

### **Rule 5.02.7-7: Inspection of Retail Lot Units and Records**

A. Upon request of the State Fire Marshal Deputy, while conducting a regularly scheduled lot inspection, all licensed retail lot owners shall be required to provide documentation or records for each of the new and used homes present. The documentation for each home shall include the identifying numbers (HUD numbers and Serial Numbers) and a delivery invoice indicating the date that the home was delivered to the retail lot location.

B. All homes on the retail lot that have been on display and/or stored for longer than 30 days and that have been found not to be properly stabilized as described above shall be marked with a "Non-Compliance" tag. The tag will remain attached to the unit until such time as it has been properly stabilized. If the home is a new home, a damage assessment shall be conducted by the manufacturer of the home and a letter on the findings shall be filed with the retailer's files on the home and with the State Fire Marshal's Office. The "Non-Compliance" tag may only be removed by the State Fire Marshal's Office at such time of notification that the home has been properly stabilized and that a damage assessment has been complete.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2015).

### **Rule 5.02.8: Developer Qualifications for License**

In order to protect the health, safety and welfare of the public of this state, each applicant for a developer's license shall:

A. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of Factory-Built home construction and repair;

B. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which Factory-Built homes are anchored and blocked in accordance with rules, regulations and procedures promulgated by the Commissioner;

C. Demonstrate to the Commissioner that he shall have or has adequate facilities for the repair and servicing of Factory-Built homes and storage of parts and accessories and has at least one operable service truck. If, however, the developer is contracting out all installation, repair and service, then he shall provide a duplicate of the executed contract to the Commissioner and said contract shall contain a clause stating that the Commissioner shall be notified thirty (30) days in advance of its cancellation.

D. Demonstrate to the Commissioner that he has an adequate space to display his Factory-Built homes at each development site and that he has or shall maintain a permanent sales/business office within the State of Mississippi with running water and sewer facilities for public comfort and convenience and to comply with the county health department regulations and other applicable safety standards for a permanent structure in the county or municipality in which they are located. Prior to the issuance of the license the physical location of the developers retail

office will be inspected by a representative of the Factory-Built Homes Division of the State Fire Marshal's Office to certify that the facilities are up to standards set forth by this regulation.

E. Demonstrate to the Commissioner that he shall maintain full compliance with all bonding and insurance requirements for the entire licensure period.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2015).

#### **Rule 5.02.8-1: Safeguarding the Public Interest**

A retailer or developer may be required to demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended, and as amended by the Manufactured Housing Improvement Act of 2000 and the rules and regulations promulgated by the Department of Insurance for the State of Mississippi and by the Department of Housing and Urban Development as they pertain to the responsibilities of a retailer to properly safeguard the public interest. No retailer or developer shall make use of transportation affecting interstate or foreign commerce or the mails to sell, lease or offer for sale or lease in the State of Mississippi any Factory-Built home not in conformity with the aforesaid standards unless the developer or retailer, acting as a reasonable developer or retailer, does not know that the Factory-Built home does not conform to applicable standards. This prohibition of sale applies to any affected Factory-Built homes until the completion of the entire sales transaction. **A sales transaction with a purchaser is considered completed when all the goods and services, that the retailer has agreed to provide at the time the contract was entered into, have been provided.** Completion of a retail sale will be at the time the retailer completes setup of the Factory-Built home if the retailer has agreed to provide setup. If the retailer has not agreed to transport or setup the Factory-Built home, this prohibition of sale does not apply.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2015).

#### **Rule 5.02.8-2: Developer Sales with In-house Transport and Installation Staff**

A developer that employs their own Factory-Built home transport and installation staff is authorized, under their developer license, to transport and install homes that are for sale at their development location. Any transportation and installation of homes that are for sale by another licensed retailer/developer or for persons contracting for hire the transportation and installation of their personal home shall be considered as an installer/transporter, as defined in Rule 5.01.2 (U), and requires the developer to apply for and obtain a separate installer/transporter license.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2015).

### **Rule 5.02.8-3: Training Requirements**

A. The developer shall ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training, and thereafter, attend eight (8) hours training every three (3) years to be approved and/or provided by the Factory-Built Home Division. (Display current training certificates of all sales staff at the developer's current business location.) The employer is responsible for submitting in writing to the Factory-Built Home Division a list of all sales staff and their date of employment, which is due at the time of license renewal.

B. A developer that employs their own installation staff shall ensure that within six (6) months of employment all the installation staff will attend an introductory eight (8) hour training seminar and thereafter, attend eight (8) hours training each year provided by the Factory-Built Home Division. The employer of the installation staff is responsible for submitting in writing to the Factory-Built Home Division a list of all the installation staff, copies of training certificates and their date of employment. Restrictions of a developer's installation staff for conducting transport and installation of homes are the same as those listed in Rule 5.02.7-3 for retailers with in-house installation staff.

C. With the submittal of the annual renewal application, all copies of approved certificates of training shall be submitted by the developer license holder, for their sales staff and their installation staff, to the Factory-Built Home Division and affirmation in writing, as required by the Division, as having five (5) Factory-Built home sites available.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2015).

### **Rule 5.02.8-4: Vehicle Decals**

With the submittal of the annual renewal application, it shall be the responsibility of each licensed retailer to request in writing the number of truck decals needed for their transporter (toter) vehicles. The current vehicle decals will be issued by the State Fire Marshal's Office/Factory-Built Home Division, based upon the number requested by the licensee at time of license renewal. The request must also include the vehicle VIN numbers and the vehicle license numbers for each of the transport trucks to which the decals will be attached. The color of the decals shall denote the current licensing period. A decal is to be placed on the driver and passenger doors of each transporter vehicle. Escort vehicles are not required to have decals.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-11 (Supp. 2015).

### **Rule 5.02.9: Installer/Transporter Qualification for License**

In order to protect the Health, Safety and Welfare of the public of this State, each applicant for an installer/transporter license shall: