SOS APA Form 001

Mississippi Secretary of State

125 South Congress St., P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME		CONTACT PERSON	TELEPHONE NUMBER	
Mississippi Insurance Department		Mark Lampton, Spec. Asst. Att. Gen.	(601)359-2780	
ADDRESS P.O. Box 79		CITY Jackson	STATE MS	ZIP 39205
EMAIL mark.lampton@mid.ms.gov	SUBMIT DATE 07/15/16	Name or number of rule(s): Miss. Admin. Code, Title 19, Part 7, Chapters 4 and 5 (Regulations relating to the Factory-Built Homes Law)		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The existing rules are being modernized and clarified.

Specific legal authority authorizing the promulgation of rule: Miss. Code §§ 75-49-5; 75-49-1 et seq. (Supp. 2013).

List all rules repealed, amended, or suspended by the proposed rule: Miss. Admin. Code, Title 19, Part 7, Chapters 4 and 5.

ORAL PROCEEDING:

☐ An oral proceeding is scheduled for this rule on Date: _____ Time: _____ Place: _____

☒ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	**Action proposed:** _____ New rule(s) _X_ Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference **Proposed final effective date:** _____ 30 days after filing _X_ Other (specify): October 1, 2016	**Date Proposed Rule Filed:** _____ **Action taken:** _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed **Effective date:** _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Mark Lampton, Spec. Asst. Att. Gen.

Signature of person authorized to file rules: _____

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
	FILED JUL 15 2016 MISSISSIPPI SECRETARY OF STATE	
Accepted for filing by	**Accepted for filing by** #22088	**Accepted for filing by**

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

DELBERT HOSEMANN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME Mississippi Insurance Department	CONTACT PERSON Mark Lampton, Spec. Asst. Att. Gen.		TELEPHONE NUMBER (601)359-2780
ADDRESS P.O. Box 79	CITY Jackson	STATE MS	ZIP 39205
EMAIL mark.lampton@mid.ms.gov	DESCRIPTIVE TITLE OF PROPOSED RULE Miss. Admin. Code, Title 19, Part 7, Chapters 4 and 5 (Regulations relating to the Factory-Built Homes Law)		

Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code §§ 75-49-5; 75-49-1 et seq.	Reference to Rules repealed, amended or suspended by the Proposed Rule: Miss. Admin. Code, Title 19, Part 7, Chapters 4 and 5

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit: The Amendments proposed modernize the rules, and address some gaps in the previous set of rules. The benefit to the consumer will be enhanced oversight of the factory-built home industry. The benefit to the factory-built home industry will be clarification of the parameters of expectations placed upon them.

2. Briefly describe the need for the proposed rule: The amendments are needed to modernize the rules, and clarify ambiguities.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:
   The Amendment of the rules will result in enhanced oversight of the manufactured housing industry within the State of Mississippi, ensuring that the citizens of Mississippi residing in factory-built housing will be residing in safe and properly constructed homes.

4. Estimated Cost of implementing proposed action:
   a. To the agency
      ☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
   b. To other state or local government entities
      ☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:
   c. Cost:
      ☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive
   d. Economic Benefit:
      ☐ Nothing ☐ Minimal ☒ Moderate ☐ Substantial ☐ Excessive

6. Estimated impact on small businesses:
   ☐ Nothing ☒ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

   a. Estimate of the number of small businesses subject to the proposed regulation:
      The estimated number of small business retailers/developers and installer/transporters is 209.

   b. Projected costs for small businesses to comply:
      The new regulation will require the licensed Installer/Transporter to provide proof of a Surety Bond Policy of $25,000.00 **and** a General Liability Policy in the amount of $100,000.00. Under the current regulations the Installer/Transporter is required to provide proof of a $25,000 Surety Bond Policy **and** a $500,000.00 General Liability Policy.

      The projected cost to the Installer/Transporter for insurance coverage should reduce as a result of this rule amendment.

   c. Statement of probable effect on impacted small businesses:
      The most probable effect of the regulation would be that the cost of doing business may be decreased to compensate for the reduced insurance requirements.

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
   ☐ substantially less than ☒ moderately less than ☐ minimally less than
   ☐ the same as ☐ minimally more than ☐ moderately more than
   ☐ substantially more than ☐ excessively more than

8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
   ☐ substantially less than ☐ moderately less than ☐ minimally less than
   ☐ the same as ☒ minimally more than ☐ moderately more than
   ☐ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?
   ☐ yes ☒ no

2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form: It is common knowledge that the cost to procure a general liability insurance policy in the amount of $100,000 will be less than the cost to procure a general liability insurance policy in the amount of $500,000.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled? A person may send comments, suggestions, and a request for an oral proceeding to:

Mississippi Insurance Dept.
Attn: Mark Lampton, Special Asst. Att. Gen.
P.O. Box 79
Jackson, MS 39205-0079
or via email at: manhousing@mid.ms.gov

SIGNATURE	TITLE Special Assistant Attorney General
DATE July 15, 2016	PROPOSED EFFECTIVE DATE OF RULE October 1, 2016