

CHAPTER 1350
DEPARTMENT OF LABOR AND INDUSTRY
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1350.0100 DEFINITIONS.

Subpart 1. **Applicability.** For the purposes of parts 1350.0100 to 1350.9200, the terms defined in this part have the meanings given them.

Subp. 2. **Accessory structure.** "Accessory structure" means manufactured home accessory structure.

Subp. 3. **Act.** "Act" means the National Manufactured Housing Construction and Safety Standards Act of 1974, title VI of the Housing and Community Development Act of 1974, United States Code, title 42, sections 5401 to 5426 (1976), and all amendments to the act.

Subp. 4. **Anchor.** "Anchor" means ground anchor.

Subp. 5. **Anchoring equipment.** "Anchoring equipment" means bolts, straps, cables, turnbuckles, and chains, including tensioning devices, which are used with ties to secure a manufactured home to ground anchors or the foundation system.

Subp. 6. **Anchoring system.** "Anchoring system" means any method used for securing the manufactured home to a foundation system or the ground.

Subp. 7. **Approved.** "Approved" means acceptable to the authority having jurisdiction.

Subp. 7a. **Architect.** "Architect" means an architect that is an individual or entity licensed to practice architecture in a state or other United States jurisdiction and subject to all laws and limitations imposed by the agency in the state or jurisdiction that regulates the architect.

Subp. 8. **Authority having jurisdiction.** "Authority having jurisdiction" means the commissioner.

Subp. 9. **Authorized representative.** "Authorized representative" means any person, firm, corporation, or employee approved or hired by the commissioner to perform inspection services.

Subp. 10. **Baling.** "Baling" means a method of "wrapping" a cross section (roof, walls, and floor) and the main frame (chassis) of a manufactured home with straps.

Subp. 10a. **Climatic conditions.** "Climatic conditions" means meteorological circumstances that would prevent a complying installation of a manufactured home, including, but not limited to, frost, extreme rains, or flooding.

Subp. 11. **Code.** "Code" means the manufactured home building code.

Subp. 12. **Commissioner.** "Commissioner" means the commissioner of labor and industry or the commissioner's duly authorized representatives.

Subp. 13. **Construction alteration.** "Construction alteration" means the replacement, addition, modification, or removal of any equipment or installation which may affect the construction, plumbing, heating, cooling, or fuel-burning system, or electrical system or the functioning of any of these in manufactured homes subject to the code.

Subp. 14. **Construction compliance certificate.** "Construction compliance certificate" means the certificate provided by the manufacturer or dealer to both the commissioner and the owner which warrants that the manufactured home complies with the code.

Subp. 15. **Dealer.** "Dealer" means any person who engages in the business, either exclusively or in addition to any other occupation, of selling or brokering manufactured homes, new or used, or who offers to sell, solicit, broker, or advertise the sale of manufactured homes, new or used.

Subp. 16. **Defect.** "Defect" means a failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 24, part 3280, that renders the manufactured home or any part or component of it not fit for the ordinary use for which it was intended, but that does not result in an unreasonable risk of injury or death to occupants of the manufactured home.

Subp. 17. **Design approval inspection agency.** "Design approval inspection agency" means a state or private organization that has been accepted by the secretary.

Subp. 18. **Diagonal tie.** "Diagonal tie" means a tie intended primarily to resist horizontal or shear forces and which may secondarily resist vertical, uplift, and overturning forces.

Subp. 19. **Distributor.** "Distributor" means any person engaged in the sale and distribution of manufactured homes for resale.

Subp. 19a. **Engineer.** "Engineer" means an engineer that is an individual or entity licensed to practice engineering in a state or other United States jurisdiction and subject to all laws and limitations imposed by the agency in the state or jurisdiction that regulates the engineer.

Subp. 20. **Evaluation agency.** "Evaluation agency" means an organization approved by the secretary which is qualified by reason of facilities, personnel, experience, and demonstrated reliability to investigate and evaluate manufactured homes.

Subp. 21. **Failure to conform.** "Failure to conform" includes noncompliance, having a defect or serious defect, and having an imminent safety hazard related to failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 42, part 3280. "Failure to conform" is used as a substitute for all of those terms.

Subp. 22. **Footing.** "Footing" means that portion of the support system that transmits loads directly to the soil.

Subp. 23. **Foundation system.** "Foundation system" means a permanent foundation constructed in conformance with the State Building Code.

Subp. 24. **Ground anchor.** "Ground anchor" means any device at the manufactured home installation site designed to transfer manufactured home anchoring loads to the ground.

Subp. 24a. **HUD.** "HUD" means the United States Department of Housing and Urban Development.

Subp. 25. **Imminent safety hazard.** "Imminent safety hazard" means a hazard that presents an imminent and unreasonable risk of death or severe personal injury that may or may not be related to failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 42, part 3280.

Subp. 26. **Independent inspection agency.** "Independent inspection agency" means an organization approved by the secretary qualified to review and approve plans and specifications for manufactured homes with respect to model, structural, electrical, mechanical, and plumbing requirements and to evaluate quality control programs and make inspections.

Subp. 26a. **Individual.** "Individual" means a human being.

Subp. 27. **Installation.** "Installation" of a manufactured home means the completion of work to stabilize, support, anchor, and close up a manufactured home, and to join sections of a multisection manufactured home when any such work is governed by the state installation standards or federal installation standards in Code of Federal Regulations, title 24, part 3285, or by state installation standards that are certified as part of a qualifying installation program.

Subp. 28. **Installation alteration.** "Installation alteration" means the replacement, addition, modification, or removal of any components of the ground support or ground anchoring systems required under parts 1350.0100 to 1350.6900.

Subp. 29. **Installation compliance certificate.** "Installation compliance certificate" means the certificate provided by the installer to both the commissioner and the owner which warrants that the manufactured home complies with parts 1350.0100 to 1350.6900.

Subp. 30. **Installation instructions.** "Installation instructions" means a manufacturer's Design Approval Primary Inspection Agency (DAPIA) approved set of specifications to ensure that a manufactured home is set up according to applicable installation standards, as required under Code of Federal Regulations, title 24, part 3285.

Subp. 31. **Installation seal.** "Installation seal" means a device or insignia issued by the commissioner to a manufactured home installer to be displayed on the manufactured home to evidence compliance with the commissioner's rules pertaining to manufactured home installations.

Subp. 31a. **Installation standards.** "Installation standards" means the standards established by HUD in Code of Federal Regulations, title 24, part 3285, or any set of state standards that the secretary has determined provide protection to the residents of manufactured homes that equals or exceeds the protection provided by the standards in Code of Federal Regulations, title 24, part 3285.

Subp. 32. **Installer.** "Installer" means a person or entity that is retained to engage in, or who engages in, the business of directing, supervising, controlling, or correcting the installation or repair of a manufactured home, as governed by Code of Federal Regulations, title 24, part 3285, and this chapter. Installers are required to be licensed according to Minnesota laws and rules.

Subp. 33. **Label.** "Label" means the approved form of certification required by the secretary or the secretary's agents to be affixed to each transportable section of each manufactured home manufactured for sale, after June 14, 1976, to a purchaser in the United States.

Subp. 34. **Length of a manufactured home.** "Length of a manufactured home" means its largest overall length in the traveling mode, including cabinets and other projections which contain interior space. Length does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space, nor does it include drawbars, couplings, or hitches.

Subp. 34a. **Limited dealer.** "Limited dealer" means the owner, as principal only, of a licensed manufactured home park authorized by license to sell, offer for sale, solicit, and advertise for sale ten used manufactured homes annually within the owner's licensed manufactured home park, as defined in Minnesota Statutes, section 327.14, subdivision 3.

Subp. 35. **Listed.** "Listed" means equipment or materials included in a list published by a nationally recognized testing laboratory that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets nationally recognized standards or has been tested and found suitable for use in a specified manner.

Subp. 36. **Listing agency.** "Listing agency" means an agency approved by the commissioner which is in the business of listing or labeling and which maintains a periodic inspection program on current production of listed products, and which makes available at least an annual published report of the listing which includes specific information that the product has been tested to approved standards and found safe for use in a specified manner.

Subp. 37. **Main frame.** "Main frame" means the structural component on which is mounted the body of the manufactured home.

Subp. 38. **Manufactured home.** "Manufactured home" means a structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which 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 the plumbing, heating, air conditioning, and electrical systems contained therein; except that the term includes any structure which meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under Minnesota Statutes, chapter 327.

Subp. 39. **Manufactured home accessory structure.** "Manufactured home accessory structure" means a factory-built building or structure which is an addition or supplement to a manufactured home and, when installed, becomes a part of the manufactured home.

Subp. 40. **Manufactured home building code.** "Manufactured home building code" means for manufactured homes manufactured after July 1, 1972, and prior to June 15, 1976, the standards code promulgated by the American National Standards Institute and identified as ANSI A119.1, including all revisions thereof in effect on May 21, 1971, or the provisions of the National Fire Protection Association identified as NFPA 501B, and further revisions adopted by the commissioner.

"Manufactured home building code" means for manufactured homes constructed after June 14, 1976, the Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development which are in effect at the time of the manufactured home's manufacture.

Subp. 41. **Manufactured home installer.** "Manufactured home installer" means any person, firm, or corporation which installs manufactured homes for others at site of occupancy.

Subp. 42. **Manufacturer.** "Manufacturer" means any person engaged in manufacturing or assembling manufactured homes, including any person engaged in importing manufactured homes for sale.

Subp. 43. **Mobile home.** "Mobile home" is synonymous with manufactured home whenever it appears in parts 1350.0100 to 1350.9200 and in other documents or on construction or installation seals.

Subp. 44. **Model group.** "Model group" means two or more manufacturer-designed accessory structures which constitute one model.

Subp. 45. **Noncompliance.** "Noncompliance" means a failure of a manufactured home to comply with a federal manufactured home construction or safety standard that does not constitute a defect, serious defect, or imminent safety hazard.

Subp. 46. **Person.** "Person" includes, unless the context indicates otherwise, a corporation, company, association, firm, partnership, society, or joint stock company, as well as an individual, but does not include a tribal entity on a federal reservation.

Subp. 47. **Production inspection primary inspection agency.** "Production inspection primary inspection agency" means an agency which evaluates the ability of manufactured home manufacturing plants to follow approved quality control procedures and which provides ongoing surveillance of the manufacturing process.

Subp. 48. **Purchaser.** "Purchaser" means the first person purchasing a manufactured home in good faith for purposes other than resale.

Subp. 48a. **Repair.** "Repair" means the reconstruction, replacement, or renewal of any part of an existing structure, using materials of like kind and type for the purpose of the structure's maintenance.

Subp. 48b. **Replacement construction seal.** "Replacement construction seal" means a construction seal issued by the commissioner to replace a construction seal or label that has been lost or removed from a manufactured home after application has been made and verification has been received by the commissioner that the home complies with the manufactured home code.

Subp. 48c. **Retailer.** "Retailer" is synonymous with dealer wherever it appears in parts 1350.0100 to 1350.9200 and in federal and state laws and rules relating to manufactured housing.

Subp. 49. **Seal.** "Seal" means a device or insignia issued by the commissioner to be displayed on the manufactured home to evidence compliance with the manufactured home building code. "Seal" includes construction, accessory structure, and installation seals.

Subp. 50. **Secretary.** "Secretary" means the secretary of the United States Department of Housing and Urban Development or the head of any successor agency with responsibility for enforcement of federal laws relating to manufactured homes.

Subp. 51. **Serious defect.** "Serious defect" means any failure to comply with an applicable federal mobile home construction and safety standard in Code of Federal Regulations, title 24, part 3280 that renders the manufactured home or any part of it not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to occupants of the affected manufactured home.

Subp. 51a. **Set up.** "Set up" means any assembly or installation of a manufactured home on site that includes aspects of work that are governed by Code of Federal Regulations, title 24, part 3280 or 3285, and this chapter.

Subp. 52. **Stabilizing devices.** "Stabilizing devices" means all components of the anchoring and support systems such as piers, footings, ties, anchoring equipment, ground anchors, and any other equipment which supports the manufactured home and secures it to the ground.

Subp. 53. **Stabilizing system.** "Stabilizing system" means a combination of the anchoring system and the support system when properly installed.

Subp. 54. **State administrative agency.** "State administrative agency" means an agency of a state which has been approved or conditionally approved to carry out the state plan for enforcement of the federal manufactured home construction and safety standards. For manufactured homes manufactured after June

14, 1976, and located or manufactured in Minnesota, the commissioner of labor and industry is the state administrative agency.

