

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:

- 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 and the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401 et seq.), as amended and the Manufactured Housing Improvement Act of 2000.
- C. 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 5.02.9-1: Safeguarding the Public Interest

Each applicant for an installer/transporter license shall 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 the Manufactured Housing Improvement Act of 2000, and the rules and regulations promulgated by the Department of Housing and Urban Development as they pertain to the responsibilities of installers or transporters to properly safeguard the public interest.

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

Rule 5.02.9-2: State and Local Compliance Requirements

Each applicant for an installer/transporter license shall demonstrate to the Commissioner that he is in full compliance with the Mississippi Department of Transportation (MDOT) and any local requirements pertaining to the transportation of Factory-Built homes.

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

Rule 5.02.9-3: Training Requirements

Each applicant for an installer/transporter license shall demonstrate to the Commissioner that **the licensee and all employees** engaged in installation/set-up will attend eight (8) hours of training per licensing year (July 1 to June 30) as provided by, approved by, or recommended by the Factory-Built Home Division of the State Fire Marshal's Office. The Commissioner of Insurance or the State Chief Deputy Fire Marshal may at his discretion consent to reciprocity for training of licensees with other states that has established training programs that meet or exceed the National Manufactured Home Construction and Safety Standards Act or State of Mississippi requirements of this chapter. The licensee is responsible for submitting in writing to the Factory-Built Home

Division a list of all employees, copies of training certificates and their date of employment, which is due at the time of license renewal.

A. Each applicant for an installer/transporter license shall demonstrate to the Commissioner that he has passed a written examination (passing score of 70 or above) provided by the Commissioner or by a testing service acting on behalf of the Commissioner to establish an applicant's knowledge related to the rules and regulations and administration relative to Factory-Built homes in the State of Mississippi and questions specifically related to the practical installation (anchoring, blocking, and tie-down) of Factory-Built homes in this state.

B. Each applicant for an installer/transporter license shall demonstrate to the Commissioner that he has obtained his approved eight (8) hour installation and set-up training certificate to the Factory-Built Home Division pursuant to the Manufactured Housing Improvement Act of 2000.

C. All installer/transporters and employees who install new or used Factory-Built homes or modular homes shall be required to maintain a copy of their recent training certificate or a currently valid ID card in all trucks (toters) or on their person and be able to produce such document upon demand by a Deputy State Fire Marshal.

D. All installer/transporters who install new or used Factory-Built homes or modular homes shall, at all times, be required to have a minimum of one employee on the installation crew who has completed the annual training requirement and that said person is in possession of a currently valid ID card.

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

Rule 5.02.9-4: Contract Requirement

All installer/transporters who conducts secondary moves of Factory-Built homes **shall have a written contract with the consumer** and that the installer/transporter will maintain a copy of the said contract on file for a period of not less than three (3) years available for random inspections by the Factory-Built Home Division pursuant to Section 75-49-5, Code of Mississippi (1972);

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

Rule 5.02.9-5: Vehicle Decals

All installer/transporters who install new or used Factory-Built homes or modular homes shall be required to display a current license period decal on all trucks (toters). 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 must be placed on the driver's door and the passenger door of the vehicle in plain view to verify current license. Escort vehicles are not required to have decals.

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

Rule 5.02.9-6: Recordkeeping

The installer/transporter must retain the following for a period of three (3) years after certification of installation is received:

- A. A record of the name and address of the purchaser or other person with whom the installer/transporter contracted for the installation work and the address of the home installed;
- B. A copy of the contract pursuant to which the installer/transporter performed the installation work for the homeowner;
- C. A copy of any notice or affidavit from an inspector disapproving the installation work;
- D. A copy of the Property Locator/Certificate of Installation in accordance with the MS Installation Standards as set forth in this Regulation, as amended; and,
- E. A copy of foundation designs used to install the Factory-Built home, if different from the designs provided by the manufacturer, including evidence that the foundation designs and instructions were certified by a professional engineer or registered architect, including the name, address, and telephone number of the professional engineer or architect certifying the designs.

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

Rule 5.02.9-7: Responsibility for Transportation Damage

- A. The installer/transporter and/or business with which the installer/transporter is employed will be responsible for all safety related damages to the Factory-Built home while it is in the care, custody and/or control of said installer/transporter.
- B. Any Factory-Built home abandoned on a highway, parking lot or other location during a move shall be the sole responsibility of the installer/ transporter and/or the business with which the installer/transporter is employed.
- C. All installer/transporters retained by homeowners, retailer/developers or manufacturers shall be subject to the fines as set forth in this Regulation for the improper installation of Factory-Built homes.

