

Rule 5.03.5: Violations and Penalties

When any provision of *Miss. Code Ann.* § 75-49-1 through 75-49-21, as amended, is violated, the State Chief Deputy Fire Marshal, State Deputy Fire Marshals or Duly Authorized Representative may file appropriate action as set forth in *Miss. Code Ann.* § 75-49-19. The penalties include:

A. Any person who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder shall be liable to the State of Mississippi for a civil penalty of not more than One Thousand Dollars (\$1,000.00) for each such violation. Each violation of a provision of this chapter or a rule or regulation made hereunder shall constitute a separate violation with respect to each Factory-Built home or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed One Million Dollars (\$1,000,000.00) for any related series of violations occurring within one (1) year from the date of the first violation.

B. An individual, or a director, officer or agent of a corporation, who knowingly and willfully violates any of the provisions of this chapter or any rules and regulations made hereunder in a manner which threatens the health and safety of any purchaser of a Factory-Built home is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

C. This chapter shall not apply to any person who establishes that he did not have reason to know in the exercise of due care that such Factory-Built home is not in conformity with applicable manufactured home construction and safety standards, or to any person who, before such first purchase, holds a certificate issued by the manufacturer or importer of such Factory-Built home to the effect that such Factory-Built home conforms to all applicable manufactured home construction and safety standards, unless such person knows that such Factory-Built home does not so conform.

D. An individual, or director, officer or agent of a corporation, who knowingly and willfully fails to obtain the applicable license under this chapter and who is required to obtain such a license under this chapter, and who may knowingly and willfully violate any provisions of this chapter or any rules and regulations made hereafter with respect to the manufacture, selling, distribution, or safe anchoring and blocking of a Factory-Built home when intended to be used for human habitation is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

E. An administrative review of all privilege licenses issued pursuant to *Miss. Code Ann.* § 75-49-9(7), shall be conducted upon receipt of any verifiable complaint(s) of any nature that exceeds sixty (60) days in length without resolution, which may lead to a possible licensure hearing (hereafter known as the Dispute Resolution Program) pursuant to *Miss. Code Ann.* § 75-49-13, as amended. The sixty (60) day period shall not serve as a mandatory waiting period, and in the appropriate case the Commissioner may, at his discretion, schedule a licensure hearing prior

to the expiration of sixty (60) days. The procedures set forth in *Miss. Code Ann.* § 75-49-13 for hearings and appeals shall govern the Dispute Resolution Program.

F. The Dispute Resolution Program shall also address the following:

1. The timely resolution of disputes among manufacturers, retailers, or installers regarding responsibility for correction and repair of defects in Factory-Built homes;
2. The issuance of appropriate orders for correction and repair of defects in such homes, and;
3. Any dispute regarding defects in the Factory-Built home that are reported within one (1) year after the date of first installation.

G. Nothing in this Regulation shall prohibit informal disposition by settlement or consent order, i.e., an order based upon an agreement in writing between the parties in lieu of an administrative hearing.

H. If the administrative hearing order calls for the revocation, suspension, and/or voluntary surrender of a privilege license for any manufacturer, retailer/developer, or installer/transporter, a mandatory two (2) year waiting period will be imposed before any application for re-licensure may be submitted for review. In addition, all monetary obligations (outstanding invoices and fines) to the State, at the time of the loss of the privilege license, must be paid prior to the submittal of the license application. A formal administrative hearing may be held with the license applicant to review the status of all monetary obligations. If the license is to be issued to the applicant, all the requirements in Rule 5.02.9-2, Rule 5.02.9-3, and Rule 5.02.9-8 shall apply.

Source: *Miss. Code Ann.* § 75-49-1, *et seq.*; §§ 75-49-11, 75-49-13, 75-49-19 (Supp. 2015).

Rule 5.04: Minimum Standards for Blocking, Anchors, And Tie Downs

Rule 5.04.1: Standards for "Coded" Areas

Any local government (county or municipality) which has adopted the latest edition and Appendices of the International Building Code published by the International Code Council (ICC) or the International Residential Code for One and Two-Family Dwellings as published by the ICC or the board of supervisors of any county who has adopted *Miss. Code Ann.* § 75-49-21, will be regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance with these Rules and Regulations of the "Uniform Standards Code for Factory-Built Homes Law" and as such will assume responsibility as LAHJ for local code enforcement for the installation, blocking, anchoring and tie-downs, and inspection procedures to ensure compliance with the National Manufactured Home Construction and Safety Standards Act of 1974, which are