

Title 19: Insurance

Part 7: State Fire Marshal

Part 7 Chapter 1: Mississippi Electronic Protection Licensing Act Rules and Regulation.

Rule 1.01: Purpose

The purpose of this Regulation is to set forth the rules and regulations to establish a statewide uniform procedures and qualifications for the licensure of individuals and companies to provide electronic protective systems to the general public.

Source: Miss. Code Ann. §73-69-7 (Rev. 2014)

Rule 1.02: Authority

This Regulation is promulgated by the Commissioner of Insurance, through his power as State Fire Marshal, as required pursuant to the provision of the Mississippi Electronic Protection Licensing Act ("Act") Mississippi Code Annotated § 73-69-1 et seq., and Senate Bill 2697, 2014 Regular Session, as approved by the Governor of Mississippi as well as the provisions of Mississippi Department of Insurance Regulation No. 88-101, said regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department, of which the State Fire Marshal's Office is a division.

Source: Miss. Code Ann. §73-69-7 (Rev. 2014)

Rule 1.03: Scope

This Regulation shall apply to individuals and companies who offer electronic protective systems, or services relating to such alarms or systems.

This Regulation and the Act shall supersede any existing county or municipal ordinance, rule or regulation requiring certification or licensure of companies and persons engaged in alarm contracting and such ordinances, rules and regulations shall be null, void and of no effect. Further, no county or municipality shall enact any new ordinance, rule or regulation regulating companies and persons subject to licensure pursuant to this Regulation and the Act.

Source: Miss. Code Ann. §73-69-27 (Rev. 2014)

Rule 1.04: Definitions

As used in this Regulation, the following terms shall be defined as follows:

- A. Alarm Contracting - Providing an electronic protective system to another by any means, including, but not limited to, the sale, lease, rent, design, planning with the intent to pre-wire, pre-wiring, installation, maintenance, repair testing, modification, improvement, alteration, inspection or servicing of an electronic protective system, or; holding oneself or one's company out for hire to perform any such task; or otherwise offering to perform any such task for compensation directly.
- B. Alarm contracting company - An entity that holds a Class A license issued by the State Fire Marshal.
- C. "Alarm verification" means an attempt by a monitoring company or its representative to contact a burglar alarm location or a burglar alarm user by telephone or other electronic means to determine whether a burglar alarm signal is valid in an attempt to avoid unnecessary police response before requesting law enforcement to be dispatched to the location. Alarm verification further means that at least a second call shall be made to a different number if the first attempt fails to reach an alarm user. All persons licensed to monitor alarms in Mississippi shall employ alarm verification standards as defined in the latest version of ANSI/CSAA CS-V-01, for all burglar alarm signals except for hold-up alarms.
- D. Board - the Electronic Protection Advisory Licensing Board.
- E. Burglar alarm/ burglar alarm system or "intrusion detection system" or "electronic protective system" - an alarm, alarm system or portion of such an alarm or system that is intended to detect or warn of an intrusion or other emergency in a structure. Such systems shall be certified per the latest version of ANSI/SIA CP01.
- F. Chief Deputy State Fire Marshal - the individual appointed by the Commissioner of Insurance/State Fire Marshal who, along with his employees, is designated by the Commissioner of Insurance/State Fire Marshal to implement and enforce this chapter and to maintain, among other duties, the Electronic Protection Division of the State Fire Marshal's Office.
- G. Company - proprietorship, partnership, corporation, limited liability company or other entity. For purposes of this Regulation, other entity may include a business office physically located within the boundaries of this State.
- H. Department - the Mississippi Department of Insurance.
- I. Designated agent - an owner or employee who holds a Class B license of an alarm contracting company who has been assigned the responsibility of submitting any notice required by the State Fire Marshal.

- J. Supervision - on-site direct supervision by a qualified license holder for the duties being performed.
- K. Electronic protective system - a device or series or assembly of interconnected devices which, when activated by automatic or manual means, produces an audible, visual or electronic signal intended to detect or warn of a threat to a structure or emergency to or from its occupants. This term shall include a burglar alarm system, intrusion detection system, closed-circuit video system or electronic access control system, or a portion or combination of such alarms or systems. However, the term "electronic protective system" shall not include an alarm system installed in a motor vehicle; a burglar alarm system, or household fire warning system sold at a retail store as part of a multiproduct offering to an individual end user for self-installation; or a single station fire alarm system sold at retail to an individual end user for self-installation or installed by a designated representative of a retailer as part of the retail transaction or installed by a fire department, the State Fire Marshal Office, a public agency, a volunteer fire association or their designated representatives.
- L. Employee - a person who performs services for wages or salary.
- M. Employer - a person or entity who hires another to perform services for a wage or salary.
- N. Individual license - a Class B, C, D, or H license issued by the State Fire Marshal.
- O. Licensee - a person or entity to which a license is granted.
- P. Officer - the president, vice-president, secretary, treasurer, comptroller or any other person who performs functions for an alarm contracting company, corresponding to those performed by those officers.
- Q. Operating location - a physical address that houses or maintains records of clients.
- R. Person - a natural person or individual.
- S. Principal - a person or entity that owns at least twenty percent (20%) of an alarm contracting company regardless of the form of organization.
- T. Salesperson - a person who solicits another on behalf of an alarm contracting company, door-to-door personal interaction, or a person who participates in the design, planning, specification or layout of an electronic protective system on behalf of an alarm contracting company.
- U. Closed video system - an electronic protective system that provides video surveillance of events, primarily by means of transmission, recording, or transmission and recording of

visual signals through the use of cameras, receivers, monitors and other visual imaging systems.

- V. "Electronic access control system" means an electronic protective system that is powered by the building's primary power source and is used as a process to grant or deny an individual access to a specific area or object based upon their possession of an item (which requires a decoder), a code or physical characteristic (biometrics).
- W. "Smoke alarm" means a single or multiple-station alarm responsive to smoke.
- X. "Single-station alarm" means a detector comprising an assembly that incorporates sensor, control components and an alarm notification appliance in one unit operated from a power source either located in the unit or obtained at the point of installation.
- Y. "Multiple station alarm" means two (2) or more single-station alarm devices that can be interconnected so that actuation of one causes all integral or separate audible alarms to operate; or one (1) single-station alarm device having connections to other detectors or to a manual fire alarm box.
- Z. "Heat detector" means a fire detector that detects either abnormally high temperature or rate-of-temperature rise, or both.

Source: Miss. Code Ann. §73-69-5 (Rev. 2014)

Rule 1.05: Licensing Requirements

The State Fire Marshal shall issue licenses to companies and individuals who offer electronic protective systems to the general public. All licenses shall be valid for a period of one (1) year from its date of issuance and shall be renewed annually, on or before the anniversary date. The licensing procedure and requirements are as follows:

- A. Class A license - a company license for alarm contracting. To apply for this license, an applicant must provide the following information and meet the following conditions.
 - 1. Documentation that the company is an entity duly authorized to conduct business within this state;
 - 2. Documentation that the company holds a general liability and errors and omissions insurance policy, or a surety bond, in an amount not less than Three Hundred Thousand Dollars (\$300,000);

3. Documentation that the company carries a current and valid workers' compensation insurance policy as required by state law;
4. The name of the company's designated agent;
5. Documentation that one (1) employee for the company holds a Class B license at each operating location;
6. A sworn statement that no officer or principal has been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;
7. Submission of the license and application fee as set forth in the Act;
8. Documentation that the company is located within the physical boundaries of the state;
9. Beginning on July 1, 2014, in order to assist the Office of the State Fire Marshal in determining an applicant's suitability for a license under this chapter, a Class A applicant, upon request from the State Fire Marshal, shall submit a set of fingerprints for all officers and principals with the submission of an application for license or at such time as deemed necessary by the State Fire Marshal. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Electronic Protection Licensing Fund.
10. The name of each company providing monitoring services.
11. If the action by the State Fire Marshal is to nonrenew or to deny an application for license, the State Fire Marshal shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the State Fire Marshal within ten (10) days for a hearing before the State Fire Marshal to determine the reasonableness of the State Fire Marshal's action. The hearing shall be held within thirty (30) days.

- B. Class B License - Alarm System Technician -an individual license which shall authorize its holder to design, plan, specify, lay out, sell, pre-wire, install, maintain, repair, test, inspect or service and electronic protective system while in the employ of an alarm contracting company. The licensing procedures and requirements are as follows:
1. Documentation that the applicant has successfully completed a minimum of Electronic Security Association, Level 2 A and Level 2 B Burglar Alarm training course or the Electronic Security Association, Fire Alarm Installation Methods and Advanced Intrusion Systems training courses, or equivalent training approved by the State Fire Marshal;
 2. Documentation proving residency within a radius of one hundred fifty (150) miles of the office to which the applicant is assigned;
 3. Two (2) suitable passport size color photographs of the applicant acceptable to the State Fire Marshal;
 4. A sworn statement that the applicant has not been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;
 - a. If an applicant has been convicted of a felony, received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge, and if it has been ten (10) or more years since the date of the application for the license and the successful completion or service of any sentence, deferred adjudication or period of probation or parole, the license may be issued if:
 - i. The felony committed was not a crime of violence or a sex offense as defined in the Mississippi Criminal Code; and,
 - ii. The Office of the State Fire Marshal holds a review of the license application, taking into consideration the seriousness and circumstances of the offense and subsequent arrest. The State Fire Marshal may deny a license of an applicant who meets the criteria in subparagraph (a) if the State Fire Marshal believes the seriousness of the offense justifies the denial of the license.
 5. Beginning on July 1, 2014, in order to assist the Office of the State Fire Marshal in determining an applicant's suitability for a license under this chapter, an applicant shall submit a set of fingerprints with the submission of an application for license. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history

record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Electronic Protection Licensing Fund.

6. Submission of the license and application fee as set forth in the Act.
 7. If the action by the State Fire Marshal is to nonrenew or to deny an application for license, the State Fire Marshal shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the State Fire Marshal within ten (10) days for a hearing before the State Fire Marshal to determine the reasonableness of the State Fire Marshal's action. The hearing shall be held within thirty (30) days.
- C. Class C license - Alarm System Installer - an individual license which shall authorize its holder to design, plan, specify, lay out, pre-wire, install, maintain, repair, test, inspect or service an electronic protective system while in the employ of an alarm contracting company. The licensing procedures and requirements are as follows:
1. Documentation showing that the applicant has successfully completed, at a minimum, Electronic Security Association, Level 1 Certified Alarm/Security Technician training course, or equivalent training approved by the State Fire Marshal;
 2. Two (2) suitable passport size color photographs of the applicant acceptable to the State Fire Marshal;
 3. A sworn statement that the applicant has not been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;
 - a. If an applicant has been convicted of a felony, received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge, and if it has been ten (10) or more years since the date of the application for the license and the successful completion or service of any sentence, deferred adjudication or period of probation or parole, the license may be issued if:
 - i. The felony committed was not a crime of violence or a sex offense as defined in the Mississippi Criminal Code; and,

- ii. The Office of the State Fire Marshal holds a review of the license application, taking into consideration the seriousness and circumstances of the offense and subsequent arrest. The State Fire Marshal may deny a license of an applicant who meets the criteria in subparagraph (a) if the State Fire Marshal believes the seriousness of the offense justifies the denial of the license.
 - 4. Beginning on July 1, 2014, in order to assist the Office of the State Fire Marshal in determining an applicant's suitability for a license under this chapter, an applicant shall submit a set of fingerprints with the submission of an application for license. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Electronic Protection Licensing Fund.
 - 5. Submission of the license and application fee as set forth in the Act.
 - 6. If the action by the State Fire Marshal is to nonrenew or to deny an application for license, the State Fire Marshal shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the State Fire Marshal within ten (10) days for a hearing before the State Fire Marshal to determine the reasonableness of the State Fire Marshal's action. The hearing shall be held within thirty (30) days.
- D. Class D license - Alarm System Salesperson - an individual license which shall authorize its holder to design, plan, specify, lay out or sell an electronic protective system while in the employ of an alarm contracting company. The licensing requirements and procedures are as follows:
- 1. Documentation that the applicant has completed, at a minimum, Electronic Security Association training course Understanding Electronic Security Systems training course,, or equivalent training approved by the State Fire Marshal;
 - 2. Two (2) suitable passport size color photographs of the applicant acceptable to the State Fire Marshal;

3. A sworn statement that the applicant has not been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;
 - a. If an applicant has been convicted of a felony, received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge, and if it has been ten (10) or more years since the date of the application for the license and the successful completion or service of any sentence, deferred adjudication or period of probation or parole, the license may be issued if:
 - i. The felony committed was not a crime of violence or a sex offense as defined in the Mississippi Criminal Code; and,
 - ii. The Office of the State Fire Marshal holds a review of the license application, taking into consideration the seriousness and circumstances of the offense and subsequent arrest. The State Fire Marshal may deny a license of an applicant who meets the criteria in subparagraph (a) if the State Fire Marshal believes the seriousness of the offense justifies the denial of the license.
4. Beginning on July 1, 2014, in order to assist the Office of the State Fire Marshal in determining an applicant's suitability for a license under this chapter, an applicant shall submit a set of fingerprints with the submission of an application for license. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Electronic Protection Licensing Fund.
5. Submission of the license and application fee as set forth in the Act.
6. If the action by the State Fire Marshal is to nonrenew or to deny an application for license, the State Fire Marshal shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the State Fire Marshal within ten (10) days for a hearing before the State Fire Marshal to determine the reasonableness of the State Fire Marshal's action. The hearing shall be held within thirty (30) days.

- E. Class H license - Alarm Helper- an individual license which authorizes its holder to pre-wire or assist a Class B or Class C license holder install or service an electronic protective system while under the direct supervision of a licensed Class B or Class C holder in the employ of an alarm contracting company.. The licensing requirements and procedures are as follows:
1. Two (2) suitable passport size color photographs of the applicant acceptable to the State Fire Marshal;
 2. A sworn statement that the applicant has not been convicted of a felony, has received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge;
 - a. If an applicant has been convicted of a felony, received a first-time offender pardon for a felony, or has entered a plea of guilty or nolo contendere to a felony charge, and if it has been ten (10) or more years since the date of the application for the license and the successful completion or service of any sentence, deferred adjudication or period of probation or parole, the license may be issued if:
 - i. The felony committed was not a crime of violence or a sex offense as defined in the Mississippi Criminal Code; and,
 - ii. The Office of the State Fire Marshal holds a review of the license application, taking into consideration the seriousness and circumstances of the offense and subsequent arrest. The State Fire Marshal may deny a license of an applicant who meets the criteria in subparagraph (a) if the State Fire Marshal believes the seriousness of the offense justifies the denial of the license.
 3. Beginning on July 1, 2014, in order to assist the Office of the State Fire Marshal in determining an applicant's suitability for a license under this chapter, an applicant shall submit a set of fingerprints with the submission of an application for license. The Office of the State Fire Marshal shall forward the fingerprints to the Department of Public Safety for the purpose of conducting a criminal history record check. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the Federal Bureau of Investigation for a national criminal history record check. Fees related to the criminal history record check shall be paid by the applicant to the State Fire Marshal and the monies from such fees shall be deposited in the special fund in the State Treasury designated as the Electronic Protection Licensing Fund.
 4. Submission of license fee.

5. If the action by the State Fire Marshal is to nonrenew or to deny an application for license, the State Fire Marshal shall notify the applicant or licensee and advise, in writing, the applicant or licensee of the reason for the denial or nonrenewal of the applicant's or licensee's license. The applicant or licensee may make written demand upon the State Fire Marshal within ten (10) days for a hearing before the State Fire Marshal to determine the reasonableness of the State Fire Marshal's action. The hearing shall be held within thirty (30) days.
- F. Notification Requirements - all licensees shall notify the State Fire Marshal in the manner prescribed by the State Fire Marshal within ten (10) days of the following:
1. Any change in home or business address;
 2. Any separation from an employer, employee, or change in employer;
 3. Any conviction for a felony or entry of a plea of guilty or nolo contendere to a felony charge or receipt of a first-time offender pardon.
- G. Reciprocity - State Fire Marshal may enter into reciprocal agreements with other states for mutual recognition of individual license holders, provided that state will award licenses to residents of this state and as long as that state's requirements are not less stringent than those set forth under the Act or this Regulation.
- H. Renewal licenses - All renewal licensees must submit documentation showing satisfactorily completion of the twelve (12) hours of continuing education required pursuant to the Act and Section 7 of this Regulation.
- I. Reinstatement Fee - As required pursuant to the Act, any individual that fails to timely renew their license shall be charged a reinstatement fee penalty in addition to the renewal fee. That penalty shall be an amount double of their license renewal fee. However, the Commissioner of Insurance in his discretion may reduce the amount of said penalty, upon the applicant filing with the Department a written request showing good cause for the failure to timely renew. For the purposes of this provision, good cause shall be limited to health or medical issues, military service, or other reasonable and just causes as determined by the Commissioner.
- J. Class A License Number Displays - All Class A contracting companies are required to display their state issued alarm license number on all company vehicles and documents. Compliance in this section must be made in the following manner and within the following time period:

1. All company stationary, business cards, contracts and other company documents must include the Class A license number in at least 12 point type and in bold print. All Class A contracting companies must have their license number on all company documents within eighteen (18) months of the adoption of this amended Regulation.
2. All company vehicles must include the Class A license number. The license number must be at least three (3) inches in height, clearly visible, and shall be in a contrasting color. All Class A contracting companies must have their license number on all company vehicles within six (6) months of the adoption of this amended Regulation.
3. 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 Class A contracting company vehicles to verify compliance with Miss. Code Ann. §§ 73-69-1, 73-69-11, and these Rules and Regulations.

Source: Miss. Code Ann. §73-69-9; §73-69-11 (Rev. 2014)

Rule 1.06: Exceptions to Licensure

- A. The requirement for licensure for alarm contracting as stated in Rule 1.05 of this Regulation shall not apply to the following:
 1. Any company, natural person, or employee of the company or natural person, licensed to perform electrical work by the State Licensing Board of Contractors. This exception from licensure shall apply to the installation of wire, conduit, or other wire raceways, its associated boxes or fittings ;
 2. Any owner, management company or public institution and such person's or entity's employees while such person or entity is designing, installing, inspecting, repairing, servicing, recording, adjusting or testing closed circuit television alarm systems, on the premises of the owner or public institution during the normal course and scope of his duties;
 3. Any owner, management company or public institution and such person's or entity's employees while such person or entity is designing, installing, inspecting, repairing, servicing or testing a burglar alarm system only on the premises of the owner or public institution during the normal course and scope of his duties;

4. Any retailer that sells alarm systems as part of a multiproduct offering including any company and its affiliates, contractors, agents and employees that only sell alarm systems over the Internet or via a website, by telephone or in retail settings. This exception to licensure shall not apply to sales that take place door-to-door or physically inside or at or on a consumer's premises;
 5. Any retailer or installer of smoke alarm warning systems, or single-station heat detectors, sold and installed to detect or warn of smoke or fire and intended for use in a residential one- or two-family dwelling or wholly within the confines of an individual living unit in a residential multifamily structure;
 6. Any company, or its agents that monitor burglar alarm systems, intrusion detection systems, or electronic protection systems but that does not directly install such systems.
 7. Any professional engineer licensed by the Mississippi Board of Registration for Professional Engineers and Land Surveyors;
 8. Any owner, management company or public institution and such person's or entity's employees while such person or entity is designing, installing, inspecting, repairing, servicing, recoding, adjusting or testing telemedicine, store-and-forward telemedicine services, remote patient-monitoring services or medication adherence-management services during the normal course and scope of his duties.
- B. The requirement for licensure for alarm system contracting as stated in Rule 1.05 of this Regulation shall not apply to An officer or employee of the United States, while engaged in the performance of his official duties within the course and scope of his employment with the United States, this state, or any political subdivision of either.
- C. No person or company shall aid, abet, facilitate or otherwise assist any unlicensed person or company in engaging in alarm contracting, including, but not limited to, the sale of an electronic protective system as defined in this act when such person or company knew or should have known that the person or company thus assisted was unlicensed.

Source: Miss. Code Ann. §73-69-15 (Rev. 2014)

Rule 1.07: Continuing Education Requirements

Every individual seeking to receive a renewal license under the Act or this Regulation shall satisfactorily complete twelve (12) hours of study in approved courses during each twelve month period. Each one hour credit shall be awarded for fifty minutes of attendance of an approved course.

- A. Documentation - It is the responsibility of each individual to maintain records documenting continuing education activity and to submit this documentation at the time of license renewal.
- B. Approved Courses - Only those courses approved by the State Fire Marshal shall fulfill the requirements of the Act and this Regulation.
1. State Fire Marshal Approved Courses - To be approved by the State Fire Marshal, the course or program must be one that educates on the electronic life safety, security and systems industry. Programs geared toward specific products and/or sales will not qualify as continuing education. For any course to be approved as a continuing education class must be submitted to the State Fire Marshal with a course outline and receive approval prior to the actual class being held.
 2. Electronic Security Association and NTS/NBFAA Courses - Any course offered by the Electronic Security National Training School (NTS), which is a member service of the National Burglar and Fire Alarm Association (NBFAA), shall qualify as an approved course.
 3. Licenses and Certification - Credit shall be awarded for earning a license and/or certification in the electronic life safety, security and systems industry from an entity other than Electronic Security Association and NBFAA provided the State Fire Marshal approves such certification counting toward continuing education requirements. Any certification or license earned during the renewal cycle will qualify for twelve hours provided the State Fire Marshal has approved the license and/or certification.
 4. College/University Course - Credit may be granted for successful completion of a college/university course in a security industry topic area upon submission of the course outline to and approval by the State Fire Marshal. A three or four credit course shall be equivalent to twelve credits as required under this Section.
 5. Training Meetings - Credit may be granted for attending training meetings of the Electronic Security Association and the National Burglar and Fire Alarm Association and/or the Mississippi Alarm Association, not to exceed more than six (6) credit hours per calendar year.
 6. Other Credits - The State Fire Marshal may, at his discretion, approve continuing education credits for volunteer service, teaching of classes, publication of articles, or for any other class, work or activity performed that the State Fire Marshal approves as satisfaction of the continuing education requirements. It is the

responsibility of the individual person to receive such approval from the State Fire Marshal.

- C. Failure to Complete Requirements - The failure of any individual to timely complete or submit their continuing education requirements shall result in denial of their renewal license until such continuing education requirements are met.
- D. Continuing Education Reciprocity - An individual's satisfaction of his or her home state continuing education requirements for licensure shall constitute satisfaction of this state's continuing education requirements if the individual's home state recognizes the satisfaction of its continuing education requirements imposed upon individuals from this state on the same basis.

Source: Miss. Code Ann. §73-69-7 (Rev. 2014)

Rule 1.08: Violations and Penalties

The State Fire Marshal may impose, after giving notice of hearing to the licensee by serving a written statement of charges on the licensee at least twenty (20) days prior to hearing, penalties for violations under the Act and this Regulation. Violations and penalties are set forth as follows:

A. Class I offenses:

- 1. Failure of an alarm contracting company or closed circuit television company to timely notify the State Fire Marshal of certain changes in the status of the licensee as required by the Act and Rule 1.05 (F) of this Regulation.
- 2. Failure of an alarm contracting company to do either of the following:
 - a. Clearly display the company's license at its place of business, or
 - b. Replace a required Class B license holder or its designated agent and to timely notify the State Fire Marshal as required by the Act and Rule 1.05 (F) of this Regulation;
- 3. Failure of an individual license holder to maintain his license on his person and to present it for inspection;
- 4. Assisting an unlicensed person or company to engage in alarm contracting as prohibited;

5. Refuse to admit the State Fire Marshal or his designated representative to an operating location or refuse to cooperate in the purposes of such admittance as required.

B. Class I Penalties - may be any or all of the following:

1. Written reprimand by the State Fire Marshal. Such reprimand shall be a part of the record of the licensee and shall be maintained by the State Fire Marshal for a period of three (3) years, during such time the reprimand may be taken into consideration during any subsequent disciplinary action;
2. Probation of licensure for not more than twelve (12) months. Such probation may include placement of restrictions on the alarm contracting activities and the license of the offender. Any subsequent offense committed during probation will make the offender subject to penalties for a Class II offense;
3. A fine of not more than Five Hundred Dollars (\$500.00) per offense.

C. Class II Offenses:

1. Commission of a second Class I offense;
2. A Class I offense committed during a probation of one's licensure for a Class I offense.

D. Class II Penalties - may be any or all of the following:

1. Any penalty authorized for a Class I offense;
2. Suspension of licensure for not more than twenty-four (24) months;
3. A fine of not more than One Thousand Dollars (\$1,000.00) per offense.

E. Class III Offenses:

1. The signature of or submission by an applicant or licensee of any document to the State Fire Marshal when the applicant or licensee knew that document contained false or intentionally misleading information;
2. Engaging in alarm contracting without a license;
3. Engaging in alarm contracting during suspension of one's license;

4. The repeated willful commission of Class I or Class II offenses;
5. Failure by an alarm contracting company to maintain a general liability and errors and omissions insurance policy as required, or to maintain a workers' compensation insurance policy as required by state law;
6. Engaging in false, misleading or deceptive acts or practices.

F. Class III Penalties - may be any or all of the following:

1. Any penalty authorized for a Class I or Class II offense;
2. Revocation of licensure;
3. A fine of not more than Five Thousand Dollars (\$5,000.00) per offense.

G. Additional Penalties - in addition to the penalties stated, the State Fire Marshal may:

1. Issue in any court of competent jurisdiction an injunction without bond enjoining any person from violating or continuing to violate the provisions of this Regulation or the Act; and,
2. In the suit for an injunction, may demand of the defendant a penalty of Fifty Dollars (\$50.00) per day for each violation, reasonable attorney fees and court costs.
3. Any person who knowingly and willfully violates any of the provisions of the Residential Alarm Licensing Act or any rules and regulations made hereunder shall be liable to the State of Mississippi for a civil penalty of not more than Five Thousand Dollars (\$5,000.00) 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 failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty may not exceed Five Hundred Thousand Dollars (\$500,000.00) for any related series of violations occurring within one (1) year from the date of the first violation.
4. In addition to any other penalty provided in the statutes and regulations, an alarm contracting company, individual director, officer or agent of an alarm contracting company who knowingly and willfully fails to obtain the applicable license under this chapter and who is required to obtain such 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, including, but not limited to, the sale, lease, rent, design or planning with the intent to pre-wire, pre-wiring,

installation, maintenance, repair, testing modification, improvement, alteration, inspection or servicing of an electronic protective system, 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.

H. Alarm Contracting Company - Cancellation of contract:

1. An alarm contracting company who sells an electronic protective system to a consumer shall immediately return the lockout, installer or programming code of the electronic protective system to the factory default setting when the consumer cancels the contract with the alarm contracting company and contracts with another alarm contracting company provided all contractual obligations are fulfilled.
2. Any violation of Rule 1.07 (F)(1) by an alarm contracting company will result in the company's license being revoked and a civil fine of not less than Five Hundred Dollars (\$500.00) but not more than Two Thousand Dollars (\$2,000.00) per occurrence.

Source: Miss. Code Ann. §73-69-23; §73-69-25 (Rev. 2014)

Rule 1.09: Electronic Protection Advisory Board

The Electronic Protection Licensing Advisory Board ("Board") is created pursuant to the Act to assist the State Fire Marshal with the rules and regulations of the Act.

A. Members of the Board - the members and their terms shall be as follows:

1. Three members appointed by the Governor, one from each Supreme Court District. Each member shall possess a valid Class A or Class B license and may be appointed from a list submitted by the Mississippi Alarm Association. The initial terms shall be staggered, with one appointment serving for two (2) years, one for three (3) years, and one for four (4) years. After the initial staggered terms, the subsequent terms shall be for four (4) years.
2. One member appointed by the State Fire Marshal from a list of nominees submitted to the State Fire Marshal by the Mississippi Alarm Association. This member shall act as a representative of the Alarm Manufacturing Industry and the appointment shall be for four (4) years.

3. Two (2) members appointed by the Governor at his discretion, one (1) shall be a law enforcement officer and one (1) shall be from the private sector. Each of these appointments shall be for (4) years, concurrent with the term of the Governor.
 4. One (1) member shall be an employee of the Office of the State Fire Marshal designated by the State Fire Marshal. The member's term shall be for four (4) years and shall be concurrent with the term of the State Fire Marshal. This member shall serve as chairman of the Board.
- B. Terms - after the initial terms, each member shall serve a term of (4) years. No members shall serve more than two (2) terms except for the member designated by the State Fire Marshal in Rule 1.08(A)(4).
- C. Vacancies - a vacancy on the Board shall be filled in the manner of the original appointment for the remainder of the term.
- D. Meetings - the board shall meet ever quarter, or upon the call of the chairman or upon the written request of any three (3) members of the Board. Notice of any such meeting shall be given in writing to members and the public by publication on the Department of Insurance's website at least fourteen (14) days in advance.
- E. Quorum - a quorum shall be met if four (4) or more members of the board meet for the transaction of business.
- F. Reimbursement of Expenses - each appointed Board member shall be reimbursed for travel and related expenses incurred, not to exceed those expenses authorized for reimbursement by the Department, for the period that the member engages in Board business. However, said reimbursement must be submitted and approved by the Department, and no expenses will be initially provided for any meeting prior to July 1, 2007.
- G. Liability of Members - no member shall be liable to civil action for any act performed in good faith in the execution of his duties as a board member.

Source: Miss. Code Ann. §73-69-21 (Rev. 2014)

Rule 1.10: Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. §73-69-7 (Rev. 2014)

Rule 1.11: Effective Date

The Effective Date of this Regulation shall be July 1, 2006. This Regulation was amended on April, 2014. The effective date of the Amended Regulation is July 1, 2014.

Source: Miss. Code Ann. §73-69-1, et seq. (Rev. 2014)

Part 7 Chapter 2: (2006-3) Rules And Regulations To Assist County Fire Coordinators In Defining And Prescribing Those Persons Who May Qualify For The Tax Credit Under Senate Bill 2021 As Active Service Volunteer Fire Fighters.

Rule 2.01: Purpose and Scope

The Mississippi Legislature during the 2006 Regular Legislative Session passed Senate Bill 2021. The bill authorizes county boards of supervisors to grant an ad valorem tax exemption on one motor vehicle owned by each resident of the county who is in active service as a volunteer fire fighter for any municipality, county or fire district in the State in an amount not to exceed one hundred dollars (\$100.00), or the amount of the ad valorem taxes, whichever is less. The purpose of these Rules and Regulations is to assist county fire coordinators in defining and prescribing those persons who may qualify for the tax credit under this section as active service volunteer fire fighters.

Source: Miss. Code Ann. §27-51-42.2 (Rev. 2010)

Rule 2.02: Authority

This Regulation is promulgated by the Commissioner of Insurance pursuant to the authority granted to him by Miss Code Ann. § 45-11-1 (Supp. 2005), and Senate Bill 2021, as passed in the 2006 Regular Legislative Session.

Source: Miss. Code Ann. §45-11-1 (Rev. 2011); §27-51-42.2 (Rev. 2010)

Rule 2.03: Tax Exemption Requirements

To receive the tax exemption, such person must make application, under oath, with the county fire coordinator and present evidence that he or she is actively serving as a volunteer fire fighter and has continuously served in such capacity for at least three (3) consecutive years. In defining and prescribing those person that may qualify, the County Fire Coordinators may use the following information:

- A. Documentation from the Applicant's Volunteer Fire Chief of the Department in which he or she is serving indicating that the Applicant is in active service. This documentation shall be in the form of the Volunteer Chief's signature on the application for the tax exemption.
- B. Documentation that the Applicant has been in active service as a volunteer fire fighter for any municipality, county, or fire district in Mississippi continuously for at least three(3) consecutive years. This documentation may be provided to the County Fire Coordinator at his or her discretion and in such form as he or she may deem necessary.
- C. After reviewing the above mentioned information, the County Fire Coordinator shall make the determination as to whether the applicant qualifies for the tax exemption. If the Coordinator approves the application he or she shall sign the application, which will then be certified to the County Tax Collector.

Source: Miss. Code Ann. §27-51-42.2 (Rev. 2010)

Rule 2.04: Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. §27-51-42.2 (Rev. 2010)

Rule 2.05: Effective Date

The effective date of this Regulation shall be July 1, 2006.

Source: Miss. Code Ann. §27-51-42.2 (Rev. 2010)

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.

Rule 3.01: Promulgation and Purpose

Rule 3.01.1: General

These Regulations for Factory-Built Homes are promulgated by the Commissioner of Insurance of the State of Mississippi, acting through the State Chief Deputy Fire Marshal and the Factory-Built Home Division, in accordance with The Uniform Standards Code for Factory-Built Homes

Law, codified at *Mississippi Code Ann.*, Section 75-49-1, *et seq.*, (1972 and Supp. 2013), and the Mississippi Administrative Procedures Act, codified at *Mississippi Code Ann.*, Section 25-43-1, *et seq.*, (1972). These Regulations shall become effective after adopted and promulgated in accordance with the provisions of the Mississippi Administrative Procedures Act.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.01.2: Purpose

The purpose of these Rules and Regulations is to prevent the loss of life and property from fire and related hazards and to restrict health hazards, as related to modular homes, by providing standards for construction and heating systems and by requiring compliance with such standards during construction, prior to selling, or offering for sale such modular homes in the State of Mississippi.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.01.3: Definitions

For purposes of this Regulation, the terms hereinafter set forth are defined as follows:

- A. "Approved construction inspection agency" means an approved inspection agency which is responsible for performing the functions described in Rule 3.03.5 herein and has been approved by the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance.
- B. "Approved design review agency" means an approved inspection agency which is responsible for performing the functions described in Rule 3.03.5 herein and has been approved by the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance.
- C. "Building system" means plans, specifications, and documentation for a system or type of modular building unit, or for the foundation, structural, electrical, mechanical, plumbing, fire protection, or other system(s) thereof affecting health and safety.
- D. "Certification" means written confirmation from a modular home manufacturer verifying that a Modular Home Contractor or an Installer/Transporter is qualified to install and/or transport his modular home as defined in Rule 3.01.3(X).
- E. "State Chief Deputy Fire Marshal" means the individual appointed by the Commissioner of Insurance, who, along with his employees, is designated by the Commissioner to implement and enforce this Regulation and to maintain, among other duties, the Factory-Built Home Division.

- F. "Closed construction" means any modular building unit, component, assembly, or system manufactured in such a manner that all concealed parts' processes of manufacturing cannot be inspected before installation at the site without disassembly, damage, or destruction.
- G. "Commissioner" means the Commissioner of Insurance of the State of Mississippi.
- H. "Compliance assurance program" means the system documentation and methods of assuring that modular building units and their components, including the manufacturing, storage, transportation, assembly, handling and installation thereof, conform to the Standards, as defined in Rule 3.01.3(GG).
- I. "Component" means any assembly, sub-assembly, or combination of elements for use as a part of a modular building unit, which may include the structural, electrical, mechanical, plumbing, fire protection, or other system(s) thereof affecting life safety.
- J. "Damage" means any impairment, alteration, or breakage occurring to a modular building unit, or any part thereof, that causes it not to comply with the Standards, as defined in Rule 3.01.3(GG).
- K. "Data plate" means the label requested and installed by independent third-party inspection agencies, verifying compliance with construction standards approved by the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance.
- L. "Developer" means any person who buys factory-built homes and real estate and then offers to sell or lease to the general public land-home "package deals" consisting of a home with real estate. Upon renewal of a license, a developer must provide documentation to the Department of Insurance that he or she has at least five (5) available manufactured or modular home sites. A developer shall be responsible for installation requirements for manufactured or modular housing as set forth in this Regulation. The term "Developer" does not apply to entities that meet the requirements of and are licensed as a "Modular home contractor" as defined in Rule 3.01.3(Y).
- M. "Division" means the Factory-Built Home Division of the State Fire Marshal's Office.
- N. "Endorsement" means the stamp affixed to a privilege license indicating manufacturer certification as defined in Rule 3.01.3(D).
- O. "Factory-Built home" means a mobile home, a manufactured home, and a modular home as those terms are defined herein.

- P. "Installer/transporter" - is any person engaged for hire as an independent contractor in the movement of, transportation, or both, or the installation, blocking, anchoring and tie-down of a Factory-Built home. An "installer/transporter" shall not include persons who do not hold themselves out for hire to the general public for the purposes described in this definition. An installer/transporter shall be responsible for installation requirements for manufactured, mobile or modular homes as set forth in Title 19, Part 7, Chapter 5, Rule 5.04 -5.06 of the rules and regulations for the Uniform Standards Code for Factory-Built Home Law.
- Q. "International Residential Code for One and Two-Family Dwellings (IRC)" means the International Residential Code, 2006 edition, published by the International Code Council (ICC), 900 Montclair Road, Birmingham, Alabama 35213, as referenced in Article II. Standards herein.
- R. "Licensee" means any manufacturer, retailer, developer, modular home contractor or installer/transporter who obtains a privilege license from the Factory-Built Home Division of the State Fire Marshal's Office of the Department of Insurance. The licensee shall comply with all laws of the State of Mississippi regarding factory-built homes.
- S. "Manufactured home" means a structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C.S. 5401 *et seq.*), and manufactured after June 14, 1976.
- T. "Manufacturer" means any person engaged in the production (construction) of modular or manufactured homes.
- U. "Mississippi Department of Transportation (MDOT)" means the regulatory agency for transportation in the State of Mississippi. All licensees (manufacturers, retailers, developers, modular home contractors and installer/transporters) shall comply with the requirements regarding transportation of factory built homes under the jurisdiction of MDOT in the State of Mississippi.
- V. "Mobile home" means a structure manufactured before June 15, 1976, that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C.S. 5401 *et seq.*). It is a structure that is transportable in one or more sections, that, in the traveling mode, is eight (8) body feet or more in width and thirty-two (32) body feet or more in length, or when erected on site, is two hundred fifty-six (256) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a

certification required by the Commissioner and complies with the standards established under The Uniform Standards Code for Factory-Built Homes Law, *Mississippi Code Ann.*, Section 75-49-1, *et seq.*

- W. "Model" means a specific design of modular building unit which is based upon size, room arrangement, method of construction, location, arrangement or size of plumbing, mechanical, or electrical equipment and systems therein in accordance with plans and specifications submitted to an approved design review agency.
- X. "Modular home" means a structure which is: (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; and (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code; and (iv) designed to be permanently installed at its final destination on an approved foundation constructed in compliance with a nationally recognized building code. The term "modular home" does not include manufactured housing as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974.
- Y. "Modular home contractor" means a licensed residential building contractor or a licensed retailer who buys factory-built modular homes for resale to the general public, whether to be located on the consumer's home site or a land-home package on property owned by the modular home contractor. A Mississippi licensed modular home contractor is authorized to sell new modular homes for installation on a consumer's home site or as part of a land-home package without the necessity of maintaining a separate sales center. A modular home contractor shall be responsible for the installation requirements for modular housing as set forth in Rule 3.03.8 of the rules and regulations for Uniform Standards Code for the Factory-Built Homes As Related To Modular Homes.
- Z. "Non-coded area" means any local jurisdiction (county or municipality) that has not adopted the latest edition and Appendices of the International Building Code, published by the International Code Council, or the Southern Building Code, published by the Southern Building Code Congress International, or any county in which the board of supervisors has not adopted *Mississippi Code Ann.*, Section 75-49-21, entitled "permit Fees for Manufactured or Mobile Homes," or other recognized building codes or portion thereof.
- AA. "Open construction" means any modular building unit, component, assembly, or system manufactured in such a manner that all portions can be readily inspected at the site without disassembly, damage, or destruction.
- BB. "Person" means any individual, firm, corporation, partnership, association or other type of business entity.

- CC. "Residential Building Contractor" means any person who is licensed by the State of Mississippi to construct a residential building or structure, or to construct the foundation and perform the installation and site work for a modular home, or to offer for sale or for use by another a residential building or structure, or who, for a fixed price, commission, fee, wage, or other compensation, undertakes or offers to undertake the construction, or superintending of the construction, of a residential building or structure.
- DD. "Retailer" means any person engaged in the retail sale of new or used manufactured mobile or modular homes to the general public. Upon renewal of a license, a retailer must provide documentation to the Department of Insurance that he or she has at least three (3) available manufactured mobile or modular homes on a sales lot. A retailer shall be responsible for installation requirements for manufactured mobile or modular housing set forth in Rule 3.03.8 of this Regulation.
- EE. "Site" means the location on which a modular building unit is installed or is to be installed.
- FF. "Southern Building Code Congress International (hereinafter referred to as "SBCCI") means the former Southern Building Code Congress International of Birmingham, Alabama, which changed on January 2000 to the new International Code Council.
- GG. "Standards" means the standards for the construction and installation of modular homes established in Article II of this Regulation.
- HH. "Standard design" means any modular building unit, component, model or series intended for duplication or repetitive manufacture.
- II. "System prototype" means a specific design of modular homes designated by the manufacturer to be the standard for imitation reproduction. A system prototype may include options that do not affect the performance function of any system.

