

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

**SENATE BILLS NOS. 771,  
849 & 822**

**90TH GENERAL ASSEMBLY**

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Reported from the Committee on Insurance and Housing, February 17, 2000, with recommendation that the Senate Committee Substitute do pass.

3494S.02C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 700.015, 700.025, 700.045, 700.050 and 700.090, RSMo Supp. 1999, relating to certain commercial practices, and to enact in lieu thereof ten new sections relating to the same subject, with penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

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Section A. Sections 700.015, 700.025, 700.045, 700.050 and 700.090, RSMo Supp. 1999, are repealed and ten new sections enacted in lieu thereof, to be known as sections 320.400, 320.405, 320.407, 320.410, 415.417, 700.015, 700.025, 700.045, 700.050 and 700.090, to read as follows:

**320.400. As used in sections 320.400 to 320.410, the following terms shall mean:**

**(1) "Existing high rise buildings", any building constructed prior to August 28, 2000, and having floor surfaces used for human occupation located higher than seventy-five feet above the lowest level of the fire department's vehicle access;**

**(2) "Fire protection sprinkler system", a system of overhead piping designed in accordance with fire protection engineering standards. The system must be supplied from a reliable, constant and sufficient water supply such as a gravity tank, fire pump, reservoir or pressure tank or connection by underground piping to a city main or any combination of these. The system includes a controlling valve and device for actuating an alarm when the system is in operation. Fire protection sprinkler system, dry-pipe and preaction systems, antifreeze systems, and circulating closed loop systems, have meanings as defined and continuously revised in National Fire Protection Association Pamphlet 13, entitled Standard for the Installation of Sprinkler Systems;**

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

**(3) "Master plan", a specific scheme or plan detailing the number of floors, total square footage, present occupancy and a proposed completion date of each phase and completion date of total compliance with the requirements of sections 320.400 to 320.410.**

**320.405. 1. All existing high rise buildings as defined in section 320.400 shall be protected throughout by an approved fire protection sprinkler system by January 1, 2012, and subject to the schedule set forth in this section.**

**2. The minimum standards for approved fire protection sprinkler systems shall be the provisions of National Fire Protection Association Pamphlet 13, entitled Standard for the Installation of Sprinkler Systems, and National Fire Protection Association Fire Code 1.**

**3. The owners of existing high rise buildings which are not, as of August 28, 2000, protected throughout by an approved fire protection sprinkler system shall submit a written master plan to the state fire marshal on or before January 1, 2003, detailing with specificity a schedule for compliance with section 320.400 to 320.410.**

**4. Phase one of the installation shall include, but not be limited to, completion of an approved automatic fire protection system covering one-third of the total floor space for the building listed in the master plan for that building by January 1, 2006.**

**5. Phase two of the installation shall include, but not be limited to, completion of an approved automatic fire protection system covering two-thirds of the total floor space for the building listed in the master plan for that building by January 1, 2009.**

**6. Phase three of the installation shall include the completion of an approved automatic fire protection system throughout the entire building by January 1, 2012.**

**7. The time periods provided in subsections 4, 5 and 6 of this section may be extended for a period of up to one additional year per phase upon approval of the state fire marshal if the installation of automatic fire suppression extinguishing systems in an existing high rise building involves or requires the removal, abatement or protection of asbestos.**

**8. The state fire marshal is authorized to adopt those rules that are reasonable and necessary to accomplish the limited duties specifically delegated within this section and section 320.407. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2000, shall be invalid and**

void.

**320.407. 1. No work shall begin under a master plan until the plans and specifications have been submitted and reviewed by the state fire marshal's office as required by section 320.405.**

**2. There shall be a review fee, as established by rule, assessed by the state fire marshal for reviewing the plans and specifications as detailed in section 320.405. Payment of this fee shall be transmitted to the director of the department of revenue for deposit into the general revenue fund.**

**320.410. Whoever violates the provisions of sections 320.400 to 320.410 shall be guilty of a class B misdemeanor.**

**415.417. 1. For the purposes of this section, "late fee" means a fee or charge assessed by an operator for an occupant's failure to pay rent when due. A late fee is not interest on a debt, nor is a late fee a reasonable expense which the operator may incur in the course of collecting unpaid rent in enforcing his or her lien rights pursuant to sections 415.400 to 415.430, or enforcing any other remedy provided by statute or contract.**

**2. Any late fee charged by the operator shall be stated in the rental agreement. No late fee shall be collected unless it is written in the rental agreement or an addendum to such agreement.**

**3. An operator may impose a reasonable late fee for each month an occupant does not pay rent when due.**

**4. A late fee of twenty dollars or twenty percent of the monthly rental amount, whichever is greater, for each late rental payment shall be deemed reasonable, and shall not constitute a penalty.**

**5. An operator may set a late fee other than that permitted in subsection 4 of this section if such fee is reasonable. The operator shall have the burden of proof that a higher late fee is reasonable.**

**6. The operator may recover all reasonable rent collection and lien enforcement expenses from the occupant in addition to any late fees incurred.**

**700.015. 1. No person shall rent, lease, sell or offer for sale any new manufactured home manufactured after January 1, 1974, unless such manufactured home complies with the code and bears the proper seal.**

**2. No person shall manufacture in this state any manufactured home or modular unit for rent, lease or sale within the state which does not bear a seal evidencing compliance with the code.**

**3. Unless otherwise required by federal law or regulations, nothing in sections 700.010 to 700.115 shall apply to a manufactured home or modular unit being built expressly for export and sold for use solely outside this state.**

**4. No person shall offer for rent, lease or sale a new modular unit or a unit used for**

**educational purposes** manufactured after January 1, 1974, unless such modular unit complies with the code and bears a seal issued by the commission evidencing compliance with the code.

