

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 317
91ST GENERAL ASSEMBLY

Reported from the Committee on Commerce and Economic Development, May 15, 2001, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 317 Do Pass.

TED WEDEL, Chief Clerk

1017L.04C

AN ACT

To repeal sections 700.015, 700.025, 700.045, 700.050, 700.090, 700.100 and 700.455, RSMo 2000, relating to housing, and to enact in lieu thereof fifteen new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 700.015, 700.025, 700.045, 700.050, 700.090, 700.100 and 700.455, RSMo 2000, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 324.700, 324.703, 324.706, 324.709, 324.712, 324.715, 324.742, 324.745, 700.015, 700.025, 700.045, 700.050, 700.090, 700.100 and 700.455, to read as follows:

324.700. As used in sections **324.700 to 324.745**, unless the context provides otherwise, the following terms shall mean:

- (1) **"Division"**, the division of motor carrier and railroad safety;
- (2) **"House"**, a dwelling or other structure intended for human habitat in excess of fourteen feet in width. A house does not include a manufactured home as defined in section **700.010**, RSMo, or a modular unit;
- (3) **"Housemover"**, a person actively engaged on a full-time basis in the intrastate movement of houses on public roads and highways of this state;
- (4) **"Housemoving"**, engaging actively and directly on a full-time basis in the intrastate

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

movement of houses on public roads and highways of this state;

(5) "Person", an individual, corporation, partnership, association or any other business entity.

324.703. All persons who engage in the business of housemoving on the roads and highways of this state shall be licensed by the division of motor carrier and railroad safety.

324.706. The division shall issue licenses to applicants meeting the following conditions:

(1) The applicant must be at least eighteen years of age, possess a valid commercial driver's license and have at least twenty-four months experience in moving houses;

(2) The applicant must furnish proof that all of the vehicles to be used in the movement of houses have met the requirements of sections 307.350 to 307.400, RSMo, or its equivalent pertaining to the inspection of motor vehicles;

(3) The applicant must exhibit his or her federal employer's identification number; and

(4) The applicant must pay an annual license fee of one hundred dollars. All moneys received for housemover licenses shall be paid to and collected by the division of motor carrier and railroad safety and transmitted to the director of revenue and deposited in the state treasury to the credit of the state highways and transportation fund as established in section 226.200, RSMo.

324.709. A license issued pursuant to sections 324.700 to 327.742 shall be effective for a period of one year from the date of issuance and shall be renewable on an annual basis.

324.712. 1. No license shall be issued or renewed unless the applicant files with the division a certificate or certificates of insurance from an insurance company or companies authorized to do business in this state. The applicant must demonstrate that he or she has:

(1) Motor vehicle insurance for bodily injury to or death of one or more persons in any one accident and for injury or destruction of property of others in any one accident with minimum amount of coverage established by the division by rule;

(2) Comprehensive general liability insurance with a minimum level of coverage established by the division by rule, including coverage of operations on state streets and highways that are not covered by motor vehicle insurance; and

(3) Workers' compensation insurance that complies with chapter 287, RSMo, for all employees.

2. The certificate or certificates shall provide for continuous coverage during the effective period of the license issued pursuant to this section. At the time the certificate is filed, the applicant shall also file with the division a current list of all motor vehicles covered by the certificate. The applicant shall file amendments to the list within fifteen days of any changes.

3. An insurance company issuing any insurance policy required by this section shall notify the division of any of the following events at least thirty days before its occurrence:

- (1) Cancellation of the policy;
- (2) Nonrenewal of the policy by the company; or
- (3) Any change in the policy.

4. In addition to all coverages required by this section, the applicant shall file with the division a copy of either:

(1) A bond or other acceptable surety providing coverage in the amount of fifty thousand dollars for the benefit of a person contracting with the housemover to move that person's house for all claims for property damage arising from the movement of a house; or

(2) A policy of cargo insurance in the amount of one hundred thousand dollars.

324.715. 1. Persons licensed as housemovers shall also be required to secure a special permit, as provided for pursuant to section 304.200, RSMo, from the chief engineer of the department of highways and transportation for every move undertaken on the state highway system.

2. A license shall not be required for individuals moving their own houses from or to property owned individually by those person; however, a special permit will be required for all moves.

324.742. Any person violating sections 324.700 to 324.745 or the regulations of the division or department of transportation shall be guilty of a class A misdemeanor.