Subp. 55. **Support system.** "Support system" means any foundation system or other structural method used for the purpose of supporting a manufactured home at the site of occupancy.

Subp. 56. **Testing agency.** "Testing agency" means an organization which:

- A. is primarily interested in testing and evaluating equipment and installations;
- B. is qualified and equipped to observe experimental testing to approved standards;
- C. is not under the jurisdiction or control of any manufacturer or supplier of any industry;
- D. makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and
- E. is approved by the commissioner.

Subp. 57. **Tie.** "Tie" means a strap, cable, or securing device used to connect the manufactured home to ground anchors.

Subp. 58. **Utility connections.** "Utility connections" means the connection of the manufactured home to existing utilities including, but not limited to, electricity, water, sewer, gas, or fuel oil.

Subp. 59. **Vertical tie.** "Vertical tie" means a tie intended primarily to resist the uplifting and overturning forces.

Subp. 60. **Width of a manufactured home.** "Width of a manufactured home" means its largest overall width in the traveling mode, including cabinets and other projections which contain interior space. Width does not include bay windows, roof projections, overhangs, or eaves under which there is no interior space.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *17 SR 1279; 24 SR 1846; L 2007 c 140 art 1 s 1; art 8 s 30; art 13 s 4; 34 SR 866*

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1350.0200 AUTHORIZATION.

Parts 1350.0100 to 1350.6900 are authorized by Minnesota Statutes, sections 326B.02, 327.31 to 327.36, and 327B.04, and established through the rulemaking procedures in Minnesota Statutes, sections 14.02, 14.04 to 14.36, 14.38, and 14.44 to 14.45, to implement, interpret, and carry out the provisions of Minnesota Statutes, sections 326B.801, 327.31 to 327.36, 327B.04, and 327B.10, relating to manufactured homes. If parts 1350.0100 to 1350.6900 differ from the code promulgated by the American National Standards Institute as ANSI A119.1, or the provisions of the National Fire Protection Association identified as NFPA 501B, parts 1350.0100 to 1350.6900 govern in all cases.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; 34 SR 866*

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1350.0300 ENFORCEMENT.

The commissioner shall administer and enforce parts 1350.0100 to 1350.9200 and the code. Any authorized representative of the Department of Labor and Industry may enter any premises where manufactured homes are manufactured, sold, offered for sale, parked in any manufactured home park in the state, or installed in the state if the installation was made after September 1, 1974. The authorized representative may examine any records and may inspect any manufactured home, equipment, or installations to ensure compliance with parts 1350.0100 to 1350.9200 and the code. The authorized representative may require that a portion or portions of a manufactured home be removed or exposed in order that an inspection may be made to determine compliance, or require that all portions of an installation be removed or exposed to make this determination.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; L 2007 c 140 art 1 s 1*

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CONSTRUCTION SEALS AND LABELS**1350.0400 REQUIREMENT FOR SEALS, CODE COMPLIANCE, CONSTRUCTION COMPLIANCE CERTIFICATES, OR LABELS.**

Subpart 1. **Construction seals; code compliance; construction compliance certificates or labels.** After July 1, 1972, no person shall sell or offer for sale in this state any manufactured home manufactured after July 1, 1972; manufacture any manufactured home in this state; or install for occupancy any manufactured home manufactured after July 1, 1972, in any manufactured home park in this state, unless the manufactured home complies with the code and the commissioner's revisions to it, bears a construction seal issued by the commissioner, and is accompanied by a construction compliance certificate by the manufacturer or dealer, on a form issued by the commissioner, both evidencing that it complies with the code, or if manufactured after June 14, 1976, bears a label as required by the secretary.

Subp. 2. **Alteration of manufactured homes required to have a construction seal or label.** After July 1, 1972, no person shall alter any manufactured home bearing, or required to bear, a construction seal or label as provided in subpart 1 unless the person has complied with part 1350.3800.

Subp. 3. **Requirement for installation seals.** No person shall install or connect to any manufactured home or manufactured home accessory structure a support or anchoring system unless the system and installation comply with parts 1350.0100 to 1350.6900. The installer shall affix the correct installation seals to the manufactured home or the manufactured home accessory structure installed in compliance with parts 1350.0100 to 1350.6900. Evidence of compliance shall be supported by the submission of a certificate to the commissioner, the retailer, and the manufactured home owner. Installation seals and certificates are required for all manufactured homes installed in Minnesota, including those in a municipality enforcing the State Building Code. Exceptions to the requirement for seals and certificates apply to manufactured homes installed on a federal reservation or by the homeowner of the manufactured home. Retailers shall submit documentation to the commissioner for manufactured homes installed according to the exception for seals and certificates on a form provided by the commissioner. A permit to install a manufactured home in a municipality enforcing the State Building Code is required by the municipality.

Subp. 4. **Seals for incomplete installations.** When climatic conditions interfere with the completion of installation, the dealer or installer will assign an installation seal for the manufactured home incompletely

installed and notify the commissioner stating the condition prohibiting the completion of the installation using the form issued by the commissioner. A copy of this notice shall be provided to the owner. When climatic conditions permit the completion of installation, the installation will be promptly completed and the installation seal affixed to the manufactured home. The installation compliance certificate shall be provided to the commissioner and the owner. A building official may approve, in writing, a permanent installation of a manufactured home between the dates of November 15 and March 31 if the building official determines that climatic conditions would not prevent completion of a permanent installation.

Subp. 5. **Requirement for manufactured home accessory structure seal.** No person shall install or connect to any manufactured home a subordinate structure manufactured after September 1, 1974, unless the accessory structure complies with parts 1350.0100 to 1350.9200 and the code and bears a manufactured home accessory structure seal and is accompanied by a certificate by the manufacturer or dealer evidencing that it complies with the code.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; 34 SR 866*

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1350.0500 ACQUISITION OF LABELS AND SEALS; INSTALLER LICENSING.

Subpart 1. **Acquisition of labels.** United States Department of Housing and Urban Development labels are acquired by the manufacturer from the secretary pursuant to the act.

Subp. 2. **Acquisition of replacement construction seals.** A person may qualify for replacement seals by furnishing proof on forms furnished by the commissioner that the manufactured home to which the seal or label was affixed was manufactured in compliance with the State or Federal Manufactured Home Building Code and has not been brought out of conformance because of damage, additions, or alterations.

Subp. 3. **Acquisition of accessory structure seals.** Any manufacturer of accessory structures shall qualify for acquisition of an accessory structure seal by obtaining plan approval pursuant to parts 1350.1300 to 1350.2000 and quality control approval pursuant to part 1350.3500.

Subp. 4. **Installer licensing; proper seal issuance; proper code or standard application.** Application for installer licensing shall be issued by the Department of Labor and Industry as required by Minnesota Statutes, section 326B.83. Installer license verification must be submitted as supporting evidence to the commissioner of labor and industry to establish that installation seals issued to an installer will be affixed only to those manufactured homes where the support system and ground anchoring system installations comply with parts 1350.0100 to 1350.6900, applicable State Building Code provisions, or federal installation standards. The State Building Code provisions or federal installation standards that apply to the installation are dependent upon the date that the home was manufactured.

Subp. 5. **Acquisition of installation seals.** Any licensed installer shall qualify for acquisition of installation seals by providing proof of licensure in good standing that has been issued by the commissioner

or a reciprocal manufactured home licensing program in another state or federal jurisdiction of the United States that has been approved by the commissioner.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; L 2007 c 140 art 1 s 1; art 8 s 30; art 13 s 4; 34 SR 866*

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1350.0600 APPLICATION FOR SEALS.

Subpart 1. **Application for replacement construction seals.** Any person who has met the applicable requirements of part 1350.0500 shall apply for replacement construction seals using the forms issued by the commissioner. The application shall be accompanied by the replacement construction seal fee in part 1350.6500.

Subp. 2. **Application for installation seals.** Any installer who has met the applicable requirements of part 1350.0500 shall apply for installation seals. The application shall be on forms issued by the commissioner, and the application shall be accompanied by the installation seal fee in part 1350.6500.

Subp. 3. **Application for accessory structure seals.** Any manufacturer of manufactured home accessory structures who has met the applicable requirements of part 1350.0500 shall apply for accessory structure seals. The application shall be on the forms issued by the commissioner, and the application shall be accompanied by the accessory structure seal fee in part 1350.6500.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

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1350.0700 DENIAL AND REPOSSESSION OF SEALS.

Subpart 1. **Installation seals.** Should investigation or inspection reveal that an installer has not installed a manufactured home according to parts 1350.0100 to 1350.6900 and the code, the commissioner may deny the installer's application for new installation seals, and any installation seals previously issued shall be confiscated. Upon satisfactory proof of modification of such installation bringing it into compliance, the installer may resubmit an application for installation seals.

Subp. 2. **Accessory seals.** Should investigation or inspection reveal that a manufacturer is not constructing manufactured home accessory structures according to plans approved by the commissioner, and the manufacturer, after having been served with a notice setting forth in what respect the provisions of parts 1350.0100 to 1350.6900 and the code have been violated, continues to manufacture manufactured home accessory structures in violation of parts 1350.0100 to 1350.6900 and the code, applications for new accessory seals shall be denied, and the accessory seals previously issued shall be confiscated. Upon satisfactory proof of compliance the manufacturer may resubmit an application for accessory seals.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.0800 SEAL OR LABEL REMOVAL.

Subpart 1. **Construction seals or labels.** If any manufactured home bearing the construction seal or label or any manufactured home once sold to a consumer is found to be in violation of the code, the commissioner may remove the construction seal or label after furnishing the owner or the owner's agent with a written statement of the violation. The commissioner shall not issue a replacement construction seal until corrections have been made and the owner or agent has requested an inspection pursuant to part 1350.2100.

Subp. 2. **Installation seals.** Should a violation of the rules regarding installation be found, the commissioner may remove the installation seal after furnishing the owner or the owner's agent with a written statement of the violation. The commissioner shall not issue a new installation seal until corrections have been made and the owner or agent has requested an inspection pursuant to part 1350.2100.

Subp. 3. **Accessory structure seals.** If any accessory structure bearing the accessory structure seal is found to be in violation of the code, the commissioner may remove the accessory structure seal after furnishing the owner or the owner's agent with a written statement of the violation. The commissioner shall not issue a new accessory structure seal until corrections have been made and the owner or agent has requested an inspection pursuant to part 1350.2100.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *17 SR 1279; 24 SR 1846*

Posted: *January 4, 2010*

1350.0900 PLACEMENT AND LOCATION OF SEALS.

Subpart 1. **Replacement construction seals.** Each replacement construction seal shall be assigned and affixed to a specific manufactured home. Assigned replacement construction seals are not transferable and are void when not affixed as assigned, and all voided replacement construction seals or original HUD labels shall be returned to, or may be confiscated by, the commissioner.

The replacement construction seal shall be securely affixed to the rear of the manufactured home on the lower left corner of the exterior wall.

Subp. 2. **Installation seals.** Only one installation seal shall be assigned to a manufactured home whether the manufactured home consists of one or multiple units. The installation seal shall be placed in a readily visible location adjacent to the primary label or construction seal. Appropriate installation seals shall be affixed to each accessory structure.

Subp. 3. **Accessory structure seals.** Each accessory structure seal shall be assigned and affixed to a specific accessory structure. Assigned accessory structure seals are not transferable and are void when not affixed as assigned, and all such accessory structure seals shall be returned to, or may be confiscated by, the commissioner. The accessory structure seal shall remain the property of the commissioner and may be reappropriated by the commissioner in the event of violation of the conditions of approval. Multiple unit accessory structures shall be assigned and bear consecutively serial numbered accessory structure seals.

The accessory structure seal shall be securely affixed in a readily visible location.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; 34 SR 866*

Posted: *January 4, 2010*

1350.1000 LOST OR DAMAGED SEALS OR LABELS.

Subpart 1. **Construction seals or labels.** When a construction seal or label is lost or damaged, the commissioner shall be notified in writing by the owner. The owner shall identify the manufacturer, the manufactured home serial number, the date of manufacture, if known, and when possible, the construction seal or label serial number.

All damaged construction seals or labels shall be promptly returned. Damaged and lost construction seals or labels shall be replaced by the commissioner with a replacement construction seal bearing the date of issue upon payment of the replacement construction seal fee as provided in part 1350.6500, and proof of compliance of the manufactured home to the manufactured home code.