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

Rule 5.02.9-8: Temporary Installer/Transporter License

A temporary license may be issued to persons or companies who are non-residents of this State and who are otherwise licensed transporters or installers in other states. Such temporary license shall remain in force for a period not to exceed thirty (30) days, unless extended for an additional period of sixty (60) days by the Commissioner or until a contract to transport or install entered into during the period of the temporary license has been completed. Within five (5) days of any applicant delivery or beginning work as a transporter or installer under this section, the employer or person contracting with such person shall provide a copy of their installer/transporter license from out-of-state, proof of insurance and surety bond, a list of all employees of the company that will be operating under the temporary license and certify to the Commissioner such application without being deemed in violation of this act.

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

Rule 5.03: Inspection Procedures

Rule 5.03.1: Authorized Inspections of Manufacturing Plants, Retail Locations, and Installer/Transporter

A. Factory-Built Home Plants located in the State of Mississippi, Factory-Built Home Retail Sales Lots, Developers, and Installer/Transporter business locations and equipment shall be subject to inspection by the Chief Deputy State Fire Marshal, Deputy State Fire Marshals or Duly Authorized Representative as may be required to insure Compliance with *Miss. Code Ann.* § 75-49-11, as amended, all applicable federal statutes and regulations as well as this Regulation.

B. A duly authorized representative of the Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect each manufacturing location to assist and insure that Factory-Built homes are being constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C.S. 5401 et seq.), the Manufactured Housing Improvement Act of 2000 as amended, as well as the governing federal regulations pertaining to Factory-Built housing construction.

C. In the interest of public safety, Deputy State Fire Marshals, who are certified law enforcement officers, are duly authorized to stop and conduct inspections of installer/transporters that are transporting Factory-Built homes to verify compliance with *Miss. Code Ann.* § 75-49-9, 75-49-19 and this Regulation.

D. A duly authorized representative of the Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect each retailer and developer location to insure that Factory-Built homes offered for sale comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, as Amended, (42 U.S.C.S. 5401, et seq.), and the Manufactured Housing Improvement Act of 2000, pertinent federal regulations, as well as

these rules and regulations.

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

Rule 5.03.2: Inspection Findings of Non-Compliance

A. Results of the inspection may be made available to manufacturers, retailers or developers upon request. When serious violations are found on HUD certified units or with the temporary storage of the units, the Factory-Built Home Division of the State Fire Marshal's Office shall immediately attach a non-compliance identification tag to the unit in question.

B. It shall be a violation of these Rules and Regulations for any Factory-Built home to be sold or offered for sale which has a non-compliance identification tag attached. The wording on such tag shall be as follows:

"This unit, having been found to be in NON-COMPLIANCE with the Uniform Standards Code for Factory-Built Homes Law and having been so identified, shall not be sold or offered for sale in the State of Mississippi. Anyone tampering with or removing this Identification Tag from this unit will be prosecuted as set forth in this Act, and shall be subject to revocation of his license."

C. A non-compliance identification tag attached to a unit may be removed only by the Factory-Built Home Division of the State Fire Marshal's Office. Such tag shall be completed as required thereon.

D. When the State Fire Marshal has reasonable grounds to believe that a unit has been constructed in non-compliance with these standards, he may require, at the manufacturers expense that the walls, floors, decking or other panels be removed for the purpose of inspection.

E. Units having been identified as being in non-compliance with these Rules and Regulations and having a non-compliance tag attached may be transported and relocated only after notice has been given to the Factory-Built Home Division of the State Fire Marshal's Office. Such notice will set forth the purpose for moving such unit, to whom the unit is to be delivered along with complete mailing address and telephone number, serial number, HUD label number and any other information as may be requested.

F. When such violation(s) have been corrected, the unit in question shall be re-inspected by the Factory-Built Home Division of the State Fire Marshal's Office and if found in compliance with the National Manufactured Home Construction and Safety Standards Act, the Manufactured Housing Improvement Act of 2000 and this Regulation, the inspector shall remove the non-compliance identification tag. The unit can then be sold or offered for sale.

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