1.90400~~ 1.90401.

C. ~~Seal removal,~~ Accessory structure ~~seal~~ seals. ~~In the event that~~ If any accessory structure bearing the accessory structure seal is found to be in violation of the code, the commissioner may remove the accessory structure seal after furnishing the owner or his agent with a written statement of ~~such~~ the violation. The commissioner shall not issue a new accessory structure seal until corrections have been made and the owner or his agent has requested an inspection pursuant to 2 MCAR § ~~1.90400~~ 1.90401.

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2 MCAR § 1.90207 ~~A.~~ Placement of seals~~, construction~~.

A. Construction seals.

1. Each construction seal shall be assigned and affixed to a specific ~~mobile~~ manufactured home. Assigned construction seals are not transferable and are void when not affixed as assigned, and all ~~such~~ voided construction seals shall be returned to, or may be confiscated by, the commissioner. The construction seal shall remain the property of the commissioner and may be reappropriated by the commissioner in the event of violation of the conditions of approval. Multiple unit ~~mobile~~ manufactured homes shall be assigned and bear consecutively serial numbered construction seals.

2. The construction seal shall be securely affixed to the rear of the ~~mobile~~ manufactured home on the lower left corner of the exterior wall not less than six inches above the floor line~~, or on the exterior wall immediately adjacent to the main door, not less than six inches above the floor line. Where the manufacturer elects to place the construction seal on the exterior wall immediately adjacent to the main door of a multiple unit mobile home, consecutively serial numbered construction seals shall be placed on a readily visible location on an exterior wall not less than six inches above the floor line or immediately adjacent to the secondary exit door; or doors~~.

B. ~~Placement of seal,~~ Installation seals. Only one of each type of installation seal shall be assigned to a ~~mobile~~ manufactured home whether ~~such mobile~~ the manufactured home consists of one or multiple units. The installation seal shall be placed in a readily visible location adjacent to the primary label or construction seal. Appropriate installation seals shall be affixed to each accessory structure.

C. ~~Placement of seal,~~ Accessory structure ~~seal~~ seals.

1. Each accessory structure seal shall be assigned and affixed to a specific accessory structure. Assigned accessory structure seals are not transferable and are void when not affixed as assigned, and all such accessory structure seals shall be returned to, or may be confiscated by, the commissioner. The accessory structure seal shall remain the property of the commissioner and may be reappropriated by the commissioner in the event of violation of the conditions of approval. Multiple unit accessory structures shall be assigned and bear consecutively serial numbered accessory structure seals.

2. The accessory structure seal shall be securely affixed in a readily visible location. ~~Where the manufacturer elects to place the accessory structure seal near an opening on the exterior wall of a multiple unit accessory structure, consecutively serial numbered accessory structure seals shall be placed in a readily visible location.~~

2 MCAR § 1.90209 Return of seals.

A. ~~Construction seals. When a mobile home manufacturer discontinues production of a model carrying the Commissioner's plan approval, the manufacturer shall, within ten (10) days, advise the Commissioner of the date of such discontinuance and either return all seals allocated for such discontinued model or assign said seals to other approved models.~~

~~B.~~ Installation seals. When ~~a dealer or~~ an installer discontinues the installation of ~~mobile~~ manufactured homes, he shall notify the commissioner within ten ~~(10)~~ days of the date of such discontinuance and return all unused installation seals which have been issued to him. Installation seals may not be transferred by any ~~dealer or~~ installer.

~~C.~~ B. Accessory structure seals. When a ~~mobile~~ manufactured home manufacturer of accessory structures discontinues production of a model carrying the commissioner's plan approval, the manufacturer shall, within ten ~~(10)~~ days, advise the commissioner of the date of such discontinuance and either return all seals allocated for such discontinued accessory structure model or assign ~~said~~ the seals to other approved accessory structure models.

2 MCAR § 1.90210 Compliance certificate.

A. ~~Construction. A manufacturer or a dealer shall provide the Commissioner with a construction compliance certificate. Construction compliance certificate forms shall be issued by the Commissioner.~~

~~B.~~ Installation compliance certificate. ~~A dealer or~~ The installer shall provide the commissioner with an installation compliance certificate in addition to the certificate required in 2 MCAR § 1.90201. The installation compliance certificate shall be issued by the commissioner.

~~C.~~ B. Manufactured home accessory structure compliance certificate. A manufacturer ~~or dealer~~ shall provide the commissioner with ~~an~~ a manufactured home accessory structure compliance certificate required in 2 MCAR § 1.90201. Manufactured home accessory structure compliance certificate forms shall be issued by the commissioner.

2 MCAR § 1.90301 Plans required~~, construction~~.

~~A. To obtain plan approval a manufacturer shall submit plans for a model or model group and for structural, electrical, mechanical and plumbing systems.~~

~~B. Plans required, installation. Manufacturers shall obtain approval of installation systems, separately submitted and~~

~~identified from any other required submission. Installation plan submission is required from all manufacturers without exception. This requirement is mandatory notwithstanding any provisions of 2 MCAR §§ 1.90602 or 1.90801.~~

~~C. Plans required, accessory structures.~~ To obtain plan approval a manufacturer shall submit plans for an accessory structure model or model group and for structural, electrical, mechanical, and plumbing systems, where such systems are involved in the construction. The plans shall include installation requirements.

2 MCAR § 1.90302 Application for ~~model group~~ manufactured home accessory structure approval.

A. Contents; generally. An application ~~specifying~~ for a manufactured home accessory structure approval shall contain the following:

1. Name and address of manufacturer;
2. Location of plant where manufacture will take place;
3. Identification of plans, specifications, or other documents being submitted; and
4. Identification of approved quality control procedures and manual.

B. Plans and specifications. Submissions of required plans and specifications shall be in duplicate and shall include, but not be limited to, the following:

1. A dimensioned floor plan(s);
2. Proposed use of rooms and method of light and ventilation;
3. Size, type, and location of windows and exterior doors;
4. Type and location of all appliances and fixtures;
5. Type and location of plumbing, drain, water, gas, and electrical connections;
6. Type and location of all electrical outlets (~~receptacle~~ receptacles and lights);
7. Number of outlets and applicances on each circuit and circuit rating; and
8. Installation details and instructions.

~~C. Notwithstanding any provisions of 2 MCAR §§ 1.90602 or 1.90801, separate submission, in duplicate, for prior approval by the Commissioner for any mobile home construction for any permitted occupancy, other than dwellings, must be submitted before construction is started.~~

~~1. The Commissioner, upon such application, shall evaluate any required documents to determine whether any Minnesota State Agency has building requirements that may be peculiar to such Agency requirements. Minnesota Mobile home construction seals shall not be affixed to any mobile structure until approval has been granted.~~

2 MCAR § 1.90303 Application for ~~ground~~ support and anchoring systems approval.

A. Contents. All support and anchor systems equipment manufacturers shall submit plans, structural details, specifications, installation instructions, and~~, where required,~~ test reports prepared by an independent testing agency, including engineering calculations in such detail as is necessary for evaluation and approval of ~~ground~~ support and anchoring systems based on 2 MCAR § 1.90450.

B. Approval. Approval of ~~ground~~ support and anchoring systems is required from all equipment manufacturers ~~notwithstanding provisions of 2 MCAR §§ 1.90602 or 1.90801~~.

~~C. Submissions for approval shall include, but not be limited to:~~

~~1. Ground support consisting of one of the following:~~

~~a. Engineered on grade support systems.~~

~~b. Other approved systems.~~

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~~c. Foundations installed in conformance with the State Building Code.~~

~~(1) Piers, posts or isolated footings extending below the frostline.~~

~~(2) Continuous perimeter foundations extending below the frost line.~~

~~2. Materials specified.~~

~~a. Wood supports in contact with the ground shall be pressure impregnated in accordance with Uniform Building Code Standard 25-12.~~

~~b. Concrete, where used, shall have a minimum compressive strength of 2000 P.S.I. and be in conformance with Uniform Building Code Standard 26-11.~~

~~c. Masonry units, where used, will be in accordance with Uniform Building Code Standards 24-4 and 24-5.~~

~~3. Ground anchoring systems.~~

~~a. Submission for approval and registration for components which constitute portions or parts of ground support and anchoring systems by the manufacturer shall clearly indicate compliance with the requirements of NFPA 501B-ANSI A119.1 "Structural Design Requirements."~~

2 MCAR § 1.90308 Evidence of commissioner's approval—~~construction~~.

~~A. Approved construction plans and specifications shall be evidenced by the stamp of approval of the Commissioner. An approved copy of the plans and specifications shall be returned to the manufacturer. An approved copy shall be retained at each place of manufacture.~~

~~B. Evidence of commissioner's approval—Accessories, including Ground Support and Anchoring Systems.~~ Approved plans and specifications for accessory structures and support and anchoring systems shall be evidenced by the stamp of approval of the commissioner~~,~~ and the assignment of an approval number to evidence ~~such~~ approval. Installation instructions shall be supplied by the manufacturer and shall reference the Minnesota approval number ~~identifying the approved accessory~~.

2 MCAR § 1.90309 ~~Construction plan approval expiration.~~

~~A. A plan approval for construction shall expire at such time the Commissioner adopts revisions to the construction code under which said plans were approved unless the manufacturer submits evidence to the Commissioner establishing that said plans are in compliance with the code as revised.~~

~~B. Ground~~ Support and anchoring systems approval expiration. Approval of ~~ground~~ support and anchoring systems shall expire ~~at such time~~ when the commissioner adopts revisions to requirements under which approval was granted unless the manufacturer submits evidence to the commissioner establishing that ~~said~~ the plans are in compliance with the code as revised.

2 MCAR § 1.90310 ~~Change to approved construction plans.~~

~~A. Where the manufacturer proposes changes in approved construction systems, two sets of supplemental detailed plans and specifications of such changes shall be submitted to the Commissioner for plan review and comparison. When such supplemental details do not constitute a new model, the supplement will be filed with and become a part of the existing plan approval. Where the supplemental details constitute a model change, application for plan approval is to be processed pursuant to 2 MCAR § 1.90302. A model designation may be changed or added by filing an amended application.~~

~~B.~~ Changes to approved ~~ground~~ support and anchoring systems. Where the manufacturer proposes changes to ~~approve~~ approved support and anchoring systems, two sets of supplemental details shall be submitted to the commissioner for review and approval. Approved changes will be reflected in the approval number identification previously assigned by the commissioner.

2 MCAR § 1.90402 Action after requested inspection. If the ~~mobile~~ manufactured home inspected meets the requirements of the code, if plan approval has been obtained, and if all applicable fees have been remitted, the applicant may apply for a construction seal. If the requested inspection was to determine compliance with respect to ~~ground~~ support and anchoring requirements and if all applicable fees have been remitted, the applicant may apply for an installation seal.

2 MCAR § 1.90403 Other inspections. In addition to making inspections on request, the commissioner shall make periodic inspections of the facilities of persons who are subject to the code~~,~~ and ~~these rules~~ 2 MCAR §§ 1.90101-1.90906. The inspections shall include oversight inspections at the in-state manufactured home manufacturing facilities to review the manufacturer's consumer complaint handling and notification and correction as required by 2 MCAR §§ 1.90702-1.90720. Oversight inspections shall be made annually. The frequency of oversight inspections may be increased when the need is indicated by the number of consumer complaints received by the commissioner.

2 MCAR § 1.90450 Stabilizing systems for ~~mobile homes~~ manufactured home installation.

A. Stabilizing devices installed at site of occupancy. Stabilizing devices when installed at the site of occupancy shall comply with these rules.

1. Manufacturer's installation instructions. Each ~~mobile~~ manufactured home shall have its stabilizing system installed in accordance with the ~~mobile~~ manufactured home manufacturer's installation instructions. The manufacturer's instructions shall include a typical support system designed by a registered professional engineer or architect to support the anticipated loads that the manufacturer's installation instructions specify for the design zone, including climate, of installation. The instructions shall also meet the requirements of 2 MCAR §§ 1.90702-1.90720. These instructions shall be left with the ~~mobile~~ manufactured home following installation.

~~a.~~ Footings shall be sized to support the loads shown in these instructions.

~~b.~~ Stabilizing devices not provided with the ~~mobile~~ manufactured home shall meet or exceed the design and capacity requirements of the ~~mobile~~ manufactured home manufacturer and these rules and shall be installed in accordance with the ~~mobile~~ manufactured home manufacturer's installation instructions.

Foundation systems shall be in compliance with the state building code.

No portion of a manufactured home shall be removed during installation or when located on its home site unless it is designed to be removable and is removed in accordance with the manufacturer's instructions.

2. [Unchanged.]

B. Foundation and support systems. Each ~~mobile~~ manufactured home shall be installed on a foundation system or shall have a support system as specified herein. A minimum clearance of 12 inches shall be maintained beneath the underside of the main frame (I-beam or channel beam) in the area of utility connections when the manufactured home is not installed on a foundation system.

1.-6. [Unchanged.]

C. [Unchanged.]

D. Ground anchors. Ground anchors, including means for attaching ties, shall be located to effectively match the anchoring system instructions provided by the ~~mobile~~ manufactured home manufacturer, or, if there are no instructions, in accordance with the requirements of ~~2 MCAR § 1.90450~~ A. ~~herein~~, and shall be designed and installed to transfer the anchoring loads to the ground.

1. [Unchanged.]

2. Anchor design and installation. Each manufactured ground anchor shall be ~~listed~~ approved pursuant to 2 MCAR § 1.90303 and installed in accordance with ~~the terms of its listing and~~ the anchor manufacturer's instructions and shall include means of attachment of ties meeting the requirements of ~~2 MCAR § 1.90450~~ C.4. Ground anchor manufacturer's installation instructions shall include the amount of preload required, the methods of adjustment after installation, and the load capacity in various types of soils. These instructions shall include tensioning adjustments which may be needed to prevent damage to the ~~mobile~~ manufactured home, particularly damage that can be caused by frost heave.

a. [Unchanged.]

3.-4. [Unchanged.]

E.-F. [Unchanged.]

Table 1.90450 A.2.a.(1) [Unchanged.]

Figures A-1 to A-4 [Unchanged.]

2 MCAR § 1.90460 Utility connections.

A. Water connections. Water piping to manufactured homes shall be in compliance with the 1979 Minnesota Plumbing Code, rules MHD 120-135 of the Department of Health. Pipes shall be protected from freezing. A heat tape, when installed, shall be listed and installed in conformance with its listing and the manufacturer's instructions. When the manufactured home is

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installed on a support system subject to ground movement due to freezing and thawing, approved flexible connectors or semirigid copper tubing shall be used to prevent pipe breakage.

B. Sewer connections. Waste piping to manufactured homes shall be in compliance with the 1979 Minnesota Plumbing Code, rules MHD 120-135 of the Department of Health. When a manufactured home is installed on a support system subject to ground movement due to freezing and thawing, offsets or approved flexible connectors, or both, shall be used to prevent pipe breakage.

C. Gas piping. Gas piping to the manufactured home shall be of adequate capacity rating to supply the connected load. It shall be installed in compliance with the Minnesota Heating, Ventilating, Air Conditioning, and Refrigeration Code, rules SBC 7101-8505 of the Department of Administration. When the manufactured home is installed on a support system subject to ground movement because of freezing and thawing, semi-rigid copper pipe or a listed manufactured home gas connector for exterior use only shall be installed to prevent pipe breakage. Gas piping shall be protected from physical damage.

1. The manufactured home fuel gas piping system shall be tested before it is connected to the gas supply. Only air shall be used for the test. The manufactured home gas piping system shall be subjected to a pressure test with all appliance shutoff valves, except those ahead of fuel gas cooking appliances, in the open position. Appliance shutoff valves ahead of fuel gas cooking appliances shall be closed.

2. The test shall consist of air pressure at not less than ten inches nor more than 14 inches water column (six ounces to eight ounces per square inch). The system shall be isolated from the air pressure source and maintain this pressure for not less than ten minutes without perceptible leakage. Upon satisfactory completion of the test, the appliance valves ahead of fuel gas cooking appliances shall be opened, and the gas cooking appliance connectors tested with soapy water or bubble solution while under the pressure remaining in the piping system. Solutions used for testing for leakage shall not contain corrosive chemicals. Pressure shall be measured with either a manometer, slope gage, or gage calibrated in either water inches or pounds per square inch with increments of either one-tenth inch or one-tenth pounds per square inch, as applicable. Upon satisfactory completion of the test, the manufactured home gas supply connector shall be installed and the connections tested with soapy water or bubble solution.

D. Electrical connections. On-site electrical connections to the manufactured home and any on-site electrical wiring required to prepare the manufactured home for occupancy shall be done in conformance with the manufactured home building code and shall be installed and inspected as required by the Minnesota Electrical Act, Minn. Stat. §§ 326.241-326.248.

2 MCAR § 1.90701 ~~Alteration application~~ Construction alterations.

A. Effect on seal. Any alteration of the construction, plumbing, ~~heat producing~~ heating, cooling, or fuel burning system, electrical equipment or installations or fire safety in a ~~mobile~~ manufactured home which bears a seal~~,~~ shall void such approval, and the seal shall be returned to the commissioner.

B. Acts not constituting alterations. The following shall not constitute an alteration:

1. Repairs with approved components or parts;
2. Conversion of listed fuel-burning appliances in accordance with the terms of their listing;
3. Adjustment and maintenance of equipment; or
4. Replacement of equipment in kind.

~~5. Accessory~~

~~a. A subordinate structure in addition to, or supplementing, a mobile home.~~

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

C. Application. Any person proposing an alteration to a ~~mobile~~ manufactured home bearing a seal or label shall make application to the commissioner on the form issued by the commissioner.

D. Inspection. Upon completion of the alteration, the applicant shall request the commissioner to make an inspection pursuant to 2 MCAR § ~~1.90400~~ 1.90401.

E. Replacement construction seal. The applicant may apply for a replacement construction seal upon inspection and approval of the alteration.

F. Replacement accessory structure seal. The applicant may apply for a replacement accessory structure seal upon inspection and approval of the alteration.

2 MCAR § 1.90702 Consumer complaint handling and remedial actions. Rules 2 MCAR §§ 1.90702-1.90720 govern consumer complaint handling and remedial actions.

2 MCAR § 1.90703 Purpose. The purpose of 2 MCAR §§ 1.90702-1.90720 is to establish a system under which the protections of the act are provided with a minimum of formality and delay, but in which the rights of all parties are protected.

2 MCAR § 1.90704 Scope. Rules 2 MCAR §§ 1.90702-1.90720 set out the procedures to be followed by manufacturers, production inspection primary inspection agencies, and the commissioner to assure that manufacturers provide notification and correction with respect to their manufactured homes as required by the act. Rules 2 MCAR §§ 1.90702-1.90720 set out the rights of dealers under United States Code, title 42, section 5412 (1976), as amended through March 15, 1982 to obtain remedies from manufacturers in certain circumstances.

2 MCAR § 1.90705 Consumer complaints. Under 2 MCAR §§ 1.90702-1.90720, all consumer complaints or other information indicating the possible existence of an imminent safety hazard, serious defect, defect, or noncompliance shall be referred to the manufacturer of the potentially affected manufactured homes in a timely manner so that the manufacturer can quickly respond to the consumer and take any necessary remedial actions.

2 MCAR § 1.90706 Notification and correction requirement.

A. Requirement. Notification and correction shall be required to be provided with respect to manufactured homes that have been sold or otherwise released by the manufacturer to another party when the manufacturer, a state administrative agency, the commissioner, or the secretary determines that an imminent safety hazard, serious defect, defect, or noncompliance may exist in those manufactured homes.

B. Extent of manufacturer's responsibility. The extent of a manufacturer's responsibility for providing notification or correction shall be governed by the seriousness of problems for which the manufacturer is responsible under 2 MCAR §§ 1.90702-1.90720.

C. Limitation of manufacturer's liability to provide remedial action. The liability of manufactured home manufacturers to provide remedial actions under 2 MCAR §§ 1.90702-1.90720 is limited by the principle that manufacturers are not responsible for failures that occur in manufactured homes or components solely as the result of normal wear and aging, gross and unforeseeable consumer abuse, or unforeseeable neglect of maintenance.

2 MCAR § 1.90707 Consumer complaint and information referral. When a consumer complaint or other information indicating the possible existence of a noncompliance, defect, serious defect, or imminent safety hazard is received by the commissioner, the commissioner shall forward the complaint or other information to the manufacturer of the manufactured home in question. The commissioner shall, when it appears from the complaint or other information that more than one manufactured home may be involved, simultaneously send a copy of the complaint or other information to the state administrative agency of the state where the manufactured home was manufactured or to the secretary if there is no such state administrative agency, and when it appears that an imminent safety hazard or serious defect may be involved, simultaneously send a copy to the secretary.

2 MCAR § 1.90708 Notification pursuant to manufacturer's determination.

A. Notice requirement. The manufacturer shall provide notification as set out in 2 MCAR §§ 1.90702-1.90720 with respect to all manufactured homes produced by the manufacturer in which there exists or may exist an imminent safety hazard or serious defect. The manufacturer shall provide such notification with respect to manufactured homes produced by the manufacturer in which a defect exists or may exist if the manufacturer has information indicating that the defect may exist in a class of manufactured homes that is identifiable because the cause of the defect or defects actually known to the manufacturer is such that the same defect would probably have been systematically introduced into more than one manufactured home during the course of production. This information may include, but is not limited to, complaints that can be traced to the same cause, defects known to exist in supplies of components or parts, information related to the performance of a particular employee, and information indicating a failure to follow quality control procedures with respect to a particular aspect of the manufactured home. A manufacturer is required to provide notification with respect to a noncompliance only after the issuance of a final determination under 2 MCAR § 1.90711.

B. Investigations and inspections. Whenever the manufacturer receives from any source information that may indicate the existence of a problem in a manufactured home for which the manufacturer is responsible for providing notification under A., the manufacturer shall, as soon as possible, but not later than 20 days after receiving the information, carry out any necessary

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investigations and inspections to determine and shall determine whether the manufacturer is responsible for providing notification under A. The manufacturer shall maintain complete records of all such information and determinations in a form that will allow the commissioner to discern readily who made the determination with respect to a particular piece of information, what the determination was, and the basis for the determination. The records shall be kept for a minimum of five years from the date the manufacturer received the information. Consumer complaints or other information indicating the possible existence of noncompliances or defects received before the effective date of 2 MCAR §§ 1.90702-1.90720 shall, for purposes of this paragraph, be deemed to have been received on the date 2 MCAR §§ 1.90702-1.90720 became effective.

C. Preparation of plan. If a manufacturer determines under B. that the manufacturer is responsible for providing notification under A., the manufacturer shall prepare a plan for notification as set out in 2 MCAR § 1.90713. Where the manufacturer is required to correct under 2 MCAR § 1.90710, the manufacturer shall include in the plan provision for correction of affected manufactured homes.

D. Submission of plan. The manufacturer shall, as soon as possible, but not later than 20 days after making the determination, submit the plan to the commissioner.

However, where only one manufactured home is involved, the manufacturer need not submit the plan if the manufacturer corrects the manufactured home within the 20-day period. The manufacturer shall maintain, in the plant where the manufactured home was manufactured, a complete record of the correction. The record shall describe briefly the facts of the case and state what corrective actions were taken. It shall be maintained in a separate file in a form that will allow the commissioner to review all such corrections.