324.745. 1. If any provisions of sections 324.700 to 324.745, or if the application of such provisions to any person or circumstance shall be held invalid, the remainder of this section and the application of such provision of sections 324.700 to 324.745 other than those as to which it is held valid, shall not be affected thereby.

2. Nothing in sections 324.700 to 324.745 shall be construed to limit, modify or supercede the standards governing the intrastate or interstate movement of property pursuant to 49 U.S.C. 14501 or 49 U.S.C. 14504.

3. The provisions of sections 324.700 to 324.745 shall not apply to housemovers engaged in the interstate movement of houses. Those engaged in the interstate movement of houses, however, shall comply with all applicable provisions of federal and state law with respect to the movement of such property.

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] **dealer, manufacturer or their representative** 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 **or her** 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.

700.100. 1. The commission may refuse to register or refuse to renew the registration of any person who fails to comply with the provisions of section 700.090 or this section. Notification of unfavorable action by the commission on any application for registration or renewal of registration must be delivered to the applicant within thirty days from date it is received by the commission. Notification of unfavorable action by the commission on any application for registration or renewal of registration must be accompanied by a notice informing the recipient that the decision of the commission may be appealed as provided in chapter 386, RSMo.

2. The commission may consider a complaint filed with it charging a registered manufacturer or dealer with a violation of the provisions of this section, which charges, if proven, shall constitute grounds for revocation or suspension of his **or her** registration, or the placing of the registered manufacturer or dealer on probation.

3. The following specifications shall constitute grounds for the suspension, revocation or placing on probation of a manufacturer's or dealer's registration:

(1) If required, failure to comply with the provisions of [section 301.250, RSMo, or] section 301.280, RSMo;

(2) Failing to be in compliance with the provisions of section 700.090;

(3) If a corporation, failing to file all franchise or sales tax forms required by Missouri law;

(4) Engaging in any conduct which constitutes a violation of the provisions of section 407.020, RSMo;

(5) Failing to comply with the provisions of Sections 2301-2312 of Title 15 of the United States Code (Magnuson-Moss Warranty Act);

(6) As a dealer, failing to arrange for the proper initial setup of any new [or used] manufactured home or modular unit sold from or in the state of Missouri, unless the dealer receives a written waiver of that service from the purchaser or his **or her** authorized agent [and an amount equal to the actual cost of the setup is deducted from the total cost of the manufactured home or modular unit];

(7) **As a dealer, failing to obtain for each used manufactured home or modular unit sold a written notice, signed and dated by the purchaser or the purchaser's agent which states: "The Missouri Public Service Commission does not regulate setup of used manufactured homes and modular units sold by the dealer."** Requiring any person to purchase any type of insurance from that manufacturer or dealer as a condition to his **or her** being sold any manufactured home or modular unit;

[(8)] (9) Requiring any person to arrange financing or utilize the services of any particular financing service as a condition to his **or her** being sold any manufactured home or modular unit; provided, however,

the registered manufacturer or dealer may reserve the right to establish reasonable conditions for the approval of any financing source;

[(9)] **(10)** Engaging in conduct in violation of section 700.045;

[(10)] **(11)** Failing to comply with the provisions of section 301.210, RSMo;

(12) Failing to pay all necessary fees and assessments authorized pursuant to sections 700.010 to 700.115.

700.455. 1. Every dealer shall, on or before January fifteenth of each year, instead of registering each manufactured home dealt in, make a verified application, upon a blank for such purpose to be furnished by the commission, for a distinctive number for all the manufactured homes dealt in or controlled by such dealer. The application shall contain, but need not be limited to:

(1) When the applicant is a partnership, the name and address of each partner, or, when the applicant is a corporation, the names of the principal officers of the corporation and the state in which it is incorporated. The application shall be verified by the oath or affirmation of the applicant, if an individual, or in the event an applicant is a partnership or corporation, then by a partner or officer;

(2) A bona fide established place of business shall be required for every dealer. A bona fide established place of business for any dealer shall include a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading or exchanging of manufactured homes, where the public may contact the owner or operator at any reasonable time and where the books, records, files and other matters required and necessary to conduct the business shall be kept and maintained.

2. The application shall contain the business address, not a post-office box, and telephone number of the place where the books, records, files and other matters required and necessary to conduct the business are located and where the same may be inspected during normal daytime business hours.

3. Each application shall contain such additional information as may be required by the commission to enable it to determine whether the applicant is a bona fide dealer in fact and is of good moral character.

4. On the payment of [a] **the required** registration fee [of fifty dollars] there shall be assigned to each dealer a certificate of registration in such form as the commission shall prescribe.