Subp. 2. **Installation seals.** When an installation seal is lost or damaged, the commissioner shall be notified in writing. The notice shall identify the construction seal serial number, the manufactured home manufacturer, the manufacturers' serial number and the location of the installation, the original date of installation of the manufactured home including the installation seal serial number. Damaged or lost installation seals shall be replaced by the commissioner upon payment of the installation seal fee as provided in part 1350.6500.

Subp. 3. **Accessory structure seals.** When an accessory structure accessory seal is lost or damaged, the commissioner shall be notified in writing by the owner. The owner shall identify the manufacturer, the manufactured home accessory structure serial number, the date of manufacture, if known, and when possible, the accessory structure seal serial number.

All damaged accessory structure seals shall be promptly returned. Damaged and lost accessory structure seals shall be replaced by the commissioner with a new accessory structure seal bearing the date of issue of the original accessory structure seal upon payment of the replacement accessory structure seal fee as provided in part 1350.6500.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.1100 RETURN OF SEALS.

Subpart 1. **Installation seals.** Upon discontinuing the installation of manufactured homes, an installer shall notify the commissioner in writing within ten days of the date of such discontinuance and return all unused installation seals that have been issued to the installer. Installation seals may not be transferred by any installer. Upon return of the unused installation seals, a refund, minus an administrative fee of 20 percent of the total value of the seals, must be issued by the commissioner to the installer returning the seals.

Subp. 2. **Accessory structure seals.** When a manufactured home manufacturer of accessory structures discontinues production of a model carrying the commissioner's plan approval, the manufacturer shall, within ten days, advise the commissioner of the date of such discontinuance and either return all seals allocated for such discontinued accessory structure model or assign the seals to other approved accessory structure models.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.10*

History: *17 SR 1279; 34 SR 866*

Posted: *January 4, 2010*

1350.1200 COMPLIANCE CERTIFICATE.

Subpart 1. **Installation compliance certificate.** The installer shall provide the commissioner with an installation compliance certificate required in part 1350.0400. The installation compliance certificate shall be issued by the commissioner.

Subp. 2. **Manufactured home accessory structure compliance certificate.** A manufacturer shall provide the commissioner with a manufactured home accessory structure compliance certificate required in part 1350.0400. Manufactured home accessory structure compliance certificate forms shall be issued by the commissioner.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

APPROVALS**1350.1300 PLANS REQUIRED.**

To obtain plan approval a manufacturer shall submit plans for an accessory structure model or model group and for structural, electrical, mechanical, and plumbing systems, where such systems are involved in the construction. The plans shall include installation requirements.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.1400 APPLICATION FOR MANUFACTURED HOME ACCESSORY STRUCTURE APPROVAL.

Subpart 1. **Contents; generally.** An application for a manufactured home accessory structure approval shall contain the following:

- A. name and address of manufacturer;
- B. location of plant where manufacture will take place;
- C. identification of plans, specifications, or other documents being submitted; and
- D. identification of approved quality control procedures and manual.

Subp. 2. **Plans and specifications.** Submissions of required plans and specifications shall be in duplicate and shall include, but not be limited to, the following:

- A. a dimensioned floor plan(s);
- B. proposed use of rooms and method of light and ventilation;
- C. size, type, and location of windows and exterior doors;
- D. type and location of all appliances and fixtures;
- E. type, size, and location of plumbing, drain, water, gas, and electrical connections;
- F. type and location of all electrical outlets (receptacles and lights);
- G. number of outlets and appliances on each circuit and circuit rating;
- H. installation details and instructions for accessory structures;
- I. mechanical layout for heating or cooling;
- J. heating and cooling load calculations;
- K. structural calculations;
- L. engineered truss drawings or rafter calculations; and

M. approval letter from home manufacturer allowing addition of accessory structure for new manufactured homes subject to the limited warranty of merchantability and fitness.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; 34 SR 866*

Posted: *January 4, 2010*

1350.1500 APPLICATION FOR SUPPORT AND ANCHORING SYSTEMS APPROVAL.

Subpart 1. **Contents.** All support and anchor systems equipment manufacturers shall submit plans, structural details, specifications, installation instructions, and test reports prepared by an independent testing agency, including engineering calculations in such detail as is necessary for evaluation and approval of support and anchoring systems based on parts 1350.2500 to 1350.3200.

Subp. 2. **Approval.** Approval of support and anchoring systems is required from all equipment manufacturers.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.1600 EQUIPMENT AND SYSTEMS.

The commissioner may approve equipment and installations which are approved by a recognized testing agency. Equipment and installations not approved by a recognized testing agency may be approved when the commissioner determines such equipment and installations comply with the code.

Statutory Authority: *MS s 327.33*

History: *17 SR 1279*

Posted: *January 4, 2010*

1350.1700 NONCONFORMING PLANS, SPECIFICATIONS, AND SUPPORTING DATA.

Should the plans, specifications, and supporting data not conform with parts 1350.0100 to 1350.6900 and the code, the applicant shall be notified in writing by the commissioner. Should the applicant fail to submit corrected information in accordance with the commissioner's request, the application will be deemed abandoned and all fees due will be forfeited to the state. Additional submissions shall be processed as new applications.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.1800 EVIDENCE OF COMMISSIONER'S APPROVAL.

Approved plans and specifications for accessory structures and support and anchoring systems shall be evidenced by the stamp of approval of the commissioner and the assignment of an approval number to evidence approval. Installation instructions shall be supplied by the manufacturer and shall reference the Minnesota approval number.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.1900 SUPPORT AND ANCHORING SYSTEMS APPROVAL EXPIRATION.

Approval of support and anchoring systems shall expire when the commissioner adopts revisions to requirements under which approval was granted unless the manufacturer submits evidence to the commissioner establishing that the plans are in compliance with the code as revised.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.2000 CHANGES TO APPROVED SUPPORT AND ANCHORING SYSTEMS.

Where the manufacturer proposes changes to approved support and anchoring systems, two sets of supplemental details shall be submitted to the commissioner for review and approval. Approved changes will be reflected in the approval number identification previously assigned by the commissioner.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

INSPECTIONS**1350.2100 INSPECTION REQUESTS.**

Any person manufacturing manufactured homes or any person selling, offering for sale, or parking any manufactured home in any mobile home park in the state, or any dealer or installer of manufactured homes, or any person holding title, may request the commissioner to make an inspection of any manufactured home manufactured after July 1, 1972. Additionally, any person listed above may request an inspection of the installation, support, and anchoring system of the manufactured home. Inspection requests must be made on "Application for Inspection" forms, available from the commissioner. In connection with requested inspections, the commissioner may require the submission of plans, specifications, calculations, and test results.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; 34 SR 866*

Posted: *January 4, 2010*

1350.2200 ACTION AFTER REQUESTED INSPECTION.

If the manufactured home inspected meets the requirements of the code, if plan approval has been obtained, and if all applicable fees have been remitted, the applicant may apply for a replacement construction seal. If the requested inspection was to determine compliance with respect to support and anchoring requirements and if all applicable fees have been remitted, the applicant may apply for an installation seal.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.2300 OTHER INSPECTIONS.

Subpart 1. **Facility inspections.** In addition to making inspections on request, the commissioner shall make periodic inspections of the facilities of persons who are subject to the code and parts 1350.0100 to 1350.9200. The inspections shall include oversight inspections at the in-state manufactured home manufacturing facilities to review the manufacturer's consumer complaint handling and notification and correction as required by parts 1350.3900 to 1350.5700. Oversight inspections shall be made annually. The frequency of oversight inspections may be increased when the need is indicated by the number of consumer complaints received by the commissioner.

Subp. 2. **Installation inspections.** Every manufactured home installed in Minnesota after January 1, 2009, must have the installation inspected by the commissioner, the local authority having jurisdiction, or an inspection agency authorized by the commissioner or the secretary.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; 34 SR 866*

Posted: *January 4, 2010*

1350.2400 NOTICE OF CORRECTION.

When an inspection reveals that a manufactured home or the home's installation is in violation of the construction code to which the home was manufactured, or parts 1350.0100 to 1350.9200, the commissioner or local authority having jurisdiction shall serve upon the owner or the owner's agent a notice specifying the required correction. An owner or agent so served shall not move the manufactured home from the premises until such time as the commissioner or local authority having jurisdiction determines that the manufactured home has been brought into compliance with the construction code to which the home was manufactured, and parts 1350.0100 to 1350.9200.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *17 SR 1279; 24 SR 1846; 34 SR 866*

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CONSTRUCTION REQUIREMENTS

1350.2500 STABILIZING SYSTEMS FOR MANUFACTURED HOME INSTALLATION.

Stabilizing devices installed at the site of occupancy shall comply with State Building Code, chapter 1350, and Code of Federal Regulations, title 24, part 3285.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; 34 SR 866*

Posted: *January 4, 2010*

1350.2600 INSTRUCTIONS AND DESIGNS.

Subpart 1. **Manufacturer's installation instructions.** Each manufactured home shall have its stabilizing system installed according to the manufactured home manufacturer's installation instructions. The manufacturer's instructions shall include a typical support system designed by an engineer or architect to support the anticipated loads that the manufacturer's installation instructions specify for the design zone, including the climatic region, of installation. The instructions shall also meet the requirements of parts 1350.3900 to 1350.5700, for manufactured homes manufactured prior to January 1, 2009. Manufactured homes manufactured on or after January 1, 2009, must comply with the manufacturer's instructions or Code of Federal Regulations, title 24, part 3285. These instructions shall be left with the manufactured home following completion of the installation.

Footings shall be sized to support the loads shown in these instructions.

Stabilizing devices not provided with the manufactured home shall meet or exceed the design and capacity requirements of the manufactured home manufacturer and parts 1350.2500 to 1350.3200 and shall be installed according to the manufactured home manufacturer's installation instructions.

Foundation systems shall be in compliance with the State Building Code.

No portion of a manufactured home shall be removed during installation or when located on its home site unless it is designed to be removable and is removed according to the manufacturer's instructions.

Subp. 2. **Stabilizing system design.** Manufactured homes manufactured prior to September 1974 not provided with manufacturer's instructions for stabilizing devices and their installation shall be provided with anchoring and support systems designed by a registered professional engineer or shall comply with the following requirements:

A. The minimum number of ties per side for various lengths of manufactured homes shall be according to part 1350.3200.

B. Ties shall be as evenly spaced as practicable along the length of the manufactured home with not more than eight feet open-end spacing on each end.

C. When continuous straps are provided as vertical ties, the ties shall be positioned at rafters and studs. Where a vertical tie and diagonal tie are located at the same place, both ties may be connected to a single ground anchor, provided that the anchor used is capable of carrying both loadings.

D. Clerestory roofs and add-on sections of expandable manufactured homes shall have provisions for vertical ties at the exposed ends.

E. Protection shall be provided at sharp corners where the anchoring system requires the use of external cables or straps. Protection shall also be provided to minimize damage to roofing or siding by the cable or strap.

F. If the alternate method incorporating baling straps specified in part 1350.3200 is used, the baling straps shall be wrapped completely around the manufactured home passing under the main steel frame, with both ends of each strap fastened together under tension. The straps shall be according to part 1350.2800. The method used to connect the ends of the strap shall not reduce the allowable working load and overload.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; 34 SR 866*

Posted: *January 4, 2010*

1350.2700 FOUNDATION AND SUPPORT SYSTEMS.

Subpart 1. **General.** Each manufactured home shall be installed on a foundation system or shall have a support system as specified in this part. A minimum clearance of 12 inches shall be maintained

beneath the underside of the main frame (I-beam or channel beam) in the area of utility connections when the manufactured home is not installed on a foundation system.

Subp. 2. **Manufactured homes with installation instructions.** Individual footings and load-bearing piers or listed supports shall be sized and located to support the loads specified in the manufacturer's installation instructions to ensure that the manufacturer's warranty remains valid.