E. Action after approval of plan. Upon approval of the plan with any necessary changes, the manufacturer shall carry out the approved plan within the time limits stated in it.

F. Action before plan approval. The manufacturer may act before obtaining approval of the plan. However, such action is subject to review and disapproval by the commissioner except to the extent that agreement to the correction is obtained as described in this paragraph. To be assured that the corrective action will be accepted, the manufacturer may obtain the agreement of the commissioner that the corrective action is adequate before the correction is made regardless of whether a plan has been submitted under D. If such an agreement is obtained, the correction shall be accepted as adequate by the commissioner if the correction is made as agreed to and any imminent safety hazard or serious defect is eliminated.

G. Waiver of formal plan approval and notification. If the manufacturer wishes to obtain a waiver of the formal plan approval and notification requirements that would result from a determination under B., the manufacturer may act under this paragraph. The plan approval and notification requirements shall be waived by the commissioner who would otherwise review the plan under D. if:

1. The manufacturer, before the expiration of the time period determined under D., shows to the satisfaction of the commissioner through documentation that:

a. The manufacturer has identified the class of possibly affected manufactured homes in accordance with 2 MCAR § 1.90713;

b. The manufacturer will correct, at the manufacturer's expense, all affected manufactured homes in the class within 60 days of being informed that the request for waiver has been accepted; and

c. The proposed repairs are adequate to remove the failure to conform or imminent safety hazard that gave rise to the determination under B.; and

2. The manufacturer corrects all affected manufactured homes within 60 days of being informed that the request for waiver has been accepted.

The formal plan and notification requirements are waived pending final resolution of a waiver requested under G. as of the date of the request. If a waiver request is not accepted, the plan called for by C. and D. shall be submitted within five days after the manufacturer is notified that the request was not accepted.

H. Classification of problem. When a manufacturer acts under A.-G., the manufacturer will not be required to classify the problem that triggered the action as a noncompliance, defect, serious defect, or imminent safety hazard.

2 MCAR § 1.90709 Responsibilities of commissioner.

A. Consumer complaints. The commissioner shall oversee the handling of consumer complaints by manufacturers within this state. As part of that responsibility, the commissioner shall monitor manufacturer compliance with 2 MCAR

§§ 1.90702-1.90720, and particularly with 2 MCAR § 1.90708. This monitoring will be done primarily by periodically checking the records that manufacturers are required to keep under 2 MCAR § 1.90708 B.

B. Preliminary determination. If the commissioner finds under A. that a manufacturer has failed to comply with 2 MCAR § 1.90708 or if the commissioner finds that the manufacturer has decided not to act under 2 MCAR § 1.90708 C. and D. and the commissioner believes the manufacturer is required to act, or if the manufacturer failed to fulfill the requirements of 2 MCAR § 1.90708 G. after requesting a waiver, the commissioner shall make the preliminary determination he deems appropriate under 2 MCAR § 1.90711. However, if the affected manufactured homes were manufactured in more than one state or if it appears that the appropriate preliminary determination would be an imminent safety hazard or serious defect, the commissioner shall refer the matter to the secretary.

C. Preliminary determinations under 2 MCAR § 1.90711. Where the commissioner who is reviewing a plan under 2 MCAR § 1.90708 D. finds that the manufacturer is not acting reasonably in refusing to accept changes to a proposed plan, the commissioner shall make such preliminary determinations as may be appropriate under 2 MCAR § 1.90711. However, if it appears that it would be appropriate to make a preliminary determination of imminent safety hazard or serious defect, the commissioner shall refer the matter to the secretary.

2 MCAR § 1.90710 Required manufacturer correction. A manufacturer required to furnish notification under 2 MCAR § 1.90708 or 2 MCAR § 1.90711 shall correct, at its expense, any imminent safety hazard or serious defect that can be related to an error in design or assembly for the manufactured home by the manufacturer, including an error in design or assembly of any component or system incorporated in the manufactured home by the manufacturer.

2 MCAR § 1.90711 Notification and correction pursuant to administrative determination.

A. Preliminary determinations. Whenever the commissioner has information indicating the possible existence of an imminent safety hazard or serious defect in a manufactured home, the commissioner may issue a preliminary determination to that effect to the manufacturer.

Whenever the information indicates that the manufacturer is required to correct the imminent safety hazard or serious defect under 2 MCAR § 1.90710, the commissioner shall issue a preliminary determination to that effect to the manufacturer. Whenever the commissioner has information indicating that a defect or noncompliance may exist in a class of manufactured homes that is identifiable because the cause of the defect or noncompliance is such that the same defect or noncompliance would probably have been systematically introduced into more than one manufactured home during production, and whenever all manufactured homes in the class appear to have been manufactured in this state, the commissioner may issue a preliminary determination of defect or noncompliance to the manufacturer. Information on which the commissioner will base a conclusion that an affected class of manufactured homes exists consists of complaints that can be traced to the same cause, defects known to exist in supplies of components or parts, information related to the performance of a particular employee, and information indicating a failure to follow quality control procedures with respect to a particular aspect of the manufactured home. If, during the course of these proceedings, evidence arises that indicates that manufactured homes in the same identifiable class were manufactured in more than one state, the commissioner shall refer the matter to the secretary.

B. Notice and request for hearing or presentation of views. Notice of the preliminary determination under A. shall be sent by certified mail. It shall include the factual basis for the determination and the identifying criteria of the manufactured homes known to be affected and those believed to be in the class of possibly affected manufactured homes. The notice shall inform the manufacturer that the preliminary determination shall become final unless the manufacturer requests a hearing or presentation of views under 2 MCAR § 1.90803 within 15 days after receiving a notice of preliminary determination of serious defect, defect, or noncompliance, or within five days of receipt of a notice of preliminary determination of imminent safety hazard.

Promptly upon receipt of a manufacturer's request for a hearing or presentation of views meeting, the hearing or presentation shall be held pursuant to 2 MCAR § 1.90803. Parties may propose in writing, at any time, offers of settlement which shall be submitted to and considered by the commissioner. If determined to be appropriate, the party making the offer may be given an opportunity to make an oral presentation in support of the offer. If an offer of settlement is rejected, the party making the offer shall be so notified, and the offer shall be deemed withdrawn and shall not constitute a part of the record in the

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proceeding. Final acceptance by the commissioner of any offer of settlement shall automatically terminate any proceedings related to it.

C. Final determinations. If the manufacturer fails to respond to the notice of preliminary determination within the time period established in B., or if the commissioner decides that the views and evidence presented by the manufacturer or others are insufficient to rebut the preliminary determination, the commissioner shall make a final determination that an imminent safety hazard, serious defect, defect, or noncompliance exists. If there is a final determination that an imminent safety hazard, serious defect, defect, or noncompliance exists, the commissioner shall issue an order directing the manufacturer to furnish notification.

D. Appeals. When the commissioner has made a final determination that a defect or noncompliance exists, the manufacturer may appeal to the secretary within ten days after receiving the notice of final determination.

E. Waiver of formal notification requirements. Where a preliminary determination of defect or noncompliance has been issued, the manufacturer may request a waiver of the formal notification requirements at any time during the proceedings called for in A.-D. or after the issuance of a final determination and order. The manufacturer may request a waiver from the commissioner. When requesting a waiver, the manufacturer shall certify and provide assurances that:

1. The manufacturer has identified the class of possibly affected manufactured homes in accordance with 2 MCAR § 1.90713;

2. The manufacturer will correct, at the manufacturer's expense, all affected manufactured homes in the class within a time period specified by the commissioner but not later than 60 days after being informed of the acceptance of the request for waiver or issuance of the final determination, whichever is later; and

3. The proposed repairs are adequate to remove the failure to conform or imminent safety hazard that gave rise to the issuance of the preliminary determination.

The commissioner shall grant the request or waiver if the manufacturer agrees to an offer of settlement that includes an order that embodies the assurances made by the manufacturer.

2 MCAR § 1.90712 Reimbursement for prior correction by owner. A manufacturer that is required to correct under 2 MCAR § 1.90710 or who decides to correct and obtain a waiver under 2 MCAR § 1.90708 G. or 2 MCAR § 1.90711 E. shall provide reimbursement for reasonable cost of correction to any owner of an affected manufactured home who chooses to make the correction before the manufacturer does.

2 MCAR § 1.90713 Manufacturer's plan for notification and correction.

A. Basic requirement. Paragraphs A.-F. set out the requirements that manufacturers shall meet in preparing plans they are required to submit under 2 MCAR § 1.90708 C. and D. The underlying requirement is that a plan show how the manufacturer will fulfill its responsibilities with respect to notification and correction.

B. Copy of proposed notice. The plan shall include a copy of the proposed notice that meets the requirements of 2 MCAR § 1.90714.

C. Affected class. The plan shall identify, by serial number and other appropriate identifying criteria, all manufactured homes with respect to which notification is to be provided. The class of manufactured homes with respect to which notification shall be provided and which shall be covered by the plan is that class of manufactured homes that was or is suspected of having been affected by the cause of an imminent safety hazard or failure to conform. The class is identifiable to the extent that the cause of the imminent safety hazard or failure to conform is such that it would probably have been systematically introduced into the manufactured homes in the class during the course of production. In determining the extent of such a class, the manufacturer may rely either upon information that positively identifies the extent of the class or upon information that indicates what manufactured homes were not affected by the same cause, thereby identifying the class by excluding those manufactured homes. Methods that may be used in determining the extent of the class of manufactured homes include, but are not limited to:

1. Inspection of manufactured homes produced before and after the manufactured homes known to be affected;

2. Inspection of manufacturer quality control records to determine whether quality control procedures were followed;

3. Inspection of production inspection primary inspection agency records to determine whether the imminent safety hazard or failure to conform was either detected or specifically found not to exist in some manufactured homes;

4. Inspection of the design of the manufactured home in question to determine whether the imminent safety hazard or failure to conform resulted from the design itself;

5. Identification of the cause as relating to a particular employee or process that was employed for a known period of time or in producing the manufactured homes manufactured during that time; and

6. Inspection of records relating to components supplied by other parties and known to contain or suspected of containing imminent safety hazards or failures to conform.

The class of manufactured homes identified by these methods may include only manufactured homes actually affected by the imminent safety hazard or failure to conform if the manufacturer can identify the precise manufactured homes. If it is not possible to identify the precise manufactured homes, the class shall include manufactured homes suspected of containing the imminent safety hazard or failure to conform because the evidence shows that they may have been affected.

D. Production inspection primary inspection agency statement. The plan shall include a statement by the production inspection primary inspection agency operating in each plant in which manufactured homes in question were produced. In this statement, the production inspection primary inspection agency shall concur in the methods used by the manufacturer to determine the class of potentially affected manufactured homes or state why it believes the methods to have been inappropriate, inadequate, or incorrect.

E. Deadline. The plan shall include a deadline for completion of all notification and corrections.

F. Notification. The plan shall provide for notification by certified mail or other more expeditious means to the dealers or distributors of a manufacturer to whom the manufactured homes were delivered. Where a serious defect or imminent safety hazard is involved, notification shall be sent by certified mail if it is mailed. The plan shall provide for notification by certified mail to the first purchaser of each manufactured home in the class of manufactured homes set out in the plan under C. and to any subsequent owner who has any warranty provided by the manufacturer or required by federal, state, or local law on the manufactured home that has been transferred, to the extent feasible. However, notification need not be sent to any person known by the manufacturer not to own the manufactured home in question if the manufacturer has a record of a subsequent owner of the manufactured home. The plan shall provide for notification by certified mail to any other person who is a registered owner of each manufactured home containing the imminent safety hazard, serious defect, defect, or noncompliance and whose name has been ascertained pursuant to the manufacturer's records.