Source: *Miss. Code Ann.* §75-49-3 (Supp. 2013).

Rule 3.02: Standards

Rule 3.02.1: General

- A. Unless otherwise provided by applicable law or the provisions of this Regulation, the Standards for the construction and installation of modular homes in the State of Mississippi (hereinafter referred to as "Standards") shall be those prescribed in the following codes:

- B. The National Electrical Code (NFPA 70), 2005 edition, published by the National Fire Protection Association (NFPA), Battery March Park, Quincy, Massachusetts 02269;
- C. The International Building Code, 2006 edition, published by the International Code Council (ICC) formerly the Southern Building Code Congress International, Inc. (SBCCI), 900 Montclair Road, Birmingham, Alabama 35213;
- D. The International Residential Code, 2006 edition, published by the International Code Council (ICC), 900 Montclair Road, Birmingham, Alabama 35213;
- E. The International Mechanical Code, 2006 edition, published by the ICC;
- F. The International Gas Code, 2006 edition, published by the ICC;
- G. The International Plumbing Code, 2006 edition, published by the ICC; and
- H. Southern Building Code Congress International Standard for Hurricane Resistant Residential Construction (SSTD 10); or Minimum Design Loads for Buildings and Other Structures (ASCE-7);

All of the above codes as they may be revised or amended.

Source: *Miss. Code Ann.* § 75-49-5 (Supp. 2013).

Rule 3.03: Administration

Rule 3.03.1: General

In furtherance of *Mississippi Code Ann.*, Section 75-49-11, the Commissioner, acting through the State Chief Deputy Fire Marshal and the Factory-Built Home Division of the Mississippi Insurance Department, is hereby charged with the administration of this Regulation. He may make, amend, alter, or repeal the general rules and regulations of procedure for carrying into effect all provisions of this Regulation and for obtaining statistical data respecting manufactured, mobile, and modular homes. The Commissioner, acting through the State Chief Deputy Fire Marshall and the Factory-Built Home Division of the Mississippi Insurance Department, may prescribe means, methods, and practices to make effective such provisions. Further, the Commissioner, acting through the State Chief Deputy Fire Marshall and the Factory-Built Home Division of the Mississippi Insurance Department, may make such investigations and inspections as in his judgment are necessary to enforce and administer this Regulation.

Source: *Miss. Code Ann.* §75-49-11 (Supp. 2013).

Rule 3.03.2: Rules and Regulations

- A. After July 1, 1988, every manufacturer engaged in the production (construction) of modular homes within the State of Mississippi shall apply for and obtain a license from the Commissioner.
- B. After July 1, 2005, every retailer, developer, or modular home contractor who sells, transports, or installs modular homes within the State of Mississippi shall apply for and obtain a license from the Commissioner.
- C. After July 1, 1992, every installer/transporter who transports or installs new or used factory-built modular homes within the State of Mississippi shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility for cargo loss or damage.
- D. After July 1, 2005, every manufacturer, installer/transporter, retailer, modular home contractor, and developer who first sells, manufactures, transports or installs a modular home in this state, before such first construction, sale, transportation, or installation, shall apply for and obtain a license from the Commissioner. The original license fee and all annual renewals thereof shall be due as set forth in this Regulation. The fee shall be paid to the Commissioner in such a manner as the Commissioner may by rule require. All funds received by the Commissioner shall be deposited into the State Treasury to the credit of the Department of Insurance.
- E. After July 1, 2005, every manufacturer of modular homes shall submit written certification, approved by the State Fire Marshal's Office, stating that the contractor installer/transporter or modular home contractor is qualified to install their modular home. If, for just cause, a manufacturer revokes an installer/transporter or modular home contractor's certification, he shall give written notification to the Factory-Built Homes Division within ten five (10) working days. Manufacturers of modular homes are permitted in accordance with their manufacturer's license to install modular homes constructed by their company. If a modular manufacturer installs modular homes built by other modular manufacturers holding themselves out for hire to the public, they will be required to obtain an installer/transporter's license.
- F. Any person as defined in *Miss. Code Ann.* § 75-49-3(h) that repossesses and sells a new or used Factory-Built homes within the State of Mississippi shall apply for and obtain a retailer's or developer's license, unless the sale is contracted through a current licensed retailer or developer to insure that the Factory-Built home is installed and set-up by a licensed installer/transporter in compliance with the Division's rules and regulations. A copy of said contract with the licensed retailer/developer is required to be on file with the Division. Upon license renewal, licensees are exempt from having three (3) units

available for retailers; five (5) home sites for developers and from annual educational seminars.

- G. No retailer, modular home contractor, developer, transporter or installer shall deliver or cause to be delivered any modular home to any site which, if required by local statute, does not prominently display a valid building permit issued for the construction of a residence on that site.
- H. It shall be the responsibility of each installer/transporter that transports or installs a modular home to submit a report, by fax or mail, to the Factory-Built Home Division of the State Fire Marshal's Office for all modular homes delivered or installed within seventy-two (72) hours of installation. The State Fire Marshal's Office will devise an acceptable form for reporting purposes for designated licensees as mentioned above. **This report is required for modular homes that are transported or installed by an installer/transporter for someone other than a licensed retailer or modular home contractor or developer.** The report must include:
 - 1. The retailer/modular home contractor/developer's name, license number, address, telephone number, and fax number;
 - 2. The installer/transporter's name, address, telephone number, and fax number;
 - 3. The installation decal number, soil density test results, and the class anchor used;
 - 4. The homeowner's name, address, telephone number, county where home is located, and date and time of installation;
 - 5. The serial number of home, size of home, wind speed, and the manufacturer of the home.
 - 6. Directions to the home; and
 - 7. A map showing directions to the home-site from a known starting point.
- I. An administrative fee will be charged for data plates in the amount that it costs this division to produce same. This division will provide the data plates to approved construction inspection agencies for certification that such modular homes, to the best of the manufacturer's knowledge and belief, conform to all applicable rules, regulations and safety standards. The data plate shall be affixed only at the end of the last stage of production.

Source: *Miss. Code Ann.* §75-49-11 (Supp. 2013).

Rule 3.03.3: Licenses

- A. In accordance with *Mississippi Code Ann.*, Sections 75-49-9 (1) and 75-49-9 (5), after July 1, 1992, every manufacturer, transporter, installer, developer, modular home contractor, and retailer who sells, manufactures, transports, or installs new or used factory-built homes within the State of Mississippi shall apply for and obtain a license from the Commissioner.
- B. In accordance with *Mississippi Code Ann.*, Section 75-49-9(4), the original license fee and all annual renewals thereof shall be Two Hundred Fifty Dollars (\$250.00) for manufacturing plants that build manufactured homes, Two Hundred Fifty Dollars (\$250.00) for manufacturing plants that manufacture modular homes located within or without the State of Mississippi manufacturing or delivering homes for sale within the State of Mississippi, and One Hundred Fifty Dollars (\$150.00) per manufactured home and/or modular home retailer location and developer location and modular home contractor within the State of Mississippi. The licensing fee for a manufactured home and/or modular home installer/transporter is One Hundred Dollars (\$100.00) for each company. The fee for modular home plan review shall be Four Hundred Dollars (\$400.00) per floor plan; however, this fee shall not apply to any modular home plan reviews completed before July 1, 1998.
- C. An application for a license and/or renewal shall be submitted on the form prescribed by the Division and shall be accompanied by a non-refundable license fee as follows:
- | | |
|------------------------------|-------------------------|
| Manufacturer..... | \$250.00 |
| Retailer..... | \$150.00 per location |
| Modular home contractor..... | \$150.00 |
| Developer..... | \$150.00 per location |
| Installer/Transporter..... | \$100.00 |
| Floor Plan Review | \$400.00 per floor plan |
- D. The applicant shall certify in the application to the Commissioner that the applicant will comply with the International Residential Code (IRC), as set forth under these Rules and Regulations and as required by The Uniform Standards Code for Factory-Build Homes Law, codified at *Mississippi Code Annotated*, Section 75-49-1, *et seq.*, and that the applicant has obtained a current and valid tax identification number, as required by Mississippi Code Ann., Section 75-49-9 (2).
- E. Applications shall be obtained from and submitted to the Commissioner on forms prescribed by the Commissioner. All funds received by the Commissioner shall be deposited in a special fund account in the State treasury to the credit of the Department of Insurance.

- F. In accordance with *Mississippi Code Ann.*, Section 75-49-9 (9), the holder of any valid license issued by the Commissioner at the time this section becomes effective shall be automatically issued an equivalent license in the same category for which his previous license was issued if the licensee is in compliance with this Regulation.

Source: *Miss. Code Ann.* §75-49-9 (Supp. 2013).

Rule 3.03.3-1 - Examination or Investigation

- A. In accordance with *Mississippi Code Ann.*, Section 75-49-9(7), the Commissioner shall investigate and examine all applicants for all licenses by holding such hearings as he shall deem necessary or conducting investigations or examinations, or any combination thereof, as to the fitness or expertise of the applicant for the type of license for which the applicant applied. A license shall be granted only to a person who bears a good reputation for honesty, trustworthiness, integrity and competency to transact the business in such a manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the Commissioner.
- B. In accordance with *Mississippi Code Ann.*, Section 75-49-9(8), the Commissioner shall take all applicants under consideration after having examined them through oral or written examinations, or both, before granting any license. If the applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible, full-time managing employees; and if a partnership or corporation or any other type of business or organization, by the examination of one or more of the responsible, full-time managing officers or members of the executive staff of the applicant's firm. Every application by an individual for a license to sell, transport, or install factory-built homes shall be verified by the oath or affirmation of the applicant, and every such application by a partnership or corporation shall be verified by the oath or affirmation of a partner or an officer thereof. The applications for licenses shall be in such form and detail as the Commissioner shall prescribe.

Source: *Miss. Code Ann.* §75-49-9 (Supp. 2013).

Rule 3.03.3-2 - Expenses for Examination or Investigation

All expenses of the examination or investigation incurred by the Commissioner of Insurance or his designee in determining the fitness or expertise of the applicant inside or outside this state shall be borne by the entity or person being examined or investigated. Such expenses of an examination or investigation pursuant to this section may include, but are not limited to, staff time, travel, lodging, per diem, and any other expenses related to the examination or investigation. At a reasonable time following completion of each examination or investigation, the Commissioner of Insurance or his designee shall provide the entity or person examined or

investigated an invoice for the expenses incurred during the examination or investigation. Payment of the invoiced amount is due within thirty days of the date of the invoice.

Source: *Miss. Code Ann.* §75-49-9 (Supp. 2013).

Rule 3.03.3-3 - Renewal of Privilege License

- A. Pursuant to *Mississippi Code Ann.*, Section 75-49-9(10), every license issued herein shall be issued annually and shall expire on June 30 following the date upon which it was issued. License fees shall not be prorated for the remainder of the year in which the application was made but shall be paid for the entire year regardless of the date of the application. The Commissioner shall on or before April 30 of each year forward a "Notice of Renewal" by regular United States mail to each licensee at his or its last known mailing address.
- B. After depositing the "Notice of Renewal" in the United States mail, the Commissioner shall have no other duty or obligation to notify the licensee of the expiration of his or its annual license. The failure of the licensee to obtain a renewal license on or before June 30 of the ensuing license period shall act as an automatic suspension of the license unless the Commissioner, for good cause shown in writing and the payment of an amount equal to double the renewal fee for said delinquency, lifts the suspension and issues the renewal license. During the period of suspension, any practice by the licensee under the color of such license shall be deemed a violation of this Regulation.
- C. Annual renewal applications shall be accompanied by copies of approved certificates of training. All required documentation for license renewal shall be submitted by the licensee to the Factory-Built Home Division. Annual renewal of a license shall require, **as a condition precedent to the renewal thereof**, that the licensee verify by oath or affirmation, in writing, the following factors:
 - 1. A retailer shall submit proof that he maintains a retail sales lot in accordance with all rules and regulations promulgated by the Commissioner and that the retailer's lot has three (3) retail display units for sale available on his retail lot.
 - 2. A developer shall submit proof that he has at least five (5) available modular home lots/sites.
 - 3. An installer/transporter shall submit proof of attending eight (8) hours of training per licensing year (July 1 – June 30), as provided, approved, or recommended by the Factory-Built Home Division of the State Fire Marshal's Office.
 - 4. A modular home contractor shall submit proof of the following:

- a. A copy of a current factory-built home retailer's privilege license as issued by the Mississippi State Fire Marshal's Office; **or**
- b. A current residential builder's license as issued by the Mississippi State Board of Contractors.

Source: *Miss. Code Ann.* §75-49-9 (Supp. 2013).

Rule 3.03.3-4. - Operating Without a License

- A. Any company/individual who is found to be operating without an appropriate license in the State of Mississippi shall:
 - 1. Show good cause in writing to the Factory-Built Home Division of the State Fire Marshal's Office why this violation occurred and the approximate number of homes sold prior to obtaining a license.
 - 2. Request a retailer, developer, or modular home contractor's license application. The completed application shall be returned to the Factory-Built Home Division, signed and notarized, together with a check for \$150.00 payable to the Office of the State Fire Marshal.
 - 3. Schedule with the State of Mississippi to attend an 8-hr training course and have passed a written examination (passing score of 70 or above).
 - 4. Set an inspection date with the State Fire Marshal's Office which is required to verify compliance with this chapter prior to issuance of license.
 - 5. Be subject to penalties set forth in *Mississippi Code Ann.*, Section 75-49-19, which section is entitled "Violations; Penalties; Exceptions."
- B. After July 1, 2005, the Commissioner, upon application, may issue a temporary license to persons or companies who are non-residents of this state and who otherwise are licensed transporters or installers in another state. Such temporary license shall remain in force for a period not to exceed thirty (30) days, unless extended for an additional period, not to exceed 120 days, by the Commissioner or until a contract with a Mississippi-licensed entity to transport or install has been completed during the period of the temporary license. Within five (5) days of any non-resident applicant making delivery or beginning work as a transporter or installer under this section, the non-resident transporter or installer shall provide a copy of their out-of-state license, proof of insurance, and certification, in writing, to the Commissioner that the state in which such non-resident

applicant is licensed has laws and regulations that provide safeguards equally effective to applicable Mississippi laws and this implementing Regulation.

Source: *Miss. Code Ann.* §75-49-19; §75-49-1, *et seq.* (Supp. 2013).

Rule 3.03.3-5 - License Exceptions

Pursuant to *Mississippi Code Ann.*, Section 75-49-9, the following entities or individuals are not required to have a privilege license:

1. An individual relocating and installing a manufactured modular home only within the boundaries of their personal property (defined as “Self-Set”), is the owner thereof, or the manufactured home is owned by a member of the individual's family, and the home is not intended for sale, exchange, lease or rent. 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 manufactured home upon a public right of way shall require a licensed installer/transporter to provide this service.
2. An individual performing maintenance, repairs, or corrections to an installation of a modular home for the purpose of customer service on behalf of manufacturers, retailers or developers;
3. An installer/transporter that conducts interstate transport of a manufactured modular home through the State of Mississippi for manufacturers, retailers or developers and does not install at home sites intended for human habitation.

Source: *Miss. Code Ann.* §75-49-9 (Supp. 2013).

Rule 3.03.4: Manufacturers

- A. All manufacturer applicants shall certify in the application that they will fully comply with "modular homes" as defined in Section 102(X) of this Regulation, which is defined as a structure which is (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code [the IRC as defined herein] and (iv) designed to be permanently installed at its final destination on an approved foundation construction in compliance with a nationally recognized building

code. The term “modular home” does not include manufactured housing as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974.” In other words, manufacturer applicants shall certify in the application that they will comply with the above-defined standards which involve a structure which is primarily designed: (i) to provide permanent living quarters for year-round use, (ii) to include a gross area exceeding 400 square feet in the set-up mode, and (iii) is built to the IRC. This section does not apply to structures built under the 24 CFR 3280 and CFR 3282 of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C.S. 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000, (HUD Code – which regulates manufactured homes for year-round use with more than 400 square feet) and the American National Standards Institute (ANSI) A119.5 (which regulates “park model homes” for seasonal use, with less than 400 square feet, and built to ANSI A119.5 Standards).

- B. All manufacturers of modular homes shall certify in the application that they will fully comply with the Mississippi Insurance Department Regulation Number ME-2007-3, which is entitled “Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes.”
- C. All manufacturer of modular homes shall certify in the application that approval of a building system shall bear the signature and seal of a responsible architect and/or engineer, duly registered in the State of Mississippi or in states whose licenses are recognized by the State of Mississippi, certifying that the building system complies with the Standards, as defined in ARTICLE II. – STANDARDS, of this Regulation.
- D. All manufacturer applicants of modular homes shall certify in the application that approval of a building system shall bear the signature and seal of a Mississippi-approved third-party agency certifying that the building system complies with the Standards, as defined in ARTICLE II., STANDARDS, of this Regulation.
- E. All manufacturer applicants of modular homes shall certify in the application that approval of a building system shall bear the initial and seal of the State Fire Marshal's Office, certifying that the building system complies with the Standards, as defined in ARTICLE II, STANDARDS, of this Regulation.
- F. After July 1, 2005, every manufacturer of modular homes shall submit written certification stating that the contractor installer or modular home contractor is qualified to install their modular home. If, for just cause, a manufacturer revokes a contractor installer's or modular home contractor's certification, he shall give written notification to the Factory-Built Homes Division within five (5) working days. Manufacturers of modular homes are permitted in accordance with their manufacturer's license to install modular homes constructed by their company. If a modular manufacturer installs modular

homes built by other modular manufacturers holding themselves out for hire to the public, they will be required to obtain an installer/transporter's license.

Source: *Miss. Code Ann. §75-49-1, et seq.* (Supp. 2013).

Rule 3.03.5: Design Review/ Construction Inspection

All approved modular home design review/construction inspection agency applicants of modular homes shall certify in the application that they will fully comply with the International Residential Code, the Uniform Standards Code for Factory-Built Homes Law, codified at *Mississippi Code Annotated*, Section 75-49-1 *et seq.*, and this Regulation.

1. Approval

- a. No person shall act as a design review/construction inspection agency under this Regulation without a valid Letter of Approval from the Commissioner, acting through the State Deputy Fire Marshal and the Factory-Built Home Division (hereinafter referred to as "Division").
- b. An application for approval as a design review/construction inspection agency shall be submitted on the requesting company's stationery. The application for approval shall be accompanied by a prospectus describing:
 - i. The applicant's qualifications to review plans, specifications, and building systems of modular building units or components for compliance with the Standards, as defined in this Regulation.
 - ii. The education and qualifications of the employees who would conduct the actual reviews of plans, specifications, and building systems.
 - iii. The management and professional personnel (including an architect or engineer duly registered in the State of Mississippi) responsible for compliance with these provisions of this Regulation.
 - iv. The applicant's experience in third-party design review/construction inspection.
 - v. The applicant's organizational structure.

- c. The Division shall be notified in writing of any change in the information furnished in an application within thirty (30) days of such change.
- d. The Division shall issue a Letter of Approval to qualified applicants.
- e. All approvals issued under this Regulation shall expire on June 30 of each year.
- f. An application for renewal of an approval shall be submitted on the form prescribed by the Division.

Source: *Miss. Code Ann. §75-49-1, et seq.* (Supp. 2013).

Rule 3.03.5-1: Approved Design Review Agencies

A. Each approved design review agency shall do the following:

- 1. Investigate, evaluate, test, and, if justified, approve under the Standards, as defined herein, each set of building system documentation (or amendment thereto) submitted by the manufacturer(s) which such agency serves.
- 2. Investigate, evaluate, test, and, if justified, approve the compliance assurance program (or amendment thereto) relating to the manufacture of modular homes and components described in each set of building system documentation submitted to such agency.
- 3. Prepare and periodically revise, as necessary, the building system approval report for each set of approved building system documentation and related compliance assurance program.
- 4. Prepare all reports which the Division may reasonably require in carrying out its responsibilities under this Regulation.
- 5. Submit three (3) copies of third-party sealed plans, bearing the signature and seal of the responsible architect and/or engineer, duly registered in the State of Mississippi, to State Fire Marshal's Office.

B. Nothing in this Regulation shall preclude the Division from approving a qualified person or entity as both a design review and construction inspection agency.

Source: *Miss. Code Ann. §75-49-1, et seq.* (Supp. 2013).

Rule 3.03.5-2: Building Systems and Compliance Assurance Programs

Approval Required.

1. No modular home or component shall be manufactured for sale or installation in this state until the building system and compliance assurance program therefor have been approved by an approved design review agency.
2. Separate approval of a building system and compliance assurance program must be obtained for each location at which the manufacturer intends to produce modular homes or components.
3. The manufacturer shall submit three (3) copies of proposed building system and compliance assurance program documentation to an approved design review agency in the manner prescribed in this rule.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.5-3: Submission of Building Systems

General Requirements:

1. An application for approval of a building system shall bear the signature and seal of the responsible architect and/or engineer, duly registered in the State of Mississippi, certifying that the building system complies with the Standards defined herein.
2. All documents submitted with the application shall indicate the manufacturer's name, office address, and the address of the manufacturing facility.
3. The manufacturer shall submit plans showing all elements relating to specific systems on properly identifiable sheets. All sheets shall contain a blank rectangular space near the title box for the approved design review agency's stamp of approval.
4. All work to be performed on-site, including locations of connections for all systems, equipment, and appliances shall be identified and distinguished from work to be performed in the manufacturing facility.
5. The nature, grade, and quality of all materials shall be specified.
6. Design calculations and test reports shall be submitted when required by the Division.

7. Drawings shall be drawn to scale, dated, and identified. Further, the number of sheets in each set shall be numbered.
8. Drawings shall indicate the location of the label and data plate.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.5-4: Required Construction Details

The building system for a modular home shall provide or show, but not be limited to, the following details, including the method of their testing or evaluating (or both)

1. General Detail Requirements
 - a. Details and methods of installation of modular building units or components on foundations and/or to each other.
 - b. Attic access and attic ventilation.
 - c. Sizes, locations, and types of doors and windows.
 - d. Recommended foundation plans, vents, and under floor access.
 - e. Insulation value for water, piping, air ducts, walls, attic flues, and ground flues (if above grade).
 - f. Information contained in the manufacturer's data plate.
2. The requirements of this subparagraph (b) shall apply to building systems for components only to the extent deemed necessary by the approved design review agency to permit proper evaluations of such components.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.5-5: Submission of Compliance Assurance Programs

- A. General Requirements - It is the responsibility of the manufacturer to take the following actions:
 1. Execute every aspect of its compliance assurance program.
 2. Take any required corrective action with respect to such program.

- B. The manufacturer shall cooperate with the approved construction inspection agency by providing such agency with all necessary reports, information, documents, records, facilities, equipment samples, and other assistance for assuring compliance.
- C. An application for approval of a compliance assurance program shall be submitted in the form of a compliance assurance manual containing complete documentation of all the compliance assurance activities of the manufacturer. The manual shall include an index and shall treat in detail the following material:
1. Organizational Structure.
 - a. An organizational structure (including names, training, and qualification of responsible officers and employees) for implementing and maintaining the compliance assurance program and its functional relationship to other elements of the manufacturer's organizational structure. The personnel in charge of the compliance assurance program must be independent of the production department.
 - b. A uniform system of audit (in-depth analysis of program effectiveness and means to identify deficiencies) to monitor program performance periodically.
 - c. A system to control changes in production or inspection procedures.
 - d. A system to assure that working drawings and specifications, working instructions and standards, procurement documents, etc., conform to the approved building system.
 - e. A serial numbering system for modular building units or components.
 - f. The method of storing, handling, issuing, attaching, and accounting for all labels to assure that they are attached only to modular building units or components manufactured pursuant to an approved building system and inspected pursuant to an approved compliance assurance program.
 - g. A procedure for periodic revision of the manual.
 2. Materials Control
 - a. Procedures for inspection of materials, supplies, and other items at the point of receipt.

- b. Method for protection of materials, supplies, and other items against deterioration prior to their incorporation into the labeled modular building unit or component.

3. Production Control.

- a. Procedures for timely remedial and preventive measures to assure product quality.
- b. Provision, maintenance, and use of testing and inspecting equipment to assure compliance with the approved building system.
- c. Provision of necessary authority to reject defective work and carry out compliance assurance functions, notwithstanding any conflict with production department goals and needs.
- d. A schematic detail of the manufacturing operation showing the location of inspection stations and “hold” points for mandatory inspection characteristics.
- e. Inspection and test procedures, including accept/reject criteria and mandatory inspection characteristics.
- f. Standards of workmanship.
- g. Provision for disposal of rejects.

4. Finished Product Control

- a. Procedure for final inspection of all modular home or components before shipment to the site or storage point, including identification and labeling.
- b. Procedure for handling and storing all finished modular homes or components, both at the manufacturing plant or other storage point and after delivery to the site.
- c. Procedure for packing, packaging, and shipping operations and related inspections.

5. Installation Control.

- a. Installation procedures, including component placement, equipment, and procedures, field erection and finishing work, utility connection

instructions, and all appropriate on-site inspection criteria and test descriptions.

- b. Organization provisions for field repair and disposal of rejects.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.5-6: Review and Approval

- A. The approved design review agency shall evaluate the building system and compliance assurance program documentation to determine compliance with the Standards defined herein. Such agency may require tests to determine whether a building system or compliance assurance program meets the Standards defined herein if that determination cannot be made from an evaluation of the plans, specifications, and documentation alone.
- B. The approved design review agency shall approve the manufacturer's building system and compliance assurance program when it determines that they meet the Standards as defined herein. Within thirty (30) days of approval, such agency shall forward to both the manufacturer and the Division a complete copy of the approved building system and compliance assurance program documentation and the building system approval report. Each transmittal to the Department of a set of approved documentation for a modular homes or component shall be accompanied by an administrative fee.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.5-7: Variations.

- A. No approved building system (or amendment thereto) shall be varied in any way without prior authorization by the approved design review agency. If such authorization is oral, it shall be confirmed in writing within ten (10) days.
- B. All approved variations shall be made a part of the written record of the approval of the building system.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.5-8: Withdrawal of Approval.

- A. The Division or approved design review agency may withdraw the approval of any building system or compliance assurance program if one of the following conditions occurs:
 - 1. Such approval was granted in error;

2. Such approval was granted on the basis of incorrect information; or
 3. Such building system or compliance assurance program fails to comply with the provisions of this Regulation.
- B. The Division or agency instituting withdrawal of approval shall notify the manufacturer in writing within ten (10) days of the effective date of such withdrawal. Such notice shall clearly set forth the reasons for the withdrawal of approval.
- C. Upon such withdrawal of approval, the manufacturer shall not attach a label to any modular home or component manufactured pursuant to the building system or compliance assurance program whose approval was withdrawn. However, the department or approved construction inspection agency may thereafter label such unit or component as it determines to be in compliance with the Standards defined hereinafter a complete inspection.
- D. The manufacturer shall return all unused labels allocated for modular building units or components to the Division within thirty (30) days after the effective date of withdrawal of approval of the building system or compliance assurance program pursuant to which such units or components are manufactured. The manufacturer shall also return to the Division all labels which it determines for any reason are no longer needed.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.5-9: Approved Construction Inspection Agencies

General Requirements

1. In addition to the requirements imposed on a Construction Inspection Agency in Section 304 herein, each approved construction inspection agency shall comply with the following requirements:
 - a. Monitor the compliance assurance program of each manufacturer which such agency serves;
 - b. Verify that modular homes and components have been manufactured pursuant to approved building system documentation and approved compliance assurance program;
 - c. Authorize the attachment of labels to such modular homes and components; and

- d. Prepare all reports which the Division may reasonably require in carrying out its responsibilities under this Regulation.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.5-10: Initial Plant Certification Inspection

- A. No data plate shall be affixed to any modular home or component until the approved construction inspection agency has completed an initial plant certification inspection of the manufacturer's facility.
- B. The initial plant certification inspection shall consist of a complete evaluation of the manufacturer's adherence to its compliance assurance program and capability of producing unit or component in accordance with approved building system.
- C. The approved construction inspection agency shall become familiar with every aspect of the manufacturer's approved building system and compliance assurance program.
- D. The approved construction inspection agency shall make a complete inspection of the manufacturer of at least one (1) modular building unit and any component(s) pertaining to that particular unit throughout all of the operation in the facility. If the first unit or component inspected fails to conform to the Standards defined herein, additional units or components shall be similarly inspected until the agency is satisfied that the manufacturer is complying with an approved building system and the Standards defined herein.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.5-11: Plant Certification Report

If on the basis of the initial plant certification inspection, the approved construction inspection agency determines that the manufacturer is in compliance with its approved building system, compliance assurance program, and the Standards defined herein, the agency shall prepare and forward to the Division a certification report. The certification report shall include the following information:

- 1. The name and address of the manufacturing facility;
- 2. The name of the approved design review agency which approved the manufacturer's building system and compliance assurance program, and the dates of such approvals;
- 3. The names and titles of the inspection agency personnel performing the initial plant certification inspection;

4. The serial numbers of the modular homes or components inspected;
5. A full report of all inspections conducted, non-conformities observed, and corrective actions taken, and;
6. The date of certification.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.5-12: Frequency of Inspections

- A. After the initial plant certification, the approved construction inspection agency shall inspect as follows:
 1. Each modular home or component in at least one stage of construction;
 2. Every stage of construction during the course of each inspection visit to a manufacturing facility.
 3. Conduct unannounced inspections at the manufacturing site to review any aspects of the manufacturing process.
- B. However, nothing in this section shall preclude an approved construction agency from conducting inspections at a greater frequency than the minimum prescribed herein if, in the agency's professional judgment, such action is necessary to discharge its responsibilities properly. In determining the appropriate frequency of inspection for any manufacturer, an approved construction inspection agency should consider such factors as:
 1. The production volume of the factory;
 2. The complexity of the design;
 3. The qualifications of the manufacturer's quality control personnel; and
 4. The experience record of the manufacturer.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.5-13: Data Plates

- A. The approved construction inspection agency of modular homes shall permanently attach, in a visible location as shown on the modular home, a data plate to each modular home or component accepted as having been manufactured in accordance with the Standards defined herein. The data plate shall contain the following information:
1. The manufacturer's name and address;
 2. The serial number of the unit or component;
 3. The label serial number;
 4. The date of manufacture;
 5. The name of the manufacturer and the model designation of each major factory installed appliance;
 6. The title and edition of each applicable nationally recognized code with which the unit or component complies. Compliance with each applicable nationally cognized code shall be verified by the Mississippi architect or engineer's signature and seal; and
 7. Snow, wind, seismic, and other live loads as required in Chapter 3 of the IRC;
- B. The data plate(s) shall be attached to the modular building unit or component in the vicinity of the electrical distribution panel, or in some other location where it will be readily accessible for inspection. The data plate contains all relevant information regarding construction standards as they may be revised or amended.
- C. If, in the opinion of the Division, the shape or size of a component is such that a data plate cannot be attached to it permanently, the information required by this Regulation may be placed as follows:
1. In a manual, enclosed with the component, if such information will be needed by future occupants of the building; or
 2. On the shipping container in which the component is shipped, if such information will not be needed by future occupants of the building.
 3. However, if life safety is affected, the item in question shall be plainly designated.
- D. The Division will supply data plates to approved construction inspection agencies upon request. Each data plate will bear the following statement:

“This unit has been constructed in compliance with the International Residential Code, as published by the International Code Council, Birmingham, AL, as required by “The Uniform Standards Code For Factory-Built Homes Law” (Modular Homes), Mississippi Code Ann., Section 75-49-1, *et seq.*

- E. If the approved construction inspection agency determines that a manufacturer’s record of compliance is such that the agency need not maintain an inspector in the plant at all times, such agency may entrust data plates to the custody of one or more employees of the manufacturer. Such employees shall not be given custody of more data plates than are necessary to accommodate the manufacturer’s anticipated production for one month. If the conditions of such custody are violated, the approved construction inspection agency shall immediately regain possession of all data plates that have not been attached to modular homes or components. The approved construction inspection agency shall take such further action with respect to units or components already labeled, and with respect to future labeling, as the agency may deem necessary to assure compliance with this Regulation.
- F. The approved construction inspection agency and, if entrusted with labels as provided in paragraph (e) above, the manufacturer shall keep permanent records of the handling of all data plates. A copy of such records shall be sent to the Division upon request. The records shall specify at least the following information:
 - 1. The number of data plates attached to modular homes or components;
 - 2. The identity of each unit or component to which a data plate has been attached and the serial number of such data plate, including, but not limited to, the serial number for the unit/component and the data therefor;
 - 3. The disposition of any damaged or rejected data plates; and
 - 4. The location and custody of all unused data plates.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.5-14: Fees for Data Plates

- A. An administrative fee shall be charged for each data plate to be attached to a modular home or component.
- B. The fee for replacement of a lost, damaged, or removed data plate shall be an administrative fee per data plate.

- C. The approved construction inspection agency shall collect all data plate fees from the manufacturer before assigning data plates for attachment in a plant or entrusting data plates to the manufacturer's custody as provided in Section 304.4 E of this Regulation.
- D. Data plate fees shall be paid for by check or money order made payable to the Office of the State Fire Marshal.

Source: *Miss. Code Ann.* §75-49-5; §75-49-9 (Supp. 2013).

Rule 3.03.5-15: Alterations of Labeled Units (Data Plates)

- A. No modular home or component bearing a data plate shall be modified prior to or during installation unless an approved design review agency has approved the modification and the unit which includes the modification.
- B. An approved construction inspection agency must inspect any modified component wherever it is located. Such inspection may include such tests or destructive or nondestructive disassembly as such agency deems necessary to assure compliance with this Regulation.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.5-16: Removal of Data Plates

- A. The Division or an approved inspection agency shall remove or cause to be removed any data plates from modular homes or components found not to comply with the manufacturer's approved building system or approved compliance assurance program.
- B. The Division or agency instituting removal of a data plate shall send the manufacturer a written notice setting forth the reasons for such removal within ten (10) days thereafter.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.5-17: Installation Procedures

- A. The installation of a modular home or component shall conform to the specifications contained in the manufacturer's approved building system.
- B. The manufacturer, retailer, modular home contractor, and developer shall furnish the installer and affected local government, if requested, a complete set of installation specifications at least ten (10) days prior to the commencement of installation work.
- C. Specific installation procedures provided by the manufacturer shall include the following:

1. Connection details of modular home or components to the foundation.
2. Structural connections between the modular home and component.
3. Connections required completing the mechanical and/or utility system.
4. Any special conditions affecting other structural elements.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.6: Retailers

In order to protect the health, safety, and welfare of the public of the State of Mississippi, each applicant for a retailer's license shall comply with the following requirements:

1. Demonstrate to the Commissioner that he has a good general working mechanical knowledge of modular home construction and repair;
2. Demonstrate to the Commissioner that he has a good practical working knowledge of and will comply with the requirements of the International Residential Code, as they pertain to the responsibilities of a retailer to properly safeguard the public interest;
3. Demonstrate to the Commissioner that he has an adequate space to display his modular homes at each sales lot. Each sales lot shall comply with the following requirements:
 - a. Maintain a permanent sales office at each sales lot. Each permanent office at each sales lot shall have running water and sewer facilities for public comfort and convenience and shall comply with the county health department regulations and other applicable safety standards for a permanent sales site in the county or municipality in which it is located.
 - b. Comply with all local ordinance signage requirements. If there are no municipal or county signage requirements, each sales lot sign shall be at least four (4) feet by eight (8) feet in size, with lettering at least twelve (12) inches high. This sign shall be prominently located on the site for viewing by the public.
4. Demonstrate to the Commissioner that he has or shall have adequate facilities for the repair and servicing of modular homes and storage of parts and accessories and that he has at least one operable service truck.

Exception: If the retailer is subcontracting with other entities for the installation, repair, and service of modular homes, then the retailer shall provide a duplicate of the executed subcontract to the Commissioner. This subcontract shall contain a clause stating that the Commissioner will be notified in writing thirty (30) days in advance of any cancellation of the subcontract.

5. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of these Regulations, ME-2007-3, as they pertain to the responsibilities of a retailer to properly safeguard the public interest. No retailer shall use transportation affecting interstate or foreign commerce or the United States mail to sell, lease, or offer for sale or lease in the State of Mississippi any modular home unless the retailer, acting as a reasonable retailer, does not know that the modular home does not conform to applicable Standards as defined herein. This sales prohibition applies to any affected modular home through the completion of the entire sales transaction. A sales transaction with a purchaser is considered complete when all the goods and service that the retailer agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale occurs at the time the retailer completes setup of the modular home if the retailer has agreed to provide setup; however, if the retailer has not agreed to transport or setup the modular home, this sales prohibition does not apply.
6. Ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training and that thereafter they will attend an additional eight (8) hours training every three (3) years. This training must be approved and/or provided by the Factory-Built Home Division. Retailers shall display the current training certificates of all sales staff at the retailer's current business location. The employer of the sales staff is responsible for submitting in writing to the Factory-Built Home Division a list of all sales staff, their dates of employment, and proof of the required training.

Source: *Miss. Code Ann.* §75-49-9 (Supp. 2013).

Rule 3.03.6-1: Retailers' Temporary Promotional Activity

Nothing in this Regulation shall prohibit a licensed Mississippi retailer that has a permanent sales center from conducting a temporary promotional activity to retail consumers at a location other than its licensed permanent retailer location provided the following provisions are satisfied:

1. The licensed Mississippi retailer shall provide thirty (30) days' advance written notice to the Factory-Built Home Division of the State Fire Marshal's Office of this promotional activity through submission of a license application for the promotional activity. The licensed Mississippi retailer shall submit with this license application any applicable county or municipal permits and shall allow adequate time for site inspection by the State Fire Marshal's Office.
2. Any license issued for a temporary promotional activity will be effective only for that period of time (actual days) during which sales are actively solicited or the period of time during which homes are promoted by the retailer. However, the temporary promotional activity must not exceed seventeen (17) consecutive days in duration and may not be repeated at the same location within the next six (6) months.
3. The temporary promotional activity must occur within the county in which the retailer has a licensed permanent sales center or within a fifty (50) miles radius of the location of the permanent licensed Mississippi sales center location, whichever is greater.
4. There must be adequate space to display the modular homes at the temporary promotional site.
5. The temporary promotional site shall have running water and sewer facilities for public comfort and convenience and shall comply with the health and safety standards, as well as with other applicable local ordinance requirements, for a temporary sales site in the county or municipality in which the site is located.
6. If there are no municipal or county signage requirements, the temporary promotional site shall have 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 permanently-licensed sales center/location of the retailer. This sign shall be prominently located on the temporary promotional site for viewing by the public.
7. A separate license must be issued 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 such site.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.7: Developers

In order to protect the health, safety, and welfare of the public of the State of Mississippi, each applicant for a developer's license shall comply with the following requirements:

1. Demonstrate to the Commissioner that he has a good general working/mechanical knowledge of modular home construction and repair;
2. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which modular homes are installed in accordance with the rules, regulations, and procedures that are promulgated by the Commissioner;
3. Demonstrate to the Commissioner that he has or shall have adequate facilities for the repair and servicing of modular homes, for the storage of parts and accessories, and that he has at least one operable service truck. If, however, the developer is subcontracting to other entities all installation, repair, and service, then he shall provide a duplicate of the executed subcontract therefor to the Commissioner. This subcontract shall contain a clause stating that the Commissioner shall be notified in writing 30 days in advance of any cancellation of the subcontract.
4. Demonstrate to the Commissioner that he has an adequate space to display his modular homes at each development site and that he has or shall maintain a permanent sales/business office within the State of Mississippi. This permanent sales/business office shall have running water and sewer facilities for public comfort and convenience, shall comply with all local ordinance signage requirements, and shall comply with the county health department regulations and other applicable safety standards for a permanent structure in the county or municipality in which it is located. If there are no municipal or county signage requirements, the developer's sign shall be at least four (4) feet by eight (8) feet in size, with lettering at least twelve (12) inches high. This sign shall be prominently located on the site for viewing by the public.
5. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the Rules and Regulations for the Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes, (ME-2007-3), as they pertain to the responsibilities of a developer to properly safeguard the public interest. No developer shall use transportation affecting interstate or foreign commerce or the United States mail to sell, lease, or offer for sale or lease in the State of Mississippi any modular home unless the developer, acting as a reasonable developer, does not know that the modular home does not conform to applicable Standards as defined herein. This sales prohibition applies to any affected modular homes through completion of the entire sales transaction. A sales transaction with a purchaser is considered complete when all the goods

and service that the developer has agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale occurs at the time the developer completes setup of the modular home if the developer has agreed to provide setup; however, if the developer has not agreed to transport or setup the modular home, this sales prohibition does not apply;

6. Ensure that within one (1) year of employment, all sales staff will attend eight (8) hours training and that, thereafter, they will attend an additional eight (8) hours training every three (3) years. This training must be approved and/or provided by the Factory-Built Home Division. The developer shall display current training certificates of all sales staff at the developer's current business location. The employer of the sales staff is responsible for submitting in writing to the Factory-Built Home Division a list of all sales staff, their dates of employment, and proof of the required training.
7. To ensure compliance with *Mississippi Code Ann.*, Section 75-49-9(2), it shall be the responsibility of each developer to submit an Installation Property Locator form to the Factory-Built Home Division of the State Fire Marshal's Office for each modular home that is scheduled to be delivered or installed. This Installation Property Locator form must be submitted during the regular business hours of the State Fire Marshal's Office. Further, this form must be submitted seventy-two (72) hours, (3 days), **prior** to delivery or installation of the modular home. The purpose of the Installation Property Locator form is to enable the Factory-Built Home Division to conduct random inspections as required by this Regulation.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.8: Modular Home Contractors

In order to protect the health, safety, and welfare of the public of the State of Mississippi, each applicant for a Modular Home Contractor's license shall comply with the following requirements.