Subp. 3. **Manufactured homes for which installation instructions are not available.** Unless the entire support system is designed by a registered professional engineer, and approved by the authority having jurisdiction prior to installation, supports shall be spaced not more than ten feet apart for manufactured homes 12 feet wide or less, and not more than eight feet apart for manufactured homes over 12 feet wide, beginning from the front wall of the manufactured home, with not more than two feet open-end spacing at the area of the main frame. Supports shall be installed directly under the main frame (or chassis) of the manufactured home. Methods other than those specified herein shall be approved prior to installation by the authority having jurisdiction. Double-wide manufactured homes built with a conventional frame shall have additional supports placed under the center (mating) line at each end wall, and at the support columns located at the sides of center wall openings eight feet in width or greater. The supports shall be constructed to withstand the weight calculated by multiplying one-half the width of the opening (in feet) times one-half the width of the home (in feet) multiplied by 37-1/2 pounds per square foot. (30-pound snow load and 7-1/2 pound roof load.)

Subp. 4. **Footings.** The required load-bearing capacity of individual load-bearing supports and their footings shall be calculated at not less than a combined live and dead load of 95 pounds per square foot. Footings shall be adequate in size to withstand the tributary live and dead loads of the manufactured home and any concentrated loads.

Footings shall be at least 16-inch by 16-inch by four-inch solid concrete blocks or other product approved for the use intended. As an alternate, two eight-inch by 16-inch by four-inch solid concrete blocks can be used as footings provided the joint between the blocks is parallel to the steel I-beam frame.

Footings or pier foundations, when required, shall be placed level on firm undisturbed soil or on controlled fill which is free of grass and organic materials, compacted to a minimum load-bearing capacity of 2,000 pounds per square foot (unless otherwise approved by an engineer). Where unusual soil conditions exist as determined by the authority having jurisdiction, footings shall be designed specifically for such conditions.

Subp. 5. **Piers.** Piers or load-bearing supports or devices shall be designed and constructed to evenly distribute the loads. Piers shall be securely attached to the frame of the manufactured home or shall extend at least six inches from the centerline of the frame member. Load-bearing supports or devices shall be listed and labeled, or shall be designed by a registered professional engineer, and shall be approved for the use intended, prior to installation, or piers shall be constructed as follows:

A. Piers less than 40 inches in height shall be constructed of open or closed cell, eight-inch by 16-inch concrete blocks (with open cells vertically placed upon the footing). Single-stacked block piers

shall be installed with the 16-inch dimension perpendicular to the main (I-beam) frame. The piers shall be covered with a two-inch by eight-inch by 16-inch wood or concrete cap. (See part 1350.3300, subpart 1).

B. Subject to the limitations of subpart 6, piers between 40 to 80 inches in height and all corner piers over three blocks high shall be double blocked with blocks interlocked and capped with a four-inch by 16-inch by 16-inch solid concrete block, or equivalent. (See part 1350.3300, subpart 2).

C. Subject to the limitations of subpart 6, piers over 80 inches in height shall be constructed in compliance with item B, and they shall be laid in concrete mortar and steel reinforcing bars inserted in block cells filled with concrete. (See part 1350.3300, subparts 3 and 4).

Subp. 6. **Elevated manufactured homes.** When more than one-fourth of the area of a manufactured home is installed so that the bottom of the main frame members is more than three feet above ground level, the manufactured home stabilizing system shall be designed by a qualified registered professional engineer and the installation shall be approved prior to installation by the authority having jurisdiction.

Subp. 7. **Plates and hardwood shims.** A cushion of wood plate not exceeding two inches in thickness and hardwood shims not exceeding one inch in thickness may be used to fill any gap between the top of the pier and the main frame. Two-inch or four-inch solid concrete blocks may be used to fill the remainder of any gap. Hardwood shims shall be at least four inches wide and six inches long and shall be fitted and driven tight between the wood plate or pier and main frame.

Subp. 8. **Skirting material.** Skirting materials, when used, must be of materials resistant to decay and must have a minimum of one square foot of free area ventilation for every 150 square feet of floor area. If skirting is used, a minimum of 24-inch by 18-inch access area must be installed in the skirting. Crawlspace foundation systems must meet the requirements of the State Building Code.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; 34 SR 866*

Posted: *January 4, 2010*

1350.2800 ANCHORING EQUIPMENT.

Subpart 1. **Load requirements.** Anchoring equipment, when installed, shall be capable of resisting an allowable working load equal to or exceeding 3,150 pounds and shall be capable of withstanding a 50 percent overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the manufactured home. When the stabilizing system is designed by a qualified registered professional engineer, alternative working load may be used providing the anchoring equipment is capable of withstanding a 50 percent overload.

Subp. 2. **Resistance to weather deterioration.** Anchoring equipment exposed to weathering shall have a resistance to weather deterioration at least equivalent to that provided by a coating of paint or zinc on steel of not less than 0.625 ounces per square foot on each side of the surface coated as determined by ASTM Standard Methods of Test for Weight of Coating on Zinc-coated (galvanized) Iron or Steel Articles (ASTM A90-69). Note: Slit or cut edges of zinc-coated steel strapping do not need to be zinc coated.

Subp. 3. **Permanency of connections.** Anchoring equipment shall be designed to prevent self-disconnection when ties are slack. Hook ends shall not be used in any part of the anchoring system.

Subp. 4. **Tensioning device design.** Tensioning devices such as turnbuckles or yoke-type fasteners shall be ended with clevis or forged or welded eyes.

Subp. 5. **Ties; materials and tension.** Cable or strapping or other approved methods or materials shall be used for ties. All ties shall be fastened to ground anchors and drawn tight with turnbuckles or other adjustable tensioning devices or devices listed with the ground anchor.

Subp. 6. **Tie strength.** Tie materials shall be capable of resisting an allowable working load of 3,150 pounds with no more than two percent elongation and shall withstand a 50 percent overload (4,725 pounds total). Ties shall comply with the weathering requirements of subpart 2. Note: Type 1, Class B, Grade 1 steel strapping, 1-1/4 inches wide and 0.035 inch thick, conforming with ASTM Standard Specification D3953-91, Standard Specification for Strapping, Flat Steel, and Seals, is capable of meeting the working load and 50 percent overload specified in this part.

Subp. 7. **Tie connections.** Ties shall connect the ground anchor and the main structural steel frame (I-beam or other shape) which runs lengthwise under the manufactured home. Ties shall not connect to steel outrigger beams which fasten to and intersect the main structural frame unless specifically stated in the manufacturer's installation instructions.

Connection of the cable frame tie to the manufactured home I-beam or equivalent main structural frame member shall be by a 5/8-inch drop forged closed eye bolt through a hole drilled in the center of the I-beam web or other approved methods. The web shall be reinforced if necessary to maintain the I-beam strength.

Cable ends shall be secured with at least three U-bolt type cable clamps with the U portion of the clamp installed on the short (dead) end of the cable to ensure strength at least equal to that required by subpart 6.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; 34 SR 866*

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1350.2900 GROUND ANCHORS.

Subpart 1. **Placement and purpose.** Ground anchors, including means for attaching ties, shall be located to effectively match the anchoring system instructions provided by the manufactured home manufacturer, or, if there are no instructions, according to part 1350.2600, and shall be designed and installed to transfer the anchoring loads to the ground.

Subp. 2. **Capacity of anchors.** Each ground anchor, when installed, shall be capable of resisting an allowable working load at least equal to 3,150 pounds in the direction of the tie plus a 50 percent overload (4,725 pounds total) without failure. Failure shall be considered to have occurred when the point of connection between the tie and anchor moves more than two inches at 4,725 pounds in the direction of the vertical tie when the anchoring equipment is installed in accordance with the manufacturer's instructions.

Those ground anchors which are designed to be installed so that the loads on the anchor are other than direct withdrawal shall be designed and installed to resist an applied design load of 3,150 pounds at 45 degrees from horizontal without displacing the anchor more than four inches horizontally at the point where the tie attaches to the anchor. Anchors designed for connection of multiple ties shall be capable of resisting the combined working load and overload consistent with the intent expressed herein.

Subp. 3. **Anchor design and installation.** Each manufactured ground anchor shall be approved pursuant to part 1350.1500 and installed in accordance with the anchor manufacturer's instructions and shall include means of attachment of ties meeting the requirements of part 1350.2800, subpart 5. Ground anchor manufacturer's installation instructions shall include the amount of preload required, the methods of adjustment after installation, and the load capacity in various types of soils. These instructions shall include tensioning adjustments which may be needed to prevent damage to the manufactured home, particularly damage that can be caused by frost heave.

Subp. 4. **Information on ground anchor.** Each ground anchor shall have the manufacturer's identification and listed model identification number marked so that the number is visible after installation. Instructions shall accompany each listed ground anchor specifying the types of soil for which the anchor is suitable under the requirements of subpart 2.

Subp. 5. **Table of soil types.** For determination of soil types for anchors and soil bearing capacities, refer to the table in Code of Federal Regulations, title 24, part 3285.202, which is included in this part.

| Table to Part 3285.202 | | | | | |
|------------------------|--|---|--|---------------------------|--|
| Soil classification | | Soil description | Allowable soil bearing pressure (psf) ¹ | Blow count ASTM D 1586-99 | Torque probe ³ value ⁴ (inch-pounds) |
| Classification number | ASTM D 2847-00 or D 2488-00 (incorporated by reference, see Part 3285.4) | | | | |
| 1 | | Rock or hard pan | 4000+ | | |
| 2 | GW, GP, SW, SP, GM, SM | Sandy gravel and gravel; very dense and/or cemented sands; coarse gravel/cobbles; preloaded silts, clays and coral | 2000 | 40+ | More than 550 |
| 3 | GC, SC, ML, CL | Sand; silty sand; clayey sand; silty gravel; medium dense coarse sands; sandy gravel; and very stiff silt, sand clays | 1500 | 24-39 | 351-550 |

| | | | | | |
|----|---------------------|--|---------------------------|-------|---------------|
| 4A | CG, MH ² | Loose to medium dense sands; firm to stiff clays and silts; alluvial fills | 1000 | 18-23 | 276-350 |
| 4B | CH, MH ² | Loose sands; firm clays; alluvial fills | 1000 | 12-17 | 175-275 |
| 5 | OL, OH, PT | Uncompacted fill; peat; organic clays | Refer to Part 3285.202(e) | 0-11 | Less than 175 |

Notes:

¹ The values provided in this table have not been adjusted for overburden pressure, embedment depth, water table height, or settlement problems.

² For soils classified as CH or MH, without either torque or probe values or blow count test results, selected anchors must be rated for a 4B soil.

³ The torque test probe is a device for measuring the torque value of soils to assist in evaluating the holding capacity of the soil in which the ground anchor is placed. The shaft must be of suitable length for the full depth of the ground anchor.

⁴ The torque value is a measure of the load resistance provided by the soil when subject to the turning or twisting force of the probe.

Subp. 6. **Use of concrete slabs or continuous footings.** Concrete slabs, piers, or continuous footings that transfer anchor loads to the ground must be constructed and installed according to the anchor manufacturer's instructions or with engineered designs. The anchor loads pertaining to the slabs, piers, or footings shall comply with subpart 2.

Subp. 7. **Other anchoring devices.** Other anchoring devices meeting the requirements of this part shall be permitted if approved prior to installation by the authority having jurisdiction.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; 34 SR 866*

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1350.3000 ANCHOR INSTALLATION.

Each type anchor suitable for this purpose shall have specification data showing the soil classification for which it qualifies. Anchor selection shall be based on a determination of the soil class at the depth the

anchor helical plate will be installed. All anchors shall be installed to the full depth shown in the anchor manufacturer's installation instructions.

Statutory Authority: *MS s 327.33*

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1350.3100 DESIGN LOADS.

The following minimum design live loads shall be applicable in all areas of the state of Minnesota: horizontal, 15 pounds per square foot; vertical/upward, nine pounds per square foot; vertical/downward, 30 pounds per square foot.

Statutory Authority: *MS s 327.33*

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1350.3200 NUMBER OF TIES REQUIRED.

Number of Ties Required Per Side of Single Wide¹ Manufactured Homes².

This table is based on a minimum working load per anchor of 3,150 pounds with a 50 percent overload (4,725 pounds total).

| 1 | 2 | 3 | 4 | 5 |
|---|----------------------|-----------------------------------|-------------------------------|-----------------------------------|
| | | | Alternate Method ⁴ | |
| Length of Manufactured Home ³ (Feet) | No. of Vertical Ties | No. of Diagonal Ties ⁵ | No. of Baling Straps | No. of Diagonal Ties ⁶ |
| up to 40 | 2 | 3 | 2 | 3 |
| 40-46 | 2 | 3 | 2 | 3 |
| 46-49 | 2 | 3 | 2 | 3 |
| 49-54 | 2 | 3 | 2 | 3 |
| 54-58 | 2 | 4 | 2 | 4 |
| 58-64 | 2 | 4 | 2 | 4 |
| 64-70 | 2 | 4 | 2 | 5 |
| 70-73 | 2 | 4 | 2 | 5 |
| 73-84 | 2 | 5 | 2 | 5 |

¹ Double-wide manufactured homes require only the diagonal ties specified in column 3, and these shall be placed along the outer side walls.