2 MCAR § 1.90714 Contents of notice. Except as otherwise agreed by the commissioner who will review the plan under 2 MCAR § 1.90708 D., the notification to be sent by the manufacturer shall include the following:

A. An opening statement: "This notice is sent to you in accordance with the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974";

B. Except where the manufacturer is acting under 2 MCAR § 1.90708 the following statement, as appropriate: "(manufacturer's name, or the commissioner or the secretary)" has determined that:

1. An imminent safety hazard may exist in (identifying criteria of manufactured home);

2. A serious defect may exist in (identifying criteria of manufactured home);

3. A defect may exist in (identifying criteria of manufactured home); or

4. (Identifying criteria of manufactured home) may not comply with an applicable federal mobile home construction or safety standard;

C. A clear description of the imminent safety hazard, serious defect, defect, or noncompliance which shall include:

1. The location of the imminent safety hazard, serious defect, defect, or noncompliance in the manufactured home;

2. A description of any hazards, malfunctions, deterioration, or other consequences which may result from the imminent safety hazard, serious defect, defect, or noncompliance;

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3. A statement of the conditions which may cause such consequences to arise; and

4. Precautions, if any, that the owner should take to reduce the chance that the consequences will arise before the manufactured home is repaired;

D. An evaluation of the risk to manufactured home occupants' safety and the durability of the manufactured home reasonably related to such imminent safety hazard, serious defect, defect, or noncompliance, including:

1. The type of injury which may occur to occupants of the manufactured home; and

2. Whether there will be any warning that a dangerous occurrence may take place and what that warning would be, and any signs which the owner might see, hear, smell, or feel which might indicate danger or deterioration of the manufactured home as a result of the imminent safety hazard, serious defect, defect, or noncompliance.

E. If the manufacturer will correct the manufactured home, a statement that the manufacturer will correct the manufactured home;

F. A statement in accordance with whichever of the following is appropriate:

1. Where the manufacturer will correct the manufactured home at no cost to the owner, the statement shall indicate how and when the correction will be done, how long the correction will take, and any other information that may be helpful to the owner; or

2. When the manufacturer does not bear the cost of repair, the notification shall include a detailed description of all parts and materials needed to make the correction, a description of all steps to be followed in making the corrections, including appropriate illustrations and an estimate of the cost to the purchaser or owner of the correction;

G. A statement informing the owner that the owner may submit a complaint to the commissioner if the owner believes that the notification or the remedy described in it is inadequate or the manufacturer has failed or is unable to remedy within a reasonable time after the owner's first attempt to obtain a remedy; and

H. A statement that any actions taken by the manufacturer under the act in no way limit the rights of the owner or any other person under any contract or other applicable law and that the owner may have further rights under contract or other applicable law.

2 MCAR § 1.90715 Time for implementation.

A. Plan for correction. The manufacturer shall complete implementation of the plan for correction approved under 2 MCAR § 1.90708 E. on or before the deadline established in the plan as required by 2 MCAR § 1.90713 E. The deadline shall allow a reasonable amount of time to complete the plan, taking into account the seriousness of the problem, the number of manufactured homes involved, the immediacy of any risk, and the difficulty of completing the action. The seriousness and immediacy of any risk shall be given greater weight than other considerations. If a manufacturer is required to correct an imminent safety hazard or serious defect under 2 MCAR § 1.90710, the deadline shall be no later than 60 days after approval of the plan.

B. Notifications and corrections. The manufacturer shall complete the implementation of any notifications and corrections being carried out under an order of the commissioner under 2 MCAR § 1.90711 C. on or before the deadline established in the order. In establishing each deadline, the commissioner shall allow a reasonable time to complete all notifications and corrections, taking into account the seriousness of the imminent safety hazard, serious defect, defect, or noncompliance; the number of manufactured homes involved; the location of the homes; and the extent of correction required. In no case shall the time allowed exceed the following limits:

1. 30 days after the issuance of final determination of imminent safety hazard; and

2. 60 days after the issuance of final determination of serious defect, defect, or noncompliance.

C. Extension of time. The commissioner shall grant an extension of the deadlines included in a plan or order if the manufacturer requests extension in writing and shows good cause for the extension and if the commissioner is satisfied that the extension is justified in the public interest. When the commissioner grants an extension, the commissioner shall notify the manufacturer and forward to the secretary a draft notice of the extension to be published in the Federal Register.

2 MCAR § 1.90716 Completion of remedial actions and report.

A. Notification. Where a manufacturer is required to provide notification under 2 MCAR §§ 1.90702-1.90720, the

manufacturer shall maintain in its files for five years from the date the notification campaign is completed a copy of the notice sent and a complete list of the names and addresses of those persons notified. The files shall be organized so that each notification and correction campaign can be readily identified and reviewed by the commissioner.

B. Correction. Where a manufacturer is required to provide correction under 2 MCAR § 1.90710 or where the manufacturer otherwise corrects under 2 MCAR § 1.90708 or 2 MCAR § 1.90711 E., the manufacturer shall maintain in its files, for five years from the date the correction campaign is completed, one of the following, as appropriate for each manufactured home involved:

1. Where the correction is made, a certification by the manufacturer that the repair was made to satisfy completely the standards in effect at the time the manufactured home was manufactured and that any imminent safety hazard has been eliminated; or

2. Where the owner refuses to allow the manufacturer to repair the home, a certification by the manufacturer that the owner has been informed of the problem which may exist in the manufactured home, that the owner has been informed of any risk to safety or durability of the manufactured home which may result from the problem, and that an attempt has been made to repair the problems only to have the owner refuse the repair.

C. Additional notifications or corrections. If any actions taken under 2 MCAR §§ 1.90702-1.90720 are not adequate under the approved plan or an order of the commissioner, the manufacturer may be required to provide additional notifications or corrections to satisfy the plan or order.

D. Report. The manufacturer shall, within 30 days after the deadline for completing any notifications and required corrections, under an approved plan or under an order of the commissioner, or any corrections required to obtain a waiver under 2 MCAR § 1.90708 G. or 2 MCAR § 1.90711 E., provide a complete report of the action taken to the commissioner who approved the plan under 2 MCAR § 1.90708 D., granted the waiver, or issued the order under 2 MCAR § 1.90711 C., and to any other state administrative agency or the secretary that forwarded a relevant complaint or information to the manufacturer under 2 MCAR § 1.90707.

2 MCAR § 1.90717 Correction of certain hazards and defects. If, in the course of making corrections under 2 MCAR § 1.90715, the manufacturer creates an imminent safety hazard or serious defect, the manufacturer shall correct the imminent safety hazard or serious defect under 2 MCAR § 1.90710.

2 MCAR § 1.90718 Manufactured homes in the hands of dealers and distributors.

A. Responsibility of manufacturer. The manufacturer is responsible for correcting any failures to conform and imminent safety hazards which exist in manufactured homes which have been sold or otherwise released to a distributor or dealer but which have not yet been sold to a purchaser. Generally this responsibility does not extend to failures to conform or imminent safety hazards that result solely from transit damages that occur after the manufactured home leaves the control of the manufacturer when the home is released by the manufacturer. Rule 2 MCAR § 1.90718 sets out the procedures to be followed by dealers and distributors for handling manufactured homes in these cases. Regardless of whether the manufacturer is responsible for repairing a manufactured home, no dealer or distributor may sell a manufactured home if it contains a failure to conform or an imminent safety hazard.

B. Notification and record. Whenever a dealer or distributor finds a problem in a manufactured home which the manufacturer is responsible for correcting, the dealer or distributor shall contact the manufacturer, provide full information concerning the problem, and request appropriate action by the manufacturer in accord with D. Where the manufacturer agrees to correct, the manufacturer shall maintain a complete record of its actions. Where the manufacturer authorizes the dealer to make the necessary corrections on a reimbursable basis, the dealer or distributor shall maintain a complete record of its actions.

C. Amount of reimbursement. An agreement by the manufacturer to correct or to authorize corrections on a reimbursable basis constitutes the commissioner's determination, for purposes of section 613(b) of the act with respect to judicial review of the amount which the manufacturer agrees to reimburse the dealer or distributor for corrections.

D. Manufacturer's option. Upon a final determination by the commissioner under 2 MCAR § 1.90711, or upon a determination by the secretary or a court of competent jurisdiction that a manufactured home fails to conform to the standard or

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contains an imminent safety hazard after the manufactured home is sold or otherwise released by a manufacturer to a distributor or a dealer and prior to the sale of the manufactured home by the distributor or dealer to a purchaser, the manufacturer shall have the option to either;

1. Immediately furnish, at the manufacturer's expense, to the purchasing distributor or dealer the required conforming parts or parts or equipment for installation by the distributor or dealer on or in the manufactured home, and the manufacturer shall reimburse the distributor or dealer for the reasonable value of the installation plus a reasonable reimbursement of not less than one percent per month of the manufacturer's or distributor's selling price prorated from the date of receipt by certified mail of notice of noncompliance to the date the manufactured home is brought into compliance with the standards, so long as the distributor or dealer proceeds with reasonable diligence with the installation after the part or component is received; or

2. Immediately repurchase, at the manufacturer's expense, the manufactured home from the distributor or dealer at the price paid by the distributor or dealer, plus all transportation charges involved and a reasonable reimbursement of not less than one percent per month of the price paid prorated from the date of receipt by certified mail of notice of the imminent safety hazard, serious defect, defect, or noncompliance to the distributor. The value of the reasonable reimbursements shall be fixed by mutual agreement of the parties or by a court in an action brought under section 613(b) of the act.

Rule 2 MCAR § 1.90718 does not apply to any manufactured home purchased by a dealer or distributor which has been leased by the dealer or distributor to a tenant for purposes other than resale. In that instance the dealer or distributor has the remedies available to a purchaser under 2 MCAR §§ 1.90702-1.90720.

2 MCAR § 1.90719 Notices, bulletins, and other communications. At the time of dispatch, each manufacturer shall give to the commissioner a true or representative copy of all notices, bulletins, and other written communications to the dealers or distributors of the manufacturers regarding any serious defect or imminent safety hazard which may exist in any manufactured homes produced by the manufacturer. Manufacturers shall keep complete records of all other communications with dealers, owners, and purchasers regarding noncompliances and defects.

2 MCAR § 1.90720 Supervision of notification and correction actions.

A. Notifications and corrections. The production inspection primary inspection agency in each manufacturing plant shall be responsible for assuring that notifications are sent to all owners, purchasers, dealers, or distributors of whom the manufacturer has knowledge under the requirements of the act. The production inspection primary inspection agency shall be responsible for assuring that the required corrections are carried out by auditing the certificates required by 2 MCAR § 1.90716.

B. Accomplishment of remedial actions. The commissioner or secretary to whom the report required by 2 MCAR § 1.90716 D. is sent shall be responsible for assuring through oversight that remedial actions described in the report have been carried out.

C. Inspection. The commissioner may inspect a manufactured home to determine whether any required correction is carried out to the approval plan, or, if there is no plan, to the standards or other approval obtained by the manufacturer.

2 MCAR § 1.90803 Hearings and presentations of views meetings.

A. Policy. All hearings and presentations of views meetings shall be public.

B. Request. On receiving a request for a hearing or presentation of views meetings, the commissioner shall either grant the relief for which the hearing or presentation of views meeting is requested or shall issue a notice.

C. Notice. When the commissioner decides to conduct a presentation of views meeting, the commissioner shall provide notice as follows:

1. Except where the need for swift resolution of the question involved prohibits it, notice of a proceeding shall be published in the *State Register* at least ten days prior to the date of the proceeding. In any case, notice shall be provided to interested persons to the maximum extent practicable. Direct notice shall be sent by certified mail to the parties involved in the presentation of views meeting.

2. The notice, whether published or mailed, shall include a statement of the time, place, and nature of the proceeding; reference to the authority under which the proceeding will be held; a statement of the subject matter of the proceeding, the parties and issues involved; and a statement of the manner in which interested persons shall be afforded the opportunity to participate in the presentation of views meeting.

3. The notice shall designate the official who shall be the presiding officer for the proceedings and to whom all inquiries should be directed concerning the proceedings.

4. The notice shall state whether the proceeding shall be held in accordance with the provisions of D. In determining whether the requirements of D. shall apply, the commissioner shall consider the following: the need for quick action; the risk of injury to affected members of the public; the economic consequences of the decisions to be made; and other factors the commissioner considers appropriate.

5. Oral proceedings shall be stenographically or mechanically reported, or recorded, or transcribed, under the supervision of the presiding officer, unless the presiding officer and the parties otherwise agree, in which case a summary approved by the presiding officer shall be kept.

D. Presentation of views meetings.

1. A presentation of views meeting may be written or oral and may include an opportunity for an oral presentation, whether requested or not, whenever the commissioner concludes that an oral presentation would be in the public interest and states this in the notice. A presiding officer shall preside over all oral presentations. The purpose of these presentations shall be to gather information to allow fully informed decision making. Presentations of views meetings shall not be adversary proceedings. Oral presentations shall be conducted in an informal but orderly manner. The presiding officer shall have the duty and authority to conduct a fair proceeding, to take all necessary action to avoid delay, and to maintain order. In the absence of extraordinary circumstances, the presiding officer at an oral presentation of views meeting shall not require that testimony be given under oath or affirmation and shall not permit either cross-examination of witnesses by other witnesses or their representatives, or the presentation of rebuttal testimony by persons who have already testified. The rules of evidence prevailing in courts of law or equity shall not control the conduct of oral presentation of views meeting.

2. Within ten days after a presentation of views meeting, the presiding officer shall refer to the commissioner all documentary evidence submitted, any transcript that has been made, a summary of the issues involved, information presented in the presentation of views meeting, and the presiding official's recommendations with the rationale for them. The presiding officer shall make any appropriate statements concerning the apparent veracity of witnesses or the validity of factual assertions which may be within the competence of the presiding officer. The commissioner shall issue a final determination concerning the matters at issue within 30 days of receipt of the presiding officer's summary. The final determination shall include a statement of findings, with specific references to principal supporting items of evidence in the record and conclusions, as well as the reasons or bases for them upon all of the material issues of fact, law, or discretion as presented on the record; and an appropriate order. Notice of the final determination shall be given in writing and transmitted by certified mail, return receipt requested, to all participants in the presentation of views meeting. The final determination shall be conclusive with respect to persons whose interests were represented.

E. Hearings. Whenever the commissioner determines that a formal hearing is necessary in order to resolve the presentation of adversary views on matters governed by these rules, such hearing shall be conducted in accordance with the applicable provisions of Minn. Stat. ch. 15 governing contested case hearings and applicable provisions of the administrative rules of the Office of Administrative Hearings.

F. Public participation in presentation of views meetings.

1. Any interested persons may participate in writing in any presentation of views meeting held under the provision of D. The presiding officer shall consider to the extent practicable any written materials.

2. Any interested person may participate in the oral portion of any presentation of views meeting held under D. unless the presiding officer determines that participation should be limited or barred so as not to prejudice unduly the rights of the parties directly involved or unnecessarily delay the proceedings.

2 MCAR § 1.90902 ~~Mobile~~ Fees for seals, construction compliance certificates, and labels.

A. Construction seal fees. Manufactured home and accessory structure construction seal fees~~, Five Dollars~~ (are $5.00) per seal.

~~Mobile~~ B. Installation seal fees. Manufactured home installation seal fees~~, Three Dollars ($3.00) per seal~~ are $6 for a support utility/seal and $4 for an anchoring system seal.

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~~Mobile~~ C. Construction compliance certificate fee. The manufactured home and accessory structure construction compliance certificate fee~~, Ten Dollars (is $10.00)~~.

D. Label fee. The United States Department of Housing and Urban Development monitoring (label) fee is $19 per label. The United States Department of Housing and Urban Development monitoring (label) fee shall be paid by the manufacturer to the secretary.

2 MCAR § 1.90904 Annual registration fees~~.~~.

~~A. Installer.~~ An installer shall pay a registration fee of ~~Ten Dollars ($10.00) is required~~ $20 annually~~.~~. The fee is due January 1 of each year.

~~B. Independent inspection agencies. An annual registration fee of Seventy Five Dollars ($75.00) is required annually, due January 1 of each year.~~

~~C. Manufacturers of components and/or systems, and ground support and anchoring systems for mobile homes. A registration fee of Ten Dollars ($10.00) is required annually, due January 1 of each year.~~

2 MCAR § 1.90905 Other fees. For all other work performed by the Department of Administration~~,~~ such as, but not limited to~~:~~, the review of plans, specifications, and independent agency reports, and quality control evaluation, a fee of ~~Fifteen Dollars ($15.00)~~ $25 per man hour shall be charged.

2 MCAR § 1.90906 Reservation of rights. Nothing in 2 MCAR §§ 1.90101-1.90906 shall limit the rights of the purchaser under any contract or applicable law.

Repealer. Rules 2 MCAR §§ 1.90200, 1.90203, 1.90211, 1.90212, 1.90213, 1.90300, 1.90304, 1.90306, 1.90400, 1.90500, 1.90600, 1.90700, 1.90800, and 1.90900 are repealed.

Board of Animal Health

Proposed Amendment of Rule Governing Importation of Swine into Minnesota

Notice of Intent to Amend Rule without a Public Hearing

Notice is hereby given that the State Board of Animal Health proposes to amend the above-entitled rule without a public hearing. The board has determined that the proposed amendment of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in Minnesota Statutes § 15.0412, subdivision 4h (1980).

Persons interested in these rules shall have 30 days to submit comments on the proposed rule. The proposed rule may be modified if the modifications are supported by the data and views submitted to the agency and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rule within the 30 day comment period, a public hearing will not be held. In the event a public hearing is required, the agency will proceed according to the provisions of Minnesota Statutes § 15.0412, subdivisions 4-4f.

Persons who wish to submit comments or a written request for a public hearing should submit such comments or request to:

Attention Dr. W. J. Mackey
State Board of Animal Health
LL70 Metro Square Building
St. Paul, MN 55101

Authority for the amendment of this rule is contained in Minnesota Statutes § 35.03 (1980). Additionally, a statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available from Dr. W. J. Mackey upon request.

Upon adoption of the final rule without a public hearing, the proposed rule, this notice, the statement of need and reasonableness, all written comments received, and the final rule as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rule as proposed for adoption, should submit a written statement of such request to Dr. W. J. Mackey.

The rule proposed for adoption relates to the importation of swine into Minnesota.

A copy of the proposed rule amendment is attached to this notice. Only one sentence has been added to rule 3 MCAR § 2.005. (Underlined)

J. G. Flint, D.V.M.
Secretary and Executive Officer

Rule as Proposed

3 MCAR § 2.005 Importation of swine into Minnesota.

A.-C. [Unchanged.]

D. Breeding swine six months of age and over shall be:

1. Negative to the brucellosis buffered antigen test conducted at a state or federal laboratory within 30 days prior to importation, or originate from a validated brucellosis-free swine herd~~.~~, or originate directly from a nonquarantined herd in a validated brucellosis free state; and

2. Negative to an official test for pseudorabies within 30 days prior to importation or originate from a qualified pseudorabies negative swine herd.

E. [Unchanged.]

Department of Commerce
Office of Consumer Services

Proposed Temporary Rules Governing Sanitation in Cosmetology Schools, Cosmetology School License Renewals, Instructor License Renewals, Sanitation in Cosmetology Salons, Cosmetology Salon License Renewals, and Professional Liability Insurance

Request for Public Comment

Notice is hereby given that the Office of Consumer Services is proposing to adopt temporary rules to govern sanitation in cosmetology schools, cosmetology school license renewals, instructor license renewals, sanitation in cosmetology salons, cosmetology salon license renewals, and professional liability insurance, as authorized by Minn. Stat. § 155A.05 (1981), temporarily amending 4 MCAR §§ 10.002 and 10.042 and temporarily issuing 4 MCAR §§ 10.009, 10.010, 10.043 and 10.066. The temporary rules, as proposed, appear following this notice. For 20 days following the date of publication, any person may submit data and views on the agency's proposed actions by writing to the Office of Consumer Services, Attention: Ms. Paula Stenlund, 128 Metro Square Building, Seventh and Robert Sts., St. Paul, Minnesota 55101. The proposed temporary rules may be modified if the modifications are supported by the data and views submitted to the agency. After the 20-day comment period, the proposed temporary rules, with any modifications, will be sent to the Office of the Attorney General for review. If approved by the Attorney General, the adopted temporary rules will remain in effect for 180 days or until permanent rules are adopted, whichever comes first. In accordance with Minn. Stat. § 155A.05 (1981), if permanent rules are not adopted at the end of 180 days, the temporary rules may be reissued until December 31, 1982, or until permanent rules are adopted.

April 28, 1982

Krista L. Sanda, Director
Office of Consumer Services

Temporary Rules as Proposed

4 MCAR § 10.002 [Temporary] Sanitation. In the conduct and operation of a hairdressing and beauty culture school ~~the following rules~~ A.-S. shall be complied with~~:~~.

A. [Unchanged.]

B. After use on each person, hair brushes, combs, and ~~any and~~ all ~~instruments used must be cleaned and sterilized after using on each person, and kept in a sterilized closed container~~ other implements shall be:

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1. washed in hot water and soap or detergent;

2. rinsed thoroughly in hot water;

3. immersed in a disinfectant solution for at least ten minutes or in water of a temperature of at least 170 degrees Fahrenheit for at least two minutes; and

4. stored in a clean, closed container, drawer, or cabinet.

Dirty implements and disinfected implements shall not be stored in the same container.

C. [Unchanged.]

D. Each school ~~must~~ shall have at least one covered, wet ~~sterilizer~~ sanitizer of a size to completely immerse ~~objects~~ implements being ~~sterilized,~~ disinfected and at least one ~~dry~~ ~~sterilizer~~ ~~to~~ ~~store~~ ~~sterilized~~ ~~equipment~~ clean, closed container, drawer, or cabinet in which to store disinfected implements until used.

E.-S. [Unchanged.]

4 MCAR § 10.009 [Temporary] School license, renewals. All cosmetology school registrations expiring June 30, 1982 shall be renewed for a period of one year, at a fee of $250. After the renewal period provided in this rule, cosmetology school license applications and renewals shall be governed by Minn. Stat. ch. 155A.

4 MCAR § 10.010 [Temporary] Instructor licenses, renewals. One-third of all current junior and senior instructor licenses shall be renewed for one year, one-third for two years, and one-third for three years. Assignment of a renewal period shall be made alphabetically. The renewal fee shall be $10 for one year, $20 for two years, and $30 for three years. After the renewal period provided for in this rule, instructor license applications and renewals shall be governed by Minn. Stat. ch. 155A.