5. No manufacturer shall sell or offer for sale within this state:

(1) Any new recreational vehicle that is not manufactured in compliance with the American National Standards Institute (ANSI) A119.2 Standard on Recreational Vehicles; or

(2) Any new recreational park trailer that is not manufactured in compliance with the American National Standards Institute (ANSI) A119.5 Standard on Recreational Park Trailers.

700.025. No person shall alter or cause to be altered any **new** manufactured home or modular unit **or used modular unit used for educational purposes** to which a seal has been affixed, if such alteration or conversion causes the manufactured home or modular unit to be in violation of the code.

700.045. It shall be a misdemeanor:

(1) For a manufacturer or dealer to manufacture, rent, lease, sell or offer to sell any manufactured home or modular unit after January 1, 1977, unless there is in effect a registration with the commission;

(2) To rent, lease, sell or offer to sell any **new** manufactured home or **new** modular unit **or used modular unit used for educational purposes** manufactured after January 1, 1974, which does not bear a seal as required by sections 700.010 to 700.115;

(3) To affix a seal or cause a seal to be affixed to any manufactured home or modular unit which does not comply with the code;

(4) To alter a manufactured home or modular unit in a manner prohibited by the provisions of sections 700.010 to 700.115;

(5) To fail to correct **within a reasonable time not to exceed ninety days after being ordered to do so in writing by an authorized representative of the commission** a code violation in a **new** manufactured home or **new** modular unit **or used modular unit used for educational purposes** owned, manufactured or sold within a reasonable time not to exceed ninety days after being ordered to do so in writing by an authorized representative of the commission, if the same is manufactured after January 1, 1974; or

(6) To interfere with, obstruct, or hinder any authorized representative of the commission in the performance of his duties.

700.050. The issuance of seals to any manufacturer in violation of the provisions of sections 700.010 to 700.115 may be suspended by the commission and no further seals shall be issued to any such manufacturer except upon proof satisfactory to the commission that the conditions which brought about the violation have been remedied. Seals remain the property of the state and may be removed by the commission from any **new** manufactured home or **new** modular unit **or used modular unit used for educational purposes** which is in violation of the code.

700.090. 1. Every manufacturer or dealer of manufactured homes who sells or offers for sale, on consignment or otherwise, a manufactured home or modular unit from or in the state of Missouri shall register **each location** with the commission.

2. The commission shall issue a certificate of registration to a manufacturer who:

(1) Completes and files with the commission an application for registration which contains the following information:

(a) The name of the manufacturer;

(b) The address of the manufacturer and addresses of each factory owned or operated by the manufacturer, if different from the address of the manufacturer;

(c) If a corporation, the state of original incorporation, a list of the names and addresses of all officers and directors of the corporation, and proof of the filing of all franchise and sales tax forms required by Missouri law;

(d) If not a corporation, the name and address of the managing person or persons responsible for overall operation of the manufacturer;

(2) Files with the commission an initial registration fee of [two] **seven** hundred fifty dollars in the form of a cashier's check or money order made payable to the state of Missouri.

3. The commission shall issue a certificate of registration to a dealer who:

(1) Completes and files with the commission an application for registration which contains the following information:

(a) The name of the dealer;

(b) The business address of the dealer and addresses of each separate facility owned and operated by the dealer from which manufactured homes or modular units are offered for sale if different from the business address of the dealer;

(c) If a corporation, the state of original incorporation, a list of the names and addresses of all officers and directors of the corporation, proof of the filing of all franchise and sales tax forms required by Missouri law;

(d) If not a corporation, the name and address of the managing person or persons responsible for the overall operations of the manufacturer;

(2) Files with the commission an initial registration fee of [fifty] **two hundred** dollars in the form of a cashier's check or money order made payable to the state of Missouri;

(3) Files with the commission proof of compliance with the provisions of section [301.250, RSMo, and section] 301.280, RSMo.

4. The registration of any manufacturer or dealer shall be effective for a period of one year and shall be renewed by the commission upon receipt by it from the registered dealer of a renewal fee of [two] **seven** hundred fifty dollars for manufacturers and [fifty] **two hundred** dollars for dealers and a form provided by the commission upon which shall be placed any changes from the information requested on the initial registration form.

5. The commission may stagger the renewal of certificates of registration to provide for more equal distribution over the twelve months of the number of registration renewals.

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