² Except when the anchoring system is designed and approved by a registered professional engineer.

³ Length of manufactured home (as used in this table) means length excluding draw bar.

⁴ Alternate method. When this method is used, an approved reinforcement means shall be provided. If baling is used to accomplish this reinforcement, part 1350.2600, subpart 2, item F, applies.

⁵ Diagonal ties in this method shall deviate at least 40 degrees from vertical.

⁶ Diagonal ties in this method shall be 45 degrees + 5 degrees from vertical and shall be attached to the nearest main frame member.

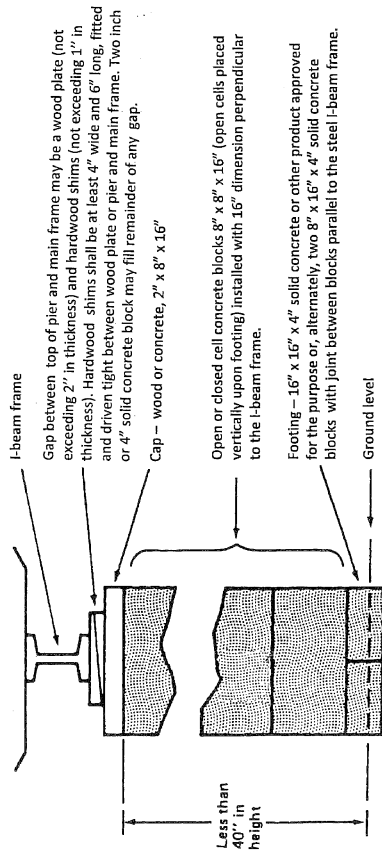
Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.3300 PIER SPECIFICATIONS.

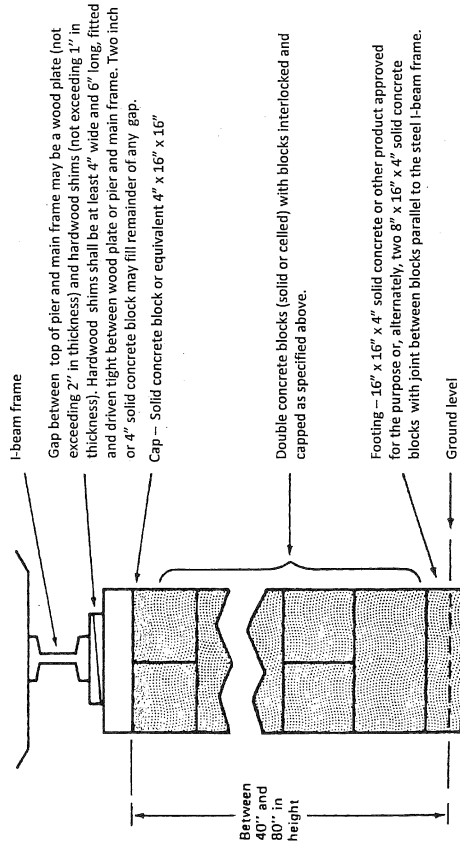
Subpart 1. Piers less than 40 inches tall.



Footing placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load-bearing capacity of 2000 PSF.

For piers less than 40 inches in height (except corner piers over 3 blocks high), piers shall be securely attached to the frame of the mobile home or shall extend at least 6 inches from the centerline of the frame member.

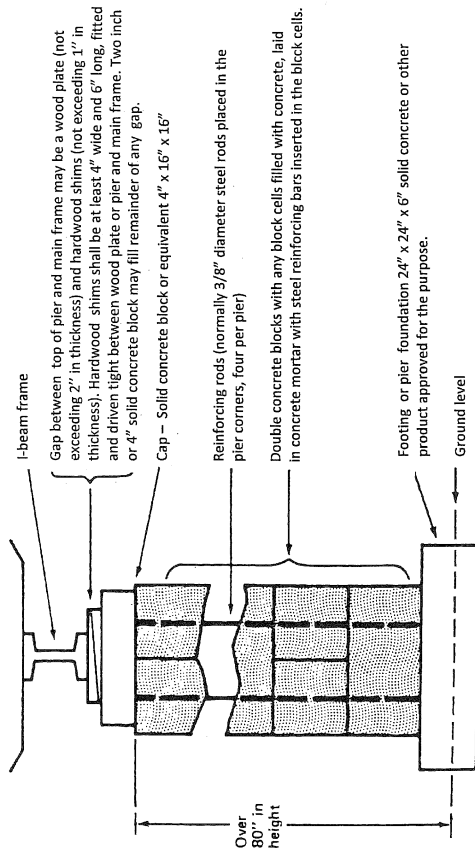
Subp. 2. Piers 40 to 80 inches tall.



Footing placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load-bearing capacity of 2000 PSF.

For piers 40 inches to 80 inches in height and all corner piers over 3 blocks high, piers shall be securely attached to the frame of the mobile home or shall extend at least 6 inches from the centerline of the frame member.

Subp. 3. Piers over 80 inches tall.



Footing placed on firm undisturbed soil or on controlled fill free of grass and organic materials compacted to a minimum load-bearing capacity of 2000 PSF.

For piers exceeding 80 inches in height. Piers shall be securely attached to the frame of the mobile home or shall extend at least 6 inches from the centerline of the frame member.

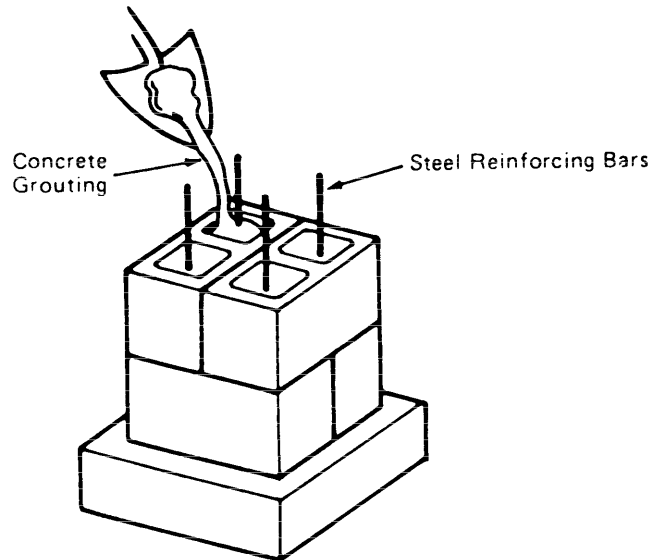
Subp. 4. **Piers over 80 inches tall; reinforcement.**

Figure A-4. For piers exceeding 80 inches in height the concrete blocks must be filled with concrete grouting and steel reinforcing rods utilized.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.10*

History: *34 SR 866*

Posted: *January 4, 2010*

1350.3400 UTILITY CONNECTIONS.

Subpart 1. **Water connections.** Water piping to manufactured homes shall comply with the Minnesota Plumbing Code, chapter 4715. Upon the completion of a section or the entire water distribution system, it shall be tested in accordance with Code of Federal Regulations, title 24, part 3285.603 (e)1 and 2, and proved airtight with the use of air or water not less than the minimum working pressure under which it is to be used. The water heater must be disconnected when the piping system is air tested. Pipes shall be protected from freezing. Heat tape, when installed, shall be listed and installed in conformance with its listing and the manufacturer's instructions. When the manufactured home is installed on a support system subject to ground movement due to freezing and thawing, approved flexible connectors or semirigid copper tubing shall be used to prevent pipe breakage.

Subp. 2. **Sewer connections.** Waste piping from the on-site sewer connection to the manufactured home's drain outlet shall comply with the Minnesota Plumbing Code, chapter 4715. After completion of the drainage system at the site of occupancy, the entire drain/waste/vent system shall be tested by introducing air into the system equal to the pressure on a one-inch water column, or in accordance with Code of Federal Regulations, title 24, section 3280.612 (b), whichever is acceptable to the local authority having jurisdiction. When a manufactured home is installed on a support system subject to ground movement due to freezing and thawing, offsets or approved flexible connectors shall be used to prevent pipe breakage. Both offsets and approved flexible connectors may be used.

Subp. 3. **Gas piping.** Gas piping to the manufactured home shall be of adequate capacity rating to supply the connected load. It shall be installed in compliance with the Minnesota State Mechanical Code, chapter 1346. When the manufactured home is installed on a support system subject to ground movement because of freezing and thawing, semirigid copper pipe or a listed manufactured home gas connector for exterior use only shall be installed to prevent pipe breakage. Gas piping shall be protected from physical damage.

Subp. 4. **Tests for gas piping.** The manufactured home fuel gas piping system shall be tested before it is connected to the gas supply. Only air shall be used for the test. The manufactured home gas piping system shall be subjected to a pressure test with all appliance shutoff valves, except those ahead of fuel gas cooking appliances, in the open position. Appliance shutoff valves ahead of fuel gas cooking appliances shall be closed.

The test shall consist of air pressure at not less than ten inches nor more than 14 inches water column (six ounces to eight ounces per square inch). The system shall be isolated from the air pressure source and maintain this pressure for not less than ten minutes without perceptible leakage. Upon satisfactory completion of the test, the appliance valves ahead of fuel gas cooking appliances shall be opened, and the gas cooking appliance connectors tested with soapy water or bubble solution while under the pressure remaining in the piping system. Solutions used for testing for leakage shall not contain corrosive chemicals. Pressure shall be measured with either a manometer, slope gage, or gage calibrated in either water inches or pounds per square inch with increments of either one-tenth inch or one-tenth pounds per square inch, as applicable. Upon satisfactory completion of the test, the manufactured home gas supply connector shall be installed and the connections tested with soapy water or bubble solution.

Subp. 5. **Electrical connections.** On-site electrical connections to the manufactured home and any on-site electrical wiring required to prepare the manufactured home for occupancy shall be done in conformance with the manufactured home building code and shall be installed and inspected as required by the Minnesota Electrical Act, Minnesota Statutes, sections 326B.32 to 326B.39.

Subp. 5a. **Electrical on-site testing.** After completion of all electrical wiring and connections, crossovers, electrical lights, and ceiling fans, the electrical system shall be tested on site by the electrical contractor of record. Tests shall include a continuity test to ensure proper bonding of metallic parts, polarity checks to determine if connections have been properly made, and an operational test on equipment. Continuity, polarity, and operational tests do not apply to water heaters, electric furnaces, dishwashers, clothes washers and dryers, and portable appliances. Smoke alarms and carbon monoxide detectors shall be functionally tested in accordance with the manufacturers' instructions.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; L 2007 c 140 art 5 s 32; art 13 s 4; 34 SR 866*

Posted: *January 4, 2010*

1350.3500 OBTAINING APPROVAL OF QUALITY CONTROL.

Subpart 1. **Procedure.** To obtain quality control approval for an accessory structure manufacturing facility, a manufacturer shall submit a quality control manual pursuant to subpart 2, item A, and consent to investigations and inspections at reasonable hours by the commissioner for field verification of satisfactory quality control.

Subp. 2. **Applications.** Applications for approval of quality control manuals shall contain the following:

A. an application in letter form to be accompanied by two copies of the quality control manual containing those items required by item B; and

B. an outline of the procedure which will direct the manufacturer to construct accessory structures according to the approved plans specifying:

- (1) scope and purpose;
- (2) receiving inspection procedure for basic materials;
- (3) material storage and stock rotation procedures;
- (4) types and frequency of product inspection;
- (5) sample of inspection control form used;
- (6) major pieces of production equipment;
- (7) assignments, experience, and qualifications of quality control personnel;
- (8) test equipment;
- (9) control of drawings and material specifications;
- (10) test procedures; and
- (11) record keeping procedures.

