

facsimile, or priority mail, the properly completed and signed Property Locator/Certificate of Installation to the Factory-Built Home Division of the State Fire Marshal's Office, for **all** Factory-Built homes. This will provide information on the exact location of the home and when the home has been installed.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2015).

Rule 5.02.3-2: Inspection Fees

The State Fire Marshal has set a reasonable standard fee, which shall not be more than an amount allowed by HUD, for said inspection. The fee shall be paid by the installer/transporter, developer, or retailer. The State Fire Marshal will not charge the fee to the purchaser of the Factory-Built home. Inspection fee invoices shall be sent to the installer/transporter upon receipt of the Property Locator/Certificate of Installation. The payment for the inspection fees, including the remittance portion of the invoices, shall be promptly returned to the State Fire Marshal's Office. Failure to submit payment of the inspection fee invoices within 45 days from the date on the invoice shall be considered a violation of this regulation.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2015).

Rule 5.02.3-3: Contract Rights Not Affected

Failure to arrange for an inspection of a home within three (3) business days of the completed installation will not affect the validity or enforceability of any sale or contract for the sale of any Factory-Built home.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2015).

Rule 5.02.3-4: State and Local Permits

All necessary permit requirements under state law shall be obtained prior to installation.

Source: *Miss. Code Ann.* §§ 75-49-5; 75-49-9; 75-49-11 (Supp. 2015).

Rule 5.02.4: Certification of Installation

Rule 5.02.4-1: Certificate of Inspection

When the installation work is complete, the retailer and/or installer/transporter shall certify by signature at the bottom of the Property Locator/Certificate of Installation devised for reprint purposes, that:

A. The Factory-Built home has been installed in accordance with:

1. An installation design and instructions that have been provided by the manufacturer and approved by the Secretary for Housing and Urban Development directly or through review by the DAPIA; or,
2. An installation design and instructions that have been prepared and certified by a professional engineer or registered architect, that have been approved by the manufacturer and the DAPIA as providing a level of protection for residents of the home that equals or exceeds the protection provided by MH-5, as amended.
3. If the installation instructions do not comply with the installation standards, the manufacturer is responsible for any aspect of installation that is completed in accordance with the installation instructions and that does not comply with the installation standards.
4. If a Factory-Built home is classified as “used” and the manufacturer instructions cannot be located, the installer/transporter shall comply with the provisions of this regulation, as amended, in installing the Factory-Built home.
5. Upon completion of the inspection, where the inspector has verified the installation as proper and has passed the home, a signed Certificate of Inspection will be sent to the homeowner and to the installer/transporter and to the retailer when applicable. This certificate is verification that the installation of the home has passed a final inspection.

Source: *Miss. Code Ann.* §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013).

Rule 5.02.4-2: Procedures for Re-inspection Upon Failure to Pass

- A. If the proper installation of the new or used Factory-Built home cannot be confirmed at the time of the inspection, the inspector must notify the company performing the installation of any failures to comply with the installation standards and provide a written explanation (letter and affidavit) with the reasons why the inspector cannot approve the installation. If the installation is a secondary move the installer/transporter will receive the letter and affidavit. The responsible person shall have twenty (20) calendar days, from the date of the letter and affidavit, to correct the defects found during the inspection and return the signed and notarized affidavit to the State Fire Marshal’s Office indicating that all the listed defects have been corrected. After the installation is corrected and the notarized affidavit has been returned, the installation may be re-inspected by an inspector before verification can be issued. Submission of a signed and notarized affidavit by a manufacturer, developer, retailer or installer/transporter that are not factually correct are considered to be a violation of *Miss. Code Ann.* § 97-7-10.
- B. If the manufacturer, developer or retailer retains the installer/transporter, they are jointly and severally responsible with the installer/transporter for correcting installation defects. Upon

failure to pass the re-inspection of the installation, the manufacturer, developer, and/or retailer will be notified that the installer/transporter has failed to correct the defects.

Source: *Miss. Code Ann.* §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013).

Rule 5.02.4-3: Cost of Re-inspection

A failed installation will require a re-inspection following the correction of the identified defects and may be assessed a re-inspection fee. The cost of that re-inspection will be paid by the installer/transporter or, if the installer/transporter was retained by the manufacturer, developer or retailer, by that individual or entity and, absent a written agreement with the purchaser that specifically states otherwise, that cost cannot be charged to the purchaser of the Factory-Built home. The re-inspection fee shall be reasonable and shall not exceed the cost of the original inspection fee.

Source: *Miss. Code Ann.* §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013).

Rule 5.02.4-4: Scheduling of Re-inspection

Within three (3) business days following completion of all work to correct the installation deficiencies, the installer/transporter must contact the Fire Marshal's Office to arrange for the re-inspection of the home installation site. Such inspection shall be performed as soon as practicable by an inspector.

Source: *Miss. Code Ann.* §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013).

Rule 5.02.4-5: Inspection Decal

A. Upon passing the final inspection, the inspector shall permanently attach a color-coded serial numbered inspection decal near the HUD label on new or used Factory-Built homes built after June 1976, and opposite the hitch-end of Factory-Built homes built prior to or on June 1976, as proof that the Factory-Built home installation meets the MS Installation Standards as set forth in this regulation.

B. The State Fire Marshal's Office will supply inspection decals to each inspector. Each decal will have spaces for the inspector to write in the homeowner's name, date of inspection and installer/transporter license number, and will bear the following statement:

THIS MANUFACTURED, MOBILE OR MODULAR HOME HAS BEEN INSTALLED IN COMPLIANCE WITH THE UNIFORM STANDARDS CODE FOR THE FACTORY-BUILT HOMES LAW. ANYONE TAMPERING WITH OR REMOVING THIS INSPECTION DECAL FROM THIS UNIT WILL BE PROSECUTED AS SET FORTH IN

THESE RULES AND REGULATIONS, AND SHALL BE SUBJECT TO SUSPENSION OR REVOCATION OF THEIR PRIVILEGE LICENSE. (SECTION 75-49-1 ET SEQ., CODE OF MISSISSIPPI (1972), AS AMENDED)

Source: *Miss. Code Ann.* §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013).