1. Submit a copy of a current factory-built home retailer's privilege license as issued by the Mississippi State Fire Marshal's Office; or
2. Submit a current residential builder's license as issued by the Mississippi State Board of Contractors.
3. Demonstrate to the Commissioner that he has a good general working/mechanical knowledge of modular home construction.

4. Demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which modular homes are installed in accordance with the rules, regulations, and procedures that are promulgated by the Commissioner;
5. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the Rules and Regulations for the Uniform Standards Code for the Factory-Built Homes Law as Related to Modular Homes, (ME-2007-3), as they pertain to the responsibilities of a modular home contractor to properly safeguard the public interest. No modular home contractor shall use transportation affecting interstate or foreign commerce or the United States mail to sell, lease, or offer for sale or lease in the State of Mississippi any modular home unless the modular home contractor, acting as a reasonable modular home contractor, does not know that the modular home does not conform to applicable Standards as defined herein. This sales prohibition applies to affected modular homes through the completion of the entire sales transaction. A sales transaction with a purchaser is considered complete when all the goods and services that the modular home contractor agreed to provide at the time the contract was entered into have been provided. Completion of a retail sale occurs at the time the modular home contractor completes setup of the modular home if the modular home contractor has agreed to provide setup; however, if the modular home contractor has not agreed to transport or setup the modular home, this sales prohibition does not apply;
6. Ensure that within one (1) year of employment, all installation staff, including, but not limited to, supervisors, superintendents, and others overseeing or carrying out installation will attend eight (8) hours training per licensing year to be approved and/or provided by the Factory-Built Home Division of the State Fire Marshal's Office.
7. To ensure compliance with *Mississippi Code Ann.*, Section 75-49-9 (2), it shall be the responsibility of each modular home contractor to submit an Installation Property Locator form to the Factory-Built Home Division of the State Fire Marshal's Office for each modular home that is scheduled to be delivered or installed seventy-two (72) hours, (3 days), **prior** to the delivery or installation of the home. This Installation Property Locator form must be submitted during the regular business hours of the State Fire Marshal's Office. The purpose of the Installation Property Locator form is to enable the Factory-Built Home Division to conduct random inspections as required herein. A modular home contractor shall be responsible for installation requirements for modular housing as set forth in this Regulation.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.9: Installer/Transporter

In order to protect the health, safety, and welfare of the public of the State of Mississippi, each applicant for an installer/transporter license shall comply with the following requirements:

1. Prior to the issuance of a privilege license:
 - a. Verify in writing and/or submit a copy of an appropriate training certificate that he has attended an approved eight (8) hour installation and set-up training class.
 - b. Demonstrate to the Commissioner that he has obtained a written certification from each manufacturer of any modular home he will be installing by providing a copy of the manufacturer certification(s) to this Division.
2. Demonstrate to the Commissioner that he has a good general working/mechanical knowledge of modular home construction and repair.
3. Demonstrate to the Commissioner that the set-up crew shall insure that the modular home manufacturer's installation instructions shall be available on the job site at the time of installation and/or inspection, as required by the Factory-Built Home Division of the State Fire Marshal's Office.
4. Demonstrate to the Commissioner that he has a good general knowledge of and will comply with the requirements of the International Residential Code, as it pertains to the responsibilities of installers or transporters to properly safeguard the public interest.
5. Demonstrate to the Commissioner that he is in compliance with the applicable requirements of the Mississippi Department of Transportation (MDOT), as the regulatory agency for transportation in the State of Mississippi. All licensees (manufacturers, retailers, modular home contractors, developers, and installer/transporters) shall comply with the requirements regarding transportation of modular homes under the jurisdiction of MDOT in the State of Mississippi.
6. Demonstrate that he will attend eight (8) hours of training per licensing year (July 1 - June 30) as provided by, approved by, or recommended by the Factory-Built Home Division of the State Fire Marshal's Office.

7. All installer/transporters, retailers, modular home contractors, and developers who install modular homes shall be required to display a license decal on the driver's door and passenger door of all trucks (toter) and service vehicles. The original decal will be issued by the State Fire Marshal's Office/Factory-Built Home Division, based upon the number requested in an application submitted by the licensee at time of renewal. Any additional decals required by the licensee will have to be requested by application submitted to the Division. This decal shall be color coded to denote the current date of the licensing period. The decal must be placed on the driver's door and passenger door of the vehicle in plain view to verify the existence of a current license.
8. On or from July 1, 2005, after the receipt of verifiable information from any source, all independent contract installers retained by homeowners, retailers, developers, modular home contractors, or manufacturers shall be subject to the fines as set forth in this Regulation for the improper installation of modular homes.
9. All independently contracted installers/transporters, retailers, developers, modular home contractors, or manufacturers shall permanently attach a serial numbered installation data label near the electrical panel box on each modular home to verify it has been installed in accordance with the manufacturer's specifications and the authority having jurisdiction in coded areas as defined in this Regulation. In the absence of installation manual, all independently contracted installers/transporters, retailers, developers, modular home contractors, or manufacturers shall comply with the State of Mississippi's rules and regulations by doing the following:
 - a. Requesting such installation data labels from the State Fire Marshal's Office, who will supply decals to each licensed retailer, developer, modular home contractor or installer/transporter upon written request. Each installation data label will have the installer's name, address, date of installation, and license number, and will bear the following statement:

THIS FACTORY-BUILT, 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 INSTALLATION 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. (MISSISSIPPI CODE ANN., SECTION 75-49-1 ET SEQ., (1972 AND 2013 SUPP.).
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Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.03.9-1 - Written Examination for Installer/Transporters

Effective July 1, 2005, to demonstrate to the Commissioner that he has a good practical working knowledge of the manner in which modular homes are installed, and in accordance with rules, regulations and procedures promulgated by the Factory-Built Home Division of the State Fire Marshal's Office, every installer/transporter who transports or installs modular homes within the State of Mississippi shall have passed a written examination. A passing score shall be a score of 70 or above. The examination shall consist of questions determined by the Commissioner to establish an applicant's knowledge related to the rules and regulations and administration relative to modular homes in the State of Mississippi and questions specifically related to the practical installation of modular homes in this state. The examination shall be provided by the Commissioner or by testing service acting on behalf of the Commissioner. The applicant is responsible for registering with the testing service to schedule the examination and is responsible for all fees. The applicant shall follow all procedures established with regard to conduct at the examination. Failure to comply with all procedures established with regard to conduct at the examination may be grounds for denial of the application.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.04: Inspection Procedures

Rule 3.04.1: General

To ensure compliance with this Regulation and applicable Mississippi law, the Factory-Built Home Division of the State Fire Marshal's Office shall:

1. Periodically inspect each manufacturing location to assist and insure that modular homes are being constructed in compliance with the International Residential Code and this Regulation.
2. Periodically inspect each modular home contractor, retailer, and developer location to insure that modular homes offered for sale and being installed comply with the International Residential Code and this Regulation.
3. At reasonable hours and without advance notice:
 - a. Inspect any activities carried on by a modular home manufacturer, retailer, modular home contractor, developer, installer, or transporter which are regulated hereunder; and
 - b. Monitor the performance of any approved modular home inspection agency in order to determine whether it is properly discharging its responsibilities under this Regulation.

4. Periodically inspect site locations where modular homes have been delivered by retailers, modular home contractors, developers, or installer/transporters, when such home is to be used for human habitation to insure that the home is properly installed as required by these Regulations and *Mississippi Code Ann.*, Section 75-49-7.
5. Manufacturing plants located in or outside the State of Mississippi, distributors, modular home retailer's sales lots, developer's lots, modular home contractor's construction sites, and installer/transporter's business locations and equipment shall be subject to inspections by State Chief Deputy Fire Marshal, State Deputy Fire Marshal's or their duly authorized representative as required to insure compliance with *Mississippi Code Ann.*, Section 75-49-11, as well as this Regulations.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.04.1-1- Inspection Results and Non-Compliance Tag Attachment

- A. Results of the Division's inspection may be made available to the modular home manufacturers, modular home contractors, retailers or developers upon written request. When serious violations are found, 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 this Regulation 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 as Related to Modular Homes and its implementing Regulation, shall not be sold or offered for sale in the State of Mississippi. Anyone tampering with or removing this Non-Compliance Identification Tag from this unit will be prosecuted as set forth in the Regulation 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 by the non-compliance identification tag.
- D. When the State Fire Marshal has reasonable ground to believe that a unit has been constructed in non-compliance with the Standards as defined herein, he may require, at the manufacturer's 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 this Regulation and having a non-compliance tag attached may be transported and relocated only after written notice has been given to the Factory-Built Home Division of the State Fire Marshal's Office. Such written notice will set forth the purpose for moving such unit, to whom the unit is to be delivered, along with the complete mailing address and telephone number of the person to whom the unit is to be delivered, the serial number of the unit, and any other information as may be requested by the State Fire Marshal's Office.
- F. When these 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. If the unit is then found to be in compliance with the International Residential Code, the inspector shall remove the non-compliance identification tag. The unit can then be sold or offered for sale.
- G. All modular homes, delivered by retailers, modular home contractors, developers or installers/transporters to any site where such home is to be used for human habitation shall be in accordance with all rules, regulations and procedures required by the Factory-Built Home Division of the State Fire Marshal's Office, pursuant to *Mississippi Code Ann.*, Section 75-49-7 (1992 and Supp. 2013).
- H. 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 installers/transporters that are transporting modular homes to verify compliance with The Mississippi Uniform Standards Code for Factory-Built Homes Law, *Mississippi Code Ann.*, Section 75-49-1, *et seq.*, (1992 and 2013 Supp.) and this Regulation.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.05: Hearings, Appeals, And Penalties

Rule 3.05.1: Hearings and Appeals

- A. An administrative review of all licensees' (manufacturers, retailers, developers, modular home contractors and installers/transporters) privilege licenses pursuant to *Mississippi Code Ann.*, Section 75-49-9 (7) (1992 and Supp. 2013), shall be conducted upon receipt of a verifiable written complaint of any nature that exceeds sixty (60) days in length without resolution. This administrative review may result in a possible administrative hearing pursuant to *Mississippi Code Ann.*, Section 75-49-13. The sixty (60) day period shall not serve as a mandatory waiting period. In the appropriate case, the Commissioner may, at his discretion, schedule an administrative hearing prior to the expiration of sixty (60) days.

- B. The Commissioner shall not deny an application for a license without first providing the applicant a hearing, or an opportunity to be heard, on the question of whether he is qualified under the provisions of the applicable Mississippi law and this Regulation to receive the license for which the applicant filed an application.
- C. The Commissioner shall not revoke or suspend a license without first giving the licensee a hearing, or an opportunity to be heard, on the question of whether there are sufficient grounds, under the provisions of the applicable Mississippi law and this Regulation, on which to base such revocation or suspension.
- D. Any interested party shall have the right to have the Commissioner call a hearing for the purpose of taking action in respect to any matter within the Commissioner's jurisdiction by filing with the Commissioner a verified written complaint setting forth the grounds on which the complaint is based.
- E. The Commissioner may on his own motion call a hearing for the purpose of taking action in respect to any matter within his jurisdiction.
- F. When a hearing is to be held before the Commissioner, the Commissioner shall give written notice thereof to all parties whose rights may be affected thereby. The notice shall set forth the reason for the hearing, the questions or issues to be decided by the Commissioner at such hearing, and the time for and place where the hearing will be held. All such notices shall be mailed to all parties whose rights may be affected by such hearing by registered or certified mail, addressed to their last known address.
- G. All parties whose rights may be affected at any hearing before the Commissioner shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against them, and to produce evidence and witnesses in their own behalf. The Commissioner shall make and keep a record of each such hearing and shall provide a transcript thereof to any interested party upon such party's written request and at the party's expense. The Commissioner will provide a transcript to the requesting party AFTER receiving payment for the transcript. Testimony taken at all hearings shall be taken either stenographically or by machine.
- H. If any party who is notified of a hearing as outlined herein fails to appear at such hearing, either in person or by counsel, the Commissioner may make any decision and take any action he deems necessary or appropriate with respect to any issues or questions scheduled for the hearing. In accordance with the applicable Mississippi law and this Regulation, the defaulting party shall have no right to appeal such a decision of the Commissioner.

- I. All decisions of the Commissioner with respect to the hearings provided for in this section shall be incorporated into orders of the Commissioner. All such orders shall be made available during normal office hours for inspection by interested persons.
- J. It shall be the duty of the sheriffs and constables of the counties of this state and of any employee of the Commissioner, when so directed by the Commissioner, to execute any summons, citation, or subpoena which the Commissioner may cause to be issued and to make his return thereof to the Commissioner. The sheriffs and constables so serving and returning same shall be paid for so doing the same fees provided for such services in circuit court. Any person who appears before the Commissioner or a duly designated employee of his department in response to a summons, citation, or subpoena shall be paid the same witness fee and mileage allowance as witnesses in the circuit court. In case of failure or refusal on the part of any person to comply with any summons, citation, or subpoena issued and served as above authorized or in the case of the refusal of any person to testify or answer to any matter regarding which he may be lawfully interrogated or the refusal of any person to produce his record books and accounts relating to any matter regarding which he may be lawfully interrogated, the chancery court of any county of the State of Mississippi, or any chancellor of any such court in vacation, may, on application of the Commissioner, issue an attachment for such person and compel him to comply with such summons, citation, or subpoena and to attend before the Commissioner or his designated employee and to produce the documents specified in any subpoena duces tecum and give his testimony upon such matters as he may be lawfully required. Any such chancery court, or any chancellor of any such court in vacation, shall have the power to punish for contempt, as in case of disobedience of like process issued from or by any such chancery court, or by refusal to testify therein in response to such process, and such person shall be taxed with the costs of such proceedings.
- K. No decision of the Commissioner made as a result of a hearing under the provisions of this section shall become final with respect to any party affected and aggrieved by such decision until such party shall have exhausted or shall have had an opportunity to exhaust all of his remedies provided for by this section; provided, however, any such decision may be made final if the Commissioner finds that failure to do so would be detrimental to the public interest or public welfare, but the finality of any such decision shall not prevent any party or parties affected and aggrieved thereby to appeal the same in accordance with the appellate procedure set forth in this section.
- L. The Commissioner shall prescribe the rules of order or procedure to be used in hearings or other proceedings before him; however, these rules of order or procedure shall not be in conflict or contrary to the provisions of "The Uniform Standards Code for Factory-Built Homes Law," codified at *Mississippi Code Ann.*, Section 75-49-1 *et seq.*

M. In accordance with *Mississippi Code Ann.* Section 75-49-13 (9), the following procedure shall govern in taking and perfecting appeals:

1. Any person who is a party to any hearing before the Commissioner and who is aggrieved by any decision of the Commissioner with respect to any hearing before him, unless prevented by the provisions of paragraph H. of this section, shall have the right of appeal to the chancery court of the county of such person's residence or principal place of business within this state. If any such person is a nonresident of this state, he shall have the right of appeal to the chancery court of the first judicial district of Hinds County, Mississippi. All such appeals shall be taken and perfected within sixty (60) days from the date of the decision of the Commissioner which is the subject of the appeal. The chancery court to which such appeal is taken may affirm such decision or reverse and remand the same to the Commissioner for further proceedings as justice may require or dismiss such decision. All such appeals shall be taken and perfected, heard and determined, either in term time or in vacation, on the record, including a transcript of pleadings and evidence, both oral and documentary, heard and filed before the Commissioner. In perfecting any appeal provided by herein, the provisions of law respecting notice to the reporter and allowance of bills of exceptions, now or hereafter in force, respecting appeals from the chancery court to the supreme court shall be applicable, provided, however, that the reporter shall transcribe his notes, taken stenographically or by machine, and file the record with the Commissioner within thirty (30) days after approval of the appeal bond, unless, on application of the reporter, or of the appellant, an additional fifteen (15) days shall have been allowed by the Commissioner to the reporter within which to transcribe his notes and file the transcript of the record with the Commissioner.
2. Upon the filing with the Commissioner of a petition of appeal to the proper chancery court, it shall be the duty of the Commissioner, as promptly as possible, and in any event within sixty (60) days after approval of the appeal bond, to file with the clerk of said chancery court to which the appeal is taken, a copy of the petition for appeal and of the decision appealed from, and the original and one (1) copy of the transcript of the record of the proceedings and evidence before the Commissioner. After the filing of said petition, the appeal shall be perfected by the filing of a bond in the penal sum of Five Hundred Dollars (\$500.00) with two (2) sureties or with a surety company qualified to do business in Mississippi as surety, conditioned to pay the costs of such appeal, said bond to be approved by the Commissioner or by the clerk of the chancery court to which such appeal is taken.

N. 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.

Source: *Miss. Code Ann.* §75-49-13 (Supp. 2013).

Rule 3.05.2: Civil Penalties

- A. When any provision of “The Uniform Standards Code for Factory-Built Homes Law,” codified at *Mississippi Code Ann.*, Section 75-49-1, *et seq.* (1992 and Supp. 2013), is violated, the State Chief Deputy Fire Marshal, State Deputy Fire Marshals, or a duly authorized representative thereof shall file an appropriate action as set forth in *Mississippi Code Ann.*, Section 75-49-13. The penalties include:
1. Any person who knowingly and willfully violates any of the provisions of the applicable Mississippi law and this Regulation 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 the applicable law and this 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.
 2. An individual, or a director, officer or agent of a corporation, who knowingly and willfully violates any of the provisions of the applicable law or this Regulation 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 by a court of competent jurisdiction, shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.
 3. This penalty 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 was not in conformity with applicable factory built construction and
 4. 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 factory built home construction and safety standards, unless such person knows that such factory built home does not so conform.
 5. An individual, or director, officer or agent of a corporation, who knowingly and willfully fails to obtain a required license in accordance with the applicable Mississippi law and this Regulation, and who knowingly and willfully violates any provisions of the applicable Mississippi law and this Regulation or any amended rules and regulations made hereafter, with respect to the manufacture,

sale, distribution, safe anchoring, and blocking of a factory built home when such home is intended to be used for human habitation, shall, upon conviction by a court of competent jurisdiction, be guilty of a misdemeanor and shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned not more than one (1) year, or both.

B. The schedule for civil penalties is listed below:

1. First Offense -- \$250.00 per violation;
2. Second Offense within twelve (12) months of the first offense -- \$500.00 per violation;
3. Third Offense within twelve (12) months of the first offense-- \$1000.00 per violation;
4. In lieu of the civil penalty and making the required corrections, the licensee has the option to request an administrative hearing

Source: *Miss. Code Ann.* §75-49-19 (Supp. 2013).

Rule 3.06: Severability

If any provision of this Regulation or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or the application of the Regulation which can be given effect without the invalid provision or application, and to that end the provisions herein are declared to be severable.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.07: Local Code Adoption and Inspection

Rule 3.07.1: General

- A. 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 (formerly the Southern Building Code) as published by the Southern Building Code Congress International (SBCCI), or the board of supervisors of any county that has adopted *Mississippi Code Ann.*, Section 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 this Regulation for the "Uniform Standards Code for Factory-Built Homes Law as related to Modular Homes." Resultantly, such county will assume

responsibility for local code enforcement and inspections procedures for modular homes within their respective jurisdictions.

- B. Local governments may require, and charge a fee for, a building permit prior to the installation of a modular home or component. If requested by the local government, an applicant for such permit shall furnish the following information to the local government:
 - 1. A statement, signed by the applicant or his agent (with the appropriate address), that the work to be performed under such permit will include the installation of a labeled modular home or component in accordance with the provisions of this Regulation;
 - 2. A true copy of the approved building system pursuant to which the modular home or component was or is to be manufactured (unless that information has previously been furnished to such local government).
 - 3. A local government may inspect site preparation work (including foundations) [not within the scope of the Standards as defined herein], as well as the structural, mechanical, plumbing, and electrical connection among modular homes, for compliance with applicable law. Copies of noted violations by the local government shall be forwarded to the State Fire Marshal's Office for review.

Source: *Miss. Code Ann.* §75-49-5; §73-49-21 (Supp. 2013).

Rule 3.07.2: Preemption

- A. No county or municipal modular home ordinances, standards, or laws regarding modular home construction and design, which covers aspects of modular homes governed by the “Mississippi Uniform Standards Code for Factory-Built Homes Law” and this Regulation, shall be established or continue in effect with respect to modular homes subject this Regulation unless they are **identical** to the “Mississippi Uniform Standards Code for Factory-Build Homes Law” and this Regulation.
- B. No county or municipality may require, as a condition of entry into or sale in the State, a modular home certified by the application of the data plate required by this Regulation and the International Residential Code to be subject to county or municipality inspection to determine compliance with any ordinances, standards, or laws covering any aspect of the modular home covered by this Regulation. Nor may any county or municipality require that a county or municipal data plate be placed on the modular home certifying conformance to the rules and regulations. The actions that counties or municipalities are permitted to take are the following: connection of units, additions, zoning, utility connections, foundation inspections, and permits.

- C. This Regulation establishes the exclusive system for enforcement of the requirements of this Regulation. No county or municipality may establish or keep in effect, through a building code enforcement system or otherwise, procedures or requirements which constitute systems for enforcement of the “The Uniform Standards Code for Factory-Built Homes Law,” codified at *Mississippi Code Ann.*, Section 75-49-1 *et seq.*, and this implementing Regulation, or of identical county or municipal ordinances, standards, or laws which are outside the system established in this Regulation or which go beyond the system established in this Regulation to require remedial actions which are not required by this Regulation.
- D. No county or municipality may establish or enforce any rule or regulation or take any action that stands as an obstacle to the accomplishment and execution of the full purposes and objectives of the Mississippi Legislature. The test of whether a county or municipal rule or action is valid or must give way to the requirements of “The Uniform Standards Code for Factory-Built Homes Law,” *Mississippi Code Ann.* Section 75-49-1 *et seq.*, and this implementing Regulation, is whether the county or municipal rule can be enforced or the action taken without impairing the governance of the modular home industry as established by the applicable Mississippi law and this Regulation.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2013).

Rule 3.08: Applicability

After July 1, 2007, the provisions of “The Uniform Standards Code for Factory-Built Homes Law” codified at *Mississippi Code Ann.*, Section 75-49-1 (1992 and Supp. 2013), *et seq.*, and this Regulation shall apply to all modular homes used for residential occupancy.

Source: *Miss. Code Ann.* §75-49-1, *et seq.* (Supp. 2013).

Rule 3.09: Repeal of Regulation Me-2006-1

Mississippi Insurance Department Regulation ME-2006-1 shall be repealed upon adoption of this Regulation, which bears Regulation Number ME-2007-3.

Source: *Miss. Code Ann.* §25-43-3.101, *et seq.* (Supp. 2013).

Rule 3.10: Effective Date

This Regulation shall become effective on January 1, 2015.

Source: *Miss. Code Ann.* §25-43-3.101, *et seq.* (Supp. 2013).

Part 7 Chapter 4: (MH -2008-1) Bonding and Insurance Requirements for Manufacturers, Modular Contractors, Developers, Retailers, and Transporters or Installers of Manufactured Homes.

Rule 4.01: Purpose

The purpose of this Regulation is to ensure that manufacturers, modular contractors, developers, retailers and transporters or installers of manufactured mobile or modular homes are adequately bonded and insured to provide consumers with a means to recoup losses where a manufacturer, modular contractor, developer, retailer and transporter or installer of manufactured mobile or modular homes has gone out of business or has failed to meet their legal or regulatory responsibility to the consumer.

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

Rule 4.02: Authority

This Regulation is promulgated by the Commissioner of Insurance pursuant to the authority granted to him by House Bill 1388, 2008 Regular Legislative Session, *Miss. Code Ann.* § 75-49-11 (Supp. 2015), as well as the provisions of 19 Miss. Admin. Code, Part 1, Chapter 15 (Rules Regarding the Administrative Practice and Procedure before the Mississippi Insurance Department, As Amended).

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

Rule 4.03: Scope

This Regulation shall apply to all manufacturers, modular contractors, developers, retailers and transporters or installers of manufactured mobile or modular homes, as defined in *Miss. Code Ann.* § 75-49-3, operating in the State of Mississippi.

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

Rule 4.04: Definition

- A. General Liability Insurance- A form of insurance that indemnifies against liability on account of injury to the person or property of another.
- B. Surety Bond- A type of bond which protects against loss due to the inability or refusal of an obligor to perform his or her contract.

Source: *Miss. Code Ann.* §75-49-5 (Supp. 2015); § 83-19-1 (Supp. 2015).

Rule 4.05: Bonding and Insurance Requirements

After August 1, 2009, all new license applications and renewal applications for a license to act as a manufacturer, modular contractor, retailer, developer or installer/transporter of manufactured mobile or modular homes in the State of Mississippi must provide to the State Fire Marshal's Office verification that they have obtained a general commercial liability policy and a surety bond in the following specified amounts:

- A. Manufacturers or Modular Contractors – provide proof of a surety bond in the amount of \$25,000.00 per Licensed Facility or, for three (3) or more Licensed Facilities, a minimum bond in the amount of \$50,000.00; and proof of a general liability policy in the amount of \$1,000,000.00 in coverage;
 - B. Developers – provide proof of a surety bond in the amount of \$25,000.00 per Facility or for three (3) or more Facilities, a minimum bond in the amount of \$50,000.00; and proof of a general liability policy in the amount of \$1,000,000.00 in coverage;
 - C. Retailer (with 1 or more Facilities) – provide proof of a surety bond in the amount of \$25,000.00 per Facility or for three (3) or more Facilities, a minimum bond in the amount of \$50,000.00; and proof of a general liability policy in the amount of \$1,000,000.00 in coverage;
 - D. Retailer (involved in the repossession and resale with no lot facilities) – provide proof of a surety bond in the amount of \$25,000.00 and proof of general liability in the amount of \$1,000,000.00 in coverage.
 - E. Installer/Transporter - provide proof of a surety bond in the amount of \$25,000.00; and proof of a general liability policy for a minimum \$100,000.00 in coverage. The general commercial liability policy must indicate that a cargo policy has been obtained by the licensee for the transport of Factory-Built homes.
- 1. Certificates of general liability policies for all manufacturers, retailer/developers and installer/transporters shall have the Mississippi State Fire Marshal's Office as the designated certificate holder.
 - 2. A surety bond written pursuant to the requirements set forth in this section shall comply with the Surety Bond for Licensure form that will be provided to the applicant from the State Fire Marshal's Office.

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

Rule 4.06: Violations, Penalties and Appeals

Failure of an applicant or licensee to comply with a material provision of this regulation is considered a violation of *Miss. Code Ann.* § 75-49-11. 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. Any person aggrieved by any decision of the commissioner with respect to any hearing held before him pursuant to this Regulation may appeal said decision in the manner set forth in *Miss. Code Ann.* § 75-49-13(9).

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

Rule 4.07: Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

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

Rule 4.08: Effective Date

The Effective Date of this Regulation shall be October 1, 2016.

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

Part 7 Chapter 5: (MH-5) Uniform Standards Code For Factory-Built Homes Law. (10/16/2009).

Rule 5.01: Promulgation and Purpose

Rule 5.01.1: General

These Rules and Regulations for Factory-Built Homes are promulgated by the Commissioner of Insurance of the State of Mississippi acting through the Chief Deputy State Fire Marshal and the Factory-Built Home Division in accordance with the Uniform Standards Code for Factory-Built Homes Law and the Mississippi Administrative Procedures Act, *Miss. Code Ann.* § 25-43-1, et seq., as amended, and shall become effective after adopted and promulgated in accordance with the provisions of the Mississippi Administrative Procedures. This Regulation is being filed as a regulation pursuant to the provisions of House Bill 1435, 2008 Regular Legislative Session as codified in *Miss. Code Ann.* § 75-49-11 (Supp. 2015); and upon

agreement between the Mississippi State Fire Marshal's Office, Factory-Built Home Division (Division) and the Department of Housing and Urban Development (HUD), which requires the Division to conduct installation inspections of Factory-Built homes from and after July 1, 2009.

The purpose of these Rules and Regulations is to prevent the loss of life and property from fire and related hazards, and to restrict health hazards in Factory-Built homes by providing standards for construction, heating systems, and by requiring compliance with such standards during construction, marketing, transport, installation, anchoring and tie-down for Factory-Built homes in the State of Mississippi.

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

Rule 5.01.2: Definitions

For the purpose of this Regulation, the following terms are defined as follows, unless the context clearly indicates otherwise:

- A. "ANSI" – the American National Standards Institute or its successor.
- B. "Certificate of Inspection Form"- is a form issued by the Factory-Built Home Division of the State Fire Marshal's Office that contains the certificates of inspection submitted by any retailer, developer and installer/transporter who is engaged in the sale, transport and/or set-up (installation, blocking, anchoring and tie-down) of a Factory-Built home intended for human habitation, to the Division within 72 hours (3 days) of the completion of the installation of a home at the home site.
- C. "Chief Deputy State Fire Marshal" - is the individual appointed by the Commissioner of Insurance, who, along with his employees, is designated by the Commissioner to implement and enforce this chapter and to maintain, among other duties, the Factory- Built Home Division of the Insurance Department.
- D. "Commissioner" - is the Commissioner of Insurance of the State of Mississippi.
- E. "DAPIA" – (Design Approval Primary Inspection Agency) is a state or private organization that has been accepted by the Secretary of Housing and Urban Development to evaluate and approve or disapprove Factory-Built home designs and quality control procedures.
- F. "Developer" – for the purposes of this Regulation, means any person who buys Factory-Built homes and real estate and then offers to sell or lease to the general public a land-home "package deal" consisting of the Factory-Built home along with the real estate. Upon renewal of a license, a developer must provide documentation to the Department of Insurance that he or she has at least five (5) available Factory-Built home sites. A developer shall be responsible for installation requirements for Factory-Built homes as set forth in Rule 5.04 – 5.06 of this

Regulation. This definition of developer **is interpreted to exclude the following:**

- a). Factory-built home parks and park owners having Factory-Built homes, on individual lots in the park, owned by the park or park owners and available for rent or lease;
- b). An individual selling his personal Factory-Built home residence (one that the individual is currently living in or has previously lived in) and the real estate upon which the home is permanently installed and fixed, or has retained a real estate broker or real estate salesperson to sell the Factory-Built home and the real estate as a “package deal”;
- c). An individual owning a single plot or multiple plots of real estate having a Factory-Built Home installed on said real estate and offering the same for lease to the general public provided the lease is not a lease-purchase under a “package deal”.

G. “Diagonal Tie” - any tie-down designed to resist horizontal sliding or shear forces and which deviates not less 30° (0.52 rad) from a vertical direction.

H. “Division” - is the Factory-Built Home Division of the State Fire Marshal's Office.

I. “Employee” - any person, including a minor whether lawfully or unlawfully employed, in the service of an employer under any contract of hire or apprenticeship, written or oral, express or implied, and is under the control of the employer, provided that there shall be excluded there from all independent contractors. The control of the employer includes supervision of an employee's work, setting the employee's work schedule, and determining the method that the employee uses to perform the specific work.

J. “Employer” – any person or entity who is retained to engage in, or who engages in, the business of directing, supervising, controlling or correcting the work conducted by persons retained as their employee.

K. “Fire Marshal’s Office” – the Division of the Department of Insurance that is responsible for the regulation of Factory-Built housing in the State of Mississippi, and includes the Commissioner of Insurance, the State Chief Deputy Fire Marshal, and Deputy State Fire Marshals.

L. “Foundational Designs”– designs by a licensed architect or engineer that sets forth the foundations requirements for the Factory-Built home.

M. “Factory-Built Home” - is a mobile home, manufactured home, and a modular home as those terms are defined in *Miss. Code Ann. § 75-49-3* (Supp. 2015).

N. “General Liability Insurance” – is a form of insurance that indemnifies against liability on account of injury to the person or property of another.

O. “Ground Anchor” - any device at the Factory-Built home site designed for the purpose of securing a Factory-Built home to the ground.

P. “Homeowner” (Consumer) – is any person or firm who has purchased or is purchasing a Factory-Built home in good faith for purposes other than resale.

Q. “Hook and Drop” – the delivery of any Factory-Built to a residential site by a licensed installer/transporter with no intention of completing the anchoring and blocking of the unit which is to be used for human habitation.

R. “Human Habitation” – describes a place which will be occupied by humans. In these regulations, “human habitation” shall be presumed to be the intended purpose for any Factory-Built home manufactured under the guidelines of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.), as well as the Manufactured Home Construction and Safety Standards contained in Title 24 Code of Federal Regulations, Part 3280, et seq. (HUD). This definition includes Factory-Built homes having one or more habitable rooms which are designed to be occupied by one family with facilities for living, sleeping, cooking and eating. Homes designed for human habitation shall be presumed to be intended for human habitation, unless properly certified otherwise pursuant to Rule 5.03.3-4 of these regulations.

S. “Hurricane Zone” – an area of Mississippi that has encountered sustained winds of 100 mph or more. Wind (Hurricane) Zone II areas for the State of Mississippi include the following counties: Hancock, Harrison, Jackson, George, Stone and Pearl River.

T. “Independent Contractor” - any person, firm or corporation who contracts to do a piece of work according to his own methods without being subject to the control of his employer except as to the results of the work, and who has the right to employ and direct the outcome of the workers independent of the employer and free from any superior authority in the employer to say how the specified work shall be done or what the laborers shall do as the work progresses, one who undertakes to produce a given result without being in any way controlled as to the methods by which he attains the result.

U. “Installer/transporter” - is any person engaged for hire as an independent contractor in the movement of, transportation, or both, or the installation, blocking, anchoring and tie- down of a Factory-Built home. An independent contractor “installer/transporter” shall not include persons who do not hold themselves out for hire to the general public for the purposes described in this definition. An installer/transporter shall be responsible for installation requirements for Factory-Built homes as set forth in Rule 5.04 – 5.06 of this Regulation. The use of the term “installer/transporter” in these regulations is intended to be synonymous with the term “Independent contractor installer or transporter” as defined in *Miss. Code § 75-49-3 (Supp. 2015)*.

V. “Inspection Decal” - is the decal issued and installed by a duly appointed representative (inspector) of the Factory-Built Home Division of the State Fire Marshal’s Office that is placed

on all new and used Factory-Built homes at the time of a passed installation inspection by the State Fire Marshal inspector. The label is to be affixed near the HUD seal at the rear of the home or on the end of the home opposite the tongue end if no HUD seal is present.

W. “Inspector” – any person who is employed as a Deputy State Fire Marshal, or any person or entity designated and authorized by the State Fire Marshal’s Office pursuant to requirements set forth in Rule 5.02.4-6 of this Regulation who conducts Factory-Built home installation inspections.

X. “Installation” - completion of work performed to site, place, stabilize, support, anchor, and close up a Factory-Built home, upon footings, piers or foundations and to join sections of a multi-section Factory-Built home sited in this state.

Y. “Installation Instruction Manual” - DAPIA-approved instructions provided by the home manufacturer that accompany each new Factory-Built home and detail the home manufacturer requirements for support and anchoring systems and other work completed at the installation site to comply with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000.

Z. “Licensee” - is any manufacturer, retailer, developer or installer/transporter who obtains a privilege license from the Factory-Built Home Division of the State Fire Marshal’s Office of the Mississippi Department of Insurance. The licensee shall comply with all laws of the State of Mississippi regarding Factory-Built homes.

AA. “Local Authority Having Jurisdiction” (LAHJ) - is any Federal, State, County, Municipal or community organization that oversees or regulates permitting, registration, and/or installation of Factory-Built homes.

BB. “Manufacturer” - is any person engaged in the production (construction) of Factory-Built homes.

CC. “Manufactured Building” – a closed structure, building assembly or systems of subassemblies which may include structural, electrical, plumbing, heating, ventilating, utility service lines, footings, foundations, porches or other service systems manufactured in manufacturing facilities, for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not limited to, residential dwelling units, commercial, institutional, storage and industrial structures. Factory-Built homes are excluded. Manufactured building may also mean at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site, for installation, or assembly and installation on the building site. For purposes of these regulations, the licensing and other requirements imposed shall only apply

to Manufactured Buildings intended for human habitation.

DD. “Manufactured Home” – defined by the United States Department of Housing and Urban Development, as a new or used structure defined by, and constructed in accordance with, the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000. For the purposes of this Regulation, it also includes those structures defined as a manufactured home and mobile home pursuant to *Miss. Code Ann.* § 75-49-3 (Supp. 2015).

EE. “Mississippi Department of Transportation” (MDOT) - is the regulatory agency for transportation in the State of Mississippi. All licensees (manufacturers, retailers, developers or installer/transporters) shall comply with the requirements regarding transportation of Factory-Built homes under the jurisdiction of MDOT in the State of Mississippi.

FF. “Mobile Home” - is a structure Factory-Built before June 15, 1976, that is not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended, (42 U.S.C. Section 5401 et seq.). It is a structure that is transportable in one or more sections, that, in traveling mode, is eight (8) body feet or more in width and thirty-two (32) feet or more in length or when erected on site, is two hundred fifty six (256) or more square feet and that is built on a chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes any plumbing, heating, air conditioning and electrical systems contained therein. A "mobile home" also includes any structure which meets all the requirements and complies with the standards established under this chapter.

GG. “Modular Home” - is a structure which is: (i) transportable in one or more sections; (ii) designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems with the home; and (iii) certified by its manufacturers as being constructed in accordance with a nationally recognized building code.

HH. “Modular Home Contractor” - is a licensed residential building contractor or a licensed retailer who buys Factory-Built modular homes for resale to the general public, whether to be located on the consumer's home site or a land-home package on property owned by the modular home contractor. A Mississippi licensed modular home contractor is authorized to sell new modular homes for installation on a consumer's home site or as part of a land- home package without the necessity of maintaining a separate sales center. A modular home contractor shall be responsible for the installation requirements for modular housing as provided in as set forth in Rule 5.04 – 5.06 of this Regulation.

II. “New Factory-Built Home” - is a Factory-Built home as defined in *Miss. Code Ann.* § 75-49-3, which has never been the subject of a first sale for human habitation.

JJ. “NFPA” – The National Fire Protection Association or its successor.

KK. “Non-coded Area” - is any local jurisdiction (county or municipality) who have not adopted the latest edition and Appendices of the International Building Code published by the International Code Council or the board of supervisors of any county who has not adopted *Miss. Code Ann.* § 75-49-21, or other recognized building codes or portion thereof.

LL. “Non-compliance” - is failure or refusal to comply with imposed standards and/or regulations.

MM. “Park Model” – is a recreational park trailer, built on a single chassis, and having a gross trailer area of 400 square feet or less in the set-up mode when measurements are taken on the exterior of the trailer. The square footage includes all the siding, corner trim, molding, storage space, and area enclosed by windows, but not the roofing overhang. A park model is not a permanent dwelling. It is temporary living quarters for recreational, camping, travel, or seasonal use.

NN. “Person” – includes, unless the context indicates otherwise, corporations, companies, associations, firms, and partnerships, as well as individuals, but does not include any agency of government or tribal governmental entity.

OO. “Pier Footing or Foundation” - the structural support pad that a support pier is placed upon.

PP. “Pier Cap” – a concrete or pressure treated wood plate placed on top of the highest open cell block of the pier.

QQ. “Proprietary Pan-Type Foundation Stabilizing System”– any engineer designed device used for windstorm and seismic protection of a Factory-Built home.

RR. “Retailer” - is any person engaged in the buying and thereafter selling, displaying or offering for sale of new, used or repossessed Factory-Built homes to the general public.

SS. “Set-up” - is any assembly or installation of a Factory-Built home onsite that includes aspects of work that are governed by this chapter.

TT. “Site” – an area of land that a Factory-Built home is installed upon. It is defined as the area under the home to include a 10 ft. perimeter around the home.

UU. “Stabilizer Plate” – is a device used to prevent horizontal movement of a ground anchor.

VV. “Surety Bond” – is a type of bond which protects against loss due to the inability or refusal of an obligor to perform his or her contract.

WW. “Tie-Down” – is any device designed for the purpose of anchoring a Factory-Built home to the ground anchors.

XX. “Used Factory-Built Home” - is a Factory-Built home as defined in *Miss. Code Ann.* § 75-49-3 that has been subject of a first sale for human habitation, whether within this state or elsewhere.

YY. “Vehicle Decal” - is a decal to be issued and placed on both the driver and passenger doors of the transporter vehicle (toter) which transports (moves) the Factory-Built home. Escort vehicles are not required to have truck decals. The truck decal is to be placed in a clearly visible location on the passenger and driver door of the vehicle.

ZZ. “Vertical Anchor Tie” – is an anchor tie designed primarily to resist overturning by applying a force to the home or building in a direction no more than 15 degrees from the vertical.

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

Rule 5.01.3: Use of Manufacturer’s Installation Instructions

All new Factory-Built homes shall be installed in accordance with the manufacturer’s home installation instructions. These instructions may include but are not limited to the following details:

1. Skirting must have vents and an opening for access to the crawl space and heat tape outlet.
2. The dryer exhaust vent must terminate outside the home.
3. Combustion air vents may be needed for sealed combustion units and fireplaces.
4. A vapor barrier may be required on the soil.
5. Adequate clearance must be maintained between the soil and wood floor joists.
6. Water supply lines may be required to be insulated.
7. The lot should be properly graded to avoid standing water around and under the home.
8. The air conditioning condensate drain may be specified to have a termination outside the home.
9. Specifications for utility connections must be followed.

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

Rule 5.01.4: Manufacturer’s Installation Instruction Unavailable

A. If the manufacturer’s installation instructions are not available, the anchoring and support requirements for used Factory-Built homes of this standard shall be followed and other aspects of the home installation shall conform to the minimum standards for occupancy established by the Rules and Regulations of the Factory-Built Home Division.

B. Factory-Built homes, both new and used, built after July 13, 1994 that conform to Wind Zone I ratings only, cannot be installed within a designated Wind Zone II area, unless approved by the county or municipality having jurisdiction within the Wind Zone II area. The Wind Zone II area for homes manufactured after July 13, 1994, consists of the following counties: Hancock, Harrison, Jackson, George, Pearl River, and Stone.

C. For used Factory-Built homes that were built prior to July 13, 1994, the following shall apply. If the Factory-Built home was built to the HUD Hurricane Zone rating that existed prior to July 13, 1994, it may be installed in one of the post-July 13, 1994, counties that are listed in Rule 5.01.4B₂ above. For reference, HUD designated Hurricane Zone counties that existed prior to July 13, 1994, were as follows: Hancock, Harrison, Jackson, George, Pearl River, Stone, Greene, Perry, Forrest, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson. However, if the county or municipality having jurisdiction within the post-July 13, 1994, Wind Zone II area has adopted more restrictive requirements that would prohibit the installation of a pre-July 13, 1994 Hurricane Zone house, then the requirements of such county or municipality shall govern.

D. Used Factory-Built homes built prior to 1994, currently installed in a Wind Zone I location and having no accessible or readable data plate to determine the wind zone designation the home cannot be moved to a Wind Zone II location unless it can be proven that the home has a Wind Zone II designation or that the LAHJ in the county to which it is being located will allow it to be installed.

E. Prior to the sale and installation of all new and used Factory-Built homes, the retailer, the developer and/or the installer/transporter shall determine whether the house is constructed to the properly rated Wind/Hurricane zone for its intended use and installation by referring to the HUD data plate. Any Factory-Built Home that is to be transported within or into the six (6) coastal counties of the State (Pearl River, Stone, George, Hancock, Harrison, and Jackson County) for installation, the retailer, the developer and/or installer transporter will be required to obtain a photocopy or a clear photograph of the data plate for the home. The photograph or copy of the data plate must be attached to the Property Locator/Certificate of Installation and submitted to the Factory-Built Home Division. If no accessible or readable data plate is available in the home to verify the Wind/Hurricane zone designation, a copy of the HUD data plate and compliance certificate must be obtained from either the manufacturer of the home or from the Institute for Building Technology and Safety (IBTS).

F. The support and anchoring systems of all Factory-Built homes that bear the HUD label shall be designated by a Registered Professional engineer or architect and meet the requirements of 24 CFR Section 3280.306, pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. Section 5401, et seq.) and the Manufactured Housing Improvement Act of 2000 as amended. The manufacturer shall provide complete tie-down instructions with each Factory-Built home.

G. From and after July 1, 2005, no retailer, developer, transporter or installer/transporter shall deliver or cause to be delivered any Factory-Built home to any person at any site where such home is to be used for human habitation without anchoring and blocking such home in accordance with rules, regulations and procedures promulgated by the Commissioner pursuant to *Miss. Code Ann.* § 75-49-5; provided, however, that a period of thirty (30) days from date of delivery shall be allowed for the anchoring and blocking of such homes.

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

Rule 5.01.5: Instructions for Installation of Used Multi-Section Factory-Built Homes

The floor sections, roof sections, and wall sections are to be fitted together tightly. Connections must be sufficiently sealed to prevent air infiltration. Connection of multi-section Factory-Built homes (two or more sections), when manufacturer's installation instructions are not available shall be as follows:

1. Floor connection: All floors of multi-section Factory-Built homes shall be securely fastened together along the entire length of the home.
2. Roof and Ridge Beams: All roof and ridge beams of multi-section Factory-Built homes shall be securely fastened together along the entire length of the home.
3. End walls: End walls of multi section Factory-Built homes shall be securely fastened together with the proper weather seal material installed.
4. Siding and trim pieces are to be installed at the connection of the sections.
5. The joints at the ridge of the roof shall be secured and weather tight.
6. Plumbing drain lines must be supported off the ground.
7. Crossover, heating and other ducts shall be supported at 4 feet on centers minimum and must be supported off the ground.

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

Rule 5.02: Administration

The Commissioner, acting through the Chief Deputy State Fire Marshal and the Factory-Built Home Division of the Mississippi Insurance Department, is hereby charged with the administration of this chapter. He may make and amend, alter or repeal, general rules and regulations of procedure for carrying into effect all provisions of this chapter, for obtaining statistical data respecting Factory-Built homes, and to prescribe means, methods and

practices to make effective such provisions and he may make such investigations and inspections as in his judgment are necessary to enforce and administer this chapter *Miss. Code Ann.* § 75-49-11.

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

Rule 5.02.1: Rules and Regulations

Rule 5.02.1-1: Licensure of Manufacturers, Developers, Retailers and Installers/Transporters

Each manufacturer, developer, retailer and installer/transporter must be licensed pursuant to *Miss. Code Ann.* § 75-49-9. Any person who knowingly and willfully fails to obtain a license in violation of *Miss. Code Ann.* § 75-49-9 shall be 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, pursuant to *Miss. Code Ann.* § 75-49-19 (Supp. 2015).

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.1-2: Manufacturer License Application

Every manufacturer engaged in the production (construction) of Factory-Built homes within or without the State of Mississippi shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility for cargo loss or damage by providing documentation of the bonding and liability insurance requirements as required by this regulation.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.1-3: Retailer/Developer License Application

A. Any retailer or developer conducting retail business within this State shall apply for a license annually to sell Factory-Built homes to be shipped into or sited in Mississippi. This licensure also applies to anyone who buys, relocates, re-builds, and sells Factory - Built home units or anyone who buys and sells but does not move or relocate repossessed or used Factory-Built homes.

B. Every retailer or developer that sells, transports, or installs new or used Factory-Built homes within the State of Mississippi, shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility for cargo loss or damage by providing documentation of the bonding and liability insurance requirements as required by this regulation.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.1-4: Repossession and Resale

Any person as defined in *Miss. Code Ann.* § 75-49-3(h) that repossesses and sells new or used Factory-Built homes which will be transported or relocated from the existing home site within the State of Mississippi shall contract the resale of the Factory-Built home through a current licensed retailer or developer to insure that the Factory-Built home is installed and set-up by a licensed installer/transporter in compliance with the Division's rules and regulations. A copy of said contract with the licensed retailer/developer is required to be on file with the Division.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.1-5: Installer/transporter License Application

Every installer/transporter that transports and/or installs new or used Factory-Built homes within the State of Mississippi shall apply for and obtain a license from the Commissioner. The application for license must be accompanied by proof of financial responsibility for cargo loss or damage by providing documentation of the bonding and liability insurance requirements as required by this regulation.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.1-6: Tax Identification Number

A. All license applicants shall certify in the application to the Commissioner that the applicant will comply with the Construction Standards set forth under Rules and Regulations provided in *Miss. Code Ann.* § 75-49-5, and that the applicant has obtained a current and valid tax identification number.

B. All applications for license shall be obtained from and submitted to the Commissioner on forms prescribed by the Commissioner.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.1-7: License Fees

A. Pursuant to *Miss. Code Ann.* § 75-49-9, the original license fee and all annual renewals thereof shall be Two Hundred Fifty Dollars (\$250.00) for manufacturing plants located within or without the State of Mississippi manufacturing or delivering homes for sale within the State of Mississippi and One Hundred Fifty Dollars (\$150.00) per retailer location and developer location within the State of Mississippi. The licensing fee for a Factory-Built home and/or modular independent contractor transporter or installer is One Hundred Dollars (\$100.00) for each company. The fee for modular home plan review shall be Four Hundred Dollars (\$400.00) per floor plan. Except

as otherwise provided in Rule 5.02.1-9, the license shall be valid for the current license period (July 1 through June 30 of the following year) unless suspended or revoked as provided herein.

B. Every manufacturer, transporter or installer or retailer and developer who first sells, manufacturers, transports or installs a new or used Factory-Built home in this state, before such first construction, sale, transportation or installation, shall apply for and obtain a license from the Commissioner. The original license fee, registration fee, annual relicensing, and all other required fees shall be paid to the Commissioner in such a manner as the Commissioner may by rule require. All funds received by the Commissioner shall be deposited in the State Treasury to the credit of the Department of Insurance.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); § 75-49-19 (Supp. 2015).

Rule 5.02.1-8: Manufacturer Monitoring Inspection Fee

Every manufacturer of Factory-Built homes in the State shall pay a monitoring inspection fee to the Secretary of Housing and Urban Development, or the Secretary's Agent, for each Factory-Built home produced in the State by the manufacturer. The fee shall be in an amount established by the Secretary pursuant to the National Manufactured Home Construction and Safety Standards Act of 1974, (42 U.S.C.S. 5401, et seq.) and as amended by the Manufactured Housing Improvement Act of 2000. The portion of the fee which is returned to the State shall be deposited by the Commissioner in the State Treasury to the credit of the Department of Insurance.

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

Rule 5.02.1-9: Investigation and Examination of All License Applicants

A. The Commissioner shall investigate and examine all applicants for all licenses by holding such hearings as he shall deem necessary or conducting investigations or examinations, or any combination thereof, as to the fitness or expertise of the applicant for the type of license for which the applicant applied. A license shall be granted only to a person who bears a good reputation for honesty, trustworthiness, integrity and competency to transact the business in such a manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the Commissioner.

B. Pursuant to *Miss Code Ann.* §75-49-9(8), the Commissioner shall take all license applicants under consideration after having examined them through oral or written examinations, or both, before granting any license. If the license applicant is an individual, examination may be taken by his personal appearance for examination or by the appearance for examination of one or more of his responsible, full time managing employees; and if a partnership or corporation or any other type of business or organization, by the examination of one or more of the responsible, full time managing officers or members of the executive staff of the applicant's

firm. Every application by an individual for a license to manufacture, sell, transport or install new or used Factory-Built homes, shall be verified by the oath or affirmation of the applicant, and every such application by a partnership or corporation shall be verified by the oath or affirmation of the applicant and a partner or an officer thereof. The applications for licenses shall be in such form and detail as the Commissioner shall prescribe.

C. Every independent contractor installer or transporter who transports or installs new or used Factory-Built homes within the State of Mississippi and who is applying for a license shall have passed a written examination (passing score of 70 or above). The examination shall consist of questions determined by 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. The examination shall be provided by the Commissioner or by a testing service acting on behalf of the Commissioner. The applicant is responsible for registering with the testing service to schedule the examination and is responsible for all fees. The applicant shall follow all procedures established with regard to conduct at the examination. Failure to comply with all procedures established with regard to conduct at the examination may be grounds for denial of application.

D. Prior to the issuance of a privilege license, the person applying for the license shall return the license application received in the "Notice of Renewal" and submit a copy of training certificates, that he and all of his responsible, full-time employees has attended an approved eight (8) hour installation and set-up training class pursuant to the Manufactured Housing Improvement Act of 2000.

E. The holder of any valid license issued by the Commissioner at the time *Miss. Code Ann.* § 75-49-9(8) became effective shall be automatically issued an equivalent license in the same category for which his previous license was issued **if the licensee is in compliance** with this chapter.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-9 (8); 75-49-19 (Supp. 2015).

Rule 5.02.1-10: Non-Compliance

A. Non-compliance by a license applicant, as a condition precedent, of the requirements of *Miss. Code Ann.* § 75-49-9(7) and with the regulations set forth in this document, will be assessed violations where applicable.

B. Pursuant to *Miss. Code Ann.* § 75-49-13, the commissioner shall provide the license holder an opportunity to be heard on the question of these violations committed to determine whether he is qualified to receive the license applied for and if there may be sufficient grounds upon which to base a probation, denial, suspension or revocation of the license.

C. Pursuant to *Miss. Code Ann.* § 75-49-9(10), every license shall be issued annually and shall expire on June 30 following the date upon which it was issued. **License fees shall not be prorated for the remainder of the year in which the application was made but shall be paid for the entire year regardless of the date of the application.**

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.1-11: Annual License Renewal Application

A. The Commissioner shall on or before April 30 of each year, forward a "Notice of Renewal" by regular United States mail to each licensee at his or its last known mailing address. The "Notice of Renewal" will contain an application that shall be properly filled out by the person whose name will appear on the license, signed and returned to the State Fire Marshal's Office.

B. After depositing the "Notice of Renewal" in the United States mail, the Commissioner shall have no other duty or obligation to notify the licensee of the expiration of his or its annual license. **The failure of the licensee to obtain a renewal license on or before June 30 of the ensuing license period shall act as an automatic suspension of the license unless the Commissioner, for good cause shown in writing and the payment of an amount equal to double the renewal fee for said delinquency, lifts the suspension and issues the renewal license. During the period of suspension, any practice by the licensee under the color of such license shall be deemed a violation of this chapter.** If a license renewal application is not received from the licensee within thirty (30) days of the date of license suspension, the licensee shall be required to remove or cover-up **all forms** of advertisement (signage) identifying the retail business.

1. All applicants and licensees shall comply with the bonding and general liability requirements as established by *Miss. Code Ann.* § 75-49-11 (Rev. 2008) and as described in Rule 5.02.1-12 of this regulation.
2. Annual renewals of a retailer's license shall require, as a condition precedent, that the retailer verify by oath or affirmation that all retail sales lots that he/or she maintains are done so in accordance with all rules and regulations promulgated by the Commissioner and that each lot has three (3) or more new or used Factory-Built homes located thereon for retail sale as a residential dwelling or for any other use at the time of application. Annual renewals of a developer's license shall require, as a condition precedent, that the developer verify and submit a copy of legal documentation indicating that the developer has five (5) or more locations for a Factory-Built home/land package.
3. With return of the annual licensure application, **it shall be the responsibility of each retailer, developer and installer/transporter to request in writing the number of**

truck decals needed for their transporter vehicles (toter). A decal is to be placed on the driver and passengers doors of each transport vehicle. Escort vehicles are not required to have decals.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.1-12: Licensee Bonding and Insurance Requirements

A. After August 1, 2009, all new license applications and renewal applications for a license to act as a manufacturer, modular contractor, developer, retailer, transporter, or installer of Factory-Built homes in the State of Mississippi must provide to the State Fire Marshal's Office verification that they have obtained a general commercial liability policy and a surety bond in the following specified amounts:

B. Manufacturers or Modular Contractors – provide proof of a surety bond in the amount of \$25,000.00 per Licensed Facility or, for three (3) or more Licensed Facilities, a minimum bond in the amount of \$50,000.00; and proof of a general commercial liability policy in the amount of \$1,000,000.00 in coverage;

C. Developers – provide proof of a surety bond in the amount of \$25,000.00 per Facility or for three (3) or more Facilities, a minimum bond in the amount of \$50,000.00; and proof of a general commercial liability policy in the amount of \$1,000,000.00 in coverage;

D. Retailer (with 1 or more Facilities) – provide proof of a surety bond in the amount of \$25,000.00 per Facility or for three (3) or more Facilities, a minimum bond in the amount of \$50,000.00; and proof of a general commercial liability policy in the amount of \$1,000,000.00 in coverage;

E. Retailer (any person involved in the repossession and resale with no lot facilities and performing Retailer activities as defined in Rule 5.01.2 (RR)) – provide proof of a surety bond in the amount of \$25,000.00 and proof of general commercial liability in the amount of \$1,000,000.00 in coverage.

F. Installer/Transporter - provide proof of a surety bond in the amount of \$25,000.00; and proof of a general commercial liability policy for a minimum \$100,000.00 in coverage. The general commercial liability policy or automobile liability policy must indicate that a cargo policy has been obtained by the licensee for the transport of Factory-Built homes.

1. Certificates of general liability policies for all manufacturers, retailer/developers and installer/transporters shall have the Mississippi State Fire Marshal's Office as the designated certificate holder.

2. A surety bond written pursuant to the requirements set forth in this section shall comply with the Surety Bond for Licensure form that will be provided to the applicant from the State Fire Marshal's Office.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.1-13: Operating Without a Privilege License

Any company/individual (retailer, developer or installer/transporter) who is found to be operating without an appropriate privilege license in the State of Mississippi shall:

- A. Show good cause, in writing to the Factory-Built Home Division of the State Fire Marshal's Office, why this violation occurred and including the approximate number of Factory-Built homes sold and/or moved prior to obtaining a privilege license.
- B. Request a retailer's, developer's, or installer/transporter's privilege license application. This application is to be returned, signed and notarized with a check payable to the Office of the State Fire Marshal pursuant to the fee schedule in Rule 5.02.1-7.
- C. Schedule with the State of Mississippi to attend an 8-hr training course and have passed a written examination (passing score of 70 or above).
- D. Set an inspection date with the State Fire Marshal's Office which is required to verify compliance with this chapter prior to issuance of license.
- E. Be subject to penalties as set forth in *Miss. Code Ann.* § 75-49-19.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.1-14: Installation Inspection

All Factory-Built homes passing an on-site inspection pursuant to this regulation, shall have a permanently attached serial numbered and color coded installation decal near the HUD label on new or used Factory-Built homes built after June 1976, and opposite the hitch-end of the Factory-Built homes built prior to or on June 1976. **The inspection decal for each Factory-Built Home implies acceptance as having been installed in accordance with the manufacturer's specification, the local authority having jurisdiction (LAHJ) in coded areas or in the absence of an installation manual, the State of Mississippi's Rules and Regulations for MH-5.**

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.1-15: Site Preparation, Anchoring and Blocking Requirement

No retailer, developer, or installer/transporter shall deliver or cause to be delivered any Factory-Built home that is to be used for human habitation, to any person at any site without proper site preparation, anchoring and blocking of such home in accordance with the rules, regulations and procedures promulgated by the Commissioner of Insurance.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.1-16: Time Period Allowed for Installation

A period of not more than thirty (30) days from date of delivery to the site shall be allowed for the anchoring and blocking of all Factory-Built homes. No retailer, developer, or installer/transporter shall perform a “Hook and drop” of any Factory-Built home, originally designed for human habitation, to any installation site. This requirement is provided for in *Miss. Code Ann.* § 75-49-7(2) and Rule 5.02.1-15 of this Regulation.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.1-17: Property Locator/Certificate of Installation Submitted by the Retailer/Developer

A. To ensure compliance with this regulation, it shall be the responsibility of each retailer and developer to submit the Property Locator/Certificate of Installation to the Factory- Built Home Division of the State Fire Marshal’s Office for **every** Factory-Built home that has been sold and installed. The above listed form must be received in the State Fire Marshal’s Office within seventy-two (72) hours (3 days) of completion of the installation of the home and **not** the sale of the home. The form must be signed by both the retailer/developer and the installer/transporter. The form enables the duly appointed representative of the State Fire Marshal’s Office to conduct inspections as required according to the Division. The information on the Property Locator/Certificate of Installation must be legible and shall include all of the following information:

1. The retailer’s name, license number, address, telephone number, and fax number;
2. The installer/transporter’s name, license number, address, telephone number, and fax number;
3. The homeowner’s name, address of the home installation site, the homeowner’s telephone number, and county where home has been installed.
4. The serial number of home, size of home, HUD number, Wind Zone designation, year/make/model of the home, new or used home designation, and the manufacturer of the home;

5. The date the home was installed;
6. Any exclusion of the home for use as a hunting/fishing camp, storage or other use, if applicable;
7. Determination of party responsible for the site preparation;
8. Designation of type of pan foundation system, if installed on the home;
9. Class of anchor used for home installation or soil test probe readings for class of anchor installed;
10. Signatures of the retailer/developer and installer/transporter;
11. Precise and accurate written directions to the home installation site; using state highway numbers, county road numbers, towns, street names, and road names and distances along each roadway; and
12. A clear and legible map showing directions to the home-site from a known starting point.

B. Nothing contained herein shall restrict or limit the customer's option of independently contracting with a properly licensed transporter or installer for set-up and installation rather than purchasing transportation and installation services from the retailer or developer.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.1-18: Property Locator/Certificate of Installation Submitted by the Installer/Transporter

A. It shall be the responsibility of each installer/transporter that transports or installs a home at a secondary location to submit, for **every** Factory-Built home, the Property Locator/Certificate of Installation to the Factory-Built Home Division of the State Fire Marshal's Office (SFMO). The above listed form must be signed and dated by the installer/transporter and received in the SFMO within seventy-two (72) hours (3 days) of completion of the installation of a home. The Property Locator/Certificate of Installation is to enable the duly appointed representative of the State Fire Marshal's Office to conduct inspections as required according to the Division. **This report is required for all new and used homes that are transported or installed by an installer/transporter for someone other than a licensed retailer or developer.** The information on the forms must be legible and shall include all of the following:

1. Indicate on the form that this is a secondary installation.

2. The installer/transporter's name, license number, address, telephone number, and fax number;
3. The homeowner's name, address of the home installation site, the homeowner's telephone number, and county where home has been installed.
4. The serial number of the home, size of the home, HUD number, Wind Zone designation, year/make/model of the home, new or used home designation, and the manufacturer of the home;
5. The date of the home installation;
6. Any exclusion of the home for use as a hunting/fishing camp, storage or other use, if applicable;
7. Determination of party responsible for the site preparation;
8. Designation of type of pan foundation system, if installed on the home;
9. Class of anchor used for home installation or soil test probe readings for class of anchor installed;
10. Signature of the installer/transporter;
11. Precise and accurate written directions to the home installation site; using state highway numbers, county road numbers, towns, street names, and road names and distances along each roadway; and
12. A clear and legible map showing directions to the home-site from a known starting point.

B. In all cases in which the installation is arranged and/or paid for by the retailer, the retailer shall assume responsibility for the proper set-up of the Factory-Built home. This subsection shall not relieve any installer/transporter from any responsibilities and applicable penalties.

C. All manufacturers, retailers, developers and installers shall comply with the Mississippi Factory-Built Home Installation Program as set forth in Rule 5.02.2 of this Regulation.

Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-9(7); 75-49-19 (Supp. 2015).

Rule 5.02.2: Factory-Built Home Installation Inspection Program

This section of the regulation describes the standards and requirements for an installation inspection program for **all** Factory-Built homes sited within the State of Mississippi. Said program shall be called the Mississippi Factory-Built Home Installation Inspection Program (hereinafter “MS Inspection Program”).

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

Rule 5.02.2-1: Purpose

The Commissioner of Insurance, in his duties as State Fire Marshal, pursuant to the authority granted to him by House Bill 1435, 2008 Regular Legislative Session as codified in *Miss. Code Ann.* § 75-49-9(11); *Miss. Code Ann.* § 75-49-11 (Rev. 2008); as well as the provisions of Mississippi Department of Insurance Regulation No. 88-101, said Regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department; and upon agreement between the Mississippi State Fire Marshal’s Office, Factory-Built Home Division (“Division”) and the Department of Housing and Urban Development (“HUD”), which requires the Division to conduct installation inspections of Factory-Built Homes from and after July 1, 2009.

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

Rule 5.02.2-2: Scope

The inspection program shall apply to **all Factory-Built homes** sited within the State of Mississippi installed on or after July 1, 2009.

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

Rule 5.02.2-3: Mississippi Factory-Built Home Installation Program Standards

The Mississippi Factory-Built Home Installation Program Standards (hereinafter “MS Installation Standards”) shall be the standards and requirements as set forth by the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 et seq.) and as amended by the Manufactured Housing Improvement Act of 2000, as same may be revised and amended; and Mississippi Department of Insurance Regulation MH-5, as amended.

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

Rule 5.02.2-4: Installation Inspection Requirements

A. Beginning July 1, 2009, every Factory-Built home that is sited within the State of Mississippi shall be subject to inspection under the MS Inspection Program prior to occupation. Said inspection shall be conducted by an inspector assigned by the State Fire Marshal's Office to verify that the installation of the Factory-Built home meets the MS Installation Standards.

B. Furthermore, each retailer/developer and/or installer/transporter shall certify, by submitting a Certificate of Inspection Form to the State Fire Marshal's Office indicating that they have installed said Factory-Built home in accordance with the requirements set forth by the MS Installation Standards and this Regulation.

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

Rule 5.02.3: Installation Inspection Procedure

Rule 5.02.3-1: Scheduling of the Inspection

A. For all new or used residential Factory-Built homes involving a retailer, the retailer is required within three (3) business days of the completion of the installation, minus skirting, to submit by e-mail, facsimile, or priority mail, a properly completed and signed Property Locator/Certificate of Installation to the Factory-Built Home Division of the State Fire Marshal's Office. This will provide information on the exact location where the home has been installed.

B. For secondary sitings not involving a retailer, the installer/transporter is required to submit within three (3) business days of the completion of the installation, minus skirting, by e-mail, 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 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 the installer/transporter's 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 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).

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. 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 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 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 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~~ 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 annual renewal application, it shall be the responsibility of each developer 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 truck 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

- A. 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.

B. 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.

C. 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.

D. 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.

E. 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). 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 State Chief Deputy 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).*

Rule 5.03.3: Requirements of Factory-Built Homes for Human Habitation.

Rule 5.03.3-1: Anchoring and Blocking

All Factory-Built homes, which include new or used Factory-Built homes, delivered by retailers, developers or independent contractor installers or transporters to any site where such home is to be used for human habitation shall be anchored and blocked in accordance with the Mississippi Factory-Built Home Installation Program as administered by the Factory-Built Home Division of the State Fire Marshal's Office, this Regulation and *Miss. Code Ann. § 75-49-7*.

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

Rule 5.03.3-2: Installation Inspection

A duly authorized representative of the Factory-Built Home Division of the State Fire Marshal's Office shall periodically inspect site locations where Factory-Built homes, which include new and used Factory-Built homes, have been delivered and installed by retailers, developers or independent contractor installers or transporters when such home is to be used for human habitation to insure that the home is tied down, anchored and blocked in accordance with the Mississippi Factory-Built Home Installation Program as administered by the Factory-Built Home Division of the State Fire Marshal's Office, ; this Regulation and *Miss. Code Ann. § 75-49-7*.

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

Rule 5.03.3-3: Skirting of Factory-Built Homes

Factory-Built homes shall not be skirted until a duly authorized representative of the Factory-Built Home Division of the State Fire Marshal's Office has inspected the set-up. An inspection of the home is usually scheduled to occur within three (3) to five (5) business days following the

receipt of the Property Locator/Certificate of Installation from the retailer, the developer and/or the installer/transporter. If, at the time of the installation inspection, the skirting has already been installed, it will be necessary to reschedule the inspection until such time that the skirting can be removed for an unobstructed view of the underside of the home. The person(s) removing the skirting shall contact the State Fire Marshal's Office when the home is ready for the inspection to be conducted.

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

Rule 5.03.3-4: Factory-Built Homes Designated for Use Other Than Human Habitation.

All Factory-Built homes originally built for human habitation, which an installer/transporter delivers to a home site, shall be required to be installed in compliance with the standards set forth in this regulation, with the exception of any homes properly certified as “not to be used for human habitation (i.e. hunting/fishing camp, storage, etc.).” Proper certification that a home will not be used for human habitation must be accomplished by the installer/transporter as follows:

(1) The installer/transporter must obtain a completed Affidavit of Homeowner Statement, signed and notarized, from the homeowner confirming that the Factory-Built home will not be used for human habitation. The affidavit must be on the form prescribed by the State Fire Marshal's Office.

(2) No later than 72 hours from the time the installation is completed, the retailer, the developer, and/or the installer/transporter must submit to the State Fire Marshal's Office the completed, signed and notarized, Affidavit of Homeowner Statement and the Property Locator/Certificate of Installation. Failure to comply with the requirements of this Rule shall create a presumption that the Factory-Built home is intended to be used for human habitation and must be installed in compliance with the Regulations herein.

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

Rule 5.03.4: Consumer Complaints

A. In cases of complaints of improper installation and set-up of new or used Factory-Built homes lodged against retailers, developers, or installers/transporters, the Factory-Built Home Division of the State Fire Marshal's Office will conduct the necessary inspections and investigations of problems reported during the first twelve (12) months from the date the home is sited at the location intended for human habitation and the date on the installation decal affixed to the Factory-Built home by the inspector to be in full compliance with *Miss. Code Ann.* § 75-49-7(2).

B. A duly authorized representative of the Factory-Built Home Division of the State Fire Marshal's Office when scheduling a site inspection regarding a consumer complaint the manufacturer, retailer, developer, and installer/transporter licensee shall be present for each such inspection. If any manufacturer, retailer, developer, and installer/transporter licensee is unable to attend the site inspection, his duly authorized representative shall be a person employed by the licensee with authority to make decisions regarding corrective action and remedial plans if required.

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

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 defined as Factory-Built homes within their respected jurisdictions. Additionally, homes that are installed and set-up in accordance with federal guidelines required to meet the financing criteria of a federal agency are regarded by the Factory-Built Home Division of the State Fire Marshal's Office as being in full compliance. However, the Factory-Built Home Division of the State Fire Marshal's Office is the State Administrative Agency for the Department of Housing and Urban Development only.

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

Rule 5.04.2: Standards for “Non-Coded” Areas.

Minimum standards for blocking, anchors and tie-downs for Factory-Built homes in non-coded areas of the state, when delivered to a home site location in the State of Mississippi, where they are intended to be used for human habitation shall be installed in accordance with the Mississippi Factory-Built Home Installation Program, these regulations, and any and all applicable state and federal laws, rules and regulations, so as to prevent loss of life and property from wind storms and related hazards. A period of thirty (30) days from the date of delivery is allowed for blocking and anchoring of the home.

If the licensure exceptions do not apply (as listed in Rule 5.02.5), no Factory-Built home shall be installed within this state unless such installation is done by an installer/transporter licensed by the Mississippi Department of Insurance State Fire Marshal's office in accordance with the manufacturer's approved installation plan or the minimum standards set forth in this Regulation. The licensed installer/transporter or an employee of the licensed installer/transporter who possesses a current certificate of training from the State Fire Marshal's Office must be present during the entire installation process. The owner or purchaser of a

Factory-Built home is not allowed to transport said home unless the owner or purchaser is a licensed installer/transporter.

If the manufacturer's installation manual is unavailable for the installation, then the home must be installed according to the minimum standards set forth in this regulation.

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

Rule 5.04.3: Windstorm Protection and Wind Zone Designation.

A. All new and used Factory-Built homes shall be installed in compliance with the set-up/installation instructions manual, in accordance with Federal Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.306, (Windstorm protection) as follows: (a) Provisions for support and anchoring systems. Each Factory-Built home shall have provisions for support/anchoring or foundation systems that, when properly designed and installed, will resist overturning and lateral movement (sliding) of the Factory-Built home as imposed by the respective design loads. For Wind Zone I, the design wind loads to be used for calculating resistance to overturning and lateral movement shall be the simultaneous application of the wind loads indicated in Section 3280.305 (c)(1)(i), increased by a factor of 1.5 [D 7 76]. The 1.5 factor of safety for Wind Zone I is also applied simultaneously to both the vertical building projection, as horizontal wind load, and across the surface of the full roof structure, as uplift loading. For Wind Zones II and III, the resistance shall be determined by the simultaneous application of the horizontal drag and uplift wind loads, in accordance with Section 3280.305 (c)(1)(ii). The basic allowable stresses of materials required to resist overturning and lateral movement shall not be increased in the design and proportioning of these members. No additional shape or location factors need to be applied in the design of the tie down system. The dead load of the structure may be used to resist these wind loading effects in all Wind Zones.

B. Used Factory-Built homes, as defined in this chapter, not provided with such set-up/installation instruction manuals, and not provided with instructions shall comply with the specifications listed under Rule 5.06, Mississippi Factory-Built Home Installation Program Standards, *infra*.

C. Factory-Built homes, both new and used, built after July 13, 1994 that conform to Wind Zone I ratings only, cannot be installed within a designated Wind Zone II area. The wind Zone II area for homes manufactured after July 13, 1994, consist of the following counties: Hancock, Harrison, Jackson, George, Pearl River and Stone.

D. For used Factory-Built homes that were built prior to July 13, 1994, the following shall apply: If the Factory-Built home was built to the HUD Hurricane Zone rating that existed prior to July 13, 1994, it may be installed in one of the post July 13, 1994, counties that are listed in (C) above. For reference, HUD designated Hurricane Zone counties that existed prior to July

13, 1994, were as follows: Hancock, Harrison, Jackson, George, Pearl River, Stone, Greene, Perry, Forrest, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson. However, if the LAHJ within the post-July 13, 1994, Wind Zone II area has adopted more restrictive requirements that would prohibit the installation of a pre-July 13, 1994, Hurricane Zone house, then the requirements of such county or municipality shall govern.

E. Prior to the sales and installation of all new and used Factory-Built homes, the retailer, the developer and/or the installer/transporter shall determine whether the house is constructed to the properly rated Wind/Hurricane zone for its intended use and installation by referring to the HUD data plate. Any Factory-Built Home that is to be transported within or into the six (6) coastal counties of the State (Pearl River, Stone, George, Hancock, Harrison, and Jackson County) for installation, the retailer, the developer and/or installer transporter will be required to obtain a photocopy or a clear photograph of the data plate for the home. The photograph or copy of the data plate must be attached to the Property Locator/Certificate of Installation and submitted to the Factory-Built Home Division. If no accessible or readable data plate is available in the home to verify the Wind/Hurricane zone designation, a copy of the HUD data plate and compliance certificate must be obtained from either the manufacturer of the home or from the Institute for Building Technology and Safety (IBTS).

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

Rule 5.04.4: Data Plate and HUD Label Requirements.

Rule 5.04.4-1: HUD Label

Each section of each Factory-Built home under the Federal Manufactured Home Construction and Safety Standards (FMHCSS) shall contain a HUD label issued by the inspection agency. The label indicates that the home meets the applicable standards and that the construction process has been monitored by a third-party inspection agency.

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

Rule 5.04.4-2: Data Plate

Each Factory-Built home is also required to bear a data plate affixed in a permanent manner near the electrical panel or other readily accessible and visible location. The data plate shall contain information, including the name of the manufacturer, design-approval agency, factory installed equipment, and the wind zone classification, roof load, and thermal zones for which the unit was constructed.

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

Rule 5.04.4-3: Missing HUD Label and Data Plate

No Factory-Built home constructed on or after June 15, 1976, may be installed within the State of Mississippi unless it contains the HUD label and a data plate (see paragraphs 5.04.4-1 and 5.04.4-2 above) or unless verification certificates of the HUD label or HUD data plate compliance certificates for the home have been obtained from The Institute for Building and Technology Safety (IBTS) or the manufacturer of the home.

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

Rule 5.04.4-4: Factory-Built Homes That Shall Not Be Transported

The following Factory-Built homes when intended for human habitation, which are presumptively not in compliance with the requirements described in Miss. Code § 75-49-5(3), shall not be transported into or within Mississippi unless the installer/transporter has obtained a letter of exception from the State Fire Marshal's Office:

1. Any Factory-Built home manufactured before June 15, 1976 (Pre-HUD).
2. Any Factory-Built housing unit without a valid HUD label indicating federal construction and safety standards were met during construction unless the home was a trade in to a retailer licensed with the State Fire Marshal's Factory-Built Home Division.
3. Any Factory-Built home that has been structurally compromised from the manufacturer's design approval plan.
4. Any Factory-Built home that has been declared salvage after damage by flood, wind, and/or fire.
5. Any Factory-Built home that has been denied siting in this State or another State for reasons other than the federal zone requirements for wind, thermal, and/or roof load protection.
6. Any Factory-Built home taken as a "trade-in" by a retailer that meets any of the above listed conditions.

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

Rule 5.04.4-5: Preparation of Manufactured Housing Units for Transportation

A. Transportation Originating Outside Of Mississippi: Preparation of the new manufactured housing unit for transport where transportation originates outside of Mississippi shall be in accordance with the laws and applicable rules for the State of origin.

B. Transportation Originating Within Mississippi: Only licensed manufacturers, licensed retailers, and licensed installer/transporters may prepare a manufactured housing unit located in Mississippi for transport.

(a) Only licensed manufacturers, licensed retailers and factory-certified installer/transporters may prepare a new manufactured housing unit located in Mississippi for transport.

(b) All used manufactured housing units that have been occupied and where a licensed manufacturer and/or a licensed retailer is **not** involved, the following tasks must be completed by the licensed installer/transporters:

1. Anchoring systems and devices must be carefully removed in the reverse order from which they were installed;
2. Ridge Caps must be removed from multi-section homes;
3. Multi-section homes must be carefully separated following the reverse procedure used to connect homes or buildings together;
4. The furnishings and contents must be either secured or removed;
5. Plumbing, electrical, heat producing equipment and air conditioning must be properly disconnected by licensed/certified contractors who are otherwise regulated by State law;
6. Wheels and axles must be properly installed to the frame of the home;
7. All piers must be removed from under the home;
8. The bottom board must be secured for movement;
9. The unit must be secured to protect the inside of the home from moisture and wind damage.

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

Rule 5.05: Installation Standards For New Factory-Built Homes

The Mississippi Factory-Built Home Installation Inspection Program (“Installation Program”) is established to set forth the requirements by which manufacturers, retailers, developers, installer/transporters, and installation inspectors will be held accountable for assuring the appropriate installation of new Factory-Built homes within the State of Mississippi meet the intent of the manufacturer’s installation requirements. The Mississippi Factory-Built Home Installation Program Standards (“Installation Standards”) are the standards and requirements as set forth by the Federal Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 USCS 5401 *et seq.*) and as amended by the Manufactured Housing Improvement Act of 2000, and as same may be revised and amended.

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

Rule 5.06: Installation Standards For Used Factory-Built Homes

The Mississippi Factory-Built Home Installation Inspection Program (“Installation Program”) is established and sets forth the requirements by which manufacturers, retailers, developers, installer/transporters, and installation inspectors will be held accountable for assuring the appropriate installation of used Factory-Built homes within the State of Mississippi.

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

Rule 5.06.1: Site Preparation

Rule 5.06.1-1: Planning

Before attempting to move a home, the installer/transporter shall ensure that the transportation equipment and home can be routed to the installation site. Special transportation permits that may be required from federal, state, county, or city officials shall be the responsibility of the installer/transporter.

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

Rule 5.06.1-2: Soil Conditions

To help prevent settling or sagging, the foundation must be constructed on firm, undisturbed soil or fill compacted to at least 90 percent of its maximum relative density. Loose sands, gravel or other materials having an allowable soil bearing pressure less than 2000 pounds per square foot (psf) are not to be used as the fill material. All organic material such as grass, roots, twigs, and wood scraps must be removed in areas where footings are to be placed.

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

Rule 5.06.1-3: Site Grading and Drainage

A. The Factory-Built home shall be placed on a properly prepared site. After removal of all organic material, the home site must be graded or otherwise prepared to ensure adequate drainage. Site drainage will be a shared responsibility of the retailer, developer and installer/transporter of Factory-Built homes sold by the retailer except when the site is located in a mobile home park, as contemplated by Mississippi Code Ann., Section 75-49-5, and applicable HUD Regulations. Each site where a home is to be installed shall have a properly crowned and finished grade that will provide for drainage of all water around and away from

the home site (see Figure 1).

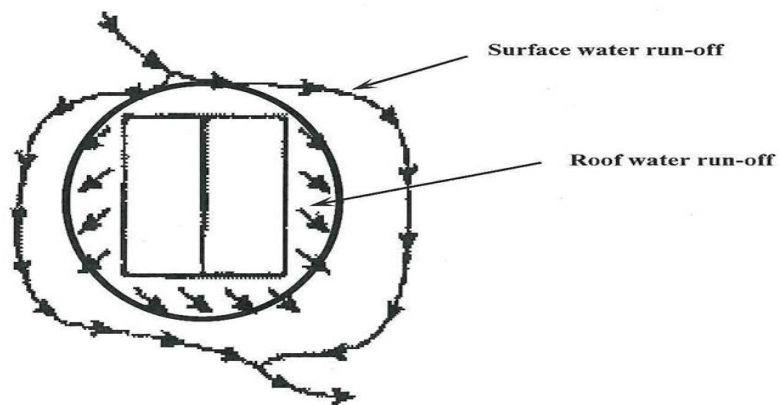


Figure 1. Water drainage must be diverted around and away from the home.

B. The site shall be properly crowned and sloped so that water will not stand under the home or run under the home (see Figure 2).

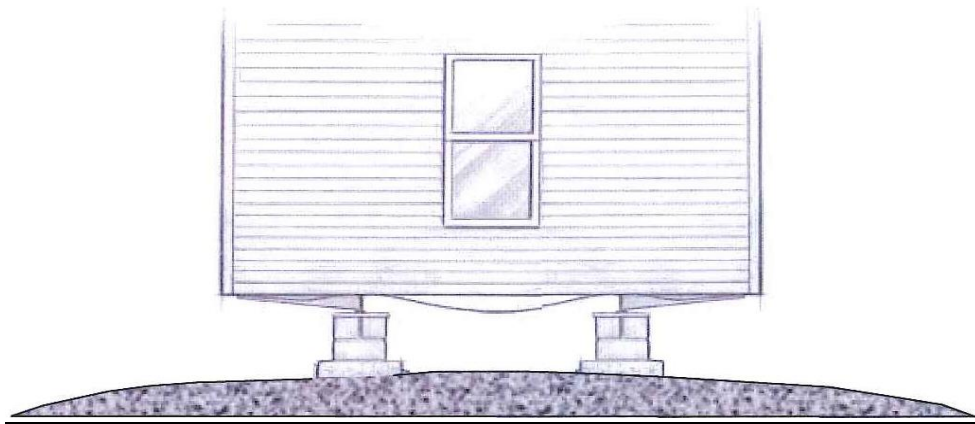


Figure 2. The appearance of a properly crowned soil under the home.

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

Rule 5.06.1-4: Raised Soil Pad

If the installation site is flat or is in a low area, the soil must be brought to the site to create the proper grading under the home. The fill material for the pad of soil must be placed on each

home installation site such that the dimensions of the pad will extend a minimum distance of 10 ft beyond each side of the home. The soil pad fill material must be compacted to 90 percent of maximum relative density to provide the proper load bearing capacity for the support pier footings. Loose sands, gravel or other non-compactable materials are not to be used as the fill material for the pad. The soil under the home shall be compacted and adequately crowned and sloped from the centerline of the home and provide a minimum slope of ½ inch per foot out and away a minimum distance of 10 ft from each side of the home (see Figure 3), except where property lines, walls, slopes or other physical conditions prohibit maintaining the minimum distance from the sides of the home. All depressions in the soil pad resulting from the use of the transportation equipment moving the home onto the installation site shall be properly filled and graded by the installer/transporter before departing the installation site.

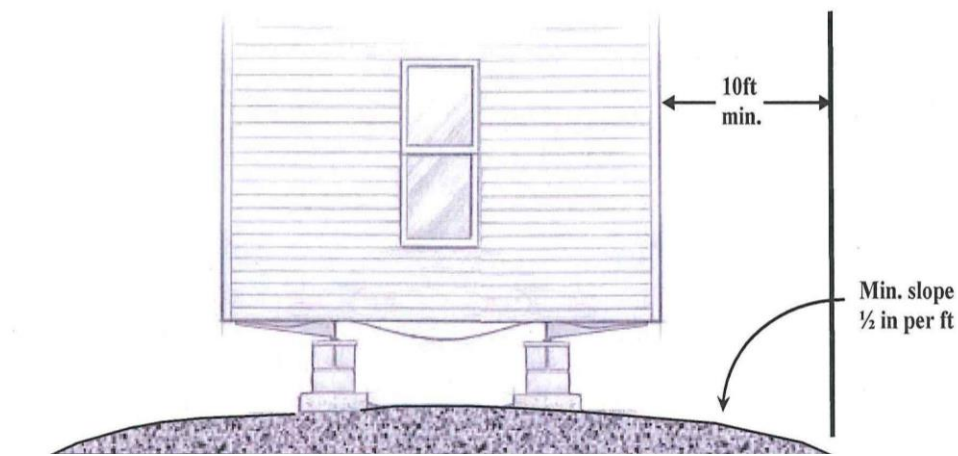


Figure 3. Slope of pad and distance of slope beyond edges of home.

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

Rule 5.06.1-5: Determination of Proper Site Preparation

A. Before installing the Factory-Built home, the installer/transporter has the responsibility to determine that the site preparation meets the requirements set forth in either the manufacturer's installation manual for all new Factory-Built homes or as set forth in this Regulation for all secondary sitings of used Factory-Built homes. If the LAHJ has more stringent regulations for homes installed in local mobile home parks, those regulations shall take precedence.

B. If the retailer or developer sells the Factory-Built home and retains the installer/transporter, the responsibility to ensure that site preparation is done properly shall be a shared responsibility of both the retailer, the developer, and the installer/transporter.

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

Rule 5.06.1-6: Written Contract on Site Preparation

A written contractual agreement between the homeowner, the retailer, the developer and/or installer/transporter may be used to determine which party is to perform the site preparation. The installation of Factory-Built homes shall not be performed on improperly prepared home sites.

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

Rule 5.06.1-7: Site Preparation by Homeowner

In the event that site preparation work is requested to be done by the homeowner, the retailer, developer or the installer/transporter, may agree to this, but, the agreement must be made in writing. However, the existence of said contractual agreement shall not relieve the installer/transporter of the responsibility of determining that the site for the home has been properly prepared. Before the installer/transporter may begin the installation of the Factory-Built home, the installer/transporter shall determine that the site preparation meets the requirements set forth in either the manufacturer's installation manual for all new Factory-Built homes or as set forth in this Regulation for all used Factory-Built homes. If there is conflict between the retailer, developer, installer/transporter and the homeowner regarding the site preparation, the State Fire Marshal's Office may be required to mediate.

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

Rule 5.06.1-8: Removal of Organic Material

All organic material, such as grass, roots, twigs, and wood scraps, shall be removed from beneath the site where the home will be placed and will include where the footings and the piers of the home are to be installed. The purpose of this is to minimize settling and reduce the potential for any insect damage.

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

Rule 5.06.1-9: Clearance Under the Home

The site should be properly graded such that a minimum clearance of 12 inches shall be maintained beneath the lowest member of the main frame (I beam or channel beam) and the soil under the home. No more than 25 % of the underside of the main frames of the home shall be at the minimum clearance of 12 inches above the existing grade.

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

Rule 5.06.1-10: Sloped Site Installation

Where the site slopes toward the foundation (piers) of the home, it is important to provide wide, shallow, drainage swales on the uphill side of the home for diversion of water around and away from the underside of the home.

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

Rule 5.06.1-11: Ventilation of Under-floor Areas and Moisture Barrier Recommendation

A. For all used Factory-Built homes, if the space under the home is to be enclosed with skirting or other materials, the skirting shall be vented and it is recommended that a 6 mil polyethylene sheeting or equivalent be placed on the ground area in the crawlspace below the home. When installed, the moisture barrier should cover the entire area under the home and overlap at least 12 inches at all joints. All decayable material, such as grass, roots, twigs, and wood scraps shall be removed from beneath the home.

B. A minimum of four ventilation openings totaling no less than 4 square feet of net free vent area must be provided. One shall be placed at or near each corner as high as practicable. If manufacturer's installation instructions are available and require more vents, the manufacturer's instructions shall apply.

C. Vent openings shall provide cross ventilation on at least two opposite sides. The openings shall be covered with corrosion resistant mesh or as part of the vinyl skirting material.

D. Moisture producing devices, such as dryers, shall be vented to the atmosphere in such a manner to insure that moisture laden air is carried beyond the perimeter of the home.

E. Ventilation and moisture barrier requirements for all new Factory-Built homes shall be provided according to the manufacturer's installation manual.

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

Rule 5.06.2: Fire Separation

Separation from adjacent structures and lot lines is based on the fire resistance rating of the home pursuant to **NFPA 501A Standard for Fire Safety Criteria for Factory-Built Home Installations, Sites and Communities**, Section 4 2.1, entitled "Fire Safety Separation Requirements," Sub section 4.2.1.1 as follows:

Any portion of a Factory-Built home, excluding the tongue, shall not be located closer than 10 ft. side to side, 8 ft. end to side, or 6 ft. end to end horizontally from any other Factory-Built home or community building unless the exposed composite walls and roof of either structure are without openings and constructed of materials that will provide a one hour fire rating or the structures are separated by a one hour fire rated barrier." Most Factory-Built homes may be classified as "non-rated" construction. However, manufacturers may, in some instances, construct one hour rated walls. Information regarding the fire rating of the unit may be obtained from the manufacturer or third party inspection agency identified on the data plate.

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

Rule 5.06.3: Sites Prone to Flooding

A. Prior to the installation of the Factory-Built home, the installer/transporter is responsible for determining if the home site is wholly or partially within a flood prone area. If the home is located within a flood prone area, the installer/transporter is also responsible for contacting the homeowner to determine if they have obtained the proper flood elevation permit/certificate for the property from the county floodplain coordinator. All new Factory-Built homes that are to be located in a flood prone area shall require the manufacturer's approval of the location of the home. If the location is approved by the manufacturer then the installation shall require that:

- (1) the home be set a minimum distance above the base flood elevation as determined by the LAHJ,
- (2) meet all the requirements set forth in the Federal Emergency Management Agency (FEMA) September 1985 publication, *Factory-Built Home Installation in Flood Hazard Areas*, and
- (3) shall have an engineer-designed foundation system installed.

B. All used Factory-Built homes that are installed within a flood prone area shall be required to:

- (1) be set a minimum height above the base flood elevation,
- (2) meet all the installation standards set forth in this Regulation,
- (3) meet all the installation standards set forth in the FEMA 1985 publication, and
- (4) shall be required to have an engineer- designed foundation system.

C. For all homes placed in sites that have a potential for flooding, special elevations and anchoring techniques are required. Consult an engineer and the LAHJ (local building official, etc.) to make sure that the design and construction of the foundation system of the home conform to applicable federal, state, and local codes and regulations. Source: *Miss. Code Ann.* §§ 75-49-1, et seq.; 75-49-11 (Supp. 2015).

Rule 5.06.4: Soil Classification

The following soil classifications in Table I have been adopted for the purpose of determining

design loads, specifications and holding power of anchors and tie-down devices.

Table I Soil Classification

Soil Class	Types of Soils	Blow Count (ASTM)	Test Probe (1) Torque Value (2)
I	Sound hard rock; Very dense and/or cemented	N/A	N/A
II	Sands, coarse gravel and cobbles, preloaded silts, clays and corals...	40 and up	More than 550 lbs.-in.
III	Medium-dense coarse, sands, sandy gravel, very stiff silts and clays....	24-39	350-549 lbs.- in.
IV(4)	Loose to medium dense sands, firm to stiff clays and silts, alluvian fill.....	(3) 14-23	(3) 200-349 lbs. – in.
V	Peat, organic silt, inundated silts, loose fine sand, alluvium, loess, varied clays, fill, fly ash....	0-14	0-200 lbs. – in.

1. The test probe is a device for measuring the torque of soils to assist in evaluating the holding capacity of the soils in which the anchor is placed. The test probe has a helix on it. The overall length of the helical section is 10.75 inches; the major diameter is 1.25 inches, the minor diameter is 0.81 inches; the pitch is 1.75 inches. The shaft must be of suitable length for anchor depth.
2. A measure synonymous with the moment of a force when distributed around the shaft of the test probe.
3. Below these values a registered professional engineer must be consulted.
4. A C-4 anchor must be used unless the soil is tested with a soil test probe and the readings allow for another soil type anchor to be used.

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

Rule 5.06.5: Soil Type/Bearing Capacity

Under the Federal Standards, manufacturers are only required to provide one acceptable method

for installing the home. However, manufacturers usually provide installation instructions that can be applied to a number of sites. These "generic" instructions commonly specify a minimum acceptable bearing capacity of the soil. Additionally, the manufacturer may offer options for acceptable footing sizes based on the bearing capacity of the soil. Installer/transporters and inspection personnel should first determine the bearing capacity of the soil in order to determine the proper size footing or foundation. Different soil types will have different bearing and holding capacities. The bearing capacity of the soil is the load per unit area that can be supported safely by the ground. The performance of the ground anchor is also related to the soil's holding capacity. In the absence of borings, test pits, and other soil investigations that provide information on the proposed site, the following description of soil types in Table II may be used for homes installed in Mississippi.

TABLE II – BEARING CAPACITY/SOIL TYPE*

Bearing Capacity psf	Bearing Capacity kg/m2	Soil Type
2000	9765	Loose sand clay soils or medium soft clay
3000	14647	Firm or stiff clay
4000	19530	Loose fine sand or compact inorganic silt soils
6000	29295	Compact sand clay soils
8000	39059	Loose coarse to medium compact fine sand

*Note: The above table may be used if the soil characteristics are known. If the soil type is unknown, the following resources may be consulted to determine the soil type/bearing capacity:

- (a) LAHJ;
- (b) Soil conservation district;
- (c) United States Geological Survey;
- (d) The Resource Conservation Agency of the U. S. Department of Agriculture;
- (e) Highway Department;
- (f) Qualified Professional Engineer; and/or
- (g) Other methods approved by the Commissioner.

In lieu of determining the soil bearing capacity by the use of the methods described above, an allowable bearing capacity of 2000 psf may be used unless the site-specific information requires the use of lower values based on soil classification and soil type.

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

Rule 5.06.6: Required Piers and Anchorages

A. All used Factory-Built homes require diagonal ties to restrict the unit from being pushed from the main support piers. These diagonal ties also restrict overturning of the structure. Additional over the top tie downs or vertical side wall tie downs to restrict overturning are required by some Factory-Built home installations. When a used Factory-Built home is relocated (secondary siting) **all** of the original diagonal and vertical tie downs for the wind zone designation of the home must be reinstalled.

B. Piers or load-bearing supports or devices shall be designed and constructed to evenly distribute the loads. The maximum pier loads are listed in Table III and Table IV. Piers shall be securely attached to each I-beam of the Factory-Built home and shall extend at least six (6) inches from the centerline of the I-beam. Other types of load-bearing supports or devices shall be listed or approved for the use intended.

TABLE III – MAXIMUM PIER LOAD IN POUNDS

Number of Concrete Blocks	Soil Bearing Value	Maximum Allowable Load
1	1,000 lbs./square foot	4,800 lbs.
2	2,000 lbs./square foot & greater	9,600 lbs.

* ABS Pad types include the following:

13 ¼" x 26 ¼" Pad 2.395 square feet ID#4148 4 or
20" x 20" Pad 2.777 square feet ID#1055 7

TABLE IV - MAXIMUM PIER LOAD

Type	Pad Configuration	Pad Area (in square inches)	Soil Bearing Capacity PSF (in pounds)					Remarks
			000	500	000	500	000	
1	1-16 x 16 w/1 or w/2 CMUs	256	780	670	560	450	340	Max: 5340 #
2	1-18.5 x 18.5 w/1 CMU	342	375	563	750	598	598	Max: 5600 #
3	1-18.5 x 18.5 w/2 CMUs	342	375	563	750	938	125	Max: 7125 #

4	2-13.13 x 26.13 w/1 CMU	342	375	563	750	938	400	Max: 6400 #
5	1-18.5 x 18.5 w/1 CMU ID# SPA 264-1-1	342	375	563	750	938	125	Max: 7125 #
6	1-20 x 20 w/1 CMU	400	775	167	556	600	600	Max: 5600 #
7	1-20 x 20 w/2 CMUs	400	775	167	556	944	333	Max: 8333 #

All pad sizes shown are nominal dimensions and may vary up to 1/8 inch.

C. Pier foundations shall be installed directly under each I-beam of the Factory-Built home. If the Factory-Built home installation instructions are not available for a used home, piers for single section homes are to be placed under each longitudinal I-beam not to exceed 8 ft. on center spacing for homes that are 14 ft. wide or less and 6 ft. on center for homes that are over 14 ft. wide, in the minimum soil bearing capacity of 2,000 psf. Piers shall be placed no more than two (2) feet and no less than one (1) foot from the end of each I-beam.

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

Rule 5.06.7: Pier Construction

Rule 5.06.7-1: Single Stacked Piers

Except for corner piers, support piers less than 36 inches high, shall be constructed of single stacked masonry units, placed with the open cells in the vertical position when placed upon the pier footing. The frame piers must be installed so that the long sides are at right angles to the supported I-beam. (See Figure 4). Perimeter piers shall be single tiered and placed parallel to the sidewall under the rim joist.

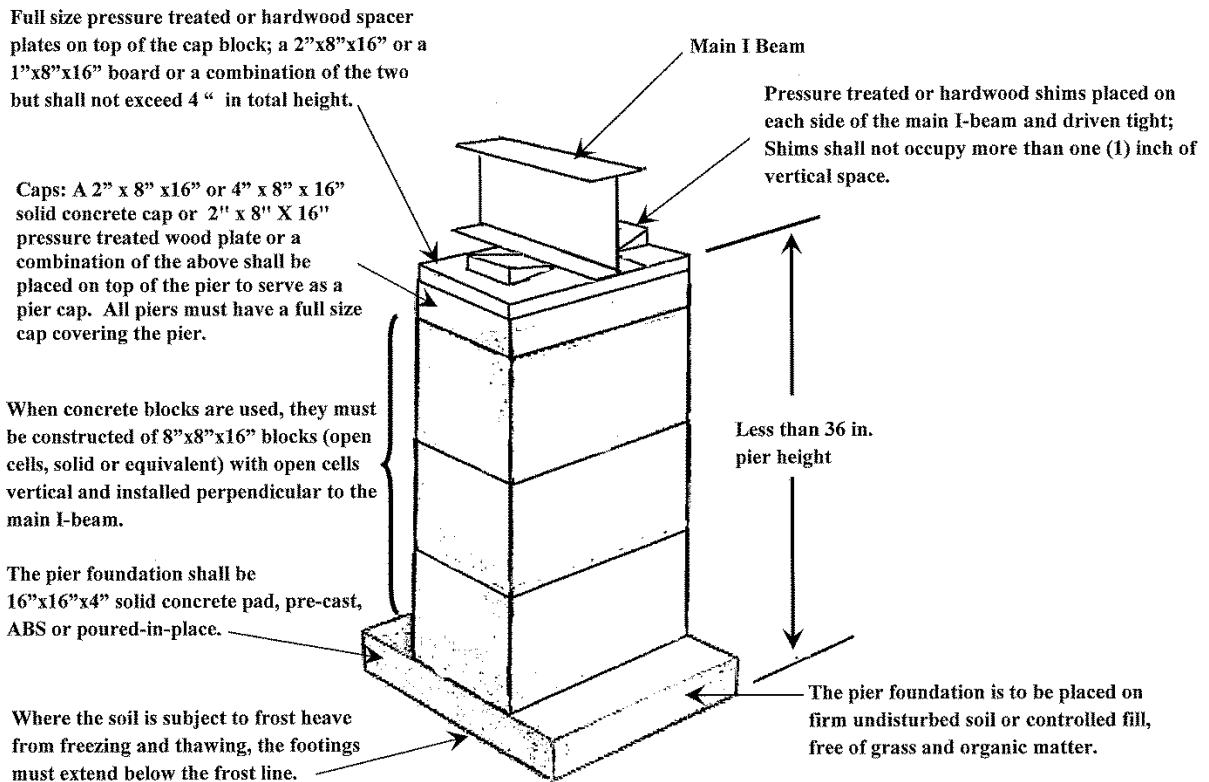


Figure 4. Single block pier construction.

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

Rule 5.06.7-2: Pier Caps

All piers must have a full size cap covering the top of the pier. A solid concrete 2"x8"x16" or 4"x8"x16" block or a 2"x8"x16" pressure treated wood plate shall be placed on top of the pier to serve as a cap. All caps must be the same length and width as the piers on which they rest. When split caps are used on double stack piers, the caps must be installed with the long dimension across the joint in the blocks below. Additional full size pressure treated or hardwood plates not less than 1 x 8 x 16 inch may be used but the additional plates shall not exceed 4 inches in total height.

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

Rule 5.06.7-3: Shims

A. The I-beam shall be cushioned with pressure treated wood or hardwood or other approved

shims (wedges). The shims (wedges) shall be used in pairs, installed in opposite directions and be fitted and driven tightly between the pressure-treated wood plate and the I-beam of the home.

B. One shim at least 4"x6" nominal shall be placed on each side of the main frame on single tiered piers.

C. Two shims shall be placed on each side of the I-beam on double tiered piers.

D. Shims shall not occupy more than 1 inch of vertical space between the top plate and the I-beam.

E. Shims shall be used in pairs and driven tight.

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

Rule 5.06.7-4: Removal of Organic Material

All grass, grass sod, debris and other organic material shall be removed before footings or pier foundations are installed. The minimum I-beam support pier foundation shall be a 16 inch x 16 inch x 4 inch solid concrete pad, pre-cast, poured-in-place, or ABS pads.

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

Rule 5.06.7-5: Protection From Frost Heave

Where the soil is subject to frost heave from freezing and thawing, the footings for support piers must extend below the frost line (no less than two (2) inches from the top of the ground).

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

Rule 5.06.7-6: Corner Piers

All corner piers shall be double tiered units at least 16" x 16" consisting of interlocking masonry units and shall be fully capped as shown in Figure 5. Two 8 x16 x4 inch concrete cap blocks or two 2x8x16 inch pressure treated wood plates may be used on a double tiered pier provided that the joint between the blocks or plates is perpendicular to the joint between the open cell concrete blocks and is also perpendicular to the I-beam. The corner piers shall be placed not more than 2 ft. and not less than 1 ft. from the end of each I- beam.

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

Rule 5.06.7-7: Double Tiered Pier Heights

A. Piers 36 inches to 67 inches high shall be double-tiered units at least 16x16 inches consisting of interlocking masonry units and shall be fully capped with a 2 inch or 4 inch thick solid masonry unit or a 2"x8"x16" pressure treated wood plate. (See Figure 5).

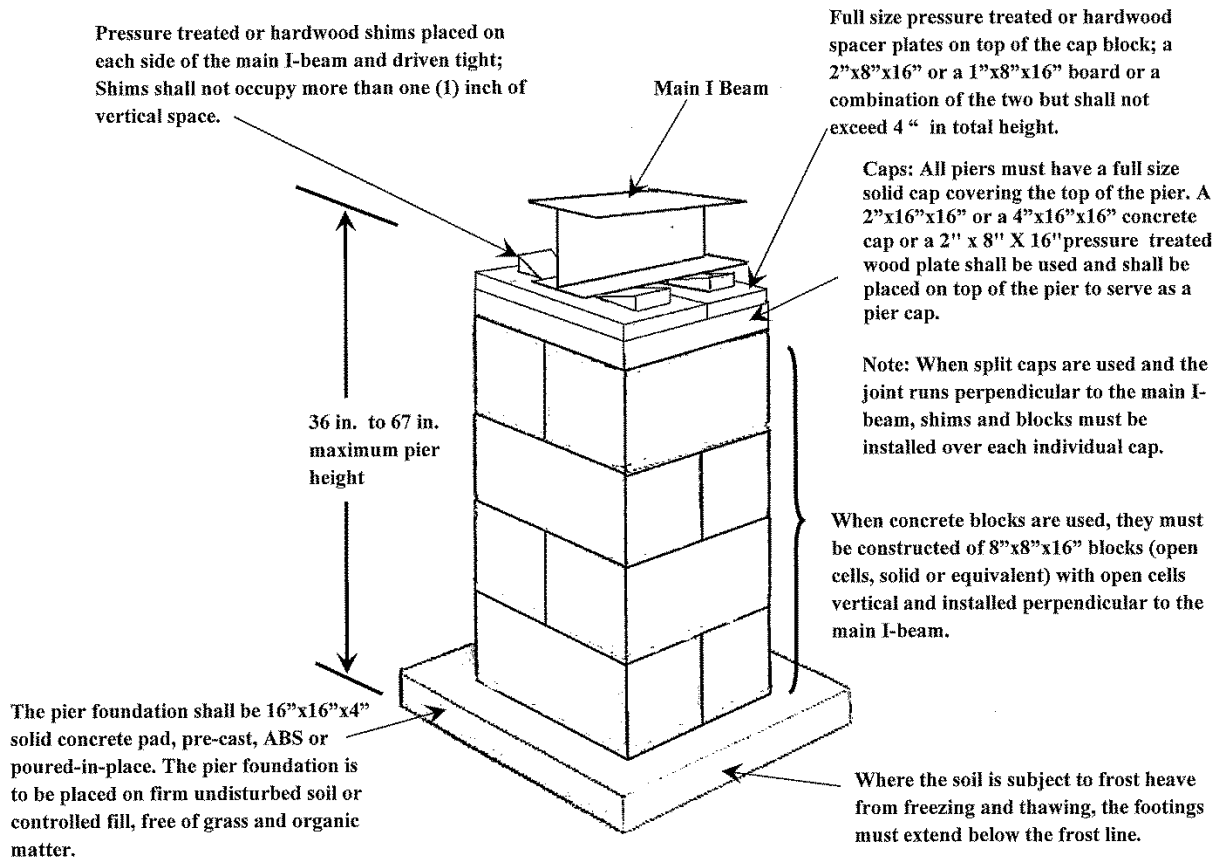


Figure 5. Double Block Pier Construction.

B. Piers between 68-80 inches high shall be constructed in accordance with the provisions of Rule 5.06.7-7(A), provided the piers shall be filled with grout and reinforced with four continuous No. 5 bars. One bar shall be placed in each corner of the grouted space of the piers.

C. The maximum pier height shall be no more than 80 inches unless designed and approved by a registered engineer or a higher height/different design is required by the National Flood Insurance Program (NFIP) floodplain management criteria.

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

Rule 5.06.7-8: Cast-In-Place Concrete Piers

Cast-in-place concrete piers meeting the same size and height limitations of Rule 5.06.7-1 through 5.06.7-7 above, may be substituted for piers constructed of masonry units.

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

Rule 5.06.7-9: Pier Footings

A. Every pier shall be supported by a footing. All I-beam support piers and marriage line support piers shall be constructed on footings of solid concrete not less than 16 x 16 inches that consist of a 4 inch thick concrete pad, precast, ABS, or poured in place concrete slab, unless other footing types and sizes are allowed. All footings are to be placed on stable undisturbed soil or properly compacted fill material. The fill material must be compacted to 90 percent of maximum relative density to adequately provide the proper load bearing capacity for the support pier footings.

B. Perimeter pier footings are required to be a 4"x8"x16" concrete pad or equivalent.

C. Poured-in-place concrete pads, slabs, or runners used as footings for a Factory-Built home shall be a minimum 4 – inches thick with a least a 28 day compressive strength of 3,000 pounds per square inch (psi) and shall be required to contain proper reinforcing steel.

D. If an existing concrete slab is to be used as the foundation of the home and the thickness and the existence of reinforcing steel cannot be readily determined, all main frame I-beam support piers shall be required to be placed on a solid concrete footing 16 x 16 x 4 inches or ABS pads. In addition, the top elevation of the concrete slab shall be a minimum of 4 inches higher than the existing grade of the soil around the slab.

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

Rule 5.06.7-10: Marriage Wall Piers

Marriage wall piers shall be constructed to the same requirements as all other main frame support pier requirements. Marriage line piers, less than 54 inches in height, shall be single tiered, on footings and placed perpendicular to the line of the mated sections of the home. All marriage wall openings are required to have support piers at each side of the opening. Typical marriage wall openings are cathedral openings and passageway openings which are 48 inches and larger. Marriage walls shall also have support piers at each ridge beam column and within 2 ft. of each end of the home.

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

Rule 5.06.8: Pier Spacing and Placement

A. To assure proper pier spacing and placement for all Factory-Built homes, the piers shall be located in accordance with the Factory-Built home installation instructions. If the Factory-Built home installation instructions are not available for a used home, piers for single section homes are to be placed under each longitudinal I-beam not to exceed 8 ft. on center spacing for homes that are 14 ft. wide or less and 6 ft. on center for homes that are over 14 ft. wide, in the minimum soil bearing capacity of 2,000 psf. End piers shall be no more than two (2) feet and no less than one (1) foot from the end of each I-beam.

B. The pier spacing under each longitudinal I-beam for all used Factory-Built homes (single wide or multi-section) having a Wind Zone II classifications shall be no greater than 6 ft. on center.

C. Piers for used multi-section homes are to be placed under each longitudinal I-beam not to exceed 6 ft. on center spacing. For used multi-section homes, piers are to be placed under the center marriage line no less than one (1) foot from each end, under ridge beam support columns, and under both sides of openings at the marriage line greater than 12 ft. All marriage wall support piers shall be placed perpendicular to the mate line of the two sections of the home.

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

Rule 5.06.8-1: Placement of Door and Window Support Piers

For all homes, **all** exterior entry doors shall have piers or a manufacturer's approved support device on each side of the opening. All doors and windows over 48 inches wide shall be properly blocked under each side of the opening (footings for these support piers may be 8"x 16" x 4" concrete pads or equivalent). In the event that an obstruction (electrical, mechanical, plumbing or other device) is directly under one side of the opening, the blocks on that side may be offset up to maximum of 6 inches in either direction of the supported member. Factory installed outriggers and cross members may replace support piers if they are positioned directly below exterior door or window openings less than 48 inches, provided the floor rim joist has not been compromised or damaged.

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

Rule 5.06.8-2: Placement of End Support Piers

Where practical for all homes, the end support piers (including the end marriage wall piers) shall be placed no less than 1 ft. from the ends of each I-beam but shall not be more than 2 ft. from the end of each I-beam. When the location and spacing of wheels and axles, or other structural

members of home frames, or undercarriages prevent spacing of piers on 8 or 6 ft. centers, the spacing shall be as near 8 or 6 ft. maximum spacing as practicable in the area of the obstruction.

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

Rule 5.06.8-3: Placement of Piers Under Concentrated Loads

Piers shall be placed under other concentrated loads such as porch posts, bay window overhangs, and masonry faced fireplaces or floor overhangs. Factory-Built Homes that exceed 16 ft. per floor, in width shall have perimeter piers under the sidewalls every 6 ft. and at each corner. The data plate of the Factory-Built home must be reviewed by the installer/transporter to determine if additional perimeter pier installations are required.

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

Rule 5.06.8-4: Placement of Perimeter Support Piers

Perimeter piers shall be placed under the intersection of a floor rim joist and a transverse joist or shall be under a 4x4 inch brace that supports at least two floor joists.

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

Rule 5.06.8-5: Piers for Homes Installed In Designated Flood Area

All piers and foundation supports for homes that are installed in a designated flood prone area shall be designed by a licensed engineer and shall have drawings of the as-built design with the engineer's registered stamp. The engineer designed foundation shall comply with the requirements set forth in the publication, Protecting Manufactured Homes from Floods and Other Hazards, published by the Federal Emergency Management Agency (FEMA P-85, Second Edition/November 2009).

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

Rule 5.06.9: Installation Instructions for ABS Pads

A. The purpose of this section is to emphasize that **the ground under the ABS pads must be leveled, evenly compacted, and cleared of all vegetation and debris before the placement of the pad and all pads are to be installed flat side down, ribbed side up.**

B. Note that if the pad deflects more than 5/8 of an inch when installed, pier spacing is incorrect for the existing soil conditions. The maximum deflection in a single pad is 5/8 of an inch

measured from the highest point to the lowest point of the top.

C. Installation Instructions for ABS Pads B 26X 26 Inch Pad Configuration:

1. All pads are to be installed flat side down, ribbed side up.
2. The ground under the pads should be leveled as smooth as possible with all vegetation removed. Pads are not to be placed on natural grade unless otherwise permitted by the local building authority.
3. Pier and pad spacing will be determined by the Factory-Built home manufacturer's written set up instructions. In the absences of home manufacturer's written set up instructions and written set up instructions from the pad manufacturer, the pier and pad spacing shall be no greater than 6 ft. apart for Wind Zone I areas and no greater than 4 ft. for Wind Zone II areas.
4. The open cells between the ribbings on the upper side of the pads may be filled with soil or sand after installation to prevent any accumulation of stagnant water in the pads.
5. A pocket penetrometer may be used to determine the actual soil bearing value. If soil testing equipment is not available, as mentioned earlier in the Regulation that an assumed soil bearing capacity value of 1000 lbs./square foot (psf) may be used.
6. All pad sizes shown are nominal dimensions and may vary to 1/8 of an inch.
7. The maximum deflection in a single pad is 5/8 of an inch measured from the highest point to the lowest point of the top face. (Please review Table V and Figures 6 and 7).

TABLE V – SIZE AND LOAD

PAD SIZE	PAD AREA	1000 LB.SOIL	2000 LB.SOIL	3000 LB.SOIL
16" X 16"	256 sq. in.	1,780 lbs.	3,560 lbs.	5,333 lbs.
18.5" X 18.5"	342 sq. in.	2,375 lbs.	4,750 lbs.	7,125 lbs.
20" X 20"	400 sq. in.	2,750 lbs.	5,500 lbs.	8,250 lbs.

- a. Any configuration above may be used to replace a home manufacturer's recommended concrete or wood base pad.
- b. The maximum load at any intermediate solid value may be determined as the average of the next lower and next higher soil values given in the above table.

- c. Pad sizes shown are nominal dimensions and may vary up to 1/8 inch.
- d. Pad loads are the same when using single stack or double stack blocks.

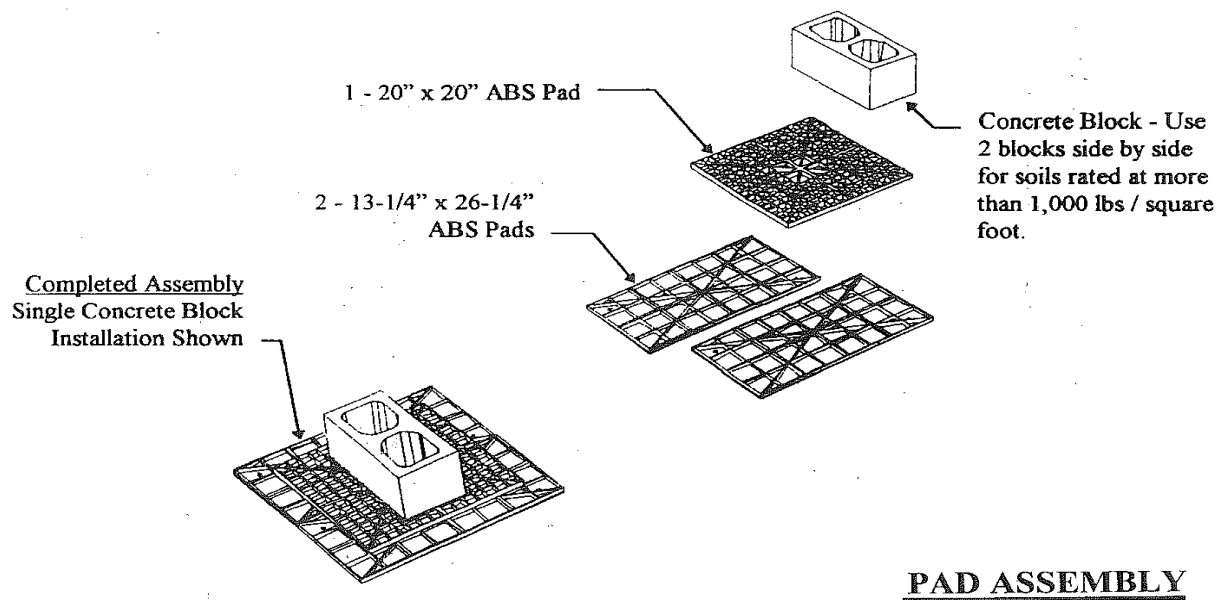


Figure 6. ABS pad assembly installation instructions for a 26"x 26" configuration

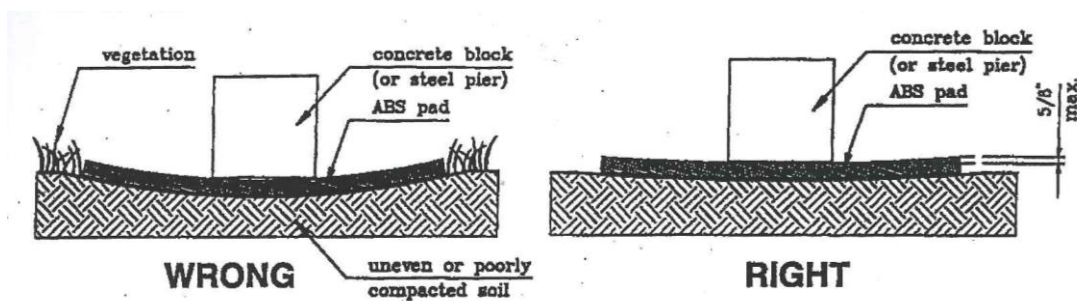


Figure 7. Maximum allowable deflection in a single ABS pad

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

Rule 5.06.10: Tie-downs

Factory-Built homes with provisions for installation of anchor systems, including instructions, in accordance with Federal Manufactured Home Construction & Safety Standards, Section 24 CFR 3280.306 shall be installed in accordance with the manufacturer's instructions. Factory-Built homes not provided with such installation instructions, or Factory-Built homes not provided with instructions for the zone (wind or non- wind) in which they are being installed shall comply with the following:

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

Rule 5.06.10-1: Single-wide Factory-Built Homes

- A. The number of tie-downs for single wide (10 ft., 12 ft., 14 ft., or 16 ft.) Factory-Built homes shall comply with Tables VI and Table VII.
- B. All used Factory-Built homes shall be tied down in accordance with Table VI and Table VII unless the anchoring system is designed and approved by a registered professional engineer (as per manufacturer's installation instructions).
- C. Single section Factory-Built homes shall have diagonal and vertical ties and anchors in accordance with Table VI and Table VII unless the manufacturer's installation instructions are utilized.

TABLE VI- MINIMUM NUMBER OF TIEDOWNS FOR WIND ZONE II*

Length of Factory-Built home, excluding draw bar (ft.)	Number of vertical ties**	Number of diagonal ties, each side	Total required anchors per home
0-40	5	5	10
41-60	7	7	14
61-84	9	9	18

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TABLE VII- MINIMUM NUMBER OF TIEDOWNS FOR WIND ZONE I*

Length of Factory-Built home, excluding draw bar (ft.)	Number of vertical ties ***	Number of diagonal ties, each side	Total required anchors per home ****
0-40	0	4	8
41-60	0	6	12
61-84	0	8	16

* These tables are based on a minimum working load per tie of 3,150 lbs. with a 50 % overload (4,725 lbs. total).

** The Federal Manufactured home construction and safety standards require all Factory-Built homes designed to be located in wind Zone II and III to have a diagonal tie installed at each vertical tie location.

*** If existing vertical tie down straps or brackets are present on the home, vertical straps and anchors must be installed at these locations.

**** If the maximum support pier height is over 24 inches, an additional diagonal tie must be added, per side, for every additional 12 inches of pier height or a portion thereof.

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

Rule 5.06.10-2: Multi-sectional Factory-Built Homes

A. All used multi-sectional Factory-Built homes shall have diagonal ties and anchors as required above for single-wide Factory-Built homes as listed in Tables VI and VII above. The number of anchors and straps along the mate line of the multi-sectional Factory-Built home shall be one/half of the required number for one side of a single wide unit having the same length. A minimum of two of the anchor and straps are to be placed within 2 ft. of the end of each section of the home.

B. The installation of anchors and diagonal ties will be required along the mate line on all used multiple section Factory-Built homes unless the manufacturers installation manual for the home is available and specifies that these stabilizing devices are optional.

C. All new multi- sectional Factory-Built homes are to be secured at the centerline with straps and anchors to the specifications in the manufacturer's installation manual or at the locations designated on the home. In addition to centerline ties specified by the manufacturer, a centerline tie must be attached within two (2) feet of each end of each section of the Factory-Built home. Where necessary, an approved bracket shall be installed by the installer/transporter.

D. All multi-sectional homes shall be lagged and sealed together in accordance with the manufacturer's installation instructions. If no manufacturer's installation instructions are available, the instructions provided in this regulation shall be followed.

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

Rule 5.06.10-3: Pan-Type Foundation Stabilizing Systems

1. Proprietary pan-type foundation stabilizing systems shall be installed in accordance with the pan system manufacturer's installation instructions provided with the product as it relates to the length of the home, single-wide or multi-sectional home, the maximum pier height and the pitch of the roof. The name of the manufacturer of the pan-type foundation stabilizing system shall be indicated on the Property Locator/Certificate of Installation form.

2. Prior to the selection and use of the pan-type foundation stabilizing system, it is the responsibility of the installer/transporter to check with the LAHJ to determine if any restrictions have been placed on the use of these types of stabilizing systems.

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

Rule 5.06.10-4: Alternate Systems

The specifications listed above for the tie-downs are minimum standards. Other anchor systems may be approved by the Division or LAHJ provided that such designs are prepared by a registered professional Mississippi engineer or architect based on the criteria set forth in Federal Manufactured Home Construction & Safety Standards, Section 3280.306.

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

Rule 5.06.10-5: Tie-down Spacing and Sizes

The following specifications are the minimum standards for all tie-down spacing and sizes.

A. Over the top tie-downs shall be positioned at stud and rafter locations near ~~the~~ each end of the Factory-Built home. Others, if needed, may be positioned between them.

- B. A metal roof protector must be used with over-the-roof tie down straps.
- C. Wherever feasible, over the top tie-downs and frame ties directly beneath them may use the same anchors.
- D. All vertical side wall and shear wall tie down buckles existing on the home must be properly strapped and anchored.
- E. All tie-down straps, cables and devices must be tested and approved. All ties shall be fastened to ground anchors and drawn tight with turnbuckles, yoke type fasteners or other such tensioning devices listed with the ground anchor.
- F. All tie-down straps and devices must be attached to the Factory-Built home in accordance with the manufacturer's instructions for the specific types of straps and devices. All tie-down straps and devices must be tested and approved. Straps must be type I, finished B, grade 1 steel strapping, 1 ¼" wide and 0.035" thick conforming with Federal Specifications strapping steel and seals FS QQ-S-781H-1974.
- G. Tie down straps shall not be kinked or bent or otherwise abnormally stressed when installed. Straps must not be in contact with the support piers.
- H. The angle of the diagonal tie down strap shall not exceed 45 degrees between the strap and the ground. If the angle exceeds 45 degrees an additional strap must be installed and attached to the opposite support frame.
- I. All straps must be properly attached to the anchor head according to the manufacturer's installation instruction and properly tensioned. According to manufacturer specifications, the winding of the strap on the anchor head bolt must contain a minimum of four to five complete turns.
- J. Splices in the anchor straps must be installed in accordance with the manufacturer's instructions for straps and devices. If manufacturer instructions for splicing anchor straps are not available, the following instructions will apply. The ends of the straps must overlap a minimum of 6 inches and a maximum of 12 inches. Two (2) crimp seals must be installed in the overlap of the strap ends and each crimp seal must be double crimped.
- K. Cables shall be either 7/32 inch diameter or greater (7x7) steel cable or 1/4 inch diameter or greater (7x19) aircraft cable. All cable ends shall be secured with at least two U bolt type cable clamps or other fastening device as approved by the building official.
- L. Tie materials shall be capable of resisting an allowable working load of 3,150 lbs. with no more than 2% elongation and shall withstand a 50% overload [4,725 lbs. total]. Tie-downs exposed to weathering shall be resistant to weathering deterioration at least equivalent to that

provided by a coating of zinc on steel of not less than 0.30 oz. per square foot of surface coated. Type I,

M. Class B, Grade I, steel strapping 1 1/4 inches wide and 0.035 inch thick, conforming to Federal Specifications QQ S 781 F, is judged to conform to this section.

N. Materials used for ties must terminate with D-rings bolts, or other fastening devices, which will not cause distortion of the band or reduce its breaking strength of 4,725 lb. Please note that ties should be double wrapped (double looped) at top of beam, not at the bottom.

O. Connection of the cable frame tie to the I-beam (or other shape) main structural frame member should be by a 5/8 inch drop forged closed eye bolted through a hole drilled in the center of the I-beam web. A washer, or equivalent, shall be used so that the beam is sufficiently reinforced around the hole. If steel strap ties are used, care should be exercised to insure that minimum bending radius is adhered to so that the breaking strength of the strap is not reduced.

P. Frame ties shall connect the anchor and the steel I-beam (or other shape) main structural frame member which runs lengthwise under the Factory-Built home. Frame ties shall never be connected to any of the steel outrigger beams which fasten to and intersect the main I beam at right angles.

Q. Ground anchors should be aligned with center of piers. Also, they should be situated immediately below the outer wall to accommodate over the top ties as well as frame ties.

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

Rule 5.06.11: Anchors

Devices used to anchor Factory-Built homes shall meet the requirements listed in the following paragraphs.

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

Rule 5.06.11-1: Soil Classification of Anchors

All ground anchors must be installed in the soil types for which they are tested and approved. It should be noted that soil types may vary across a home installation site. Prior to installing any ground anchor, it is the responsibility of the installer/transporter to determine the soil class at the installation site and to ensure that the proper class of anchor is installed for the existing type of soil. The acceptable method for the determination of the soil classification is by a soil test probe. The soil classifications shown in Table I are the accepted standards of this Regulation and are to be used for the purpose of determining the design loads, specifications

and holding power of anchors and tie down devices for installation of all Factory-Built homes in the State of Mississippi.

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

Rule 5.06.11-2: Determining the Soil Class of Anchors

The use of a soil test probe shall be required in the determination of the soil classification at the installation site for the proper soil class anchor that can be used. A minimum of 6 readings (one at each of the four corners of the home, within two feet of the corners, one at the front center of the home and one at the rear center of the home) shall be required in order to properly choose the anchoring device required for the home. Results of the soil test probe may be averaged and used to determine anchor types based on the anchor manufacturer's installation and/or user manual requirements. However, **all** of the soil test probe torque values and the depth readings obtained

at the installation site, including the computed average reading, shall be recorded on the Property Locator/Certificate of Inspection to confirm the determined soil class for anchor selection.

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

Rule 5.06.11-3: Preferred Soil Class Anchor

If no soil test probe measurements have been obtained for the determination of the soil classification at the installation site, it is preferred that a soil class type C-4 rated anchor shall be used. C-4 rated anchors shall have a minimum auger diameter of 6 inches and shall be installed to their full depth. When the condition of the soil (including ground density, composition, moisture content and compaction) will not allow the C-4 rated anchors to be installed to their full depth, the C-4 rated anchor that could not be installed shall be left in place, soil test probe readings obtained and the appropriate soil class anchor installed adjacent to the failed C-4 anchor. All ground anchors used shall be capable of withstanding 4,750 lbs. of pull (in a vertical or diagonal direction) without failure.

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

Rule 5.06.11-4: Proper Installation of Ground Anchors

A. Ground anchors shall be aligned close to the end of the piers, but not in exact center that will interfere with frame ties.

B. All anchors shall be installed in a vertical position or with the anchor rod in direct alignment with the force of the loading.

C. Anchors to reinforced concrete slabs must be strength comparable to that presented above.

If a Factory-Built home is to be placed on a monolithic concrete slab, the ground anchors may be replaced with anchor bolts imbedded in the concrete slab. The location of the anchor bolt in relation to the longitudinal support I-beam will be the same as the ground anchors.

D. Other anchors which are capable of withstanding 4,750 lbs. of pull without failure may be approved by the Factory-Built Home Division of the State Fire Marshal's Office as equivalent to above specifications.

E. All ground anchors installed in a vertical position having frame tie connections shall have approved stabilizer plates, stabilizer caps, concrete collar, or other approved stabilizer devices installed to resist horizontal movement. The stabilizer device must be installed according to the manufacturer's instructions and the top of the device must be flush with the surface of the soil. If a concrete cap is used it must be a minimum of 10" in diameter and 18" deep. Exception: Stabilizer plates are not required with coral anchors or at centerline or marriage wall locations.

F. Anchors must be installed to full depth with the bottom of the anchor head within one (1) inch of the soil's surface.

G. The "Standard Method of Test for Manufactured Home Anchors, Parts A and B" is described in the Federal Manufactured Home Construction and Safety Standards, 24 CFR Section 3280.401.

H. The use of any alternate systems of anchoring not approved by HUD may be used if proof that the manufacturer of the home has approved the use of such systems is provided with the submittal of the Property Locator/Inspection Report Form.

I. All ground anchors, tie down devices, and ground foundation systems must be installed according to the manufacturer's installation instructions for their respective ground anchors, tie down devices and ground stabilization devices.

J. Rock anchors can only be used in solid rock.

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

Rule 5.07: Official Notices and Bulletins

All manufacturers, retailers, developers and installer/transporters shall maintain any and all official notes and/or bulletins issued by the Factory-Built Home Division for three (3) years from the date of issuance. If so required by this Factory-Built Home Division, all manufacturers, retailers, developers and installer/transporters shall display official notices and bulletins in plain view for the public. Exception: Any official notices and bulletins marked as permanent records or **DO NOT DESTROY**.

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

Rule 5.08: Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision of application, and to this end the provisions of the Regulation are declared to be severable.

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

Rule 5.09: Repeal of Emergency Regulations

Regulations MH-2009-1 and MH 2010-3 are repealed.

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

Rule 5.10: Effective Date

The Effective Date of this Regulation shall be October 1, 2016.

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

Part 7 Chapter 6: MH (2009-1) Manufactured Home Installation Inspection Program.

REPEALED. Effective January 1, 2015.

Part 7 Chapter 7: Rules and Regulations for the Mississippi Fire Prevention Code.

Rule 7.01: Promulgation and Purpose - General

Rule 7.02: Definitions

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- Rule 7.14:** Repeal of “FM 2010-1 Rules and Regulation for the Mississippi Fire Prevention Code. Effective 08/27/2012.”
- Rule 7.15:** Effective Date

Rule 7.01: Promulgation and Purpose - General

- A. These Rules and Regulations for the Mississippi Fire Prevention Code (MFPC) are promulgated by the State Fire Marshal of the State of Mississippi in accordance with the International Fire Code (IFC) as published by the International Code Council formerly the Southern Building Code Congress International, Birmingham, Alabama, and the Mississippi Administrative Procedures Act, Miss. Code §§ 25-43-1, et seq., as amended, and shall become effective after adoption and are promulgated in accordance with the provisions of the Mississippi Administrative Procedures Act, Miss. Code §§ 25-43-1, et seq.
- B. The purpose of these Rules and Regulations is to prevent the loss of life and property from fire and other related hazards through direct action and implementation, interpretation, and enforcement of the Mississippi Fire Prevention Code.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

Rule 7.02: Definitions

7.02.1: Mississippi Fire Prevention Code – Miss. Code § 45-11-103.

- A. Miss. Code § 45-11-103 states that the standards embodied in the Mississippi Fire Prevention Code shall be based upon and shall not be less stringent than the standards established by the standard fire prevention code as promulgated by the Southern Building Code Congress International, Inc., as the same may be revised or amended, and the provisions of the Mississippi Code. As of 1994, the Southern Building Code Congress International, Inc. became the International Code Council and the standard fire prevention code became the International Fire Code. Therefore, the Mississippi Fire Prevention Code shall be based upon the most current edition of the International Fire Code, as revised or amended.
- B. The Mississippi Fire Prevention Code adopts the International Fire Code as published by International Code Council beginning with the 1976 Standard Fire Prevention Code (SBCCI) and Appendix A up to and including the most current edition of the International Fire Code as promulgated by the International Code Council as same may be revised or amended. The Mississippi Fire Prevention Code is also adopted for all counties and municipalities that do not adopt a distinct fire prevention code meeting the requirements of paragraph D. below. Editions of the Standard Fire Prevention Code that are recognized and adopted by the State Fire Marshal include: 1976, 1979, 1982, 1985, 1988, 1991, 1993, 1995, 1997, 1999, the International Fire Code (IFC) 2000, 2003, 2006, 2012, 2015, and 2018 as published by the International Code Council, the 2018 Edition of the International Building Code (IBC), and the 2018 Edition of the International Residential Code (IRC) for One-and-Two Family Dwellings, with the exception of:
 - 1. Section R313, Automatic Fire Sprinkler Systems, in its entirety,
 - 2. Section P2904, Dwelling Unit Fire Sprinkler Systems, in its entirety.
- C. Miss. Code § 45-11-103 states that the State Fire Marshal shall have the authority to deviate from the minimum requirements of the International Fire Code and the Standard Fire Prevention Code when the imposition and enforcement of a specific requirement would violate any existing state statutory provision or cause undue hardship or when such deviation would enable builders to take advantage of new methods, materials or equipment which is of recognized adequacy.
- D. Any county or municipality may adopt a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code listed above. The provisions and enforcement mechanism thereof shall apply and not the Mississippi Fire Prevention Code

and as such the county or municipality will assume responsibility for local code enforcement for places of public assembly within their respective jurisdictions.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

7.02.2: State Fire Officials – Miss. Code § 45-11-1.

A. The inspection authority of the State Fire Marshal's Office is defined as follows:

1. The Commissioner of Insurance is by virtue of his office the State Fire Marshal.
2. The Commissioner of Insurance/State Fire Marshal shall appoint the State Chief Deputy Fire Marshal who shall serve as the fire official for the State of Mississippi as defined in the International Fire Code who along with his Deputy State Fire Marshals shall be designated as a Division of the Insurance Department.
3. The State Chief Deputy Fire Marshal shall serve as the Fire Official for the Mississippi Fire Prevention Code. The State Chief Deputy and his Deputy State Fire Marshals shall mean the inspecting and enforcing authority appointed by the State Fire Marshal.
4. "State Inspector" shall mean a duly authorized representative/inspector in the employ of the State Fire Marshal under the direction of the State Chief Deputy Fire Marshal.
5. "Special State Inspector" shall mean an authorized Inspector in the employ of other state agencies of the State of Mississippi who has met the requirements of Section A101.2.2 "Inspector Qualifications" as set forth in Appendix A of the 1999 edition of the Standard Fire Prevention Code and may be appointed at the discretion of the State Chief Deputy Fire Marshal is to conduct inspections of buildings owned by the State of Mississippi or its political subdivisions. "Special State Inspectors" appointed under this rule are not entitled to receive additional compensation from the State Fire Marshal's Office for performing inspection duties under this section.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

7.02.3: Local Fire Official

A. The Local Fire Official is defined as the Fire Chief of a municipal or county paid or volunteer fire department.

B. "Special Local Inspector" shall mean an individual who has been approved by and recommended for appointment as a "Special Local Inspector" by the local Fire Chief or authorized official and who has met the requirements of Section A101.2.2 of the 1999 Edition of the Standard Fire Prevention Code and the International Fire Code and may be appointed at the discretion of the State Chief Deputy Fire Marshal to conduct inspections of buildings owned by the State of Mississippi or its political subdivisions. "Special Local Inspectors" appointed under this rule are not entitled to receive additional compensation from the State Fire Marshal's Office for performing inspection duties under this section.

1. "Special Local Inspector" shall be issued an Official Identification Card by the State Chief Deputy Fire Marshal. Said identification card shall be issued with the understanding that said card shall be surrendered upon the demand of the State Chief Deputy Fire Marshal.
2. No badge or card bearing the name of the State Fire Marshal's Office shall be issued to or authorized for use by the "Special Local Inspector" except for the Official Identification Card issued by the State Chief Deputy Fire Marshal.
3. Inspections conducted by "Special Local Inspectors" for the State Fire Marshal's Office shall be limited to the inspections of building owned by state or state agencies or the inspections of any other building within their local jurisdiction upon the request by the State Chief Deputy Fire Marshal.
4. Inspections conducted by "Special Local Inspectors" for the State Fire Marshal's Office shall be completed on inspection forms issued by the State Fire Marshal's Office or on fire inspection forms used by the local fire department. Copies of all inspections shall be submitted no later than fifteen (15) days from the date of the inspection to the State Fire Marshal's Office for review and enforcement of all fire code violations.
5. "Special Local Inspectors" shall attend all mandatory training offered by the State Fire Marshal's Office.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

7.02.4: Buildings/Public Assemblies – Miss. Code § 45-11-101.

A. Buildings/Public Assemblies are defined pursuant to Miss. Code §45-11-101 as:

1. All buildings owned by the State or State Agencies or political subdivisions.
[Miss. Code § 45-11-101(1)(a)];

2. All buildings utilized for public assembly, except in any county or municipality which has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code. However, the State Fire Marshal or his authorized representative shall perform investigations or inspections of such building only when advised by interested persons of a danger or hazardous inflammable condition existing in any building that would tend to impair the safety of persons or property, or when the State Fire Marshal, or his authorized representative, believes the investigation or inspection is in the interest of public safety. The investigation or inspection shall be made in accordance with Miss. Code § 45-11-3, [Miss. Code § 45-11-101(1)(b)];
3. All buildings, the permits for the construction of which are issued subsequent to the effective date of Miss. Code §§ 45-11-101 through 45-11-111, and which are not less than seventy-five (75) feet in height. However, in any county or municipality which has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provisions and enforcement mechanism thereof shall apply and not the Mississippi Fire Prevention Code., Miss. Code § 45-11-101(1)(c)];
4. All buildings, the permits for construction of which are issued subsequent to July 1, 2004, constructed as private correctional facilities that house state inmates. Before such construction, construction plans must be submitted for review and approval to the State Fire Marshal's Office to ensure compliance with the Mississippi Fire Prevention Code; however, in any county or municipality that has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provision and enforcement mechanism thereof shall apply instead of the Mississippi Fire Prevention Code. All private correctional facilities may be inspected as required by the State Fire Marshal or his duly authorized representative. Inspection fees of \$400.00 plus expenses authorized by Miss. Code § 45-11-105 (2) shall be assessed for each inspection conducted by the state Fire Marshal's Office and shall be paid to the State Fire Marshal's Office. [Miss. Code § 45-11-101(1)(d)];
5. Any building, the permits for construction of which are issued subsequent to July 1, 2004, upon the request of any interested person. The interested person may submit the construction plans to the State Fire Marshal's Office for review and approval before construction to ensure compliance with the Mississippi Fire Prevention Code; however, in any county of municipality that has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provisions and enforcement mechanism thereof shall apply instead of the Mississippi Fire Prevention Code. Inspection fees of \$400.00 and expenses authorized by Miss. Code § 45-11-105 (2) shall be assessed for each

inspection conducted by the State Fire Marshal's Office and shall be paid to the State Fire Marshal's Office. Miss. Code § 45-11-101(1)(e);

6. All buildings, the permits for construction of which are issued subsequent to July 1, 2005, constructed as private fraternity and sorority houses located on state property. Before such construction, construction plans shall be submitted for review and approval to the State Fire Marshal's Office to ensure compliance with the Mississippi Fire Prevention Code. All private fraternity and sorority houses located on state property may be inspected as required by the State Fire Marshal or his duly authorized representative. All fraternity and sorority houses located on state property shall be equipped with an approved fire alarm and smoke detector system to be in compliance with the National Fire Code (NFPA) Standard 72 as published by the National Fire Protection Association and as same may be revised or amended. All fraternity and sorority houses constructed on state property after April 29, 2005, shall be equipped with an approved automatic fire sprinkler system to be in compliance with the National Fire Code (NFPA) Standard 13 as published by the National Fire Protection Association and as same may be revised or amended. [Miss. Code § 45-11-101(1)(f)];
7. Assemblies as defined in Chapter 2 under Definitions of the most current edition of the International Fire Code (IFC).
8. The State Fire Marshal shall annually examine the fire prevention codes adopted by counties and municipalities within the State of Mississippi and prepare a list thereof specifying which codes have provisions not less stringent than those of the Mississippi Fire Prevention Code.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

7.02.5: Pyrotechnics – Miss. Code § 45-13-11.

Pyrotechnics/public displays as defined in Miss. Code § 45-13-11 as follows:

“The governing body of any municipality or the board of supervisors of any county outside a municipality may grant permits under which fireworks, the sale, possession or use of which is otherwise prohibited hereby, may be sold and used for exhibition purposes; however, such permit shall be issued in compliance with the National Fire Protection Association Standard 1123, as may be revised or amended; National Fire Protection Association Standard 1126, Standard for the Use of Pyrotechnics Before a Proximate Audience, as may be revised or amended; and the Mississippi Fire Prevention Code, as may be revised or amended. Such permits shall require that the persons in charge of such exhibitions shall be experienced in the handling of fireworks and the members of the public attending the exhibitions shall be kept at a safe distance there from. Any fireworks held in storage for such exhibitions shall be kept in a closed box until removed there from for firing.”

Source: *Miss. Code § 45-11-101, et seq., and § 45-13-11 (Supp. 2018)*

7.02.6: Compliance/Permits.

- A. Compliance applications are forms provided by the State Fire Marshal's Office for building inspections located outside the jurisdiction of counties or municipalities which have adopted a fire prevention code with standards not as stringent as the Mississippi Fire Prevention Code.
- B. The Permit for buildings is to ensure that said buildings are in compliance with the Mississippi Fire Prevention Code.
- C. The Permit for State Properties shall be issued once it has been determined that said State Properties are in compliance with the Mississippi Fire Prevention Code.

Source: *Miss. Code § 45-11-1, et seq. and § 45-13-11(Supp. 2018)*

Rule 7.03: Applicability

7.03.1: Scope

Miss. Code § 45-11-105, states "The Mississippi Fire Prevention Code shall be enforced by the State Fire Marshal and such other persons as authorized thereby, including for this reason any county or municipal fire prevention personnel. The State Fire Marshal is authorized and empowered to promulgate rules and regulations for the enforcement of the Mississippi Fire Prevention Code." The Mississippi Fire Prevention Code applies to:

- A. All buildings owned by the State or State Agencies. [Miss. Code § 45-11-101(1)(a)];
- B. All buildings utilized for Public Assembly, except in any county or municipality which has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code. [Miss. Code § 45-11-101(1)(b)];
- C. All high-rise buildings over seventy-five (75) feet in height, the permits for the construction of which are issued subsequent to the effective date of Miss. Code §§ 45-11-101 through 45-11-111; however, that in any county or municipality which has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provisions and enforcement mechanism thereof shall apply and not the Mississippi Fire Prevention Code [Miss. Code § 45-11-101(1)(c)];
- D. All buildings, the permits for construction of which are issued subsequent to July 1, 2004, constructed as private correctional facilities that house state inmates. Before such

construction, construction plans must be submitted for review and approval to the State Fire Marshal's Office to ensure compliance with the Mississippi Fire Prevention Code; however, in any county or municipality that has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provision and enforcement mechanism thereof shall apply instead of the Mississippi Fire Prevention Code. All private correctional facilities may be inspected as required by the State Fire Marshal or his duly authorized representative. Inspection fees and expenses authorized by Miss. Code § 45-11-105 (2) shall be assessed for each inspection conducted by the State Fire Marshal's Office and shall be paid to the State Fire Marshal's Office. [Miss. Code § 45-11-101(1)(d)];

- E. Any building, the permits for construction of which are issued subsequent to July 1, 2004, upon the request of any interested person. The interested person may submit the construction plans to the State Fire Marshal's Office for review and approval before construction to ensure compliance with the Mississippi Fire Prevention Code; however, in any county or municipality that has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code, the provisions and enforcement mechanism thereof shall apply instead of the Mississippi Fire Prevention Code. Inspection fees and expenses authorized by Miss. Code § 45-11-105(2) shall be assessed for each inspection conducted by the State Fire Marshal's Office and shall be paid to the State Fire Marshal's Office. [Miss. Code § 45-11-101(1)(e)];
- F. All buildings, the permits for construction of which are issued subsequent to July 1, 2005, constructed as private fraternity and sorority houses located on state property. Before such construction, construction plans shall be submitted for review and approval to the State Fire Marshal's Office to ensure compliance with the Mississippi Fire Prevention Code. All private fraternity and sorority houses located on state property may be inspected as required by the State Fire Marshal or his duly authorized representative. All fraternity and sorority houses located on state property shall be equipped with an approved fire alarm and smoke detector system to be in compliance with the National Fire Code (NFPA 72) as published by the National Fire Protection Association and as same may be revised or amended. All fraternity and sorority houses constructed on state property after April 20, 2005, shall be equipped with an approved automatic fire sprinkler system to be in compliance with the National Fire Code (NFPA) Standard 13 as published by the National Fire Protection Association and as same may be revised or amended. [Miss. Code § 45-11-101(1)(p)].

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

7.03.2: High Rise Buildings/Sprinkler Systems

The Mississippi Fire Prevention Code, pursuant to Miss. Code § 45-11-103, requires that sprinkler systems be installed in all high-rise buildings as follows:

- A. All buildings over seventy-five (75) feet in height, the permits for the construction of which are issued subsequent to 1 July, 1978;
- B. All existing buildings over seventy-five (75) feet in height in which twenty-five (25%) percent or more of the floor space is being reconstructed or added thereto.
- C. Exception: Public utility company buildings in which water would cause severe damage to equipment such as telephone equipment, computers or electric services, and silos, grain elevators and other structures used solely for the storage of agricultural products are exempt from the provisions of the Mississippi Fire Prevention Code.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

Rule 7.04: Plan Review - Inspection

- A. Plans for all sprinkler systems required by Miss. Code § 45-11-103, shall be submitted to the State Fire Marshal's Office.
- B. For buildings which are under the statutory review of the State Fire Marshal's Office pursuant to Miss. Code § 45-11-101(1)(a-f), prior to issuance of a building permit approval of plans by the State Fire Marshal's Office shall be required. In lieu of plan submittal, the State Fire Marshal's Office may allow, upon request, architects and engineers to verify code compliance by submitting an affidavit of compliance for all classes of buildings as defined under the Mississippi Fire Prevention Code, Miss. Code § 45-11-101(1)(a-f).
- C. All buildings that are inspected by the State Fire Marshal's Office pursuant to Miss. Code § 45-11-101(1)(a-f) which are not buildings owned by the state or religious assemblies shall be subject to the inspection fees as defined in Miss. Code § 45-11-105(2).
- D. Plan review fees for other structures as defined in Miss. Code § 45-11-101(1)(a-d) that authorizes inspection fees shall be charged a minimum of \$400.00 per plan review and for each inspection conducted by the State Fire Marshal's Office. Said fees shall be paid to the State Fire Marshal's Office pursuant to Miss. Code § 45-11-105(2).

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

Rule 7.05: Enforcement

7.05.1: Stipulations of Enforcement

- A. Pursuant to Miss. Code § 45-11-105, the State Chief Deputy Fire Marshal or his State Deputy Fire Marshal or his duly authorized representative shall enforce the Mississippi Fire Prevention Code pertaining to the prevention, inspection or investigation of fires, whenever:

1. The State Chief Deputy Fire Marshal has probable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building or premises unsafe, dangerous, or hazardous;
 2. Required to meet provisions of state agency license requirements;
 3. A citizen reports an alleged violation;
 4. The chief of a fire department or other law enforcement authority of any county or municipality reports an alleged violation.
- B. The Mississippi Fire Prevention Code shall be enforced by the state and local Governments.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

7.05.2: State Enforcement

- A. The State Chief Deputy Fire Marshal or his State Deputy Fire Marshal or his duly authorized representative shall be charged with the enforcement of the Mississippi Fire Prevention Code in those areas in buildings specified in Miss. Code § 45-11-101(1)(a-c).
- B. The Fire Code Enforcement and Inspection Division of the State Fire Marshal's Office shall carry out the duties and responsibilities of the Mississippi Fire Prevention Code in those areas in buildings specified in Miss. Code § 45-11-101(1)(a-c).
- C. The State Chief Deputy Fire Marshal and Deputy Fire Marshals shall have the status and power of a law enforcement officer in performing their duties pertaining to the prevention, inspection, or investigation of fires under the Mississippi Fire Prevention Code, Miss. Code § 45-11-105.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

7.05.3: Local Enforcement

- A. Municipalities which have adopted a Fire Prevention Code not less stringent than the Mississippi Fire Prevention Code shall enforce the provisions of said codes in their respective jurisdictions, except for buildings owned by the State or state agencies.
- B. Counties which have adopted a Fire Prevention Code not less stringent as the Mississippi Fire Prevention Code shall enforce the provision of said code in their respective jurisdictions, except for buildings owned by the state or state agencies.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

7.05.4: Delegations of Inspections

- A. The State Chief Deputy Fire Marshal may at his discretion designate qualified local fire prevention officials to perform inspections of buildings owned by the State of Mississippi or its political subdivisions. [Miss. Code § 45-11-105];
- B. Local Fire Officials who meet the requirements of Section A101.2.2 "Inspector Qualifications" as set forth in Appendix A of the 1999 Edition of the Standard Fire Prevention Code may be appointed at the discretion of the State Chief Deputy Fire Marshal. [Miss. Code § 45-11-105];
- C. Local fire officials designated as Inspectors may be appointed by the State Chief Deputy Fire Marshal to conduct inspections of buildings owned by the State or State agencies shall submit copies of all inspection reports on forms provided by the State Fire Marshal's Office.
- D. Implementation and enforcement of the Mississippi Fire Prevention Code, Miss. Code § 45-11-105, shall be the responsibility of the State Chief Deputy Fire Marshal or his State Deputy Fire Marshals.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

7.05.5: Permit/Compliance Requirements

Permits are required for commercial places of Public Assembly as follows:

- A. Permit/Compliance inspections are required for all buildings defined in Miss. Code § 45-11-101(a-f) pursuant to Miss. Code § 45-11-105(2).
 - 1. All other buildings defined in Miss. Code § 45-11-101(1)(a-f) that are inspected by the State Fire Marshal's Office which are not buildings owned by the state or religious assemblies are subject to the inspection fees as provided in Miss. Code § 45-11-105(2).
 - 2. Plan review fees for structures defined in Miss. Code § 45-11-101(1)(a-d) that authorized inspection fees shall be charged a minimum of \$400.00 per plan review and for each inspection conducted by the State Fire Marshal's Office and shall be paid to the State Fire Marshal's Office pursuant to Miss. Code § 45-11-105(2).
 - 3. Permit fees of not less than \$400.00 which shall include but not be limited to:
 - a. Each on-site inspection;
 - b. Attorney fees;
 - c. Architect or engineer plan review fees;
 - d. Any other fees and reasonable and necessary travel expenses shall be assessed for each inspection conducted by the State Chief Deputy Fire

Marshal or his State Deputy Fire Marshals, or his duly authorized representative, and shall be paid to the Office of the State Fire Marshal.

4. Inspection fees and expenses authorized under Miss. Code. § 45-11-105(2) shall not be assessed for the inspection of buildings owned by the State of Mississippi or religious or for inspections conducted by local fire departments or other local agencies with authority to conduct inspections under the “Special Local Inspector” designation
5. Permit/compliance for all structures and public displays as defined Miss. Code § 45-11-105(2) shall be filed on forms provided by the State Fire Marshal’s Office.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

7.05.6: Pyrotechnic Requirements.

Pyrotechnic applications for all structures and public displays as defined by Miss. Code § 45-13-11 shall be filed on forms provided by the State Fire Marshal.

- A. Permit applications for pyrotechnic displays shall be filed with the Office of the State Fire Marshal and fees not less than \$100.00 shall be assessed in Miss. Code § 45-11-105(2). Prior to the issuance of a permit, the following information is required for a state facility:
 1. For an outdoor fireworks display the pyrotechnics company must adhere to the National Fire Protection Association (NFPA) 1123; and NFPA 1126 for an indoor fireworks display; the same as may be revised and amended.
 - a. Proof of insurance
 - b. Resume of pyrotechnic technician and their qualifications along with 3 references (last 3 shows)
 - c. Time and location of event
 - d. Copy of ATF permits
 - e. List of shots to be used and their effects
 - f. Information on storage before event
 - g. Information on cleanup and/or disposal after event
 - h. Layout of event with shot locations
 - i. Material Safety Data sheet
 2. Companies providing fireworks/flame effects displays at locations other than state facilities must provide the following information:
 - a. Proof of insurance
 - b. List of pyrotechnic technicians and their qualifications
 - c. Notification of time and location of event
 - d. List of shots to be used

- e. Information on storage before event
 - f. Information on cleanup and/or disposal after event
 - g. Layout of event with shot locations
 - h. Material Safety Data Sheet
 - i. Copy of ATF permits
3. Application for a permit must be submitted fifteen (15) days before event is to take place. An inspection of the event (pre-show) is to be conducted by the State Fire Marshal's Office before a permit is issued. A representative from the State Fire Marshal's Office must be present for the event.
 4. Communication between the individual doing the firing (shooter) and all safety personnel (spotter) to ensure the public's safety.

Source: *Miss. Code § 45-11-101, et seq. and § 45-13-11 (Supp. 2018)*

7.05.7: Types of Permits

Temporary Permit/Compliance or Pyrotechnics permits shall be issued in compliance with these rules and regulations at the discretion of the State Fire Marshal or his duly authorized representative.

Source: *Miss. Code § 45-11-101, et seq. and § 45-13-11 (Supp. 2018)*

7.05.8: Fire Investigations

- A. It shall be the duty of the State Chief Deputy Fire Marshal to investigate by himself or his deputy, fire occurring within the State as required by the Mississippi Fire Prevention Code, Miss. Code § 45-11-103, as set forth by 1.04 of the Standard Fire Prevention Code 1976 edition, as follows:
 1. All buildings owned by the state or State Agencies. [Miss. Code § 45-11-101(1)(a)]
 2. All buildings utilized for public assembly, except in any county or municipality has adopted a fire prevention code with standards not less stringent than the Mississippi Fire Prevention Code. [Miss. Code § 45-11-101(1)(b)]
- B. It shall also be the duty of the State Chief Deputy Fire Marshal to investigate by himself or his deputy the origin of every fire occurring within the state as required by Miss. Code § 45-11-1, as follows:
 1. To which his attention is called by the chief of the fire department; or,
 2. Other enforcement officials of any county or municipality; or,
 3. By any party in interest whenever, in his judgment, there be sufficient evidence or circumstances indicating that such fire may be of incendiary origin.

Source: *Miss. Code § 45-11-101, et seq.; § 45-13-11 and § 45-13-103 (Supp. 2018)*

Rule 7.06: Annual Reporting - Local Fire Codes

- A. In accordance with Miss. Code § 45-11-101, each county or municipality which has adopted a fire prevention code shall file an annual report with the State Fire Marshal's Office.
- B. A list of codes adopted by counties and municipalities will be reviewed and a list will be compiled showing which codes have provisions not less stringent than the Mississippi Fire Prevention Code.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

Rule 7.07: Alternate Systems - Minimum Requirements

- A. The State Fire Marshal shall have the authority to deviate from the minimum requirements of the Mississippi Fire Prevention Code.
- B. Deviations may occur when enforcement of a specific requirement would cause undue hardship.
- C. Deviations may also occur when changes would be permitted allowing the use of new materials, technology, or equipment which are approved by the Standard Fire Prevention Code or other recognized national standards.

Source: *Miss. Code § 45-11-103 (Supp. 2018)*

Rule 7.08: Code Revisions - Updating of Code

- A. The State Fire Marshal shall annually review the amendments and new editions of the Standard Fire Prevention Code as published by the Southern Building Code Congress International. Miss. Code § 45-11-101.
- B. Upon review, new amendments and editions which are in compliance with the intent of the Mississippi Fire Prevention Code shall be adopted, Miss. Code § 45-11-103.

Source: *Miss. Code § 45-11-101; § 45-11-103 (Supp. 2018)*

Rule 7.09: Appeals

7.09.1: Board of Adjustments and Appeals

The Board of Adjustments and Appeals is a board appointed to hear grievances filed on orders issued by fire officials. The Board shall be appointed in accordance with Chapter 1, Section 108 of the most current edition of the International Fire Code.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

7.09.2: State Board of Adjustments and Appeals

- A. The State Board of Adjustments and Appeals shall be appointed by the State Fire Marshal to hear grievances filed on orders issued by the State Chief Deputy Fire Marshal, State Deputy Fire Marshals, and his duly authorized representative.
- B. The State Board shall be appointed by the State Fire Marshal in accordance with Chapter 1, Appendix A, Board of Appeals of the most current edition of the International Fire Code.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

7.09.3: Local Board of Adjustments and Appeals

- A. Counties or municipalities having adopted a fire prevention code not less stringent than the Mississippi Fire Prevention Code shall appoint a local board of adjustments and appeals to hear grievances on orders issued by local fire officials.
- B. The local board of adjustments and appeals shall not hear grievances on orders issued by the State Fire Marshal.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

Rule 7.10: Public Assemblies

7.10.1: Inspection of Exits

- A. Inspection of exits shall be conducted not more than ninety (90) minutes prior to the scheduled commencement of any non-continuous activity, event, performance, show, meeting, function, or other occasion for which persons will gather in commercial places of public assembly as defined in the most current Edition of the International Fire Code as published by the International Code Council, as same may be revised or amended.
- B. The owner (or his designee pursuant of written authority, instructions, or procedures) shall inspect every required exit, way of approach thereto, and way of departure therefrom.
- C. If said inspection reveals that any required means of egress is obstructed, inaccessible, locked, fastened, or otherwise unsuited for immediate use, the scheduled program shall

not begin, nor shall admittance to the place of assembly be permitted, until necessary corrective action has been completed.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

7.10.2: Announcements

- A. Within thirty (30) minutes prior to the start of the program, the owner or his authorized agent shall orally notify all attendees concerning the location of the exit(s) to be used in case of fire or other emergencies.
- B. Example: "The _____, in conjunction with the State Fire Marshal's Office, wishes to take a moment to call to your attention the location of the exit ways or paths of egress from this building in the event of an emergency. Please take a moment to locate the exit nearest your seat. Should an emergency arise, please move in an orderly fashion through the nearest exit way. Thank you for your attention."

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

7.10.3: Records

- A. Accurate records of all inspections, corrections, and notifications shall be kept and retained for at least two (2) years in the offices of the respective building owners. The records shall contain:
 - 1. A brief description of each activity, event, performance, etc., including date, time, and location;
 - 2. The name and signature of the person who performed each requirement; and
 - 3. The date and time when each requirement was performed.
- B. Such records shall be made available upon request of the State Fire Marshal.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018)*

Rule 7.11: Compliance Standards for Sale of Burglar Bars

Any burglar bars offered for sale or installation to the public in the state of Mississippi shall meet the following minimum specifications in the International Code Council (ICC), Chapter 3, Section R310 Emergency Escape and Rescue Openings and incorporated in the Mississippi Code as stated below.

R310.1 Emergency escape and rescue opening required.

Basements, habitable attics and every sleeping room shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

Exception: Storm shelters and basements used only to house mechanical equipment not exceeding a total floor area of 200 square feet (18.58 m).

R310.1.1 Operational constraints and opening control devices.

Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge. Window opening control devices complying with ASTM F 2090 shall be permitted for use on windows serving as a required emergency escape and rescue opening.

R310.2 Emergency escape and rescue openings.

Emergency escape and rescue openings shall have minimum dimensions as specified in this section.

R310.2.1 Minimum opening area.

Emergency and escape rescue openings shall have a net clear opening of not less than 5.7 square feet (0.530 m). The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. The net clear height opening shall be not less than 24 inches (610 mm) and the net clear width shall be not less than 20 inches (508 mm).

Exception: Grade floor or below grade openings shall have a net clear opening of not less than 5 square feet (0.465 m).

R310.4 Bars, grilles, covers and screens.

Bars, grilles, covers, screens or similar devices are permitted to be placed over emergency escape and rescue openings, bulkhead enclosures, or window wells that serve such openings, provided that the minimum net clear opening size complies with Sections R310.1.1 to R310.2.3, and such devices shall be releasable or removable from the inside without the use of a key, tool, special knowledge or force greater than that required for the normal operation of the escape and rescue opening.

Source: *Miss. Code §§ 45-11-71 and 45-11-73 (Supp. 2018)*

Rule 7.12: Penalties

7.12.1: Code Violation- Miss. Code § 45-11-111

- A. Any person, firm or corporation who shall knowingly and willfully violate the terms or provisions of the Mississippi Fire Prevention Code shall be guilty of a misdemeanor and upon conviction therefore shall be sentenced to pay a fine of not to exceed \$1,000.00.

- B. In cases of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense.

Source: *Miss. Code § 45-11-111 (Supp. 2018)*

7.12.2: Criminal Violation

In accordance with Miss. Code §§ 97-17-1 through 97-17-14, any person, who willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels, or procures the burning of any building or property of whatsoever class or character as set forth in the Code shall be guilty of arson as set forth in the above cited sections of the Mississippi Code.

Source: *Miss. Code § 45-11-101, et seq. (Supp. 2018) and § 97-17-1 through § 97-17-14 (Supp. 2018)*

Rule 7.13: Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: *Miss. Code § 45-11-101 (Supp. 2018)*

Rule 7.14: Effective Date

This Regulation supersedes prior versions of Mississippi Administrative Code Title 19, Part 7, Chapter 7, and shall become effective January 1, 2020.

Source: *Miss. Code § 25-43-3.113 (Supp. 2018)*

Part 7 Chapter 8: General L.C. Gas Regulations

Rule 8.01 Transfer of Liquids.

When an LP-Gas container is used for motor fuel, farm implements, portable containers or similar service and cannot be serviced due to excessive vapor pressure in the fuel container, vapor pressure may be reduced to facilitate fueling by venting to the atmosphere, provided the liquid transfer is located not less than 50 feet from the nearest important building and in an open area without undue hazard to any building or surrounding property and there is no open flame or other source of ignition in the area. Passenger-carrying vehicles shall not be fueled in this manner while passengers are on board.

Source: *Miss. Code Ann. §§75-57-1, et seq. (Rev. 2009)*

Rule 8.02 Appliances.

8.02.1 Room Heaters. Unvented room heaters may be installed in residential sleeping quarters and bathrooms provided the aggregate input rating does not exceed 20 BTU's per hour per cubic foot of room or space in which it is installed.

Source: Miss. Code Ann. §§75-57-1, et seq. (Rev. 2009)

8.02.2 Heating Appliances In Stationary Mobile Homes. Vented or Non-vented type circulating room heaters may be installed in stationary mobile homes for use with LP-Gas as follows:

- A. The appliance must be listed for use with LP-Gas by the American Gas Association or other nationally recognized testing laboratory.
- B. The appliance must be installed in accordance with NFPA-54 provisions for combustion and circulating air.
- C. A clayback heater cannot be used; however a heater with a cool-type cabinet may be used.

Source: Miss. Code Ann. §§75-57-1, et seq. (Rev. 2009)

Rule 8.03 Effective Date

This regulation will become effective thirty (30) days after the Final Rule is filed.

Source: Miss. Code Ann. §25-43-3.113, et seq. (Rev. 2010)

Part 7 Chapter 9: (2011-2) Handling of Liquefied Compressed Gas Containers

Rule 9.01 Purpose

The purpose of this Regulation is to set forth minimum standards for the use and handling of ASME liquefied petroleum gas containers by liquefied petroleum/compressed gas dealers.

Source: Miss. Code Ann. §75-57-105 (Rev. 2009)

Rule 9.02 Authority

This Regulation is promulgated by the Liquefied Compressed Gas Board with the approval of the Commissioner of Insurance, pursuant to Miss. Code Ann. §75-57-105 (Rev. 2000), as well as the provision of the Mississippi Department of Insurance Regulation No. 88-101, said Regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department.

Source: Miss. Code Ann. §75-57-105 (Rev. 2009)

Rule 9.03 Scope

This Regulation shall apply to all liquefied petroleum gas dealers, their agents and employees.

Source: Miss. Code Ann. §75-57-105 (Rev. 2009)

Rule 9.04 Requirements

- A. In order to promote the public safety by avoiding the contamination of ASME containers and by assuring the proper reconditioning of service valves and containers, all dealers shall be required to mark, label, or otherwise designate liquefied petroleum gas containers in such a manner as to easily identify such containers as being owned by the particular dealer. No dealer shall sell, install, fill, refill, deliver or permit to be delivered, or use in any manner any ASME liquefied petroleum gas container unless such container is owned by such dealer or its use is authorized by the owner of such container.
- B. No liquefied petroleum gas dealer, including its agents and employees, may dismantle, disconnect, evacuate, repair, deface, fill, or refill a container belonging to another dealer unless:
 - 1. Prior written permission shall have been granted by the dealer who owns the container;
 - 2. Prior written permission shall have been granted by the owner or lessee of the premises where the container is located, except the owner or lessee may not grant permission to fill or refill a container;
 - 3. The action is taken at the discretion of the authority having jurisdiction as defined in NFPA Pamphlet 58; or
 - 4. The action is taken under a declared state of emergency.
- C. Nothing in this section shall be construed as abrogating the right of the consumer to terminate a rental contract on a container with the dealer/owner, in accordance with the terms and provisions of said rental contract.
- D. Containers are to be appropriately marked and easily identified to the inspector.

Source: Miss. Code Ann. §75-57-105 (Rev. 2009)

Rule 9.05 Date of Compliance

All liquefied petroleum gas dealers, their agents and employees shall comply with this Regulation from and after the Effective Date of this regulation, as set forth in Section 8, below.

Source: Miss. Code Ann. §75-57-105 (Rev. 2009)

Rule 9.06 Violations and Penalties

Failure of a liquefied petroleum gas dealer, his agents and employees to comply with the provisions of this regulation shall be considered a violation of Miss. Code Ann. §§75-57- 107 and 75-57-109, and may result in a monetary penalty and/or revocation of the dealer's liquefied compressed gas permit.

Source: Miss. Code Ann. §75-57-105 and § 75-57-109 (Rev. 2009)

Rule 9.07 Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. §75-57-105 (Rev. 2009); §45-11-101, et seq.(Rev 2011)

Rule 9.08 Effective Date

The Effective Date of this Regulation shall be thirty (30) days from the filing for final adoption with the Secretary of State.

Source: Miss. Code Ann. §25-4-3.113 (Rev. 2010)

Part 7, Chapter 10. Rules Regarding the Mississippi Fire Standard and Firefighter Protection Act.

Rule 10.01: Purpose

The purpose of this Regulation is to set forth the rules and regulations governing the testing, certification, marking, and sale of fire standard compliant cigarettes in the State of Mississippi.

Source: Miss. Code Ann. §45-12-1 et seq.

Rule 10.02: Authority

This Regulation is promulgated by the Commissioner of Insurance, through his power as State Fire Marshal, as required pursuant to the provision of the Mississippi Fire Safety Standard and Firefighter Protection Act ("Act") Senate Bill 2249, 2009 Regular Session, as approved by the Governor of Mississippi, as well as the provisions of Mississippi Department of Insurance Regulation No. 88-101, said regulation being the Rules of Practice and Procedure before the Mississippi Insurance Department, of which the State Fire Marshal's Office is a division.

Source: Miss. Code Ann. §45-12-1 et seq.

Rule 10.03: Scope

This Regulation shall apply to individuals and companies who sell or offer to sell cigarettes in the State of Mississippi.

This Regulation and the Act shall supersede any existing county or municipal ordinance, rule or regulation. Any such rules and regulations shall be null, void and of no effect. Further, no county or municipality shall enact any new ordinance, rule or regulation regulating companies and persons subject to licensure pursuant to this Regulation and the Act.

Source: Miss. Code Ann. §45-12-1 et seq. (Supp. 2012)

Rule 10.04: Definitions

As used in this Regulation, the following terms shall be defined as follows:

- A. "Agent" means any person authorized by the commissioner to purchase and affix stamps on packages of cigarettes.
- B. "Commissioner" means the Chairman of the State Tax Commission of the State of Mississippi, and his authorized agents and employees.
- C. "State Fire Marshal" means the Commissioner of Insurance and State Fire Marshal of the State of Mississippi, and his authorized agents and employees.
- D. "Cigarette" means:
 - 1. Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or
 - 2. Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette as described in subparagraph (i) above.
- E. "Manufacturer" means:
 - 1. Any entity which manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced anywhere that such manufacturer intends to be sold in this state, including cigarettes intended to be sold in the United States through an importer; or
 - 2. Any entity that becomes a successor of an entity described in subparagraph (i) of this paragraph.

- F. "Quality control and quality assurance program" means the laboratory procedures implemented to ensure that operator bias, systematic and nonsystematic methodological errors, and equipment-related problems do not affect the results of the testing. Such a program ensures that the testing repeatability remains within the required repeatability values stated in subsection (1)(f) of Section 45-12-5 for all test trials used to certify cigarettes in accordance with this chapter.
- G. "Repeatability" means the range of values within which the repeat results of cigarette test trials from a single laboratory will fall ninety-five percent (95%) of the time.
- H. "Retail dealer" means any person, other than a manufacturer or wholesale dealer, engaged in selling cigarettes or tobacco products.
- I. "Sale" means any transfer of title or possession or both, exchange or barter, conditional or otherwise, in any manner or by any means whatever or any agreement therefore. In addition to cash and credit sales, the giving of cigarettes as samples, prizes or gifts, and the exchanging of cigarettes for any consideration other than money, are considered sales.
- J. "Sell" means to sell, or to offer or agree to do the same.
- K. "Wholesale dealer" means any person, other than a manufacturer, who sells cigarettes or tobacco products to retail dealers or other persons for purposes of resale, and any person who owns, operates or maintains one or more cigarette or tobacco product vending machines in, at or upon premises owned or occupied by any other person.

Source: *Miss. Code Ann. §45-12-3 (Supp. 2012)*

Rule 10.05: Test method and performance standard

- A. Except as provided in subsection (7) of this section, no cigarettes may be sold or offered for sale in this state or offered for sale or sold to persons located in this state unless the cigarettes have been tested in accordance with the test method and meet the performance standard specified in this section, a written certification has been filed by the manufacturer with the State Fire Marshal in accordance with Section 45-12-7, and the cigarettes have been marked in accordance with Section 45-12-9.
 - 1. Testing of cigarettes shall be conducted in accordance with the American Society of Testing and Materials (ASTM) Standard E2187-04, "Standard Test Method for Measuring the Ignition Strength of Cigarettes."
 - 2. Testing shall be conducted on ten (10) layers of filter paper.
 - 3. No more than twenty-five percent (25%) of the cigarettes tested in a test trial in accordance with this section shall exhibit full-length burns. Forty (40) replicate tests shall comprise a complete test trial for each cigarette tested.

4. The performance standard required by this section shall only be applied to a complete test trial.
 5. Written certifications shall be based upon testing conducted by a laboratory that has been accredited pursuant to Standard ISO/IEC 17025 of the International Organization for Standardization (ISO), or other comparable accreditation standard required by the State Fire Marshal.
 6. Laboratories conducting testing in accordance with this section shall implement a quality control and quality assurance program that includes a procedure that will determine the repeatability of the testing results. The repeatability value shall be no greater than nineteen percent (19%).
 7. This section does not require additional testing if cigarettes are tested consistent with this chapter for any other purpose.
 8. Testing performed or sponsored by the State Fire Marshal to determine a cigarette's compliance with the performance standard required shall be conducted in accordance with this section.
- B. Each cigarette listed in a certification submitted pursuant to Section 45-12-7 that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard set forth in this section shall have at least two (2) nominally identical bands on the paper surrounding the tobacco column. At least one (1) complete band shall be located at least fifteen (15) millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned by design, there shall be at least two (2) bands fully located at least fifteen (15) millimeters from the lighting end and ten (10) millimeters from the filter end of the tobacco column, or ten (10) millimeters from the labeled end of the tobacco column for nonfiltered cigarettes.
- C. A manufacturer of a cigarette that the State Fire Marshal determines cannot be tested in accordance with the test method prescribed in paragraph (1) of subsection (A) shall propose a test method and performance standard for the cigarette to the State Fire Marshal. Upon approval of the proposed test method and a determination by the State Fire Marshal that the performance standard proposed by the manufacturer is equivalent to the performance standard prescribed in paragraph (3) of subsection (A), the manufacturer may employ such test method and performance standard to certify such cigarette pursuant to Section 45-12-7. If the State Fire Marshal determines that another state has enacted reduced cigarette ignition propensity standards that include a test method and performance standard that are the same as those contained in this section, and the State Fire Marshal finds that the officials responsible for implementing those requirements have approved the proposed alternative test method and performance standard for a particular cigarette proposed by a manufacturer as meeting the fire safety standards of that state's law or regulation under a legal provision comparable to this section, then the State Fire Marshal shall authorize that manufacturer to employ the alternative test method and performance standard to certify that cigarette for sale in this state, unless the State

Fire Marshal demonstrates a reasonable basis why the alternative test should not be accepted under this section. All other applicable requirements of this section shall apply to the manufacturer.

- D. Each manufacturer shall maintain copies of the reports of all tests conducted on all cigarettes offered for sale for a period of three (3) years, and shall make copies of these reports available to the State Fire Marshal and the Attorney General upon written request. Any manufacturer who fails to make copies of these reports available within sixty (60) days of receiving a written request shall be subject to a civil penalty not to exceed Ten Thousand Dollars (\$ 10,000.00) for each day after the sixtieth day that the manufacturer does not make such copies available.
- E. The State Fire Marshal may promulgate a subsequent ASTM Standard Test Method for Measuring the Ignition Strength of Cigarettes upon a finding that such subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with ASTM Standard E2187-04 and the performance standard in paragraph (3) of subsection (A).
- F. The State Fire Marshal shall review the effectiveness of this section and report every three (3) years to the Legislature his findings and, if appropriate, recommendations for legislation to improve the effectiveness of this chapter. The report and legislative recommendations shall be submitted no later than June 30 following the conclusion of each three-year period.
- G. The requirements of subsection (A) shall not prohibit:
 - 1. Wholesale or retail dealers from selling their existing inventory of cigarettes on or after July 1, 2010, if the wholesale or retail dealer can establish that state tax stamps were affixed to the cigarettes prior to July 1, 2010, and the wholesale or retail dealer can establish that the inventory was purchased prior to July 1, 2010, in comparable quantity to the inventory purchased during the same period of the prior year; or
 - 2. The sale of cigarettes solely for the purpose of consumer testing. For purposes of this subsection, the term "consumer testing" means an assessment of cigarettes that is conducted by a manufacturer (or under the control and direction of a manufacturer), for the purpose of evaluating consumer acceptance of such cigarettes, utilizing only the quantity of cigarettes that is reasonably necessary for such assessment.
- H. This regulation shall be so interpreted and construed as to effectuate its general purpose to make uniform this chapter with the laws of those states that have enacted reduced cigarette ignition propensity laws as of July 1, 2010.

Source: Miss. Code Ann. §45-12-5 (Supp. 2012)

Rule 10.06: Certification and product change

- A. Each manufacturer shall submit, in a form made available by the State Fire Marshal, a written certification attesting that:
 - 1. Each cigarette listed in the certification has been tested in accordance with Section 45-12-5; and
 - 2. Each cigarette listed in the certification meets the performance standard set forth in Section 45-12-5.
- B. Each cigarette listed in the certification shall be described with the following information:
 - 1. Brand, or trade name on the package;
 - 2. Style, such as light or ultra light;
 - 3. Length in millimeters;
 - 4. Circumference in millimeters;
 - 5. Flavor, such as menthol or chocolate, if applicable;
 - 6. Filter or nonfilter;
 - 7. Package description, such as soft pack or box;
 - 8. Marking pursuant to Section 45-12-9;
 - 9. The name, address and telephone number of the laboratory, if different than the manufacturer that conducted the test; and
 - 10. The date that the testing occurred.
- C. The State Fire Marshal shall make certifications available to the Attorney General for purposes consistent with this chapter and the commissioner for the purposes of ensuring compliance with this section.
- D. For each brand family of cigarettes listed for certification, a manufacturer shall pay a fee of One Thousand Dollars (\$ 1,000.00) to the State Fire Marshal. The fee paid shall apply to all cigarettes within the brand family certified and shall include any new cigarette certified within the brand family during the three-year certification period.
- E. If a manufacturer has certified a cigarette pursuant to this section, and thereafter makes any change to such cigarette that is likely to alter its compliance with the reduced

cigarette ignition propensity standards required by this section, that cigarette shall not be sold or offered for sale in this state until the manufacturer retests the cigarette in accordance with the testing standards set forth in Section 45-12-5 and maintains records of that retesting as required by Section 45-12-5. Any altered cigarette which does not meet the performance standard set forth in Section 45-12-5 may not be sold in this state.

- F. Each brand family of cigarettes certified under this section shall be recertified every three (3) years from the original certification date.
1. To continue to sell a cigarette brand that has been certified under this regulation the manufacturer of that cigarette must, within three (3) years of the certification date, apply for recertification in a form made available by the State Fire Marshal, which may be accessed at <http://www.mid.ms.gov/> attesting that each cigarette listed for recertification meets the standards necessary for initial certification.
 2. For each brand family of cigarettes listed for recertification, a manufacturer shall pay a fee of One Thousand Dollars (\$ 1,000.00) to the State Fire Marshal. The fee paid shall apply to all cigarettes within the brand family certified and shall include any new cigarette certified within the brand family during the three-year recertification period.

Source: Miss. Code Ann. §45-12-7 (Rev. Supp. 2012)

Rule 10.07: Marking of cigarette packaging

- A. Cigarettes that are certified by a manufacturer in accordance with Section 45-12-7 shall be marked to indicate compliance with the requirements of Section 45-12-5. The marking shall be in eight-point type or larger and consist of the letters "FSC," which signifies Fire Standard Compliant, permanently printed, stamped, engraved or embossed on the package at or near the UPC Code.
- B. A manufacturer shall use only one (1) marking, and shall apply this marking uniformly for all packages, including, but not limited to, packs, cartons, and cases, and brands marketed by that manufacturer.
- C. Manufacturers certifying cigarettes in accordance with Section 45-12-7 shall provide a copy of the certifications to all wholesale dealers and agents to which they sell cigarettes. Wholesale dealers, agents and retail dealers shall permit the State Fire Marshal, the commissioner, the Attorney General and their employees to inspect markings of cigarette packaging marked in accordance with this section.

Source: Miss. Code Ann. §45-12-9 (Supp. 2012)

Rule 10.08: Violations and Penalties

The Commissioner shall have the ability to issue penalties due to violations of the Act or Regulation, as more specifically stated in this Section.

A. The following are violations that will result in administrative action by the Commissioner:

1. A manufacturer, wholesale dealer, agent or any other person or entity who knowingly sells or offers to sell cigarettes, other than through retail sale, in violation of Section 45-12-5, shall be subject to a civil penalty not to exceed One Hundred Dollars (\$ 100.00) for each pack of such cigarettes sold or offered for sale, provided that in no case shall the penalty against any such person or entity exceed One Hundred Thousand Dollars (\$ 100,000.00) during any thirty-day period.
2. A retail dealer who knowingly sells or offers to sell cigarettes in violation of Section 45-12-5 shall be subject to a civil penalty not to exceed One Hundred Dollars (\$ 100.00) for each pack of such cigarettes sold or offered for sale, provided that in no case shall the penalty against any retail dealer exceed Twenty-five Thousand Dollars (\$ 25,000.00) for sales or offers to sale during any thirty-day period.
3. In addition to any penalty prescribed by law, any corporation, partnership, sole proprietor, limited partnership or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to Section 45-12-7 shall be subject to a civil penalty of at least Seventy-five Thousand Dollars (\$ 75,000.00) and not to exceed Two Hundred Fifty Thousand Dollars (\$ 250,000.00) for each such false certification.
4. Any person violating any other provision in this section shall be liable for a civil penalty for a first offense not to exceed One Thousand Dollars (\$ 1,000.00), and for a subsequent offense shall be liable for a civil penalty not to exceed Five Thousand Dollars (\$ 5,000.00), for each such violation.

B. Whenever any law enforcement personnel or duly authorized representative of the State Fire Marshal shall discover any cigarettes (a) for which no certification has been filed as required by Section 45-12-7, or (b) that have not been marked as required by Section 45-12-9, such personnel is hereby authorized and empowered to seize and take possession of such cigarettes.

1. Cigarettes seized pursuant to this section shall be destroyed; provided, however, that prior to the destruction of any cigarette seized pursuant to these provisions, the true holder of the trademark rights in the cigarette brand shall be permitted to inspect the cigarette.
 - i. The true holder of trademark right in the cigarette brand of the products to be destroyed shall have twenty (25) days from the date of notice to the

holder of trademark right to inspect the products prior to the cigarettes being destroyed.

C. In addition to any other remedy provided by law, the Attorney General may file an action in the circuit court of the county in which such alleged violation of this chapter occurred, including petitioning (a) for preliminary or permanent injunctive relief against any manufacturer, importer, wholesale dealer, retail dealer, agent or any other person or entity to enjoin such entity from selling, offering to sell, or affixing tax stamps to any cigarette that does not comply with the requirements of this chapter, or (b) to recover any costs or damages suffered by the state because of a violation of this chapter, including enforcement costs relating to the specific violation and attorney's fees. Each violation of this chapter or of rules or regulations adopted under this chapter constitutes a separate civil violation for which the State Fire Marshal or Attorney General may obtain relief. Upon obtaining judgment for injunctive relief under this section, the State Fire Marshal or Attorney General shall provide a copy of the judgment to all wholesale dealers and agents to which the cigarette has been sold.

D. Notice and Hearing

1. Before any fines are issued, the State Fire Marshal shall give the manufacturer, wholesale dealer, agent, retailer or any other person or entity in violation at least twenty-five (25) days written notice of his intention to hold a hearing on this matter. Service shall be by certified mail, return receipt, or by personal service.
2. The hearing shall be conducted pursuant to the Department's Rules of Practice and Procedure before the Mississippi Insurance Department, Regulation 88-101.
3. When a hearing is to be held before the State Fire Marshal, the State Fire Marshal shall give written notice thereof to the manufacturer, wholesale dealer, agent, retailer or any other person or entity allegedly in violation. The notice shall set forth the reason for the hearing, the questions or issues to be decided by the State Fire Marshal at such hearing, and the time for and place where the hearing will be held. All such notices shall be mailed to all parties whose rights may be affected by such hearing by registered or certified mail, addressed to their last known address, or via personal service.
4. All parties whose rights may be affected at any hearing before the State Fire Marshal shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against them, and to produce evidence and witnesses in their own behalf. The State Fire Marshal shall make and keep a record of each such hearing and shall provide a transcript thereof to any interested party upon such party's written request and at the party's expense. The State Fire Marshal will provide a transcript to the requesting party AFTER receiving payment for the transcript. Testimony taken at all hearings shall be taken either stenographically or by machine.

5. If any party who is notified of a hearing as outlined herein fails to appear at such hearing, either in person or by counsel, the State Fire Marshal may make any decision and take any action he deems necessary or appropriate with respect to any issues or questions scheduled for the hearing. In accordance with the applicable Mississippi law and this Regulation, the defaulting party shall have no right to appeal such a decision of the State Fire Marshal.
6. All decisions of the State Fire Marshal with respect to the hearings provided for in this section shall be incorporated into orders of the State Fire Marshal. All such orders shall be made available during normal office hours for inspection by interested persons.
7. It shall be the duty of the sheriffs and constables of the counties of this state and of any employee of the State Fire Marshal, when so directed by the State Fire Marshal, to execute any summons, citation, or subpoena which the State Fire Marshal may cause to be issued and to make his return thereof to the State Fire Marshal. The sheriffs and constables so serving and returning same shall be paid for so doing the same fees provided for such services in circuit court. Any person who appears before the State Fire Marshal or a duly designated employee of his department in response to a summons, citation, or subpoena shall be paid the same witness fee and mileage allowance as witnesses in the circuit court. In case of failure or refusal on the part of any person to comply with any summons, citation, or subpoena issued and served as above authorized or in the case of the refusal of any person to testify or answer to any matter regarding which he may be lawfully interrogated or the refusal of any person to produce his record books and accounts relating to any matter regarding which he may be lawfully interrogated, the chancery court of any county of the State of Mississippi, or any chancellor of any such court in vacation, may, on application of the State Fire Marshal, issue an attachment for such person and compel him to comply with such summons, citation, or subpoena and to attend before the State Fire Marshal or his designated employee and to produce the documents specified in any subpoena duces tecum and give his testimony upon such matters as he may be lawfully required. Any such chancery court, or any chancellor of any such court in vacation, shall have the power to punish for contempt, as in case of disobedience of like process issued from or by any such chancery court, or by refusal to testify therein in response to such process, and such person shall be taxed with the costs of such proceedings.
8. No decision of the State Fire Marshal made as a result of a hearing under the provisions of this section shall become final with respect to any party affected and aggrieved by such decision until such party shall have exhausted or shall have had an opportunity to exhaust all of his remedies provided for by this section; provided, however, any such decision may be made final if the State Fire Marshal finds that failure to do so would be detrimental to the public interest or public welfare, but the finality of any such decision shall not prevent any party or parties

affected and aggrieved thereby to appeal the same in accordance with the appellate procedure set forth in this section.

9. The following procedure shall govern in taking and perfecting appeals:
 - i. Any person who is a party to any hearing before the State Fire Marshal and who is aggrieved by any decision of the State Fire Marshal with respect to any hearing before him, unless prevented by the provisions of paragraph 5 of this section, shall have the right of appeal to the chancery court of the First Judicial District of Hinds County. If any such person is a nonresident of this state, he shall have the right of appeal to the chancery court of the first judicial district of Hinds County, Mississippi. All such appeals shall be taken and perfected within sixty (60) days from the date of the decision of the State Fire Marshal which is the subject of the appeal. The chancery court to which such appeal is taken may affirm such decision or reverse and remand the same to the State Fire Marshal for further proceedings as justice may require or dismiss such decision. All such appeals shall be taken and perfected, heard and determined, either in term time or in vacation, on the record, including a transcript of pleadings and evidence, both oral and documentary, heard and filed before the State Fire Marshal. In perfecting any appeal provided by herein, the provisions of law respecting notice to the reporter and allowance of bills of exceptions, now or hereafter in force, respecting appeals from the chancery court to the supreme court shall be applicable, provided, however, that the reporter shall transcribe his notes, taken stenographically or by machine, and file the record with the State Fire Marshal within thirty (30) days after approval of the appeal bond, unless, on application of the reporter, or of the appellant, an additional fifteen (15) days shall have been allowed by the State Fire Marshal to the reporter within which to transcribe his notes and file the transcript of the record with the State Fire Marshal.
 - ii. Upon the filing with the State Fire Marshal of a petition of appeal to the chancery court of the First Judicial District of Hinds County, it shall be the duty of the State Fire Marshal, as promptly as possible, and in any event within sixty (60) days after approval of the appeal bond, to file with the clerk of said chancery court to which the appeal is taken, a copy of the petition for appeal and of the decision appealed from, and the original and one (1) copy of the transcript of the record of the proceedings and evidence before the State Fire Marshal. After the filing of said petition, the appeal shall be perfected by the filing of a bond in the penal sum of Five Hundred Dollars (\$500.00) with two (2) sureties or with a surety company qualified to do business in Mississippi as surety, conditioned to pay the costs of such appeal, said bond to be approved by the State Fire Marshal or by the clerk of the chancery court to which such appeal is taken.

10. 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.

Source: Miss. Code Ann. §45-12-11 (Supp. 2012)

Rule 10.09: Implementation

- A. The State Fire Marshal may promulgate rules and regulations, pursuant to Section 25-43-1 et seq., necessary to effectuate the purposes of this chapter.
- B. The commissioner in the regular course of conducting inspections of wholesale dealers, agents and retail dealers, as authorized under Section 27-69-1 et seq., may inspect such cigarettes to determine if the cigarettes are marked as required by Section 45-12-9. If the cigarettes are not marked as required, the commissioner shall notify the State Fire Marshal.

Source: Miss. Code Ann. §45-12-13 (Supp. 2012)

Rule 10.10: Inspection

To enforce the provisions of this chapter, the Attorney General, the commissioner and the State Fire Marshal, their duly authorized representatives and other law enforcement personnel, are hereby authorized to examine the books, papers, invoices and other records of any person in possession, control or occupancy of any premises where cigarettes are placed, stored, sold or offered for sale, as well as the stock of cigarettes on the premises. Every person in the possession, control or occupancy of any premises where cigarettes are placed, sold or offered for sale, is hereby directed and required to give the Attorney General, the commissioner and the State Fire Marshal, their duly authorized representatives and other law enforcement personnel, the means, facilities and opportunity for the examinations authorized by section 45-12-15 of the Mississippi Code.

Source: Miss. Code Ann. §45-12-15 (Supp. 2012)

Rule 10.11: Cigarette Fire Safety Standard and Firefighter Protection Fund

There is hereby established in the State Treasury a special fund to be known as the "Cigarette Fire Safety Standard and Firefighter Protection Fund." The fund shall consist of all certification fees paid under Section 45-12-7 and all monies recovered as penalties under Section 45-12-11. The monies shall be deposited to the credit of the fund and shall, in addition to any other monies made available for such purpose, be used by the State Fire Marshal to defray costs incurred by the State Fire Marshal in fulfilling his duties under this chapter, and to support fire safety and prevention programs.

Source: Miss. Code Ann. §45-12-17 (Supp. 2012)

Rule 10.12: Sale outside of Mississippi

Nothing in this section shall be construed to prohibit any person or entity from manufacturing or selling cigarettes that do not meet the requirements of Section 45-12-5 if the cigarettes are, or will be, stamped for sale in another state or are packaged for sale outside the United States and that person or entity has taken reasonable steps to ensure that such cigarettes will not be sold or offered for sale to persons located in this state.

Source: Miss. Code Ann. §45-12-19 (Supp. 2012)

Rule 10.13: Preemption

This chapter shall be repealed if a federal reduced cigarette ignition propensity standard is adopted and becomes effective.

Source: Miss. Code Ann. §45-12-21 (Supp. 2012)

Rule 10.14: Local regulation

Miss. Code Ann. §45-12-23 (Rev. 2012) preempts any local law, ordinance or regulation that conflicts with any provision of said chapter or any policy of the state implemented in accordance with said chapter and, notwithstanding any other provision of law, a governmental unit of this state may not enact or enforce an ordinance, local law or regulation conflicting with or preempted by said chapter.

Source: Miss. Code Ann. §45-12-23 (Supp. 2012)

Rule 10.15 Effective Date

This Regulation shall become effective thirty (30) days after adoption.

Source: Miss. Code Ann. §25-43-3.113, et seq. (Supp. 2012)

Part 7, Chapter 11: Notification Requirements Involving Ownership and Employee Changes**Rule 11.01: Purpose**

The purpose of this Regulation is to set forth notification requirements that Liquefied Compressed Gas Dealers must follow when abandoning or assuming ownership of a Liquefied Compressed Gas Dispensing System and/or when certified employee turnover occurs.

Source: *Miss. Code Ann. § 75-57-105 (Rev. 2016).*

Rule 11.02: Authority

This Regulation is promulgated by the Liquefied Compressed Gas Board with the approval of the Commissioner of Insurance, pursuant to *Miss. Code Ann.* § 75-57-105 (Rev. 2016), and in accordance with the Mississippi Administrative Procedures Law, *Miss. Code Ann.* § 25-43-1.101, *et seq.* (Rev. 2010 and Supp. 2016), and the Mississippi Insurance Department Regulation 19 *Miss. Admin. Code*, Part 1, Chapter 15, said Regulation being the “Rules of Practice and Procedure Before the Mississippi Insurance Department”.

Source: *Miss. Code Ann.* §§ 75-57-105 (Rev. 2016) and 25-43-1.101, *et seq.* (Rev. 2010 and Supp. 2016); 19 *Miss. Admin. Code*, Part 1, Chapter 15.

Rule 11.03: Scope

This Regulation shall apply to all Liquefied Compressed Gas Dealers.

Source: *Miss. Code Ann.* § 75-57-105 (Rev. 2016).

Rule 11.04: Definitions

For purposes of this Regulation, the following terms are defined as follows, unless the context clearly indicates otherwise:

- a) “Certified employee” means a Liquefied Compressed Gas Dealer’s employee that has received applicable training and has become properly certified with the Mississippi Insurance Department’s Liquefied Compressed Gas Division for related Liquefied Compressed Gas activities.
- b) “Certified employee turnover” includes, but is not limited to, when: (1) a certified employee either ends or begins his or her employment with a Dealer, and (2) when a non-certified employee is hired by a Dealer to perform Liquefied Compressed Gas activities that require certification with the Mississippi Insurance Department’s Liquefied Compressed Gas Division prior to engaging in said Liquefied Compressed Gas activities.
- c) “Non-certified employee” means a Liquefied Compressed Gas Dealer’s employee that does not meet the definition of a certified employee.

Source: *Miss. Code Ann.* § 75-57-105 (Rev. 2016).

Rule 11.05: Notification Requirements

To ensure the accuracy of the Mississippi Insurance Department’s Liquefied Compressed Gas Dispensing System ownership and certified employee records, and to ensure that only properly certified employees engage in related Liquefied Compressed Gas activities, all Liquefied Compressed Gas Dealers are required to promptly notify the Mississippi Insurance Department when abandoning or assuming ownership of a Liquefied Compressed Gas Dispensing System and/or when certified employee turnover occurs. Such notifications should be

directed to the Mississippi Insurance Department's Liquefied Compressed Gas Division by calling 601-359-1064 or by emailing lcgas@mid.ms.gov.

Source: *Miss. Code Ann.* § 75-57-105 (Rev. 2016).

Rule 11.06: Date of Compliance

All Liquefied Compressed Gas Dealers shall comply with this Regulation from and after the Effective Date of this Regulation, as set forth in Rule 11.09 below.

Source: *Miss. Code Ann.* § 75-57-105 (Rev. 2016).

Rule 11.07: Violations and Penalties

Failure of a Liquefied Compressed Gas Dealer to comply with the provisions of this Regulation shall be considered a violation of *Miss. Code Ann.* §§ 75-57-107 and 75-57-109 (Rev. 2016), and may result in a monetary penalty and/or revocation of the Dealer's Liquefied Compressed Gas permit.

Source: *Miss. Code Ann.* §§ 75-57-105, 75-57-107, and 75-57-109 (Rev. 2016).

Rule 11.08: Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of this Regulation which can be given effect without the invalid provision or application, and to this end the provisions of this Regulation are declared to be severable.

Source: *Miss. Code Ann.* §§ 75-57-105 (Rev. 2016), 45-11-101, *et seq.* (Rev. 2015 and Supp. 2016).

Rule 11.09: Effective Date

This Regulation shall become effective thirty (30) days after filing for final adoption with the Office of the Secretary of State.

Source: *Miss. Code Ann.* §§ 25-43-3.112 and 25-43-3.113 (Rev. 2010)

19 Mississippi Administrative Code, Part 7, Chapter 12: Rules of Practice and Procedures Before the State Liquefied Compressed Gas Board.

Rule 12.01: Statutory Authority

This Regulation is promulgated by the Department of Insurance (hereinafter “Department”) on behalf of the Liquefied Compressed Gas Board (hereinafter “Board”) in accordance with the Mississippi Administrative Procedures Law.

Source: Miss. Code Ann. § 25-61-5 (Rev. 2011); § 75-57-105. (Rev. 2016)

Rule 12.02: Purposes

The purpose of this Regulation is to set forth the rules and regulations regarding the procedural requirements which the Commissioner of Insurance (hereinafter “Commissioner”) deems necessary to carry out the provisions of the Mississippi’s Liquefied Compressed Gas laws found in Miss. Code Ann. §§ 75-57-1 *et seq.*, and to provide the methods and procedures of the Board.

Source: Miss. Code Ann. § 25-61-5 (Rev. 2011); § 75-57-1, *et seq.* (Rev. 2016)

Rule 12.03: Applicability

This Regulation shall be of general applicability and shall apply in all cases except to the extent a statute of the State of Mississippi provides otherwise.

Source: Miss. Code Ann. § 75-57-1, *et seq.* (Rev. 2016)

Rule 12.04: Liquefied Compressed Gas Duties

- A. Department of Insurance - The Commissioner is vested with the sole and exclusive power and authority and is charged with the duty of administering the Liquefied Compressed Gas laws found in Title 75, Chapter 57. In administering the laws, the Commissioner shall employ an executive director and staff within the Department of Insurance (hereinafter “Department”) for the Liquefied Compressed Gas Division (hereinafter L.C. Gas Division). The Board is provided with a Board Attorney who is an attorney within the Department who shall provide legal advice to the Board. Matters regarding L.C. Gas violations that are investigated by the L.C. Gas Division and brought for administrative hearing before the Board shall be handled by the Attorney for the L.C. Gas Division, which shall be an attorney within the Department. The Board Attorney and the L.C. Gas Attorney shall not be the same person.
- B. Liquefied Compressed Gas Division - The State Fire Marshal’s Office is an Office established within the Department. The L.C. Gas Division is a Division within the State Fire Marshal’s Office which enforces the laws and regulations regarding the distribution of liquefied compressed gases and the handling of liquefied compressed gas containers within Mississippi and other matters related to liquefied compressed gas. The L.C. Gas Division’s primary responsibility is to enforce the National Fire Protection Association (NFPA) Standards 54 and 58 pertaining to liquefied compressed gas and the State’s liquefied compressed gas laws and regulations. The L.C. Gas Division regularly inspects all domestic, commercial and industrial premises or buildings where liquefied compressed gases may be received, stored, transported, sold,

offered or exposed for sale, manufactured, refined, distilled, compounded or blended, as well as any liquefied compressed gas container, system, pump, equipment, tank car, storage tank, or other vehicle in which any liquefied compressed gas is stored. The L.C. Gas Division is also responsible for investigating fires that occur within the State when liquefied compressed gas is the suspected cause. The L.C. Gas Division also investigates possible violations of NEPA Standards and the State's Liquefied compressed gas laws and regulations when liquefied compressed gas is involved but no fire resulted. The L.C. Gas Division coordinates its investigations of suspected liquefied compressed gas-related fires with the State Fire Marshal's Office, which is responsible for fire investigation in the State generally. The L.C. Gas Division's responsibilities in a suspected liquefied compressed gas-related fire investigation include, but are not limited to, testing and inspecting the subject gas system for installation and operating compliance with NFPA Standards 54 and 58.

- C. State Liquefied Compressed Gas Board - The Board is statutorily vested with the power to regulate matters pertaining to liquefied compressed gas, with the exception of administrative and enforcement duties which shall be retained by the Commissioner.

Source: Miss. Code Ann. § 75-57-1, *et seq.*; § 75-57-101, *et seq.* (Rev. 2016)

Rule 12.05: Investigations Conducted by the L.C. Gas Division

To insure that all fires are properly investigated, the following guidelines shall be followed by the L.C. Gas Division:

- A. All fires reported to the Department shall be directed to the State Fire Marshal's Office.
- B. The State Chief Deputy Fire Marshal will evaluate the facts and circumstances of all fires and determine how the fire investigation will be conducted.
- C. Where the State Chief Deputy Fire Marshal, or his deputies, suspect liquefied compressed gas as the cause of the fire, the L.C. Gas Director will be notified. The liquefied compressed gas system will be tested and inspected by a liquefied compressed gas inspector to verify that the gas system was installed and operating in accordance with NFPA 54 and NFPA 58.
- D. When a fire is under investigation by the State Fire Marshal's Office, the L.C. Gas Division will coordinate all their activities through the State Fire Marshal's Office.
- E. The role of the State Chief Deputy State Fire Marshal or his deputies is to investigate the cause of every fire called to the attention of the Department and to establish the point of origin and cause of each such fire.
- F. The role of the L.C. Gas Division is to verify all liquefied compressed gas systems,

installations, and companies doing business in the State of Mississippi are in compliance with are in compliance with NFPA 54 and 58; the State's liquefied compressed gas laws and regulations as set forth under Miss. Code Ann. §§ 75-57-1 through 75-57-119; and any rules and regulations adopted by the Board.

Source: Miss. Code Ann. § 75-57-1, *et seq.*; § 75-57-101, *et seq.* (Rev. 2016)

Rule 12.06: State Liquefied Compressed Gas Board

- A. Board Members - The board shall consist of seven (7) members appointed by the Commissioner of Insurance as follows:
 - 1. Four (4) members, one (1) from each of the congressional districts, to be selected from a list of at least ten (10) individuals who are in the liquefied compressed gas industry doing business in the State of Mississippi;
 - 2. Three (3) members from the state at large who have a rational relationship to the liquefied compressed gas industry.
 - 3. At least three (3) members of the board must be dealers who sell less than two million five hundred thousand (2,500,000) gallons of propane per year.
 - 4. No two (2) members may be selected from the same company.
 - 5. Any member who fails to attend three (3) consecutive called meetings of the board may be removed by the Commissioner.
- B. Chairman of the Board - The Chairman of the Board shall be elected by and from the membership of the board.
- C. Terms - The appointments to the Board shall be for staggered and shall be for terms of five (5) years, except the three (3) members from the state at large shall serve for terms concurrent with the term of the Commissioner.
- D. Vacancies - An appointment to fill a vacancy, other than by expiration of a term of office, shall be made by the Commissioner for the balance of the unexpired term.
- E. Meetings - The Board shall regularly meet on the second Thursday of every odd numbered month. The Chairman may also call a meeting, or a meeting may be called upon the written request of any three (3) members of the Board. Notice of any such meeting shall be given in writing to members and the public by publication on the Department's website at least fourteen (14) days in advance. Meetings shall be held at the State Fire Academy in Rankin County, Mississippi.

- F. Emergency Meetings - An Emergency Meeting may be called by the Chairman when there are circumstances that could not have been reasonably foreseen which require immediate attention and possible action by the Board and which of necessity make it impossible to provide usual notice. The Chairman shall give twenty-four hours (24) notice prior to holding the emergency meeting. Emergency meetings shall be open to the public and notice will be provided with publication on the Department's website at least twenty-four (24) hours in advance of the emergency meeting. The emergency meeting may be held via teleconference.
- G. Quorum - A quorum shall be met if four (4) or more members of the board meet for the transaction of business.
- H. Reimbursement of Expenses - Board members shall receive per diem compensation according to Miss. Code Ann. § 75-56-101(4). The Board members shall not be compensated for more than twelve (12) meetings per year.
- I. Liability of Members - No member shall be liable to civil action for any act performed in good faith in the execution of his duties as a Board member.

