

Rule 5.02.7: Retailer Qualifications for License

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

1. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of Factory-Built home construction and repair;
2. 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;
3. Demonstrate to the Commissioner that he shall have or has adequate facilities for the installation, repair and servicing of Factory-Built homes and storage of parts and accessories and has at least one operable service truck. If, however, the retailer 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 (30) days in advance of its cancellation.
4. Demonstrate to the Commissioner that he has adequate space to display his Factory-Built homes at each sales lot and that he has or shall maintain a permanent sales office located at each of those sales lots 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 sales site in the county or municipality in which they are located. Prior to the issuance of the license, the physical location of the retail lot will be inspected by a representative of the Factory-Built Homes Division of the State Fire Marshal's Office to certify that the facilities meet the standards set forth by this Regulation.
5. 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 5.02.7-1: Temporary Promotional Retail Sales Activity

Nothing in this regulation shall prohibit a licensed Mississippi permanent retailer sales center from conducting a temporary promotional activity to retail consumers at a location other than its licensed permanent retailer location center so long as:

- A. The activity does not exceed seventeen (17) consecutive days in duration and is not repeated at that location within the next six (6) months;
- B. The activity is within the county in which the retailer sales center has a permanent license or within fifty (50) miles radius of the location of the permanent licensed Mississippi sales center location, whichever is greater;

C. The temporary promotional site has:

1. Running water and sewer facilities for public comfort and convenience and to comply with the health and safety standards as well as other local ordinance requirements for a temporary sales site in the county or municipality in which the site is located;
2. If running water and sewer facilities are not fully accessible to the public at the site during the operation of the promotional event, then other arrangements must be made to ensure compliance with Rule 5.02.7-1(C)(1);
3. The temporary promotional site has a sign at least four (4) feet by eight (8) feet in size with lettering at least twelve (12) inches high advising the public that this is a temporary location and designating the address of the permanent licensed sales center retailer location, with the sign to be prominently located on the temporary promotional site for viewing by the public. This sign cannot be placed on a public right-of-way, and it must be placed in the display area where the event is held;
4. There is adequate space to display the Factory-Built homes at the temporary promotional site, and;
5. The license must be granted by the Commissioner for each temporary promotional site where employees or agents of the retailer meet the public regardless of whether or not sales will be made on site;
6. The licensed Mississippi retailer shall provide a thirty (30) day advance notice to the Factory-Built Home Division of the State Fire Marshal's Office for the purpose of license application, all counties or municipalities, permits and site inspection. The license will only be good for the seventeen (17) day time-frame requested.
7. The licensed Mississippi retailer shall submit its application for a license to the Factory-Built Home Division of the State Fire Marshal's Office at least thirty (30) days prior to the proposed effective date of the temporary promotional event. The failure to submit the license application at least thirty (30) days in advance can serve as a basis for denial of a license. Any license issued will only be valid for the seventeen (17) day time-frame or any shorter period of time requested. Any license issued will only be effective for that period of time [actual days] in which sales are actively solicited or the period of time in which the homes are promoted by the retailer.

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

Rule 5.02.7-2: 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 5.02.7-3: Retail Sales with In-house Transport and Installation Staff

A retailer that employs their own Factory-Built home transport and installation staff is authorized, under their retail license, to transport and install homes that are for sale at their retail 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 retailer to apply for and obtain a separate installer/transporter license.

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

Rule 5.02.7-4: Training Requirements

A. The retailer 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 retailer's current business location.) The employer of sales staff is responsible for submitting in writing to the Factory-Built Home Division a list of all sales staff and their date of employment.

B. A retailer 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 and their date of employment, which is due at the time of license renewal.

C. With the submittal of the annual renewal application, all copies of approved certificates of training shall be submitted by the retailer license holder for themselves, their sales staff and installation staff to the Factory-Built Home Division and affirmation in writing, as required by the Division, as having three (3) Factory-Built homes on retail lot.

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

Rule 5.02.7-5: 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. 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 5.02.7-6: Retail Lot Display and Temporary Storage

A. All Factory-Built homes displayed or stored on a retail lot for periods longer than 30 days shall be stabilized as described below and to such a degree as to not allow damage to occur while the home is present on the lot.

B. All new Factory-Built homes at the retail location shall be temporarily blocked as required in the "Display and Storage Instructions of the Home" section of the manufacturer's installation manual.

C. For all used Factory-Built homes at a retail location, piers shall consist of a minimum of three (3) piers and are to be located under each I-beam, one at each end of the home and one in front of each axle area. The piers shall be located no further than 2 feet from each end and approximately at the center of the home.

D. For all used multi-section Factory-Built homes at a retail location, any opening within the marriage wall greater than 48 inches shall have a pier installed at each side of the opening.

E. For all used homes at a retail location, door and window openings greater than 48 inches shall have a pier installed at each side of the opening.

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

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