Subp. 3. **Notice of changes.** Where the manufacturer proposes changes to the quality control manual, two copies of such changes shall be submitted to the commissioner for approval.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.3600 [Repealed, 24 SR 1846]

Posted: *January 4, 2010*

1350.3700 [Repealed, 24 SR 1846]

Posted: *January 4, 2010*

1350.3800 CONSTRUCTION ALTERATIONS.

Subpart 1. **Effect on seal or label.** Any alteration of the construction, plumbing, heating, cooling, fuel-burning system, electrical equipment, installation, or fire safety in a manufactured home that bears a

seal or label, prior to receiving review and approval, and prior to obtaining permits, which include necessary inspections, shall void the approval, and the seal or label shall be returned to the commissioner.

Subp. 2. **Acts not constituting alterations.** The following shall not constitute an alteration: repairs with approved components or parts; conversion of listed fuel-burning appliances in accordance with the terms of their listing; adjustment and maintenance of equipment; or replacement of equipment in kind.

Subp. 3. **Application.** Any person proposing an alteration to a manufactured home bearing a seal or label shall make application for review and approval of the alteration to the commissioner or to the local authority having jurisdiction on the form issued by the commissioner.

Subp. 4. **Inspection.** Upon completion of the alteration, the applicant shall request the commissioner or the local authority having jurisdiction to make an inspection pursuant to part 1350.2100 to determine code compliance of the approved alteration.

Subp. 5. **Replacement construction seal.** If approvals and inspections for alterations were not obtained, and the home's construction seal or label is removed by the commissioner, or the commissioner ordered removal by the local authority having jurisdiction, then the applicant may apply for a replacement construction seal upon inspection and approval of the alteration. Replacement construction seals shall require submission of an application in accordance with part 1350.0500, subpart 2.

Subp. 6. [Repealed, 34 SR 866]

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; 34 SR 866*

Posted: *January 4, 2010*

1350.3850 DISPUTE RESOLUTION PROGRAM.

The department received approval from HUD of its compliance with Code of Federal Regulations, title 24, part 3288.210, on February 6, 2008, regarding its dispute resolution program. A request for resolution of a dispute among manufacturers, retailers, and installers may be initiated by any of these parties, in writing, on a form provided by the commissioner. Homeowners may initiate a request for dispute resolution and act as observers, but cannot be recognized as a party to the dispute. A request for dispute resolution will be handled pursuant to this chapter and Minnesota Statutes, sections 327.31 and 327B.01 to 327B.12.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.10*

History: *34 SR 866*

Posted: *January 4, 2010*

CONSUMER COMPLAINTS

1350.3900 CONSUMER COMPLAINT HANDLING AND REMEDIAL ACTIONS.

Parts 1350.3900 to 1350.5700 govern consumer complaint handling and remedial actions.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.4000 PURPOSE.

The purpose of parts 1350.3900 to 1350.5700 is to establish a system under which the protections of the act are provided with a minimum of formality and delay, but in which the rights of all parties are protected.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.4100 SCOPE.

Parts 1350.3900 to 1350.5700 set out the procedures to be followed by manufacturers, production inspection primary inspection agencies, and the commissioner to assure that manufacturers provide notification and correction with respect to their manufactured homes as required by the act. Parts 1350.3900 to 1350.5700 set out the rights of dealers under United States Code, title 42, section 5412 (1976), and its amendments, to obtain remedies from manufacturers in certain circumstances.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.4200 CONSUMER COMPLAINTS.

Under parts 1350.3900 to 1350.5700 all consumer complaints or other information indicating the possible existence of an imminent safety hazard, serious defect, defect, or noncompliance shall be referred to the manufacturer of the potentially affected manufactured homes in a timely manner so that the manufacturer can quickly respond to the consumer and take any necessary remedial actions.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.4300 NOTIFICATION AND CORRECTION REQUIREMENT.

Subpart 1. **Requirement.** Notification and correction shall be required to be provided with respect to manufactured homes that have been sold or otherwise released by the manufacturer to another party when the manufacturer, a state administrative agency, the commissioner, or the secretary determines that an imminent safety hazard, serious defect, defect, or noncompliance may exist in those manufactured homes.

Subp. 2. **Extent of manufacturer's responsibility.** The extent of a manufacturer's responsibility for providing notification or correction shall be governed by the seriousness of problems for which the manufacturer is responsible under parts 1350.3900 to 1350.5700.

Subp. 3. **Limitation of manufacturer's liability to provide remedial action.** The liability of manufactured home manufacturers to provide remedial actions under parts 1350.3900 to 1350.5700 is limited by the principle that manufacturers are not responsible for failures that occur in manufactured homes or components solely as the result of normal wear and aging, gross and unforeseeable consumer abuse, or unforeseeable neglect of maintenance.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.4400 CONSUMER COMPLAINT AND INFORMATION REFERRAL.

When a consumer complaint or other information indicating the possible existence of a noncompliance, defect, serious defect, or imminent safety hazard is received by the commissioner, the commissioner shall forward the complaint or other information to the manufacturer of the manufactured home in question. The commissioner shall, when it appears from the complaint or other information that more than one manufactured home may be involved, simultaneously send a copy of the complaint or other information to the state administrative agency of the state where the manufactured home was manufactured or to the secretary if there is no such state administrative agency, and when it appears that an imminent safety hazard or serious defect may be involved, simultaneously send a copy to the secretary.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.4500 NOTIFICATION PURSUANT TO MANUFACTURER'S DETERMINATION.

Subpart 1. **Notice requirement.** The manufacturer shall provide notification as set out in parts 1350.3800 to 1350.5700 with respect to all manufactured homes produced by the manufacturer in which there exists or may exist an imminent safety hazard or serious defect. The manufacturer shall provide such notification with respect to manufactured homes produced by the manufacturer in which a defect exists or may exist if the manufacturer has information indicating that the defect may exist in a class of manufactured homes that is identifiable because the cause of the defect or defects actually known to the manufacturer is such that the same defect would probably have been systematically introduced into more than one manufactured home during the course of production. This information may include, but is not limited to, complaints that can be traced to the same cause, defects known to exist in supplies of components or parts, information related to the performance of a particular employee, and information indicating a failure to follow quality control procedures with respect to a particular aspect of the manufactured home. A manufacturer is required to provide notification with respect to a noncompliance only after the issuance of a final determination under part 1350.4800.

Subp. 2. **Investigations and inspections.** Whenever the manufacturer receives from any source information that may indicate the existence of a problem in a manufactured home for which the manufacturer is responsible for providing notification under subpart 1, the manufacturer shall, as soon as possible, but not later than 20 days after receiving the information, carry out any necessary investigations and inspections to determine and shall determine whether the manufacturer is responsible for providing notification under subpart 1. The manufacturer shall maintain complete records of all such information and determinations in a form that will allow the commissioner to discern readily who made the determination with respect to a particular piece of information, what the determination was, and the basis for the determination. The records shall be kept for a minimum of five years from the date the manufacturer received the information. Consumer complaints or other information indicating the possible existence of noncompliances or defects received before August 16, 1982, shall, for purposes of this subpart, be deemed to have been received August 16, 1982.

Subp. 3. **Preparation of plan.** If a manufacturer determines under subpart 2 that the manufacturer is responsible for providing notification under subpart 1, the manufacturer shall prepare a plan for notification as set out in part 1350.5000. Where the manufacturer is required to correct under part 1350.4700, the manufacturer shall include in the plan provision for correction of affected manufactured homes.

Subp. 4. **Submission of plan.** The manufacturer shall, as soon as possible, but not later than 20 days after making the determination, submit the plan to the commissioner.

However, where only one manufactured home is involved, the manufacturer need not submit the plan if the manufacturer corrects the manufactured home within the 20-day period. The manufacturer shall maintain, in the plant where the manufactured home was manufactured, a complete record of the correction. The record shall describe briefly the facts of the case and state what corrective actions were taken. It shall be maintained in a separate file in a form that will allow the commissioner to review all such corrections.

Subp. 5. **Action after approval of plan.** Upon approval of the plan with any necessary changes, the manufacturer shall carry out the approved plan within the time limits stated in it.

Subp. 6. **Action before plan approval.** The manufacturer may act before obtaining approval of the plan. However, such action is subject to review and disapproval by the commissioner except to the extent that agreement to the correction is obtained as described in this subpart. To ensure that the corrective action will be accepted, the manufacturer may obtain the agreement of the commissioner that the corrective action is adequate before the correction is made regardless of whether a plan has been submitted under subpart 4. If an agreement is obtained, the correction shall be accepted as adequate by the commissioner if the correction is made as agreed to and any imminent safety hazard or serious defect is eliminated.

Subp. 7. **Waiver of formal plan approval and notification.** If the manufacturer wishes to obtain a waiver of the formal plan approval and notification requirements that would result from a determination under subpart 2, the manufacturer may act under this subpart. The plan approval and notification requirements shall be waived by the commissioner who would otherwise review the plan under subpart 4 if:

A. the manufacturer, before the expiration of the time period determined under subpart 4, shows to the satisfaction of the commissioner through documentation that:

(1) the manufacturer has identified the class of possibly affected manufactured homes in accordance with part 1350.5000;

(2) the manufacturer will correct, at the manufacturer's expense, all affected manufactured homes in the class within 60 days of being informed that the request for waiver has been accepted; and

(3) the proposed repairs are adequate to remove the failure to conform or imminent safety hazard that gave rise to the determination under subpart 2;

B. the manufacturer corrects all affected manufactured homes within 60 days of being informed that the request for waiver has been accepted.

The formal plan and notification requirements are waived pending final resolution of a waiver request under subpart 7 as of the date of the request. If a waiver request is not accepted, the plan called for by subparts 3 and 4 shall be submitted within five days after the manufacturer is notified that the request was not accepted.

Subp. 8. **Classification of problem.** When a manufacturer acts under subparts 1 to 7, the manufacturer will not be required to classify the problem that triggered the action as a noncompliance, defect, serious defect, or imminent safety hazard.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.4600 RESPONSIBILITIES OF COMMISSIONER.

Subpart 1. **Consumer complaints.** The commissioner shall oversee the handling of consumer complaints by manufacturers within this state. As part of that responsibility, the commissioner shall monitor manufacturer compliance with parts 1350.3900 to 1350.5700, and particularly with part 1350.4500. This monitoring will be done primarily by periodically checking the records that manufacturers are required to keep under part 1350.4500, subpart 2.

Subp. 2. **Preliminary determination.** If the commissioner finds under subpart 1 that a manufacturer has failed to comply with part 1350.4500 or if the commissioner finds that the manufacturer has decided not to act under part 1350.4500, subparts 3 and 4 and the commissioner believes the manufacturer is required to act, or if the manufacturer failed to fulfill the requirements of part 1350.4500, subpart 7 after requesting a waiver, the preliminary determination shall be made that the commissioner deems appropriate under part 1350.4800. However, if the affected manufactured homes were manufactured in more than one state or if it appears that the appropriate preliminary determination would be an imminent safety hazard or serious defect, the commissioner shall refer the matter to the secretary.

Subp. 3. **Preliminary determinations under part 1350.4800.** Where the commissioner who is reviewing a plan under part 1350.4500, subpart 4 finds that the manufacturer is not acting reasonably in refusing to accept changes to a proposed plan, the commissioner shall make such preliminary determinations as may be appropriate under part 1350.4800. However, if it appears that it would be appropriate to make a preliminary determination of imminent safety hazard or serious defect, the commissioner shall refer the matter to the secretary.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *17 SR 1279; 24 SR 1846*

Posted: *January 4, 2010*

1350.4700 REQUIRED MANUFACTURER CORRECTION.

A manufacturer required to furnish notification under part 1350.4500 or 1350.4800 shall correct, at its expense, any imminent safety hazard or serious defect that can be related to an error in design or assembly for the manufactured home by the manufacturer, including an error in design or assembly of any component or system incorporated in the manufactured home by the manufacturer.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.4800 NOTIFICATION AND CORRECTION PURSUANT TO ADMINISTRATIVE DETERMINATION.

Subpart 1. **Preliminary determinations.** Whenever the commissioner has information indicating the possible existence of an imminent safety hazard or serious defect in a manufactured home, the commissioner may issue a preliminary determination to that effect to the manufacturer.

Whenever the information indicates that the manufacturer is required to correct the imminent safety hazard or serious defect under part 1350.4700, the commissioner shall issue a preliminary determination to that effect to the manufacturer. Whenever the commissioner has information indicating that a defect or noncompliance may exist in a class of manufactured homes that is identifiable because the cause of the defect or noncompliance is such that the same defect or noncompliance would probably have been systematically introduced into more than one manufactured home during production, and whenever all manufactured homes in the class appear to have been manufactured in this state, the commissioner may issue a preliminary determination of defect or noncompliance to the manufacturer. Information on which the commissioner will base a conclusion that an affected class of manufactured homes exists consists of complaints that can be traced to the same cause, defects known to exist in supplies of components or parts, information related to the performance of a particular employee, and information indicating a failure to follow quality control procedures with respect to a particular aspect of the manufactured home. If, during the course of these proceedings, evidence arises that indicates that manufactured homes in the same identifiable class were manufactured in more than one state, the commissioner shall refer the matter to the secretary.

Subp. 2. **Notice and request for hearing or presentation of views.** Notice of the preliminary determination under subpart 1 shall be sent by certified mail. It shall include the factual basis for the determination and the identifying criteria of the manufactured homes known to be affected and those believed to be in the class of possibly affected manufactured homes. The notice shall inform the manufacturer that the preliminary determination shall become final unless the manufacturer requests a hearing or presentation of views under parts 1350.6000 to 1350.6200 within 15 days after receiving a notice of preliminary determination of serious defect, defect, or noncompliance, or within five days of receipt of a notice of preliminary determination of imminent safety hazard.

Promptly upon receipt of a manufacturer's request for a hearing or presentation of views meeting, the hearing or presentation shall be held pursuant to parts 1350.6000 to 1350.6200. Parties may propose in writing, at any time, offers of settlement which shall be submitted to and considered by the commissioner.

If determined to be appropriate, the party making the offer may be given an opportunity to make an oral presentation in support of the offer. If an offer of settlement is rejected, the party making the offer shall be so notified, and the offer shall be deemed withdrawn and shall not constitute a part of the record in the proceeding. Final acceptance by the commissioner of any offer of settlement shall automatically terminate any proceedings related to it.

Subp. 3. **Final determinations.** If the manufacturer fails to respond to the notice of preliminary determination within the time period established in subpart 2, or if the commissioner decides that the views and evidence presented by the manufacturer or others are insufficient to rebut the preliminary determination, the commissioner shall make a final determination that an imminent safety hazard, serious defect, defect, or noncompliance exists. If there is a final determination that an imminent safety hazard, serious defect, defect, or noncompliance exists, the commissioner shall issue an order directing the manufacturer to furnish notification.

Subp. 4. **Appeals.** When the commissioner has made a final determination that a defect or noncompliance exists, the manufacturer may appeal to the secretary within ten days after receiving the notice of final determination.

Subp. 5. **Waiver of formal notification requirements.** Where a preliminary determination of defect or noncompliance has been issued, the manufacturer may request a waiver of the formal notification requirements at any time during the proceedings called for in subparts 1 to 4 or after the issuance of a final determination and order. The manufacturer may request a waiver from the commissioner. When requesting a waiver, the manufacturer shall certify and provide assurances that:

A. the manufacturer has identified the class of possibly affected manufactured homes in accordance with part 1350.5000;

B. the manufacturer will correct, at the manufacturer's expense, all affected manufactured homes in the class within a time period specified by the commissioner but not later than 60 days after being informed of the acceptance of the request for waiver or issuance of the final determination, whichever is later; and

C. the proposed repairs are adequate to remove the failure to conform or imminent safety hazard that gave rise to the issuance of the preliminary determination.

The commissioner shall grant the request or waiver if the manufacturer agrees to an offer of settlement that includes an order that embodies the assurances made by the manufacturer.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.4900 REIMBURSEMENT FOR PRIOR CORRECTION BY OWNER.

A manufacturer that is required to correct under part 1350.4700 or who decides to correct and obtain a waiver under part 1350.4500, subpart 7, or 1350.4800, subpart 5, shall provide reimbursement for reasonable

cost of correction to any owner of an affected manufactured home who chooses to make the correction before the manufacturer does.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.5000 MANUFACTURER'S PLAN FOR NOTIFICATION AND CORRECTION.

Subpart 1. **Basic requirement.** Subparts 1 to 6 set out the requirements that manufacturers shall meet in preparing plans they are required to submit under part 1350.4500, subparts 3 and 4. The underlying requirement is that a plan show how the manufacturer will fulfill its responsibilities with respect to notification and correction.

Subp. 2. **Copy of proposed notice.** The plan shall include a copy of the proposed notice that meets the requirements of part 1350.5100.

Subp. 3. **Affected class.** The plan shall identify, by serial number and other appropriate identifying criteria, all manufactured homes with respect to which notification is to be provided. The class of manufactured homes with respect to which notification shall be provided and which shall be covered by the plan is that class of manufactured homes that was or is suspected of having been affected by the cause of an imminent safety hazard or failure to conform. The class is identifiable to the extent that the cause of the imminent safety hazard or failure to conform is such that it would probably have been systematically introduced into the manufactured homes in the class during the course of production. In determining the extent of such a class, the manufacturer may rely either upon information that positively identifies the extent of the class or upon information that indicates what manufactured homes were not affected by the same cause, thereby identifying the class by excluding those manufactured homes. Methods that may be used in determining the extent of the class of manufactured homes include, but are not limited to:

A. inspection of manufactured homes produced before and after the manufactured homes known to be affected;

B. inspection of manufacturer quality control records to determine whether quality control procedures were followed;

C. inspection of production inspection primary inspection agency records to determine whether the imminent safety hazard or failure to conform was either detected or specifically found not to exist in some manufactured homes;

D. inspection of the design of the manufactured home in question to determine whether the imminent safety hazard or failure to conform resulted from the design itself;

E. identification of the cause as relating to a particular employee or process that was employed for a known period of time or in producing the manufactured homes manufactured during that time; and

F. inspection of records relating to components supplied by other parties and known to contain or suspected of containing imminent safety hazards or failures to conform.

The class of manufactured homes identified by these methods may include only manufactured homes actually affected by the imminent safety hazard or failure to conform if the manufacturer can

identify the precise manufactured homes. If it is not possible to identify the precise manufactured homes, the class shall include manufactured homes suspected of containing the imminent safety hazard or failure to conform because the evidence shows that they may have been affected.

Subp. 4. **Production inspection primary inspection agency statement.** The plan shall include a statement by the production inspection primary inspection agency operating in each plant in which manufactured homes in question were produced. In this statement, the production inspection primary inspection agency shall concur in the methods used by the manufacturer to determine the class of potentially affected manufactured homes or state why it believes the methods to have been inappropriate, inadequate, or incorrect.

Subp. 5. **Deadline.** The plan shall include a deadline for completion of all notification and corrections.

Subp. 6. **Notification.** The plan shall provide for notification by certified mail or other more expeditious means to the dealers or distributors of a manufacturer to whom the manufactured homes were delivered. Where a serious defect or imminent safety hazard is involved, notification shall be sent by certified mail if it is mailed. The plan shall provide for notification by certified mail to the first purchaser of each manufactured home in the class of manufactured homes set out in the plan under subpart 3 and to any subsequent owner who has any warranty provided by the manufacturer or required by federal, state, or local law on the manufactured home that has been transferred, to the extent feasible. However, notification need not be sent to any person known by the manufacturer not to own the manufactured home in question if the manufacturer has a record of a subsequent owner of the manufactured home. The plan shall provide for notification by certified mail to any other person who is a registered owner of each manufactured home containing the imminent safety hazard, serious defect, defect, or noncompliance and whose name has been ascertained pursuant to the manufacturer's records.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.5100 CONTENTS OF NOTICE.

Except as otherwise agreed by the commissioner who will review the plan under part 1350.4500, subpart 4, the notification to be sent by the manufacturer shall include the following:

A. an opening statement: "This notice is sent to you in accordance with the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974";

B. except where the manufacturer is acting under part 1350.4500 the following statement, as appropriate: "(manufacturer's name, or the commissioner, or the secretary)" has determined that:

- (1) an imminent safety hazard may exist in (identifying criteria of manufactured home);
- (2) a serious defect may exist in (identifying criteria of manufactured home);
- (3) a defect may exist in (identifying criteria of manufactured home); or
- (4) (identifying criteria of manufactured home) may not comply with an applicable federal mobile home construction or safety standard;

C. a clear description of the imminent safety hazard, serious defect, defect, or noncompliance which shall include:

(1) the location of the imminent safety hazard, serious defect, defect, or noncompliance in the manufactured home;

(2) a description of any hazards, malfunctions, deterioration, or other consequences which may result from the imminent safety hazard, serious defect, defect, or noncompliance;

(3) a statement of the conditions which may cause such consequences to arise; and

(4) precautions, if any, that the owner should take to reduce the chance that the consequences will arise before the manufactured home is repaired;

D. an evaluation of the risk to manufactured home occupants' safety and the durability of the manufactured home reasonably related to such imminent safety hazard, serious defect, defect, or noncompliance, including:

(1) the type of injury which may occur to occupants of the manufactured home; and

(2) whether there will be any warning that a dangerous occurrence may take place and what that warning would be, and any signs which the owner might see, hear, smell, or feel which might indicate danger or deterioration of the manufactured home as a result of the imminent safety hazard, serious defect, defect, or noncompliance;

E. if the manufacturer will correct the manufactured home, a statement that the manufacturer will correct the manufactured home;

F. a statement in accordance with whichever of the following is appropriate:

(1) where the manufacturer will correct the manufactured home at no cost to the owner, the statement shall indicate how and when the correction will be done, how long the correction will take, and any other information that may be helpful to the owner; or

(2) when the manufacturer does not bear the cost of repair, the notification shall include a detailed description of all parts and materials needed to make the correction, a description of all steps to be followed in making the corrections, including appropriate illustrations and an estimate of the cost to the purchaser or owner of the correction;

G. a statement informing the owner that the owner may submit a complaint to the commissioner if the owner believes that the notification or the remedy described in it is inadequate or the manufacturer has failed or is unable to remedy within a reasonable time after the owner's first attempt to obtain a remedy; and

H. a statement that any actions taken by the manufacturer under the act in no way limit the rights of the owner or any other person under any contract or other applicable law and that the owner may have further rights under contract or other applicable law.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.5200 TIME FOR IMPLEMENTATION.

Subpart 1. **Plan for correction.** The manufacturer shall complete implementation of the plan for correction approved under part 1350.4500, subpart 5 on or before the deadline established in the plan as required by part 1350.5000, subpart 5. The deadline shall allow a reasonable amount of time to complete

the plan, taking into account the seriousness of the problem, the number of manufactured homes involved, the immediacy of any risk, and the difficulty of completing the action. The seriousness and immediacy of any risk shall be given greater weight than other considerations. If a manufacturer is required to correct an imminent safety hazard or serious defect under part 1350.4700, the deadline shall be no later than 60 days after approval of the plan.

Subp. 2. **Notifications and corrections.** The manufacturer shall complete the implementation of any notifications and corrections being carried out under an order of the commissioner under part 1350.4800 on or before the deadline established in the order. In establishing each deadline, the commissioner shall allow a reasonable time to complete all notifications and corrections, taking into account the seriousness of the imminent safety hazard, serious defect, defect, or noncompliance; the number of manufactured homes involved; the location of the homes; and the extent of correction required. In no case shall the time allowed exceed the following limits: 30 days after the issuance of final determination of imminent safety hazard; and 60 days after the issuance of final determination of serious defect, defect, or noncompliance.

Subp. 3. **Extension of time.** The commissioner shall grant an extension of the deadlines included in a plan or order if the manufacturer requests extension in writing and shows good cause for the extension and if the commissioner is satisfied that the extension is justified in the public interest. When the commissioner grants an extension, the commissioner shall notify the manufacturer and forward to the secretary a draft notice of the extension to be published in the Federal Register.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.5300 COMPLETION OF REMEDIAL ACTIONS AND REPORT.

Subpart 1. **Notification.** Where a manufacturer is required to provide notification under parts 1350.3900 to 1350.5700, the manufacturer shall maintain in its files for five years from the date the notification campaign is completed a copy of the notice sent and a complete list of the names and addresses of those persons notified. The files shall be organized so that each notification and correction campaign can be readily identified and reviewed by the commissioner.

Subp. 2. **Correction.** Where a manufacturer is required to provide correction under part 1350.4700 or where the manufacturer otherwise corrects under part 1350.4500 or part 1350.4800, subpart 5, the manufacturer shall maintain in its files, for five years from the date the correction campaign is completed, one of the following, as appropriate for each manufactured home involved:

A. where the correction is made, a certification by the manufacturer that the repair was made to satisfy completely the standards in effect at the time the manufactured home was manufactured and that any imminent safety hazard has been eliminated; or

B. where the owner refuses to allow the manufacturer to repair the home, a certification by the manufacturer that the owner has been informed of the problem which may exist in the manufactured home, that the owner has been informed of any risk to safety or durability of the manufactured home which may result from the problem, and that an attempt has been made to repair the problems only to have the owner refuse the repair.