Source: Miss. Code Ann. § 75-57-101 (Rev. 2016)

Rule 12.07: Hearing Procedures

- A. Hearings – In every case where the investigation by the State Fire Marshal's Office has determined that there was a violation of the two (2) National Fire Protection Association Standards, NFPA 54 and 58; the State's liquefied compressed gas laws as set forth under Miss. Code Ann. §§ 75-57-1 through 75-57-119; and any rules and regulations adopted by the Board, notice and hearing shall be held prior to any administrative action being taken.
- B. Right To Counsel – Any person appearing before the Board shall have the right to be represented by counsel.
- C. Impartiality – Every member of the Board present shall conduct himself in an impartial manner and the presiding official may withdraw if he deems himself disqualified. Any party may file an affidavit of personal bias or disqualification which shall be ruled upon by the Commissioner and granted if it is timely, sufficient and filed in good faith.
- D. Power and Duties of Presiding Official – The presiding officer of the hearing shall be the Chairman of the Board, under the advice of the Board Attorney, and shall have power to:
 - 1. Maintain order;
 - 2. Rule on all questions arising during the course of the hearing;
 - 3. Permit discovery by deposition or otherwise;

4. Hold conferences for the settlement or simplification of the issues;
 5. Make or recommend decisions;
 6. Generally regulate and guide the course of the proceedings.
- E. Burden Of Proof – In administrative hearings before the Board, the Attorney for the L.C. Gas Division shall have the burden of proof.
- F. Evidence – The Rules of Evidence shall not apply in an administrative matter; however, irrelevant, immaterial, and unduly repetitious evidence shall be excluded. Any other evidence, oral or documentary, not privileged, may be received if it is a type commonly relied upon by reasonably prudent men in the conduct of their affairs.
- G. Objections – Objections to the introductions of evidence may be made and shall be noted of record.
- H. Evidence May Be Written – When a hearing can be so expedited and the interests of the parties will not be prejudiced any part of the evidence may be received in written form.
- I. Cross-Examination – Parties shall have the right to conduct such cross-examination as may be required for a full, true disclosure of the facts.
- J. Official Notice – Official notice may be taken of judicially cognizable facts and of generally recognized technical or scientific facts peculiarly within the Board's specialized knowledge. Parties shall be afforded a reasonable opportunity to show the contrary.
- K. Disciplinary Actions – After notice and hearing, the Board may take disciplinary actions and impose penalties in the manner as provided in Miss. Code Ann. §§ 75-57-107 and 75-57-109.

Source: Miss. Code Ann. § 75-57-101, *et seq.* (Rev. 2016)

Rule 12.08: Appeal Procedure

Any individual aggrieved by a final decision of the Board shall be entitled to judicial review. Any appeal from the Board's decision shall be filed within thirty (30) days after notification of the action of the Board in the Circuit Court of Hinds County, Mississippi, in the manner set forth in Miss. Code Ann. § 75-57-117.

Source: Miss. Code Ann. § 75-57-117 (Rev. 2016)

Rule 12.09: Public Records

Any person requesting a public record regarding the L.C. Gas Division or the Board shall submit a written request to the Department pursuant to the provisions of the Open Records Act.

Source: Miss. Code Ann. §§ 25-61-1, *et seq.* (Rev.2010)

Rule 12.10. Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: Miss. Code Ann. § 75-57-1, *et seq.*; § 75-57-101, *et seq.* (Rev. 2016)

Rule 12.11. Effective Date

This Regulation shall be effective upon adoption.

Source: Miss. Code Ann. § 25-43-3.108 (Rev. 2010)

Part 7, Chapter 13: Amendment of NFPA Standards Regarding the Use and Display of Nameplates on Stationary Liquefied Compressed Gas Containers

Rule 13.01: Purpose

The purpose of this Regulation is to amend certain National Fire Protection Association (“NFPA”) standards regarding the use and display of nameplates on stationary liquefied compressed gas containers.

Source: Miss. Code Ann. § 75-57-9; § 75-57-105 (Rev. 2016).

Rule 13.02: Authority

This Regulation is promulgated by the Department of Insurance (“Department”) on behalf of the Liquefied Compressed Gas Board (“Board”) in accordance with Miss. Code Ann. §§ 75-57-105 and 75-57-9 (Rev. 2016), and in accordance with the Mississippi Administrative Procedures Law, Miss. Code Ann. § 25-43-1.101, *et seq.* (Rev. 2018).

Source: Miss. Code Ann. § 25-43-1.101, *et seq.* (Rev. 2018); § 75-57-9; § 75-57-105 (Rev. 2016).

Rule 13.03: Scope

This Regulation shall apply to all stationary liquefied compressed gas containers.

Source: Miss. Code Ann. § 75-57-9; § 75-57-105 (Rev. 2016).

Rule 13.04: Amendment of NFPA Standards

NFPA 58 (2017) Section 5.2.8.3 is amended to include the following language:

A stationary container with the water capacity of 1,000 gallons or larger, that does not have a nameplate in accordance with NFPA 58 (2017) Section 5.2.8.3, may remain in service if:

- (1) the Department's Liquefied Compressed-Gas Division ("LC-Gas Division") determines that an accurate nameplate replacement can be created and attached to the container, and the LC-Gas Division approves of such replacement and attachment; or
- (2) the LC-Gas Division is familiar with the container, has previously inspected and approved the container at its current location, and, at its discretion, issues an official determination letter stating that the container is allowed to remain in service. However, if allowed to remain in service, the container cannot be moved to a different location; otherwise, it must be discontinued from service. The LC-Gas Division official determination letter discussed in this subsection shall remain at the property where the container is located and it shall be produced for inspection to any person upon request.

A stationary container with the water capacity of less than 1,000 gallons, that does not have a nameplate in accordance with NFPA 58 (2017) Section 5.2.8.3, may remain in service only if the LC-Gas Division determines that an accurate nameplate replacement can be created and attached to the container, and the LC-Gas Division approves of such replacement and attachment. Under no other circumstance shall such container remain in service.

Source: Miss. Code Ann. § 75-57-9; § 75-57-105 (Rev. 2016).

Rule 13.05: Future Application of Amended NFPA Standards

Section numbers, section titles, and chapter titles are subject to change in future versions of the NFPA 58 standards. Therefore, language included herein that amends NFPA 58 (2017) Section 5.2.8.3, shall apply to future versions of the NFPA 58 standards and shall be read as amending the most applicable code section in the version of those standards in order to fulfill the purpose and overall intent of this Regulation.

Source: Miss. Code Ann. § 75-57-9; § 75-57-105 (Rev. 2016).

Rule 13.06: Violations and Penalties

If a person services, places into service, and/or continues in service a stationary liquefied compressed gas container that is not in compliance with the provisions of this Regulation, such person shall be considered in violation of Miss. Code Ann. §§ 75-57-47, 75-57-107 and 75-57-109 (Rev. 2016), and may be subject to monetary penalties and/or other disciplinary action as determined by the Board.

Source: Miss. Code Ann. § 75-57-47; § 75-57-107; § 75-57-109 (Rev. 2016).

Rule 13.07: Conflicts

If any section or portion of a section of this Regulation conflicts with current and/or future NFPA standards, this Regulation shall govern.

Source: Miss. Code Ann. § 75-57-35 (Rev. 2016).

Rule 13.08: Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of this Regulation which can be given effect without the invalid provision or application, and to this end the provisions of this Regulation are declared to be severable.

Source: Miss. Code Ann. § 75-57-1, *et seq.*; § 75-57-101, *et seq.* (Rev. 2016).

Rule 13.09: Effective Date

This Regulation shall become effective thirty (30) days after filing for final adoption with the Office of the Secretary of State.

Source: Miss. Code Ann. § 25-43-3.112; § 25-43-3.113 (Rev. 2018).

Chapter 14: Rules and Regulations for Licensed Compressed Gas Installation and Repair: Leak Check Procedures and Requirements; Permitting Procedures

Rule 14.01: Promulgation and Purpose - General

- A. These Rules and Regulations are promulgated by the Mississippi State Liquefied Compressed Gas Board (LC Gas Board), and approved by the Mississippi Commissioner of Insurance, in accordance with authority granted in Sections 75-57-3, 75-57-101 and 75-57-105 of the Mississippi Code of 1972, as amended.
- B. The purpose of these Rules and Regulations is to prevent the loss of life and property from fire and other related hazards. Specifically, this regulation shall further enforce and establish the “Leak Checks” procedures originally set forth in Mississippi Department of Insurance Bulletin No. 2010-4. Mississippi Code section 75-57-9 specifically adopts by reference certain national codes related to liquefied compressed gas safety, including but not limited to the National Fire Protection Association Code, Pamphlet 54 (NFPA-54). NFPA-54 provides for the performance of leak checks on new or interrupted service, and gives instructions/guidance as to how such leak checks are to be performed. This Regulation is to remind permit holders of the requirement that these checks be performed, and delineate the acceptable methods by which said checks must be completed.
- C. This regulation will clarify the procedures for the issuance, expiration and renewal for permits approved by the LC Gas Board, in order to ensure the financial responsibility requirements in Mississippi Code section 75-57-49 are continuously maintained as a condition of any permit issued or renewed.

Source: *Miss. Code § 75-57-1, et seq. (Supp. 2020)*

Rule 14.02: Definitions

- A. The definitions contained in Miss. Code § 75-57-5 are adopted and ratified for use in this regulation.
- B. For the purposes of this Regulation, a new customer includes any propane system that is new to the propane service provider, any existing system previously served by another propane service provider, and any customer returning to a service provider after being served by another propane service provider.
- C. An interruption of service to a propane system means any time any part of the system has a loss of pressure, for example, when a line is replaced, an appliance is repaired, or a new appliance is installed. All “out of gas” situations are interruptions of service. An out of gas situation occurs both when a tank is completely out of gas, or when the pressure becomes so low that appliances, heaters, etc., cannot operate and/or shut off, even though there may technically be some gas in the tank.

Source: *Miss. Code § 75-57-1, et seq., and Miss. Code § 75-57-5 (Supp. 2020)*

Rule 14.03: Applicability and Scope of Leak Check Requirements

The Leak Check requirements of this regulation shall apply to any installer or other person who shall install, connect, alter, extend, change or repair any liquefied compressed gas or compressed natural gas system, container or appliance whatsoever, or who shall install, connect, change, extend, alter or repair any piping or fitting connected with or attached to any liquefied compressed gas or compressed natural gas container, system or appliance.

Source: *Miss. Code § 75-57-1, et seq. (Supp. 2020)*

Rule 14.04: Leak Check Procedures and Requirements

- A. Leak Checks shall be performed on any interruption of service to an existing system or first time service of a new customer.
- B. Any method used for performing a leak check should be sufficient to actually find a leak if one exists. Suggested methods for performing a Leak Check include the proper use of lights, the use of a gas meter, and checks performed not using a gas meter, as set forth in NFPA-54.
- C. Leak Checks performed in occupied dwellings shall include an interior inspection of the propane system and appliances, and the reigniting pilots and appliances to assure proper operation of appliances.

- D. In the event that a leak is detected in a system, which will not be immediately repaired, then a “lockout” of the system shall be implemented at the service valve until the necessary repairs may be completed for the safe operation of the system. Lockout shall be required regardless of whether the system components are owned by the propane provider or the customer.
- E. Documentation of Leak Checks, including the items checked and the results of the check shall be kept on file at the branch or office serving the customer and must be made available to Mississippi LC Gas Inspectors upon request. It is recommended that the customer or customer representative, who is at least 18 years old, be present at the time the leak check is performed, and that the customer or customer representative sign the leak check documentation.

Source: *Miss. Code § 75-57-1, et seq. (Supp. 2020)*

14.05: Permitting Procedures

- A. Mississippi Code § 75-57-49 sets forth the Permittee requirements, including but not limited to the requirement for proof of good character, competency to transact business so as to safeguard the interest of the public, and financial responsibility. Proof of financial responsibility is complied with through the provision of Certificates of Insurance from the Permittee establishing the existence of appropriate insurance coverage, or through provision of surety bonds or personal bonds with appropriate conditions. The Certificates of Insurance provided typically sets forth a period of coverage of one (1) year.
- B. Before any person shall be granted a permit as a distributor or installer, either at wholesale or retail, he shall satisfy the State Liquefied Compressed Gas Board that he has sufficient insurance coverage as required by law and a copy of said policy shall be filed with the Liquefied Compressed Gas Division with the application for permit, and a copy of a policy shall be filed with the Liquefied Compressed Gas Division each year thereafter as long as the permit is in effect. No permit shall be issued that does not have a copy of the insurance policy attached to it. In the event coverage is cancelled or the insurer goes bankrupt or is sold, a distributor or installer shall file evidence of new coverage and failure to do so may result in a fine or a permit being suspended or cancelled until such time that new coverage has been obtained and proof supplied to the Liquefied Compressed Gas Division.
- C. Expiration of Permits: In order to ensure that Permittees are continually in compliance with the financial responsibility requirements, all Permit’s issued by the LC Gas Board shall have an expiration date equal to the last day of coverage evidenced on their most recent Certificate of Insurance on file with the LC Gas Division of the Mississippi Insurance Department. In the event that the Permittee has established financial responsibility through the provision of a surety bond or a personal bond in accordance with Miss. Code § 75-57-49, then the expiration date for the permit shall equal the end period of the obligation under the surety bond or personal bond.
- D. Renewal of Permits: In the case of approved Permittees who are reaching the expiration date of their permit, the permit shall automatically renew, without the need for action by the LC Gas

Board, upon the provision by the Permittee to the LC Gas Division of the Mississippi Insurance Department, of a new or extended Certificate of Insurance, or surety / personal bond in compliance with the requirements of Miss. Code § 75-57-49. The renewed permit shall have and reflect an expiration date equal to the last day of coverage under the most current evidence of financial responsibility.

E. Before any person, firm or corporation shall enter the Liquefied Compressed Gas business as a distributor who plans to make retail or wholesale tank truck deliveries to consumers, and before a permit may be granted, such person, firm or corporation shall locate, within the State of Mississippi, a propane storage container of not less than 14,000 water gallons capacity and an aggregate total of propane storage containers of not less than 30,000 water gallons capacity for each permit granted. Before a permit is issued, a State Liquefied Compressed Gas Inspector shall inspect the facility to verify that the required storage capacity has been met by the applicant.

F. Any liquefied compressed gas dealer, or other person may apply to the Liquefied Compressed Gas Board to take an examination to qualify as an installer. The test shall be sufficient to test the knowledge of the applicant as to his qualifications for installing, repairing, altering, etc., equipment used in the handling of liquefied compressed gases and of his knowledge of the handling and storage of such gases.

G. Permit Classes – Definitions: The definitions included below are not meant to be all-inclusive and are only meant to provide a brief overview of key requirements or activities allowed under each Permit Class. The Liquefied Compressed Gas (“LC-Gas”) Board and/or the Mississippi Insurance Department shall have authority to determine which Permit Classes apply in certain situations.

Class 1: DISTRIBUTE LIQUEFIED PETROLEUM GAS (“LP-GAS”) TO CONSUMER (DEALERS PERMIT) – Holder may sell, distribute, store, or transport LP-GAS to consumers and may engage in any other LC-Gas activities allowed by Permit Classes 3, 5, 7, 8, 9 & 10. Holder shall locate, within Mississippi, a propane storage container of not less than fourteen thousand (14,000) water gallons capacity and an aggregate total of propane storage containers of not less than thirty thousand (30,000) water gallons capacity for each such Permit granted. No containers smaller than four thousand (4,000) water gallons capacity may be used to meet the thirty thousand (30,000) water gallons capacity aggregate total propane storage requirement. Holder may not engage in activities allowed under the following Permit Classes and/or the following Permit Classes do not apply to Class 1 Permit Holders: Permit Classes 2, 4 & 6.

Class 1A: BRANCH DEALER TO A CLASS 1 DEALER – Holder may operate an individual branch, division, or sub-division of a Class 1 Permit Holder and may act as an agent of a Class 1 Permit Holder.

Class 2: DISTRIBUTE ANHYDROUS AMMONIA TO CONSUMER – Holder may store, sell, transport or distribute anhydrous ammonia to consumers for commercial fertilizer purposes only.

Class 3: SELL, INSTALL, ALTER, CHANGE OR REPAIR LC-GAS SYSTEMS OR CONTAINERS – Holder may sell, install, alter, change or repair LC-Gas systems or containers.

Class 4: TRANSPORT OR DISTRIBUTE LC-GAS – Holder may transport or distribute LC-Gas to Class 1 Permit Holders, containers, railcars or holding terminals in Mississippi.

Class 5: DISTRIBUTE OR TRANSPORT FILLED LC-GAS CYLINDERS – Holder may sell, deliver, transport and service LC-Gas cylinders. Holder may establish cylinder exchange stations, deliver filled cylinders to exchange locations, service cylinders throughout Mississippi, or deliver filled cylinders to consumers.

Class 6: MANUFACTURE AND DISTRIBUTE LC-GAS CONTAINERS – Holder may manufacture and distribute LC-Gas containers or equipment to other Mississippi LC-Gas Permit Holders.

Class 7: SELL, INSTALL, ALTER, CHANGE OR REPAIR LC-GAS APPLIANCES ONLY – Holder may sell, install, alter, change or repair LC-Gas piping and appliances on the downstream side of the tank outlet valve only. Holder may not sell, install, alter, change or repair LC-Gas containers.

Class 8: FILL LC-GAS CYLINDERS AND/OR COMPRESSED GAS MOTOR FUEL CONTAINERS – Holder may fill LC-Gas cylinders and/or compressed gas motor fuel containers from a stationary filling station.

Class 9: SELL, INSTALL, ALTER, CHANGE OR REPAIR LC-GAS AND/OR OTHER COMPRESSED GAS CARBURETION SYSTEMS – Holder may sell, install, alter, change or repair LC-Gas and/or other compressed gas carburetion systems used on internal combustion engines that are permanently mounted on motor vehicles.

Class 10: CALIBRATE LC-GAS METERING EQUIPMENT– Holders may calibrate and/or repair LC-Gas metering equipment.

H. Permit Application Process: The Liquefied Compressed Gas Division of the Mississippi Insurance Department shall be responsible for publishing appropriate forms for use as an application for permits, and such form shall be made available on the Mississippi Insurance Department's website.

Source: *Miss. Code §§ 75-57-49, 75-57-57, and 75-57-109 (Supp. 2020)*

Rule 14.06: Sanctions

Any persons or entities who shall violate the requirements of this regulation shall be subject permit revocation, cancellation or denial, as well as the assessment of fines, and other

disciplinary actions in accordance with the administrative penalties set forth in Miss. Code § 75-57-107 and 75-57-109, as well as other provisions in the State Liquefied Petroleum Gas Laws in Miss. Code § 75-57-1 et seq.

Source: *Miss. Code § 75-57-1, et seq. (Supp. 2020)*

Rule 14.07: Severability

If any section or portion of a section of this Regulation or the application thereof is held by a court to be invalid, such invalidity shall not affect any other provision of that section or application of the Regulation which can be given effect without the invalid provision or application, and to this end the provisions of the Regulation are declared to be severable.

Source: *Miss. Code § 75-57-1, et seq. (Supp. 2020)*

Rule 14.08: Effective Date

This Regulation shall become effective July 1, 2021.

Source: *Miss. Code § 25-43-3.113 (Supp. 2020)*

Part 7 Chapter 15: First Responder Health and Safety Act Claims Procedures

Rule 15.01. Purpose

The Mississippi Legislature in 2019 passed the Mississippi First Responders Health and Safety Act (“Act”) which establishes a mechanism for the state, counties, municipalities or fire protection districts to provide monetary benefits to first responders stricken by an occupational-related cancer. In an effort to fund this program, the Mississippi First Responders Health and Safety Trust Fund (“Fund”) was created by the Legislature in order to assist the state, municipalities, counties and fire protection districts with providing benefits required under the Act, with the Commissioner of Insurance administering this Fund. As the program becomes effective on January 1, 2024, this Regulation has been promulgated to provide guidance to the state, counties, municipalities, and fire protection districts in filing claims on behalf of eligible first responders for these monetary benefits.

Source: *Miss. Code Ann. § 25-15-401 – 25-15-411 (Rev. 2018).*

Rule 15.02. Program Description

First responders face a significantly higher risk of developing cancer due to exposure to carcinogens encountered in the line of duty. The connection between occupational cancer and firefighting is well-established. Smoke from the average house fire contains more than 140 hazardous chemicals, including carcinogens like arsenic and benzene. The program established under the Act provides benefits to first responders that are diagnosed with certain occupational

related cancers as an alternative to workers compensation. If a first responder files for workers' compensation due to the occupational cancer, they waive eligibility under this program.

Source: *Miss. Code Ann.* § 25-15-401 through 25-15-411 (Rev. 2018).

Rule 15.03. Definitions.

For purposes of this Regulation, the following words shall have the following meanings unless the context clearly indicates otherwise:

- A. "Cancer" means a disease caused by an uncontrolled division of abnormal cells in a part of the body or a malignant growth or tumor resulting from the division of abnormal cells. "Cancer" is limited to cancer affecting the bladder, brain, colon, liver, pancreas, skin, kidney, gastrointestinal tract, reproductive tract, leukemia, lymphoma, multiple myeloma, prostate, testicles and breast.
- B. "Firefighter" means any firefighter who has ten (10) or more years of service and is employed by the State of Mississippi, or any political subdivision thereof, on a full-time duty status, and any firefighter who has ten (10) or more years of service and is registered with the State of Mississippi, or a political subdivision thereof, on a volunteer firefighting status.
- C. "Law enforcement officer" means any officer who has been certified by the Mississippi Board on Law Enforcement Officer Standards and Training and has ten (10) or more years of service.
- D. "First responder" means any firefighter and law enforcement officer as defined in paragraphs (B) and (C) of this section.
- E. "Metastasized cancer" means the cancer is caused by an occupational hazard and that there are one or more malignant tumors characterized by the uncontrollable and abnormal growth and spread of malignant cells with invasion of normal tissue and that either:
 - a. There is metastasis, and surgery, radiotherapy or chemotherapy is medically necessary;
 - b. There is a tumor of the prostate, provided that it is treated with radical prostatectomy or external beam therapy; or
 - c. The first responder has terminal cancer, his or her life expectancy is twenty-four (24) months or less from the date of diagnosis, and will not benefit from, or has exhausted, curative therapy.
- F. "Nonmetastasized cancer" means the cancer is caused by an occupational hazard and:

- a. There is carcinoma in situ such that surgery, radiotherapy or chemotherapy has been determined to be medically necessary;
 - b. There are malignant tumors which are treated by endoscopic procedures alone; or
 - c. There are malignant melanomas.
- G. “Mississippi First Responders Health and Safety Trust Fund”, also referred to as “Fund”, means the special fund created by the Mississippi Legislature to assist the state, municipalities, counties and fire protection districts with providing benefits required by the Mississippi First Responders Health and Safety Act. The Fund is administered by the Commissioner of Insurance.

Source: *Miss. Code Ann.* §§ 25-15-403, 25-15-405 and 25-15-411 (Rev. 2018)

Rule 15.04 Eligible Claimants and Benefits.

Eligible first responders who are diagnosed with certain occupational related cancers shall be entitled to receive the following benefits:

A. Lump sum benefits:

- a. First responders with metastatic cancers that require surgery, radiation or chemotherapy or those diagnosed with terminal cancer will receive a payout of Thirty-five Thousand Dollars (\$35,000.00), in lieu of pursuing workers compensation coverage, depending on the severity of the cancer and life expectancy, and upon providing proof of diagnosis by a board-certified physician in the medical specialty of the particular cancer.
- b. First responders with nonmetastasized cancer will receive a payout of Six Thousand Two Hundred Fifty Dollars (\$6,250.00) in lieu of pursuing workers compensation coverage, and upon providing proof of diagnosis by a board-certified physician in the medical specialty of the particular cancer.
- c. The combined total of benefits received by any first responder under paragraphs (a) and (b) of this subsection during his or her lifetime shall not exceed Fifty Thousand Dollars (\$50,000.00).
- d. An eligible first responder who dies as a result of a compensable type of cancer, or circumstances arising out of the treatment of a compensable type of cancer, but does not submit sufficient proof of claim prior to the first responder’s death, is entitled to receive benefits specified in paragraphs (a) and (b) of this subsection and the benefits may be made available to the deceased first responder’s beneficiary or beneficiaries.

B. Disability benefits:

- a. Nonvolunteer first responders may receive disability benefits beginning six months after the date of disability at 60% of their monthly salary up to Five Thousand Dollars (\$5,000.00) per month, the first payment shall be made six (6) months after the total disability and shall continue for thirty-six (36) consecutive monthly payments unless the first responder regains the ability to perform his or her duties as determined by reevaluation under subsection (d) of this section, at which time the payments shall cease the last day of the month of reevaluation;
- b. Volunteer firefighters may receive disability benefits beginning six months after the date of disability in an amount up to One Thousand Five Hundred Dollars (\$1,500.00) per month, the first payment shall be made six (6) months after the total disability and shall continue for thirty-six (36) consecutive monthly payments unless the first responder regains the ability to perform his or her duties as determined by reevaluation under subsection (d) of this section, at which time the payments shall cease the last day of the month of reevaluation;
- c. The monthly benefit shall be subordinate to any other benefit actually paid to the first responder solely for such disability from any other source, not including private insurance purchased solely by the first responder;
- d. Any first responder receiving the monthly benefits may be required to have his or her condition reevaluated. In the event any such reevaluation reveals that such person has regained the ability to perform duties as a first responder, then his or her monthly benefits shall cease the last day of the month of reevaluation; and
- e. In the event that there is a subsequent recurrence of a disability caused by a specified cancer, which precludes the first responder from serving as a first responder, he or she shall be entitled to receive any remaining monthly payments.

Any first responder who was simultaneously a member of more than one (1) fire or police department at the time of diagnosis shall not be entitled to receive benefits from or on behalf of more than one (1) fire or police department. The first responder's primary place of employment shall maintain coverage for the eligible first responder. A first responder shall only be eligible for these benefits if the cancer diagnosis occurs on or after the first responder's effective date of coverage, which shall be ten (10) years after their first date of employment or service.

Benefit payments will be paid to the eligible first responder on the first working day of each calendar month. Benefit payments made under the Mississippi First Responders Health and Safety Act are excluded from gross income and thus are not taxable.

Furthermore, an otherwise eligible first responder shall be precluded from the benefits listed under this section if he or she has filed for workers' compensation for the same diagnosis of cancer.

Source: *Miss. Code Ann.* §25-15-405 (Rev. 2018)

Rule 15.05. Filing of Claims.

An eligible first responder shall file a claim form with the Mississippi Insurance Department, a copy of which is attached hereto as Exhibit "A". The claim form must also provide written verification of the diagnosis by a board-certified physician in the medical specialty appropriate for the type of cancer diagnosed that the cancer was caused by an occupational hazard.

The claim may be filed electronically or through the U.S. Mail.

If sent via U.S. Mail:

Mississippi Insurance Department
ATTN: First Responder Health and Safety Program
P.O. Box 79
Jackson, MS 39205-0079.

If sent electronically:

FirstResponderFund@mid.ms.gov

Within thirty (30) days of receipt, the claimant will be notified of the award of benefits, or that additional information will be needed in order to approve the claim. If a claim is denied, the reason for denial will be provided to the claimant. Reasons for denial may include, but are not limited to, that the claimant was not eligible, that the cancer did not fall under the list of occupational cancer, or that the claimant has failed to submit the necessary documentation required to approve the claim.

Source: *Miss. Code Ann.* §25-15-409 (Rev. 2018)

Rule 15.06. Appeals

If the claim is denied, the claimant has the right to appeal within thirty (30) days of receipt of notification denying benefits. The appeals process consists of two steps: reconsideration and a contested hearing.

Reconsideration is intended to be an informal resolution of a claim. If the claimant disagrees with the original determination, he or she may request reconsideration by submitting a written request to the Mississippi Insurance Department's Legal Division. The claimant will receive a written decision of reconsideration.

If the claimant disagrees with the decision of reconsideration, he or she may request a hearing

within fifteen (15) days of the decision of reconsideration before a hearing officer appointed by the Commissioner. This hearing shall be governed by the Administrative Hearings provision in 19 Miss. Admin. Code, Pt. 1, Rule 15.08. The decision made by the hearing officer will be the final decision of the Mississippi Insurance Department.

Source: *Miss. Code Ann.* §25-15-409 (Rev. 2018)

Rule 15.07. Reevaluation of Disability Benefits

Any first responder receiving disability benefits may be required by the state, county, municipality or fire protection district for whom he or she works to have his or her condition reevaluated to determine if that first responder has regained the ability to perform the duties of a first responder. If that reevaluation indicates that the first responder has regained the ability to perform the duties of a first responder, then the monthly disability benefits shall cease on the last day of the month the reevaluation was conducted. If there is no reevaluation performed, but the first responder's treating physician determines that the first responder is again able to perform the duties of a first responder, then the disability benefits shall cease on the last day of the month that the physician made the determination.

Source: *Miss. Code Ann.* §25-15-405 (Rev. 2018)

Rule 15.08 Alternative Insurance Coverage

By January 1, 2024, the state, municipality, county or fire protection district is required to provide proof of insurance coverage that meets the requirements of the Act, or shall show satisfactory proof of the ability to pay such compensation to ensure adequate coverage for all eligible first responders to the Commissioner of Insurance. In an effort to assist the state, municipalities, counties and fire protection districts with funding these benefits, the Mississippi First Responders Health and Safety Trust Fund ("Fund") was created by the Legislature in order to assist these entities with providing the benefits required under the Act, with the Commissioner of Insurance administering this Fund. However, while the state, municipalities, counties and fire protections districts may access these funds, they are not required to do so and may choose to provide funding for these benefits by using an alternative method.

Instead of using the Funds as administered by the Commissioner of Insurance, the state or any municipality, county or fire protection district may provide alternative methods to provide coverage that meets the requirements of the Act. If the state or any municipality, county or fire protection district decides to use another method to provide the required benefits, they must submit the form attached hereto as Exhibit "B" to the Commissioner of Insurance by January 1, 2024, and by January 1st of each year thereafter, of their continued intention to use an alternative method.

Source: *Miss. Code Ann.* §25-15-409 (Rev. 2018)

Rule 15.09. Severability

If any provision of this Regulation, or the application of the provision to any person or circumstance shall be held invalid, the remainder of the Regulation, and the application of the provision to persons or circumstances other than those to which it is held invalid, shall not be affected

Source: *Miss. Code Ann.* § 83-5-1 (Rev. 2022)

Rule 15.10. Effective Date.

This Regulation shall be in effect on and after January 1, 2024.

Source: *Miss. Code Ann.* § 25-15-409 (Rev. 2018)

MS Insurance Department Use Only:	
Application #:	Receipt Date:
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	Claimant type: <input type="checkbox"/> Law Enforcement Officer <input type="checkbox"/> Fire Fighter

APPLICATION FOR BENEFITS
FIRST RESPONDER HEALTH AND SAFETY ACT TRUST FUND

**Mail to: MISSISSIPPI INSURANCE DEPARTMENT
c/o LEGAL DIVISION – FIRST RESPONDER FUND
P.O. Box 79
Jackson, MS 39205-0079**

Email to: FirstResponderFund@mid.ms.gov

A. APPLICANT INFORMATION – to be completed and signed by the APPLICANT or legal representative.

Applicant's Name: _____ SSN: _____

If applying on behalf of a deceased first responder, please provide your name and relationship to deceased first responder _____

(Name) (Relationship)

Date of Birth (mm/dd/yyyy)_____ Gender: _____Male _____Female

Street Address: _____

Street (Apt.#)	City	State	Zip Code
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Mailing Address: _____

City State Zip Code

Home Phone Number _____ Cell/Other Number _____

Email Address: _____

Employer Name and Address (Fire District if Volunteer Fire Fighter):

Please indicate if you are a Firefighter:_____ Volunteer:_____

Law enforcement officer_____

Please indicate dates of service:_____

Date of diagnosis:_____/_____/_____

Tell us about your diagnosis, type, and prognosis:

Have you filed or do you plan to file for Workers' Compensation relating to this diagnosis?

_____Yes _____No

Physician/Healthcare Provider Information:

Physician Name:_____

Mailing Address:_____

Phone Number: _____ Fax Number:_____

Email Address:_____

Type of Benefits Requesting:

_____Lump Sum

_____Monthly Benefits

Certification: I hereby certify that the above information is true and complete to the best of my knowledge. I know that any misrepresentation herein may lead to a rejection of this application and the Mississippi Insurance Department has the right to pursue civil and/or criminal action for the misrepresentation of such information.

Applicant's Signature

Date

Representative (If signing on behalf of a deceased first responder)

Date

B. PHYSICIAN CERTIFICATION. To be completed and signed by the PHYSICIAN treating you for event.

Diagnosis/Condition: _____

Does the applicant's cancer diagnosis meet the following definition:

A disease caused by an uncontrolled division of abnormal cells in a part of the body or a malignant growth or tumor resulting from the division of abnormal cells. "Cancer" is limited to cancer affecting the bladder, brain, colon, liver, pancreas, skin, kidney, gastrointestinal tract, reproductive tract, leukemia, lymphoma, multiple myeloma, prostate, testicles and breast.

Yes _____ No _____

If no, the applicant does not meet the criteria for benefits under the Fund.

Please identify if the cancer is metastasized or nonmetastasized based upon the following definitions:

_____ "Metastasized cancer" - the cancer is caused by an occupational hazard and that there are one or more malignant tumors characterized by the uncontrollable and abnormal growth and spread of malignant cells with invasion of normal tissue and that either:

- There is metastasis, and surgery, radiotherapy or chemotherapy is medically necessary;
- There is a tumor of the prostate, provided that it is treated with radical prostatectomy or external beam therapy; or
- The first responder has terminal cancer, his or her life expectancy is twenty-four (24) months or less from the date of diagnosis, and will not benefit from, or has exhausted, curative therapy.

_____ "Nonmetastasized cancer" - the cancer is caused by an occupational hazard and:

- There is carcinoma in situ such that surgery, radiotherapy or chemotherapy has been determined to be medically necessary;
- There are malignant tumors which are treated by endoscopic procedures alone; or
- There are malignant melanomas.

Has this patient been treated for the same/similar condition prior to this diagnosis? If so, list related diagnosis and dates of treatment: _____

Is this patient permanently disabled due to cancer?

Yes _____ No _____

Is this patient temporarily disabled due to cancer?

Yes _____ If yes, anticipated return to work date: _____

No _____

Certification: I certify that the above information is true and complete to the best of my knowledge. I know that any misrepresentation herein may lead to a rejection of the patient's application and the Mississippi Insurance Department has the right to pursue civil and/or criminal action for the misrepresentation of such information.

Physician Signature

Date

Physician Name (Please Print)

Office Phone

Mailing Address

City

State

Zip Code

Email Address: _____

Fax Number: _____ Tax ID.: _____

Patient ID#: _____

NOTE: Please make a copy of the employee's signed Authorization for Release of Records (Section D) for your records.

C. EMPLOYMENT INFORMATION. To be completed and signed by your EMPLOYER.

Name of Employer (Fire District if Volunteer Fire Fighter)

Mailing Address City State Zip Code

Email Address:_____

Phone Number:_____ Fax Number:_____

Employee's Job Title:_____

Employee's Dates of Service:_____

For the purposes of determining eligibility for benefits, Section 25-15-405, Mississippi Code Annotated (1972) sets forth the following definitions:

“Fire fighter” means any firefighter who has ten (10) or more years of service and is employed by the State of Mississippi, or any political subdivision thereof, on a full-time duty status, and any firefighter who has ten (10) or more years of service and is registered with the State of Mississippi, or a political subdivision thereof, on a volunteer firefighting status.

“Law enforcement officer” means any officer who has been certified by the Mississippi Board on Law Enforcement Officer Standards and Training and has ten (10) or more years of service.

This employee _____ does _____ does not (check one) meet the criteria of one of the above definitions.

(Please attach a copy of the employee's Professional Certificate as being qualified to be a Mississippi Law Enforcement Officer or Fire Fighter to this application.)

If Applicant is requesting monthly benefit payments, please provide the average hours per week the employee worked prior to this incident: _____ hours/week

Monthly salary \$ _____

Annual Salary \$ _____

Last work date:_____

Has the employee returned to work?_____Yes _____No

If yes, please provide date employee returned to work:_____

Is Applicant receiving Workers' Compensation for this medical event?

_____Yes _____No

Please provide any other information you feel is pertinent to the Applicant/Employee's application:

Certification: I certify that the above information is true and complete to the best of my knowledge. I know that any misrepresentations herein may lead to a rejection of the applicant's application and the Mississippi Insurance Department has the right to pursue civil and/or criminal action for the misrepresentation of such information.

Furthermore, I will notify the Mississippi Insurance Department in writing the exact date this employee returns to work. This notification shall be submitted to the Department no later than ten days after the employee returns to work.

Employer Name (Please Print)

Title

Signature

Date

NOTE: Please make a copy of the employee's signed Authorization for Release of Records (Section D) for your records.

D. AUTHORIZATION FOR RELEASE OF RECORDS. To be completed by APPLICANT.

For the purpose of evaluating my eligibility for benefits including checking for and resolving any issues that may arise regarding incomplete or incorrect information on my application, I hereby authorize the disclosure of information from my physician/healthcare provider and from my employer to the Mississippi Insurance Department or its authorized representatives.

Health information may be disclosed by any physician or healthcare provider that has any records or knowledge about the incident referred to on this application. Non health information including earnings or employment history or any other facts deemed appropriate by the Mississippi Insurance Department or its authorized representatives to evaluate my application may be disclosed by any entity, person, or organization that has records about me, including but not limited to my employer, employer representative and compensation sources.

Any information the Mississippi Insurance Department or its authorized representatives obtain pursuant to this authorization will be used only for the purpose of evaluating and administering my application for benefits. The Mississippi Insurance Department or its authorized representatives will not disclose any information unless permitted by federal and/or state laws. I further authorize the Mississippi Insurance Department to notify my employer of any benefits received and any employer responsibilities as related to my claim.

This authorization is valid for two (2) years from its execution, and a copy is as valid as the original. I know that I may request a copy of this authorization to request this information. This authorization may be revoked by me at any time except to the extent the Mississippi Insurance Department or its authorized representatives have relied on the authorization prior to notice of revocation. If revoked, the Mississippi Insurance Department or its authorized representatives may not be able to evaluate my application for benefits. I may revoke this authorization by sending written notice to: Mississippi Insurance Department, c/o Legal Division - First Responder Fund, P. O. Box 79, Jackson, MS 39205.

You may refuse to sign this form; however, the Mississippi Insurance Department or its authorized representatives will not be able to evaluate your application or administer your claim for benefits. I am the individual to whom this authorization applies or that person's legal representative.

Applicant's Signature

Date

Applicant's Printed Name

SSN

Representative (If signing on behalf of a deceased first responder) Date

STATE OF MISSISSIPPI

COUNTY OF _____

Personally came and appeared before me, the undersigned authority in and for said county and state, the within named _____, who acknowledged to me that he signed and delivered the above forgoing waiver on the date therein mentioned and for the purpose therein expressed.

Given under my hand and seal of office, this _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires:

Source: *Miss. Code Ann.* § 25-15-409 (Rev. 2018)

**Mail to: MISSISSIPPI INSURANCE DEPARTMENT
c/o LEGAL DIVISION – FIRST RESPONDER FUND
P.O. Box 79
Jackson, MS 39205-0079**

By January 1, 2024, the state, municipality, county or fire protection district is required to provide proof of insurance coverage that meets the requirements of the First Responder Health and Safety Act, or must show satisfactory proof of the ability to pay such compensation to ensure adequate coverage for all eligible first responders to the Commissioner of Insurance.

Completion of this form shall provide written notice to the Commissioner of Insurance of the entity's proof of either insurance coverage or other ability to pay the compensation for any eligible first responder that they are responsible for providing said benefits.

The above named entity is hereby advising the Commissioner of Insurance that it will not be accessing funds from the Mississippi First Responders Health and Safety Trust Fund to pay for any benefits it may owe to an eligible first responder for calendar year _____. The entity has obtained the following funds in order to pay said benefits:

Insurance Coverage

- Proof of Insurance must be attached
- Coverage amounts must be included

Self-Funded

- Proof of self-funded plan must be attached
- Coverage amounts must be included

Other Funding Mechanism

- Proof of Funding must be attached
- Coverage amounts must be included

Certification: I certify that the above information is true and complete to the best of my knowledge. I know that any misrepresentations herein may lead to the Mississippi Insurance Department pursuing civil and/or criminal action for the misrepresentation of such information.

Entity Representative Name (Please Print)

Title

Signature

Date

Source: *Miss. Code Ann.* § 25-15-409 (Rev. 2018)