

MISSISSIPPI

GEORGE DALE

Commissioner of Insurance
State Fire Marshal



State Fire Marshal's Office
(601) 359-1061
Liquefied Compressed Gas
(601) 359-1064
State Fire Coordinator
(601) 359-1062

1415 Woolfolk Building (39201)
P. O. Box 22542 (39225)
Jackson, Mississippi
FAX: (601) 359-1370

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: ____/____/____

MISSISSIPPI LEGISLATURE

REGULAR SESSION 1993

By: Senator(s) Bean

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

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

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

13. 75-49-5. (1) Factory-built homes, because of the manner of
14. their construction, assembly and use and that of their systems,
15. components and appliances (including heating, plumbing and
16. electrical systems), like other finished products having concealed
17. vital parts, may present hazards to the health, life and safety of
18. persons and to the safety of property unless properly
19. manufactured. In the sale of factory-built homes, there is also
20. the possibility of defects not readily ascertainable when
21. inspected by purchasers. It is the policy and purpose of this
22. state to provide protection for the health, life and safety of persons and to the safety of property unless properly manufactured.

29. (2) The commissioner is hereby authorized and directed to
30. investigate and examine into engineering and construction
31. practices and techniques, the properties of construction materials
32. used in the construction and assembly of factory-built homes,
33. their electrical, plumbing, heating and other systems and
34. appliances, their anchoring and blocking systems and techniques,
35. fire prevention and protective techniques and measures to promote
36. safety of persons and property and protect the health of users of
37. such factory-built homes. The commissioner, in the interest of
38. such public safety, is authorized to employ a minimum of three (3)
39. additional employees in the Manufactured Housing Division of the
40. Insurance Department to serve as Fire Marshal I, Deputies in the
41. enforcement of the provisions of this chapter.

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

51. (4) The commissioner is also authorized and empowered to
52. issue, promulgate and enforce all rules and procedures which in
53. his judgment are necessary and desirable to make effective the
54. construction standards so established. The commissioner is also

62. SECTION 2. Section 75-49-9, Mississippi Code of 1972, is
63. amended as follows:

64. 75-49-9. (1) After July 1, 1992, every manufacturer, every
65. transporter or installer and every dealer who sells, manufactures,
66. transports or installs new or used factory-built homes within the
67. State of Mississippi shall apply for and obtain a license from the
68. commissioner.

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

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

77. (4) The original license fee and all annual renewals thereof
78. shall be One Hundred Twenty-five Dollars (\$125.00) for
79. manufacturing plants located within or without the State of
80. Mississippi manufacturing or delivering homes for sale within the
81. State of Mississippi and Fifty Dollars (\$50.00) per dealer
82. location within the State of Mississippi. The licensing fee for
83. an independent contractor transporter or installer is Fifty
84. Dollars (\$50.00) for each company. Except as otherwise provided
85. in subsection (10) of this section, the license shall be valid for
86. a period of one (1) year from the date of issuance, or until
87. revoked as provided herein

93. license from the commissioner. ✓ The fee shall be paid to the
94. commissioner in such manner as the commissioner may by rule
95. require. All funds received by the commissioner shall be
96. deposited in ✓ a special fund account in the State Treasury to the
97. credit of the Department of Insurance.

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

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

118. (8) The commissioner shall take all applicants under

125. of business or organization, by the examination of one or more of
126. the responsible, full-time managing officers or members of the
127. executive staff of the applicant's firm. Every application by an
128. individual for a license to sell, transport or install new or used
129. mobile, manufactured and relocatable homes shall be verified by
130. the oath or affirmation of the applicant, and every such
131. application by a partnership or corporation shall be verified by
132. the oath or affirmation of a partner or an officer thereof. The
133. applications for licenses shall be in such form and detail as the
134. commissioner shall prescribe.

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

139. (10) Beginning July 1, 1988, every license issued under this
140. chapter shall be issued annually and shall expire on June 30
141. following the date upon which it was issued. License fees shall
142. not be prorated for the remainder of the year in which the
143. application was made but shall be paid for the entire year
144. regardless of the date of the application. The commissioner
145. shall, on or before April 30, 1989, and on or before April 30 of
146. each succeeding year thereafter, forward a "Notice of Renewal," by
147. regular United States mail, to each licensee at his or its last
148. known post office address. After depositing the "Notice of
149. Renewal" in the United States mail, the commissioner shall have no
150. other duties...

157. During the period of suspension any practice by the licensee unde
158. the color of such license shall be deemed a violation of this
159. chapter. Annual renewals of a dealer's license shall require, as
160. a condition precedent, that the dealer verify by oath or
161. affirmation that he maintains a retail sales lot in accordance
162. with all rules and regulations promulgated by the commissioner and
163. that the lot has three (3) or more new or used factory-built homes
164. located thereon for retail sale as a residential dwelling or for
165. any other use at the time of application.

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