4 MCAR § 10.042 [Temporary] Sanitation.

A. and B. [Unchanged.]

C. ~~Each~~ ~~beauty~~ ~~shop~~ ~~must~~ ~~include~~ ~~in~~ ~~its~~ ~~equipment~~ ~~a~~ ~~method~~ ~~of~~ ~~sterilization~~ ~~to~~ ~~completely~~ ~~sterilize~~ ~~all~~ ~~combs,~~ ~~brushes,~~ ~~rollers,~~ ~~tools~~ ~~and~~ ~~equipment~~ ~~used~~ ~~in~~ ~~the~~ ~~beauty~~ ~~shop~~ ~~and~~ ~~keep~~ ~~them~~ ~~in~~ ~~a~~ ~~dry~~ ~~sterilizer~~ ~~to~~ ~~insure~~ ~~sterilization~~ All implements shall be properly disinfected after use on each person. Proper disinfection requires that the implement be:

1. washed in hot water and soap or detergent;

2. rinsed thoroughly in hot water;

3. immersed in a disinfectant solution for at least ten minutes or in water of a temperature of at least 170 degrees Fahrenheit for at least two minutes; and

4. stored in a clean, closed container, drawer, or cabinet.

Dirty implements and disinfected implements shall not be stored in the same container.

D.-R. [Unchanged.]

4 MCAR § 10.043 [Temporary] Cosmetology salon licenses, renewals. One-third of all current cosmetology salon licenses shall be renewed for one year, one-third for two years, and one-third for three years. Assignment of a renewal period shall be made alphabetically. The renewal fee shall be $15 for one year, $30 for two years, and $45 for three years. After the renewal period provided for in this rule, cosmetology salon license applications and renewals shall be governed by Minn. Stat. ch. 155A.

4 MCAR § 10.066 [Temporary] Professional liability insurance. Every cosmetology salon, manicurist salon, and booth licensee shall obtain and maintain professional liability insurance coverage of at least $25,000 per claim and $50,000 total coverage per policy year.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Workers' Compensation Court of Appeals

Adopted Rules Governing Rules of Procedure for the Workers' Compensation Court of Appeals (8 MCAR §§ 5.001-5.014)

The rules proposed and published at *State Register*, Volume 6, Number 21, pages 1018-1020, November 23, 1981 (6 S.R. 1018) are now adopted with the following modifications:

Rules as Adopted

8 MCAR § 5.012 Writ of certiorari. The party filing a writ of certiorari pursuant to Minn. Stat. § 176.471 ~~and Rules 103.01 and 111.04 of the Rules of Civil Appellate Procedure,~~ shall immediately provide the court with an additional copy of any transcripts of hearings pertaining to the matter on appeal.

SUPREME COURT

Decisions Filed Friday, May 7, 1982

Compiled by John McCarthy, Clerk

81-677/Sp. Sandra Jadwin, etc., Plaintiff, v. Paul A. Kasal, *et al.*, etc., Federal Land Bank of Saint Paul, Kump Lumber, Inc., Appellant. Dakota County.

Trial court's valuation of mechanics lien in face of conflicting testimony was not clearly erroneous.

Issue whether trial court abused discretion in denying motion to amend need not be decided where issue sought to be amended was substantially litigated by consent of parties.

Trial court did not abuse discretion in awarding $500 attorney fees for services in foreclosing mechanics lien.

Attorney fees will not be awarded to nonprevailing party where enforcement of contractual provision for attorney fees would be contrary to public policy.

Materialman's actual notice of existing mortgage commitment at time mechanics lien attaches does not give subsequently executed mortgage priority over mechanics lien.

Affirmed in part; reversed in part. Peterson, J.

81-774/Sp. Richard A. Hastings v. United Pacific Insurance Company, Appellant. Swift County.

Insurer's offer of underinsured motorist coverage did not sufficiently comply with Minn. Stat § 65B.49, subd. 6(e) (1978) (repealed 1980), because it did not enable insured to make intelligent decision as to optional coverage.

Affirmed. Peterson, J.

SUPREME COURT

81-846/Sp., 81-984 State of Minnesota on behalf of Marianne Kremin, petitioner, v. 81-846 Jimmy Lee Graham, Appellant. Jean Marie Pearson, and County of Anoka, v. 81-894 Lawrence LeRoy Leoffler, Scott Rosequist, Appellant. Chisago County. Anoka County.

Minnesota Statute § 257.62, subd. 1 (1980), which provides for compulsory blood tests in paternity actions upon the request of a party to the action or on the court's own motion, was properly enacted by the legislature in the exercise of its police power and does not violate substantive due process or the putative father's right to privacy.

Affirmed. Wahl, J.

52083/Sp. In the Matter of the Application for the Discipline of Clifford F. Hansen, an Attorney at Law of the State of Minnesota. Supreme Court.

Per Curiam. Took no part, Amdahl, C. J.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over $2,000.

Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over $10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Administration

Notice of Request for Proposals for Rental of Office Space

The Department of Administration desires proposals for the rental of approximately 16,000 usable square feet of office space for the Public Employees Retirement Association in the City of St. Paul.

Contact:

Department of Administration
Real Estate Management Division
50 Sherburne Avenue, Room G-22
St. Paul, Minnesota 55155
Telephone: (612) 296-6674

Department of Economic Security Weatherization Program

Notice of Request for Proposals for Energy Savings Through Weatherization

The Department of Economic Security/Special Weatherization Project is the grantee at the state level for all Department of Energy funds and state weatherization funds appropriated by the State Legislature. The department developed the state's weatherization plan and assisted in the development of local sub-grantee plans. The department's weatherization program provides technical assistance in the development and administration of local community action agencies' weatherization programs. It is the intent of the Department of Economic Security's Weatherization Program to solicit on its behalf an energy conservation study. The purpose of the study will be to determine the effectiveness of the weatherization program in reducing fuel consumption.

The successful provider will be required to provide an explanation of how the data will be collected and the analytical method(s) to be used. The main objective of the report will be to determine the reduced energy consumption in weatherized households.

Prospective responders who have any questions regarding this request for proposal may call or write:

Bill Drew or Ray Gates—(612) 296-3416 or (612) 297-3415
Department of Economic Security
Weatherization Program
690 American Center Bldg.
150 East Kellogg Blvd.
St. Paul, MN 55101

All proposals must be received no later than 4:30 p.m., Friday, June 18, 1982.

State Board of Investment

Notice of Request for Proposals for a Consultant to Assist the State Board in Selecting Investment Managers

The State Board of Investment was recently empowered to utilize private money managers to assist it in the investment of approximately $4 billion. This request for proposal is designed to obtain a consultant to assist the SBI in preparing a specification for and selecting the private money managers most qualified to manage portions of the SBI's portfolio.

This procurement is undertaken by the State Board pursuant to the provisions of Minnesota Statutes § 16.098. The State Board shall select the consultant whose proposal and oral presentation, if requested, demonstrate clear capability to best fulfill the purpose of the RFP in a cost effective manner. The State Board reserves the right to accept or reject proposals in whole or in part and to negotiate separately as necessary to serve the best interests of the State.

All interested vendors should contact the person named below by letter or telephone to request a copy of the Request for Proposal.

Carolyn Peabody, Chairperson
SBI Evaluation Committee
Room 180, State Office Building
Saint Paul, Minnesota 55155
Telephone: (612) 296-2309

All proposals must be submitted to the address listed below on or before 4:30 p.m. June 16, 1982. NO PROPOSALS RECEIVED AFTER THAT DATE WILL BE CONSIDERED.

Howard Bicker
Acting Executive Director
State Board of Investment
Room 105, MEA Building
55 Sherburne Avenue
Saint Paul, Minnesota 55155

Department of Natural Resources

Notice of Request for Resumés from Fee Appraisers

The State of Minnesota is establishing a list of qualified real estate appraisers to do contract appraisals for the Departments of Administration, Natural Resources, and Transportation for the period ending June 30, 1983. In developing the list of qualified appraisers, the state invites submittal of resumes from all persons meeting one or more of the following qualifications no later than May 30, 1982.

I. Appraisal Designations: The following designations are seen as evidence of substantial training in the field of Real Estate Appraising. Candidates, Associate members, and non-designated appraisers must show further evidence of experience and proficiency as noted in paragraph II below.

a. Member of the American Institute (MAI).

b. Senior Residential Appraiser (SRA), Senior Real Property Appraiser (SPRA), or Senior Real Estate Analyst (SREA).

c. Accredited Rural Appraiser (ARA).

d. American Society of Appraisers (ASA).

e. Other designations with satisfactory evidence of a substantial coursework curriculum in Real Estate Appraising.

II. Non-designated Appraisers:

a. Experience

Non-designated appraisers with at least two years experience in Real Estate Appraising. Resume should relate the type of appraisal experience along with a listing of clientele.

b. Training

Non-designated appraisers should have successfully completed one or more of the following courses.

1. AIREA—Course IA-1, IA-2 and VIII-2.
2. SRA—Course 101, Course 102.
3. American Society of Farm Managers and Rural Appraisers—Course B-1.

c. Sample Appraisal

Any appraiser who has not submitted any appraisals to any Minnesota agencies within the past two years will be required to submit a sample appraisal done for a client. The sample appraisal is to be examined for compliance with generally recognized appraisal procedures.

III. Certification to a state list of qualified appraisers is not a guarantee of subsequent assignments. The State of Minnesota reserves the right to assign appraisers at the discretion of the assigning agency, dependent on the qualifications of the appraisers, geographic location, and fee requirements.

NOTE: Appraisers will be entitled to reject any assignment offered.

A list of the basic standards may be obtained upon written request to the address below.

All resumes and other material or requests should be directed to:

Department of Natural Resources
Bureau of Land
Acquisition and Exchange Section
670 Space Center Building
444 Lafayette Road
St. Paul, Minnesota 55101
Telephone: (612) 296-7945

Pollution Control Agency
Water Quality Division

Notice of Availability of Contract for Spills Response and Cleanup

The Minnesota Pollution Control Agency (MPCA) requires the services of contractors qualified in the various specialized areas of pollutant spill response and cleanup to protect the surface and groundwaters of the state.

The MPCA desires to contract with qualified parties for services during fiscal year 1983 (July 1, 1982-June 30, 1983). The contract, in an amount up to $20,000, will include responsive qualified parties. No actual work or payment is guaranteed pursuant to the contract, but services are anticipated to be needed as a result of pollutant spills in the state from sources either unknown or uncooperative.

Examples of contractual services required include:

1. Surface water spill recovery
2. Underground spill recovery
3. Soil borings
4. Tank pumping
5. Spill material transportation and disposal

Interested parties are requested to submit a brief description of their experience, specialized expertise and capabilities with respect to response time, either statewide or regionally. In addition, an itemized schedule of prices to be in effect under the contract is required.

Parties desiring consideration should submit their response by June 15, 1982 to:

Richard W. Kable
Head of Emergency Response Unit
Division of Water Quality
Minnesota Pollution Control Agency
1935 West County Road B-2
Roseville, Minnesota 55113
Telephone (612) 296-7235

The MPCA reserves the right to limit the number of parties to the contract and to reject any or all of the parties responding.

Department of Public Welfare
Anoka State Hospital

Notice of Request for Proposals for Medical Services

Notice is hereby given that the Anoka State Hospital, Mental Health Division, Department of Public Welfare, is seeking the following services for the period July 1, 1982 through June 30, 1983. These services are to be performed as requested by the Administration of the Anoka State Hospital.

1) Services of an organization to perform diagnostic laboratory tests by a qualified pathologist as required by Anoka State Hospital, provide consultant and education seminars and technical coverage designated to meet laboratory diagnostic requirements of Anoka State Hospital personnel and to perform admission profiles on each patient unless otherwise stated. The estimated amount of the contract will not exceed $75,000.

2) Services of a radiologist to work approximately 36 hours per month to interpret and dictate x-rays, do fluoroscopy examinations, and consult with medical staff regarding problem patients. Consultant will not inject radiopaque dyes as part of the procedure. The estimated amount of the contract will not exceed $16,000.00.

3) Services for psychiatric services. Responsibilities will include attendance at Medical Staff meetings, participation in the Utilization Review program, appearances at Special Review Board hearings, probate court hearings off campus, and in-service education. The number of hours of psychiatric services will not exceed 95 each month. The estimated amount of contracts will not exceed $75,000.