Rule 5.02.4-6: Inspector Qualifications

Any person who is a Deputy State Fire Marshal may conduct inspections pursuant to this Regulation. Furthermore, the State Fire Marshal's Office may designate and authorize persons or entities to conduct these inspections provided they meet the following qualifications.

A. Any individual or entity who meets at least one of the following qualifications may be designated or authorized by the State Fire Marshal to review the work and verify the installation of a Factory-Built home:

1. A professional engineer;
2. A registered architect;
3. A HUD-accepted Production Inspection Primary Inspection Agency (IPIA) or a Design Approval Primary Inspection Agency (DAPIA);
4. An International Code Council certified inspector; or
5. Any person or entity who has three (3) years or more experience in inspecting homes or experience in the Factory-Built home industry provided the Commissioner finds to his satisfaction that said person or entity is qualified and competent to fulfill the responsibilities of an inspector.

B. The inspector must be independent of the manufacturer, the retailer, the installer/transporter, and any other person that has a monetary interest, other than collection of an inspection fee, in the completion of the sale of the home to the purchaser.

C. The Commissioner may, in writing, suspend or revoke an inspector's authority to inspect Factory-Built home installations for cause. In deciding whether to suspend or revoke an inspector's authority to conduct such installation inspections, the Commissioner may consider the impact of the suspension or revocation on other affected parties and will seek to assure that the sales and siting of Factory-Built homes are not unduly disrupted.

Source: *Miss. Code Ann.* §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013).

Rule 5.02.4-7: Verification of Installer/Transporter License

If the retailer, developer or manufacturer agrees to provide any transportation and/or set up in connection with the sale of a Factory-Built home, the retailer/developer or manufacturer must verify with the Mississippi State Fire Marshal's Office that the installer/transporter is licensed pursuant to *Miss. Code Ann. § 75-49-9*. The retailer/developer and or manufacturer shall forward a copy of the current license and the signed contract with each installer/transporter to the Division office.

Source: *Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq.* (Supp. 2013).

Rule 5.02.4-8: Site Preparation by Homeowner

The manufacturer, retailer, developer or installer/transporter may agree in writing to allow the consumer to conduct the site preparation for the Factory-Built home installation. However, before the installer/transporter may begin installation of the Factory-Built home, the site preparation must meet the requirements set forth in MH-5, as amended. If there is conflict between the installer/transporter and the consumer regarding the site preparation, the State Fire Marshal's Office may be required to mediate. Any fee charged by the State Fire Marshal's Office due to said mediation will be paid by the consumer.

Source: *Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq.* (Supp. 2013).

Rule 5.02.4-9: Waiver of Rights Invalid

Any provision of a contract or agreement entered into by a Factory-Built home purchaser that seeks to waive any recourse under the MS Installation Program is void, except a waiver provision may be allowed for any agreement entered into pursuant to the provisions of Rule 5.02.4-8 of this Regulation.

Source: *Miss. Code Ann. §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq.* (Supp. 2013).

Rule 5.02.4-10: Violations and Penalties

Failure of a retailer/developer or installer/transporter or both to comply with a material provision of this Regulation is considered a violation of *Miss. Code Ann. § 75-49-7(2)*. The State Fire Marshal may deny a license application or suspend or revoke a license, or may impose an administrative fine, or both as provided in *Miss. Code Ann. § 75-49-19*, after giving notice of hearing to the applicant or licensee by serving a written statement of charges on the licensee at

least twenty (20) days prior to hearing, in the manner provided for in *Miss. Code Ann.* § 75-49-13 for any violation of this Regulation.

Source: *Miss. Code Ann.* §§ 97-7-10; 75-49-7(2); 75-49-19; 75-49-11; 75-49-1 et seq. (Supp. 2013).

Rule 5.02.5: License Exceptions

Pursuant to *Miss. Code Ann.* §75-49-5, the following entities or individuals are not required to have a privilege license:

A. An individual relocating and installing a Factory-Built home only within the boundaries of their personal property (defined as “Self-Set”), is the owner thereof, or the Factory-Built home is owned by a member of the individual's family, and the home is not intended for sale, exchange, or lease. Further, the installation of the home must meet the requirements set forth in this Regulation pertaining to the proper anchoring and blocking of the Factory-Built home. Any transportation of the home by an unlicensed individual upon a public right of way from another property not directly adjoining the destination property shall constitute a direct violation of this Regulation. The transportation of any Factory-Built home upon a public right of way shall require a licensed installer/transporter to provide this service.

B. An individual performing maintenance, repairs, or corrections to an installation for the purpose of customer service on behalf of manufacturers, retailers or developers;

C. A transporter that conducts interstate transport of Factory-Built homes through the State of Mississippi for manufacturers, retailers or developers and does not deliver to and/or install at home sites intended for human habitation.

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

Rule 5.02.6: Manufacturer Qualifications for License

A. All manufacturer applicants shall certify in the application that they will fully comply with 24 CFR 3280 and CFR 3282 of the National Manufactured Home Construction Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000, set forth pursuant to *Miss. Code Ann.* § 75-49-5 and 75-49-11.

B. All manufacturers of modular homes shall certify in the application that they will fully comply with the Title 19, Part 7, Chapter 3 (ME-2007-3) Rules and Regulations For The Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes.

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