MEMORANDUM

TO: ALL MANUFACTURER'S, DEALER'S AND INSTALLERS/TRANSPORTER'S

FROM: Michael R. Acey, Deputy Fire Marshal

DATE: August 31, 1993

RE: Factory-Built Homes Laws

Enclosed are copies of the following:

1. Senate Bill No. 2296, Amending 75-49-5 MS Code
2. MS State Fire Marshal's Bulletin 93-3
3. Consumer Complaint Form

Enclosure No. 1

On July 1, 1993, Section 75-49-5, MS Code of 1972 was amended to clarify licensure requirements for manufacturers, dealers, installers and transporters of factory-built homes.

Please note with care paragraph ten (10) of Section 75-49-5 beginning with line 139 through line 165.

Any new applicants including suspended license's will be required to personally appear before the commissioner or his designee to obtain a license.

Enclosure No. 2

This notice is in response to several requests for a "NOTICE" to the public as per your requirements to anchor & block a home. You may frame and/or post this in your respective offices.

Enclosure No. 3

The consumer complaint Form is to be completed each time a manufacturer and/or dealer receives a complaint on a factory-built home. This form (back side) MUST be completed and forwarded to the Fire Marshal's Office prior to closure of this file by our office. Until this is done the complaint will remain open and inquiries will be made by our inspectors.
NOTICE

IT IS THE LAW

Section 75-49-7:

(2) From and after July 1, 1992, no dealer, transporter or installer shall deliver or cause to be delivered any factory-built home to any person at any site where such home is to be used for human habitation without anchoring and blocking such home in accordance with rules, regulations and procedures promulgated by the commissioner pursuant to section 75-49-5; provided, however, that a period of thirty (30) days from date of delivery shall be allowed for the anchoring and blocking of such homes. Mississippi Code Annotated.

For additional information you may contact:

State Fire Marshal's Office
Manufactured Housing Division
Post Office Box 22542
Jackson, MS 39225-2542
(601) 359-1061
(601) 359-1370 FAX
OFFICE OF THE STATE FIRE MARSHAL
MANUFACTURED HOUSING DIVISION

CONSUMER COMPLAINT FORM

1) Person filing complaint: ________________________________
   Street address: ______________________________________
   City: _______________ State: _____ Zip: _______________
   Home phone: (___) ___________ Work phone: (___) _______

2) Manufacturer: _______________________________________
   Street address: ______________________________________
   City: _______________ State: _____ Zip: _______________
   Phone: (___) _________

3) Dealer: _____________________________________________
   Street address: ______________________________________
   City: _______________ State: _____ Zip: _______________
   Phone: (___) _________ Sales Manager: ________________

4) Manufactured home serial#: ______________ HUD label#: ______
   Date Purchased: _____/____/_____ Directions to Home: ______

   ALL BLANKS ABOVE MUST BE COMPLETED IN ORDER FOR YOUR COMPLAINT TO BE PROCESSED

DESCRIPTION OF COMPLAINTS

1. ____________________________________________
2. ____________________________________________
3. ____________________________________________
4. ____________________________________________
5. ____________________________________________
6. ____________________________________________
7. ____________________________________________
8. ____________________________________________
9. ____________________________________________
10. ____________________________________________

   (List Additional Items on a Separate Sheet)

Signature of Owner: ________________________________

Date: ______/____/____

NOTE: ATTACH A READABLE COPY OF YOUR MANUFACTURED HOME PURCHASE CONTRACT
MISSISSIPPI LEGISLATURE

By: Senator(s) Bean

REGULAR SESSION 1993

To: Insurance; Appropriations

APPROVED BY THE GOVERNOR

SENATE BILL NO. 2296
(As Sent to Governor)

1. AN ACT TO AMEND SECTION 75-49-5, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COMMISSIONER OF INSURANCE, IN THE INTEREST OF PUBLIC SAFETY, TO HIRE ADDITIONAL FIRE MARSHAL DEPUTIES TO SERVE AS INSPECTORS OF FACTORY-BUILT HOMES; TO AMEND SECTION 75-49-9, MISSISSIPPI CODE OF 1972, TO CLARIFY LICENSURE REQUIREMENTS FOR CERTAIN FACTORY-BUILT HOME DEALERS; TO PROVIDE THAT FUNDS FROM CERTAIN LICENSE AND INSPECTION FEES SHALL BE DEPOSITED IN A SPECIAL FUND ACCOUNT IN THE STATE TREASURY TO THE CREDIT OF THE DEPARTMENT OF INSURANCE; AND FOR RELATED PURPOSES.

2. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

3. SECTION 1. Section 75-49-5, Mississippi Code of 1972, is amended as follows:

4. 75-49-5. (1) Factory-built homes, because of the manner of their construction, assembly and use and that of their systems, components and appliances (including heating, plumbing and electrical systems), like other finished products having concealed vital parts, may present hazards to the health, life and safety of persons and to the safety of property unless properly manufactured. In the sale of factory-built homes, there is also the possibility of defects not readily ascertainable when inspected by purchasers. It is the policy and purpose of this state to provide protection...
(2) The commissioner is hereby authorized and directed to investigate and examine into engineering and construction practices and techniques, the properties of construction materials used in the construction and assembly of factory-built homes, their electrical, plumbing, heating and other systems and appliances, their anchoring and blocking systems and techniques, fire prevention and protective techniques and measures to promote safety of persons and property and protect the health of users of such factory-built homes. The commissioner, in the interest of such public safety, is authorized to employ a minimum of three additional employees in the Manufactured Housing Division of the Insurance Department to serve as Fire Marshal I, Deputies in the enforcement of the provisions of this chapter.

(3) All manufactured homes shall meet the requirements set forth in the Federal Manufactured Home Construction and Safety Standards (24 CFR Section 3280), established by the Secretary of the United States Department of Housing and Urban Development in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974, as amended (42 U.S.C.S. 5401 et seq.), or such amendments to the standards as are adopted by the Secretary of the United States Department of Housing and Urban Development after July 1, 1992.

(4) The commissioner is also authorized and empowered to issue, promulgate and enforce all rules and procedures which in his judgment are necessary and desirable to make effective the construction standards so established. The commissioner is also
SECTION 2. Section 75-49-9, Mississippi Code of 1972, is amended as follows:

75-49-9. (1) After July 1, 1992, every manufacturer, every transporter or installer and every dealer who sells, manufactures, transports or installs new or used factory-built homes within the State of Mississippi shall apply for and obtain a license from the commissioner.

(2) If a factory-built home is new, the applicant shall certify in the application to the commissioner that the applicant will comply with the construction standards set forth under rules and regulations provided in Section 75-49-5 herein, and that the applicant has obtained a current and valid tax identification number.

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

(4) The original license fee and all annual renewals thereof shall be One Hundred Twenty-five Dollars ($125.00) for manufacturing plants located within or without the State of Mississippi manufacturing or delivering homes for sale within the State of Mississippi and Fifty Dollars ($50.00) per dealer location within the State of Mississippi. The licensing fee for an independent contractor transporter or installer is Fifty Dollars ($50.00) for each company. Except as otherwise provided in subsection (10) of this section, the license shall be valid for a period of one (1) year from the date of issuance, or until revoked as provided herein.
license from the commissioner. The fee shall be paid to the commissioner in such manner as the commissioner may by rule require. All funds received by the commissioner shall be deposited in a special fund account in the State Treasury to the credit of the Department of Insurance.

(6) Every manufacturer of manufactured homes in the state shall pay a monitoring inspection fee to the Secretary of Housing and Urban Development, or the secretary's agent, for each manufactured home produced in the state by the manufacturer. The fee shall be in an amount established by the secretary pursuant to the National Manufactured Home Construction and Safety Standards Act of 1974, 42 U.S.C.S. 5401 et seq. The portion of the fee which is returned to the state shall be deposited by the commissioner in a special fund account in the State Treasury to the credit of the Department of Insurance.

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

(8) The commissioner shall take all applicants under
of business or organization, by the examination of one or more of
the responsible, full-time managing officers or members of the
executive staff of the applicant's firm. Every application by an
individual for a license to sell, transport or install new or used
mobile, manufactured and relocatable homes shall be verified by
the oath or affirmation of the applicant, and every such
application by a partnership or corporation shall be verified by
the oath or affirmation of a partner or an officer thereof. The
applications for licenses shall be in such form and detail as the
commissioner shall prescribe.

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

(10) Beginning July 1, 1988, every license issued under this
chapter shall be issued annually and shall expire on June 30
following the date upon which it was issued. License fees shall
not be prorated for the remainder of the year in which the
application was made but shall be paid for the entire year
regardless of the date of the application. The commissioner
shall, on or before April 30, 1989, and on or before April 30 of
each succeeding year thereafter, forward a "Notice of Renewal," by
regular United States mail, to each licensee at his or its last
known post office address. After depositing the "Notice of
Renewal" in the United States mail, the commissioner shall have no
157. During the period of suspension any practice by the licensee under the color of such license shall be deemed a violation of this chapter. Annual renewals of a dealer's license shall require, as a condition precedent, that the dealer verify by oath or affirmation that he maintains a retail sales lot in accordance with all rules and regulations promulgated by the commissioner and that the lot has three (3) or more new or used factory-built homes located thereon for retail sale as a residential dwelling or for any other use at the time of application.

166. SECTION 3. This act shall take effect and be in force from and after July 1, 1993.