Responses for the above services must be received by June 7, 1982. Direct inquiries to:

Jonathan Balk, Chief Executive Officer
Anoka State Hospital
Anoka, MN 55303
(612) 422-4380

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Department of Administration

Notice of State Surplus Property Sale

In compliance with Minnesota Statutes § 94.09, *et seq*, the Commissioner of Administration offers for sale by sealed bids a single family residence at 1304 North Union Street in Fergus Falls. The property is legally described as follows:

Lot 4, Block 1 Fergus Falls Hospital Plat No. 1

The sale shall include the improved site, which measures approximately 72′ × 133′+, and the residence described as follows:

A rambler-style three bedroom, one bath, frame dwelling built in 1949. The house has approximately 1176 square feet living area with full basement and a detached single garage.

This property is one of four residential properties available for sale at this location. Depending on demand, it is contemplated that the remaining three will be offered for sale in the summer of 1982.

The property will be available for inspection by appointment only. Arrangements for showing may be made by contacting Les Baird at the address and telephone in an ensuing paragraph.

Sealed bids for the purchase of the property will be received in the Office of Real Estate Management, Room G-22 State Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota 55155, until 2:30 p.m. on June 2, 1982, at which time and place bids will be publicly opened and read aloud.

Bids will be accepted only if submitted on forms supplied by the state. Bid forms with complete instructions as to the bidding procedure may be obtained by contacting the Office of Les Baird, Director of Plant Management, Fergus Falls State Hospital, Fergus Falls, Minnesota 56537, telephone 218-739-7321, or Howard Eicher, Assistant Director, Real Estate Management, at the St. Paul address in the previous paragraph, telephone 612-296-6674.

To qualify as an acceptable bid, a bid must be accompanied by bid security in the form of a cashier's check or a certified check or a money order payable to the State of Minnesota in an amount not less than 10% of the bid. The bid security will act as a down payment for the successful bidder. Bid security for all unsuccessful bidders will be returned within 15 days to each respective unsuccessful bidder.

Section 94.09, *et seq*, of Minnesota Statutes, 1980, requires that the property be sold for a price which is not less than the appraised value plus the cost of the appraisals. In this instance the appraised value and the cost of the appraisals are in the total amount of *$45,000*. All bids in an amount less than $45,000 cannot be accepted.

The successful bidder will have the option of making payment of the balance remaining after use of the bid security as a down payment by one of the two following methods:

1. Payment in full of the remaining balance no later than September 2, 1982;

2. Payment of the remaining balance in not less than equal annual installments for not to exceed five years, with principal and interest payable annually in advance at the rate of 12% per annum on the unpaid balance, by certified check or cashier's check payable to the State Treasurer on or before June 1 of each year.

In the event the successful bidder elects to make payment in stallments in accordance with option (2) above, the Commissioner of Administration will enter into a contract for deed with the successful bidder. The contract for deed will set forth the conditions of the sale.

Bidders are advised that the property is offered "as is." Possession will be transferred to the successful bidder immediately after the successful bidder has (1) made payment in full, or (2) entered into a contract for deed with the Commissioner of Administration.

When payment in full has been received by the State of Minnesota, the state shall convey the property by QUIT CLAIM DEED. The State of Minnesota *will not* furnish an abstract. Prospective bidders are hereby admonished that the state assumes no obligation to perform any acts or to pay for any expenses incurred in connection with possible title deficiencies except to deliver an executed QUIT CLAIM DEED. Interested prospective bidders are advised to inspect the real estate and conditions of title in order to insure full knowledge of existing conditions.

The State of Minnesota will pay the real estate taxes, if any, due and payable against this property in the year 1982 and all prior years. The successful bidder shall be responsible for the payment of all real estate taxes due and payable in 1983, if any, and in all succeeding years.

The State of Minnesota will pay in full all special assessments due and payable against this property as of the date of the sale.

The Commissioner of Administration reserves the right to reject any or all bids and to waive informalities therein.

Department of Health
Community Services Division

Notice of Public Hearing Regarding Fiscal Year 1983 Minnesota State Plan of Program Operations and Administration, for the Special Supplemental Food Program for Women, Infants, and Children (WIC)

Pursuant to the requirement of regulations issued by the United States Department of Agriculture under Section 3 of Public Law 95-627 which amends Section 17 of the Child Nutrition Act of 1966, the Minnesota Department of Health will sponsor a public meeting to enable the general public to participate in the development of the Fiscal Year 1983 Minnesota State Plan of Program Operations and Administration for the Special Supplemental Food Program for Women, Infants, and Children (WIC). Copies of the draft Plan will be available for public inspection on request.

The meeting will be held Monday, May 28, 1982 at the Minnesota Department of Health, 717 Delaware Street Southeast, Minneapolis, Minnesota. The meeting will begin at 10:00 a.m. in the board room and will be concluded upon the presentation of all testimony. Persons wishing to attend and/or present testimony are requested to register in advance by May 21, 1982.

Any citizen or group may submit either written or oral testimony at the meeting. Testimony will be given on a first come, first served basis.

For further information, contact:

Minnesota Department of Health
WIC Program
717 Delaware Street S.E.
Minneapolis, MN 55440
(612) 296-5436

Minnesota Pollution Control Agency

Application by the U.S. Army Corps of Engineers for a State Disposal System Permit and a Variance for Dredge Material Disposal on the Warroad River and Lake of the Woods

Notice of and Order for Hearing

It is ordered and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held by the Minnesota Pollution Control Agency (MPCA) pursuant to Minn. Stat. §§ 115.03 and 116.07 (1980 as amended in 1981 and 1982) and Minn. Rule 6 (6 MCAR § 4.3006) at the American Legion, 410 E. Lake Street, Warroad, Minnesota, commencing at 9:30 a.m. on Tuesday, June 22, 1982, and continuing until adjourned by the hearing examiner. In addition, an evening session will be held at the same address, commencing at 7:00 p.m. on June 22, 1982, for the purpose of taking public testimony from persons who are unable to attend the day session.

The U.S. Army Corps of Engineers (Corps), (address: Department of the Army, St. Paul District, Corps of Engineers, 1135 U.S. Post Office and Custom House, St. Paul, Minnesota 55101) has been authorized by Congress to maintain a navigation channel at Warroad, Minnesota, on Lake of the Woods. In describing this channel, the Corps refers to an inner river harbor portion and an outer access channel. The Corps believes that maintenance dredging of the outer access channel is necessary to allow continued access by recreational craft and commercial fishing vessels.

To maintain the navigation channel, the Corps has scheduled maintenance dredging at Warroad. The Corps proposes to dispose of the material it intends to dredge from the channel by sidecasting the dredged material and thereby creating an island, approximately 4.0 acres in size and located 500 feet south of the access channel. In order to dispose of dredged material in this manner, the Corps must obtain from the MPCA a State Disposal System permit and a variance from the standards and limitations in 6 MCAR § 4.8015.

The Corps has submitted to the MPCA an application for a State Disposal System permit and for a variance. In response to the applications and in accordance with the requirements of Minn. Rule MPCA 6 (6 MCAR § 4.3006), the MPCA has ordered that a hearing be held. The purpose of this hearing is to determine whether the variance should be granted and the permit should be issued in accordance with Minn. Stat. §§ 115.03, 116.07 and 6 MCAR §§ 4.3006, 4.8015 and 4.8036.

At the time of this notice, the director of the MPCA has not yet completed his review of the application for the State Disposal System permit. Pursuant to 6 MCAR § 4.0036(h), the director will issue his public notice of the permit application and of his preliminary determinations on or before May 17, 1982. Any person wishing to receive that public notice and not otherwise on the MPCA mailing list should contact Louis L. Flynn, Minnesota Pollution Control Agency, Division of Water Quality, 1935 W. County Road B-2, Roseville, Minnesota, 55113, telephone (612) 296-7225.

Please be advised that, without further notice, the issues of this hearing may be modified and/or amended by the hearing examiner during prehearing conferences. Additionally, prehearing conferences may result in the establishment of foundation for witnesses and exhibits, in the establishment of a timetable for exchange of written testimony, and in the scheduling of witnesses and other matters. Further, prehearing conferences may lead to settlement of issues relevant to this hearing.

At the time this notice was drafted, no prehearing conferences have been scheduled. Those persons who wish to be notified of the time and place of any prehearing conferences that are scheduled should contact the hearing examiner at the address indicated below.

The hearing will be held before Howard L. Kaibel, Jr., Hearing Examiner, Office of Administrative Hearings, 400 Summit Bank Building, 310 Fourth Avenue South, Minneapolis, Minnesota 55415, telephone (612) 341-7608. Mr. Kaibel is a hearing examiner appointed by the chief hearing examiner of the State of Minnesota. The hearing will be conducted pursuant to the procedures set out in Minn. Stat. §§ 15.0411 through 15.052, 9 MCAR §§ 2.201 through 2.299 (Office of Administrative Hearings Contested Case Rules), and 6 MCAR §§ 4.3001 through 4.3013 (Minnesota Pollution Control Agency Rules of Procedure), to the extent that the latter rules do not conflict with the former rules. The above-cited procedural rules are available for inspection at the Office of Administrative Hearings and the MPCA or may be purchased from the *State Register* & Public Documents Division of the Department of Administration, 117 University Avenue, St. Paul, Minnesota, 55155, telephone (612) 297-3000.

All parties have the right to be represented by legal counsel, themselves, or any other representative of their choice, if not otherwise prohibited as the unauthorized practice of law. Pursuant to 6 MCAR § 4.3009, the parties to the hearing to date are the applicant (the Corps) and the MPCA Director. The names and addresses of counsel for the parties are as follows:

For the U.S. Army Corps of Engineers:

Michael Ferring
Office of Counsel
U.S. Army Corps of Engineers
1135 U.S. Post Office & Custom House
St. Paul, Minnesota 55101

For the Minnesota Pollution Control Agency Director

Lisa R. Tiegel
Special Assistant Attorney General
Minnesota Office of the Attorney General
1935 W. County Road B-2
Roseville, Minnesota 55113

Any other person wishing to become a party to the hearing must file a petition to intervene pursuant to 9 MCAR § 2.210. This petition must be filed with the hearing examiner (name and address noted above) on or before June 7, 1982 and a copy of the petition must be served on all existing parties (addresses noted above) and the MPCA (address for the MPCA: Ann Lee, Secretary, Minnesota Pollution Control Agency, 1935 W. County Road B-2, Roseville, Minnesota 55113.) The petition may be filed after June 7, 1982, if there is good cause for the petitioner's failure to file in a timely manner. The petition must show how the petitioner's legal rights, duties, or privileges may be determined or affected by the contested case, and shall set forth the grounds and purposes for which intervention is sought and shall indicate the petitioner's statutory right to intervene if one should exist.

The hearing examiner may, in the absence of a petition to intervene, hear the testimony and receive exhibits from any person at the hearing, or allow a person to note his appearance, or allow a person to question witnesses, but no person shall become, or be deemed to have become, a party by reason of such participation. Persons offering testimony or exhibits may be questioned by parties to the hearing.

All persons are advised that factual information or evidence which is not part of the hearing record shall not be considered by the hearing examiner or the MPCA in determination of the above-entitled matter. Persons attending the hearing should bring all factual information or evidence bearing on the case which they wish to have included in the record.

The applications, proposed permit, comments received, hearing requests, and other documents related to this matter may be inspected and copied any time between 8:30 a.m. and 4:00 p.m., Monday through Friday, at the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113 (telephone Louis L. Flynn at (612) 296-7225) or at the

Regional Office of the Minnesota Pollution Control Agency, 116 East Front Street, Detroit Lakes, Minnesota 56501 (telephone: (218) 847-1519.)

Questions concerning the issues raised in this notice of and order for hearing or concerning discovery may be directed to Special Assistant Attorney General Lisa Tiegel at the address for her noted above, telephone (612) 296-7345.

All persons are advised that, if they intend to appear as parties at the hearing, a Notice of Appearance form must be completed and returned to the Hearing Examiner within twenty (20) days of the date of service of the notice of any order for hearing. A copy of the Notice of Appearance may be obtained by contacting Lisa Tiegel at the address and phone number for her set out above.

Should a party fail to appear at the hearing, the issues set out in this order may be deemed proved, with the consequence that the variance be issued or denied or that the permit be issued in the form in which it may be proposed on or before May 17, 1982.

If persons have good reasons for requesting a delay of the hearing, the request must be made in writing to the hearing examiner as soon as possible but, in any event, at least five days prior to the hearing. A copy of the request must be served on the MPCA and all parties.

May 10, 1982

Louis J. Breimhurst
Executive Director

STATE OF MINNESOTA

State Register and Public Documents Division
117 University Avenue
St. Paul, Minnesota 55155

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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

Briefly/Preview—Senate news and committee calendar; published weekly during legislative sessions. Contact Senate Public Information Office, Room B29 State Capitol, St. Paul MN 55155, (612) 296-0504.

Perspectives—Publication about the Senate. Contact Senate Information Office.

Weekly Wrap-Up—House committees, committee assignments of individual representatives, news on committee meetings and action, House action and bill introductions. Contact House Information Office, Room 8 State Capitol, St. Paul, MN, (612) 296-2146.

This Week—weekly interim bulletin of the House. Contact House Information Office.

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

In the Matter of the Proposed
Adoption of Amendments To
The Manufactured Home Building Code Rules.

STATEMENT OF
NEED AND
REASONABLENESS

The above-captioned proposed rules are amendments to the existing Manufactured Home Building Code. Minn. Stat., Chapter 365 of the 1981 Session Laws amended the Manufactured Building Code. These amendments bring the manufactured building code rules into line with the statute changes.

Further, the Commissioner of Administration is charged with the responsibility of promulgating rules pursuant to Minn. Stat. 327.33 Subds. 2, 3, 4, 5 and 6.

The Commissioner of Administration is charged with the adoption, administration, and enforcement of Manufactured Home Construction and Safety Standards consistent with rules and regulations promulgated by the U.S. Department of Housing and Urban Development. These rules insofar as practicable, conform to this requirement.

The following is the evidence and argument which supports the Need for and Reasonableness of the Proposed Rules:

A page titled "Composition of the Manufactured Home Building Code" has been added to indicate the dates within which various codes were or are in effect.

Section 1.90101 - Additional language references new state laws and federal regulations. The word "mobile" is replaced by "manufactured" throughout the text to conform with Chapter 365 of the 1981 Session Laws.

Section 1.90102 - Deleted portions are replaced with new terminology to reflect changes in definitions. Editorial change is made to clarify. Addition expands authority to inspect all parts of an installation.

Section 1.90103 - Deleted portions eliminate nonapplicable references and old definitions. Other deletions needed to comply with law changes or to simplify. Some definitions used in the federal regulations are added to conform thereto. Other added language is explanatory.

Section 1.90201 A.3 - Addition needed to indicate effective date for labeling required by federal regulation of manufactured home construction.

Section 1.90201 C.1 - Deleted language no longer needed and/or no longer applicable. Added portions reflect new definitions and the change effected by Chapter 365 of the 1981 Session Laws which exempts manufactured homes installed on a foundation system from requiring an installation seal.

Section 1.90201 D - Deletions are obsolete, not applicable or meaningless.

Section 1.90202 - Change amplifies coverage of title to include HUD labels & installer registration.

Section 1.90202 A & B - These additions are needed to show the different ways to acquire HUD (Federal) labels and state construction seals.

Section 1.90202 C - Addition and deletion together limit the acquisition of accessory structure seals to only the manufacturer of those structures.

Section 1.90202 D & E - The reference to "dealer" is omitted as it is unnecessary.

Section 1.90204 - By deleting the word "construction" in the title, all types of seals are covered.

Section 1.90204 A.1 - These requirements no longer apply and are therefore deleted. Federal regulations preempt.

Section 1.90205 A - These requirements no longer apply and are therefore deleted. Federal regulations preempt.

Section 1.90205 B - Reference to dealer is unnecessary.

Section 1.90206 A - Added language provides protection to consumers by allowing the state to remove the federal construction label from a manuactured home, if in violation of the code, after it is once sold. Prior to full federal certification of the State of Minnesota as a State Administrative Agency, the federal regulations only applied to new homes up to the first sale.

Section 1.90207 - The word "construction" is unnecessary.

Section 1.90207 A. 1 - The word "voided" added to clarify.

Section 1.90207 A. 2 - Deleted portions limit placement of construction seal to one location only.

Section 1.90207 B - Adding the word "label" includes manufactured homes built after June 14, 1976. Last sentence specifies that the correct type of installation seal be affixed.

Section 1.90207 C_2 - Deleted portions are either unnecessary, redundant or previously mentioned under C_1 of same section.

Section 1.90209 A - Deleted, not applicable because of federal regulations.

Section 1.90209 B - Letter B deleted, now is letter A.

Section 1.90209 C - Letter C deleted, now is letter B.

Section 1.90201 A - Deleted, not applicable because of federal regulations.

Section 1.90210 B - Letter B deleted, now is letter A.

Section 1.90210 C - Letter C deleted, now is letter B.

Section 1.90301 A - Deleted, not applicable because of federal regulations.

Section 1.90301 B - Letter B deleted, now is letter A. Other stricken language is not applicable because of federal regulations.

Section 1.90301 C - Letter C deleted, now is letter B. New language is for installation requirements.

Section 1.90302 - Deletion refers to mobile homes and no longer applies. Addition changes title to refer to manufactured home accessory structures only.

Section 1.90302 B.8 - New language provides for installation details and instruction for manufactured home accessory structures to be submitted to the Building Codes & Standards Division for approval.

Section 1.90302 C & C1 - Deleted. Obsolete because of federal regulations.

Section 1.90303 - Deletion supports new definition.

Section 1.90303 A - Additional wording necessary to agree with new definition and to require test reports and installation instructions for all support and anchoring systems based on Section 1.90450 C, D & E. Words deleted no longer apply.

Section 1.90303 B - Addition clarifies and specifies. Deleted portion no longer applies.

Section 1.90303 C 1, 2, & 3 - Deleted portions not needed as support and anchoring systems are covered under Section 1.90450.

Section 1.90308 - Deleted portion pertains to manufactured home in-plant construction which no longer applies. Added words to include accessory structures.

Section 1.90309 - Deleted portions no longer apply.

Section 1.90310 - Deleted portions no longer apply.

Section 1.90402 - Deleted words which no longer apply.

Section 1.90403 - The added language is necessary to comply with federal requirements with regard to the handling of consumer complaints by manufacturers of manufactured homes.

Section 1.90450 A - Added sentence provides that foundation systems for manufactured homes comply with requirements of the State Building Code.

Section 1.90450 B - Additions allow inclusion of foundation systems in this section. The last addition specifies minimum clearance when manufactured home is installed on a support system.

Section 1.90450 D.2 - Deleted words which are no longer required. Addition refers to requirements of Section 1.90303.

Section 1.90460 - This new section is required to cover connections to water, sewer, gas and electrical utilities.

Section 1.90700 - Added language to include Consumer Complaint Handling.

Section 1.90701 B5 a. & b. - Deleted portions improperly located and not intended to be in this Section orginally. Terms are not obsolete.

Section 1.90701 C - Added "or label" to cover manufactured homes built to federal standards, since June 15, 1976.

Section 1.90702 - Chapter 365 of the State of Minnesota 1981 Session Laws requires the Commissioner to apply to the Secretary (of H.U.D.) for approval as a State Administrative Agency - (SAA). A requirement for full certification as an SAA is that the State provide rules for the handling of citizen complaints. Essentially, insofar as practicable, and except for minor modifications such as lettering and numbering, the requirements and procedures of this section are identical to and consistent with the rules and regulations for consumer complaint handling as promulgated by the U.S. Department of Housing & Urban Development.

Section 1.90803 - As previously stated in the justifications for Section 1.90702, in order for the State to qualify for full certification as a SAA, this section on hearings and presentation of views is required. The language is nearly identical with the H.U.D. rules & regulations in all respects.

Section 1.90904 - Minnesota Statute Chapter 365 1981 Session Laws expanded seal requirements to include utilities connections. Because support work and utiity connections are usually installed together and require more work, the seal cost is greater than for anchoring which is usually done at a later date. Seal costs have been the same since 1974. The increased cost reflects the inflation factor since then and is necessary to cover costs incurred by the Building Codes & Standards Division. The H.U.D. Monitoring Label fee is added to indicate state participation in the federal program.

Section 1.90904 A - Annual registration fee for installers, though doubled, show rising costs by this divison incurred by increased handling costs and by providing necessary educational seminars given throughout the State yearly, relative to manufactured home installations.

Section 1.90904 B & C - These portions are deleted because they no longer apply.

Section 1.90905 - For various other work relating to inspections, the fees are raised to cover increased costs such as labor, travel, meals, motels, and other operational costs.

James J. Hiniker, Jr.
Commissioner

4-27-82
Date

STATEMENT OF COMPLIANCE WITH
RULEMAKING PROCEDURES

I, Special Assistant Attorney General Larry Starnes, do hereby declare that I have examined the proposed rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

Larry D. Starnes

Dated: June 23, 1982

In the Matter of the Proposed Adoption of Amendments to the Manufactured Home Building Code Rules

AFFIDAVIT OF MAILING NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

STATE OF MINNESOTA)
)ss.
COUNTY OF RAMSEY)

Gloria Safford, being first duly sworn, deposes and says:

That on the 23rd day of June, 1982, in the City of St. Paul, County of Ramsey, State of Minnesota she served the attached Notice of Submission to the Attorney General by depositing in the State of Minnesota Central Mail System for first class mailing at said City of St. Paul, a copy thereof, properly enveloped, with postage prepaid, to all persons and associations who requested notice that the rules in the above-entitled matter have been submitted to the Attorney General.

Gloria Safford

Subscribed and sworn to before me this

23 day of June, 1982

Mary A. Kahnke

MARY A. KAHNKE
NOTARY PUBLIC - MINNESOTA
DAKOTA COUNTY
My Commission Expires May 9, 1984

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION

In the Matter of the Proposed Adoption of Amendments to the Manufactured Home Building Code Rules

NOTICE OF SUBMISSION TO THE ATTORNEY GENERAL

Pursuant to your request in accordance with Minnesota Statutes, section 15.0412:

PLEASE TAKE NOTICE that the above-captioned rules have been submitted to the Office of the Attorney General on the date, June 23, 1982, for review as to form and legality. Pursuant to 1 MCAR § 1.206 B., the Attorney General will not approve the rules for at least 10 calender days after receipt to allow any person or association time to comment on the legality of the rules, after which that Office will complete its review. If you desire to comment on the legality of the above-captioned rules, you should direct your comments to the Office of the Attorney General, 204 State Administration Building, 50 Sherburne Avenue, Saint Paul, Minnesota 55155, telephone (612) 296-7030. Please note that the above-cited rule of the Attorney General also provides that a copy of any written comments submitted to the Attorney General must be submitted simultaneously to this agency.

If you are interested in determing what changes, if any, were made in the proposed rules after publication in the State Register and before submission to the Attorney General, you may contact Richard I. Hauck, 408 Metro Square Building, 7th and Robert Streets, Saint Paul, Minnesota 55101, telephone (612) 296-4628.

Norman R Osterby

Norman R. Osterby
Director
Building Codes & Standards