Subp. 3. **Additional notifications or corrections.** If any actions taken under parts 1350.3900 to 1350.5700 are not adequate under the approved plan or an order of the commissioner, the manufacturer may be required to provide additional notifications or corrections to satisfy the plan or order.

Subp. 4. **Report.** The manufacturer shall, within 30 days after the deadline for completing any notifications and required corrections, under an approved plan or under an order of the commissioner, or any corrections required to obtain a waiver under part 1350.4500, subpart 7, or 1350.4800, subpart 5, provide a complete report of the action taken to the commissioner who approved the plan under part 1350.4500, subpart 4, granted the waiver, or issued the order under part 1350.4800, subpart 3, and to any other state administrative agency or the secretary that forwarded a relevant complaint or information to the manufacturer under part 1350.4400.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.5400 CORRECTION OF CERTAIN HAZARDS AND DEFECTS.

If, in the course of making corrections under part 1350.5200, the manufacturer creates an imminent safety hazard or serious defect, the manufacturer shall correct the imminent safety hazard or serious defect under part 1350.4700.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.5500 MANUFACTURED HOMES IN THE HANDS OF DEALERS AND DISTRIBUTORS.

Subpart 1. **Responsibility of manufacturer.** The manufacturer is responsible for correcting any failures to conform and imminent safety hazards which exist in manufactured homes which have been sold or otherwise released to a distributor or dealer but which have not yet been sold to a purchaser. Generally this responsibility does not extend to failures to conform or imminent safety hazards that result solely from transit damages that occur after the manufactured home leaves the control of the manufacturer when the home is released by the manufacturer. This part sets out the procedures to be followed by dealers and distributors for handling manufactured homes in these cases. Regardless of whether the manufacturer is responsible for repairing a manufactured home, no dealer or distributor may sell a manufactured home if it contains a failure to conform or an imminent safety hazard.

Subp. 2. **Notification and record.** Whenever a dealer or distributor finds a problem in a manufactured home which the manufacturer is responsible for correcting, the dealer or distributor shall contact the manufacturer, provide full information concerning the problem, and request appropriate action by the manufacturer in accord with subpart 4. Where the manufacturer agrees to correct, the manufacturer shall maintain a complete record of its actions. Where the manufacturer authorizes the dealer to make the necessary corrections on a reimbursable basis, the dealer or distributor shall maintain and submit a complete record of its actions to the manufacturer.

Subp. 3. **Amount of reimbursement.** An agreement by the manufacturer to correct or to authorize corrections on a reimbursable basis constitutes the commissioner's determination, for purposes of section 613(b) of the act with respect to judicial review of the amount which the manufacturer agrees to reimburse the dealer or distributor for corrections.

Subp. 4. **Manufacturer's option.** Upon a final determination by the commissioner under part 1350.4800, or upon a determination by the secretary or a court of competent jurisdiction that a manufactured home fails to conform to the standard or contains an imminent safety hazard after the manufactured home

is sold or otherwise released by a manufacturer to a distributor or a dealer and prior to the sale of the manufactured home by the distributor or dealer to a purchaser, the manufacturer shall have the option to either:

A. immediately furnish, at the manufacturer's expense, to the purchasing distributor or dealer the required conforming part or parts or equipment for installation by the distributor or dealer on or in the manufactured home, and the manufacturer shall reimburse the distributor or dealer for the reasonable value of the installation plus a reasonable reimbursement of not less than one percent per month of the manufacturer's or distributor's selling price prorated from the date of receipt by certified mail of notice of noncompliance to the date the manufactured home is brought into compliance with the standards, so long as the distributor or dealer proceeds with reasonable diligence with the installation after the part or component is received; or

B. immediately repurchase, at the manufacturer's expense, the manufactured home from the distributor or dealer at the price paid by the distributor or dealer, plus all transportation charges involved and a reasonable reimbursement of not less than one percent per month of the price paid prorated from the date of receipt by certified mail of notice of the imminent safety hazard, serious defect, defect, or noncompliance to the distributor. The value of the reasonable reimbursements shall be fixed by mutual agreement of the parties or by a court in an action brought under section 613(b) of the act.

This part does not apply to any manufactured home purchased by a dealer or distributor which has been leased by the dealer or distributor to a tenant for purposes other than resale. In that instance the dealer or distributor has the remedies available to a purchaser under parts 1350.3900 to 1350.5700.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.5600 NOTICES, BULLETINS, AND OTHER COMMUNICATIONS.

At the time of dispatch, each manufacturer shall give to the commissioner a true or representative copy of all notices, bulletins, and other written communications to the dealers or distributors of the manufacturers regarding any serious defect or imminent safety hazard which may exist in any manufactured homes produced by the manufacturer. Manufacturers shall keep complete records of all other communications with dealers, owners, and purchasers regarding noncompliances and defects.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.5700 SUPERVISION OF NOTIFICATION AND CORRECTION ACTIONS.

Subpart 1. **Notifications and corrections.** The production inspection primary inspection agency in each manufacturing plant shall be responsible for assuring that notifications are sent to all owners, purchasers, dealers, or distributors of whom the manufacturer has knowledge under the requirements of the act. The production inspection primary inspection agency shall be responsible for assuring that the required corrections are carried out by auditing the certificates required by part 1350.5300.

Subp. 2. **Accomplishment of remedial actions.** The commissioner or secretary to whom the report required by part 1350.5300, subpart 4 is sent shall be responsible for assuring through oversight that remedial actions described in the report have been carried out.

Subp. 3. **Inspection.** The commissioner may inspect a manufactured home to determine whether any required correction is carried out to the approval plan, or, if there is no plan, to the standards or other approval obtained by the manufacturer.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

ADMINISTRATIVE MATTERS

1350.5800 RECIPROCITY.

Upon a showing that another state provides for the sealing of manufactured homes upon compliance with standards which are at least equal to those provided in the code, the commissioner may provide that a construction seal affixed under the authority of the state shall have the same effect as a seal affixed under authority of this state, and thereafter any manufactured home which bears the seal of such state shall not be required to bear the seal of this state as provided in part 1350.0400. The commissioner may make such reciprocity contingent upon such other granting reciprocal effect to seals affixed under authority of this state. Pursuant to this part, the commissioner has established reciprocity with the following states which have granted reciprocity to Minnesota: Indiana, Illinois, and Wisconsin. This reciprocity applies to manufactured homes manufactured after July 1, 1972, and prior to June 14, 1976.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.5900 APPEALS.

Any person aggrieved by application of parts 1350.3900 to 1350.5700 may, within 30 days of the time when the grievance arose, appeal to the commissioner. Upon receipt of a timely appeal and the submission of the appropriate fee pursuant to part 1350.6600 by appellant, the commissioner shall review the matter de novo and submit written findings to appellant.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *17 SR 1279; 24 SR 1846*

Posted: *January 4, 2010*

1350.6000 GENERAL POLICIES FOR HEARINGS AND PRESENTATION OF VIEWS MEETINGS.

Subpart 1. **Policy.** All hearings and presentations of views meetings shall be public.

Subp. 2. **Request.** On receiving a request for a hearing or presentation of views meetings, the commissioner shall either grant the relief for which the hearing or presentation of views meeting is requested or shall issue a notice.

Subp. 3. **Notice.** When the commissioner decides to conduct a presentation of views meeting, the commissioner shall provide notice as follows:

A. Except where the need for swift resolution of the question involved prohibits it, notice of a proceeding shall be published in the State Register at least ten days prior to the date of the proceeding. In any case, notice shall be provided to interested persons to the maximum extent practicable. Direct notice shall be sent by certified mail to the parties involved in the presentation of views meeting.

B. The notice, whether published or mailed, shall include a statement of the time, place, and nature of the proceeding; reference to the authority under which the proceeding will be held; a statement of the subject matter of the proceeding, the parties and issues involved; and a statement of the manner in which interested persons shall be afforded the opportunity to participate in the presentation of views meeting.

C. The notice shall designate the official who shall be the presiding officer for the proceedings and to whom all inquiries should be directed concerning the proceedings.

D. The notice shall state whether the proceeding shall be held in accordance with the provisions of part 1350.6100. In determining whether the requirements of part 1350.6100 shall apply, the commissioner shall consider the following: the need for quick action; the risk of injury to affected members of the public; the economic consequences of the decisions to be made; and other factors the commissioner considers appropriate.

E. Oral proceedings shall be stenographically or mechanically reported, or recorded, or transcribed, under the supervision of the presiding officer, unless the presiding officer and the parties otherwise agree, in which case a summary approved by the presiding officer shall be kept.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.6100 PRESENTATION OF VIEWS MEETINGS.

Subpart 1. **Conduct of meeting.** A presentation of views meeting may be written or oral and may include an opportunity for an oral presentation, whether requested or not, whenever the commissioner concludes that an oral presentation would be in the public interest and states this in the notice. A presiding officer shall preside over all oral presentations. The purpose of these presentations shall be to gather information to allow fully informed decision making. Presentations of views meetings shall not be adversary proceedings. Oral presentations shall be conducted in an informal but orderly manner. The presiding officer shall have the duty and authority to conduct a fair proceeding, to take all necessary action to avoid delay, and to maintain order. In the absence of extraordinary circumstances, the presiding officer at an oral presentation of views meeting shall not require that testimony be given under oath or affirmation and shall not permit either cross-examination of witnesses by other witnesses or their representatives, or the presentation of rebuttal testimony by persons who have already testified. The rules of evidence prevailing in courts of law or equity shall not control the conduct of oral presentation of views meeting.

Subp. 2. **Commission's determination.** Within ten days after a presentation of views meeting, the presiding officer shall refer to the commissioner all documentary evidence submitted, any transcript that has been made, a summary of the issues involved, information presented in the presentation of views meeting, and the presiding official's recommendations with the rationale for them. The presiding officer shall make any appropriate statements concerning the apparent veracity of witnesses or the validity of factual assertions which may be within the competence of the presiding officer. The commissioner shall issue a final

determination concerning the matters at issue within 30 days of receipt of the presiding officer's summary. The final determination shall include a statement of findings, with specific references to principal supporting items of evidence in the record and conclusions, as well as the reasons or bases for them upon all of the material issues of fact, law, or discretion as presented on the record; and an appropriate order. Notice of the final determination shall be given in writing and transmitted by certified mail, return receipt requested, to all participants in the presentation of views meeting. The final determination shall be conclusive with respect to persons whose interests were represented.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.6200 PUBLIC PARTICIPATION IN PRESENTATION OF VIEWS MEETINGS.

Subpart 1. **Written.** Any interested persons may participate in writing in any presentation of views meeting held under the provision of part 1350.6100. The presiding officer shall consider to the extent practicable any written materials.

Subp. 2. **Oral.** Any interested person may participate in the oral portion of any presentation of views meeting held under part 1350.6100 unless the presiding officer determines that participation should be limited or barred so as not to prejudice unduly the rights of the parties directly involved or unnecessarily delay the proceedings.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

1350.6300 HEARINGS.

Whenever the commissioner determines that a formal hearing is necessary in order to resolve the presentation of adversary views on matters governed by parts 1350.0100 to 1350.9200, the hearing shall be conducted according to Minnesota Statutes, chapter 14, governing contested case hearings and applicable provisions of the administrative rules of the Office of Administrative Hearings.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.6400 FORM AND REMITTANCE OF FEES.

All remittances shall be in the form of checks or money orders payable to "Minnesota Department of Labor and Industry"; and addressed to: Department of Labor and Industry, 443 Lafayette Road North, Saint Paul, Minnesota 55155.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; L 2003 c 112 art 2 s 50; L 2007 c 140 art 1 s 1; L 2009 c 101 art 2 s 109; 34 SR 866*

Posted: *January 4, 2010*

1350.6500 [Repealed, 34 SR 866]

Posted: *January 4, 2010*

1350.6600 APPEAL FEE.

The appeal fees are as stated in Minnesota Statutes, section 326B.139.

Statutory Authority: *MS s 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; L 2007 c 140 art 4 s 61; art 13 s 4*

Posted: *January 4, 2010*

1350.6700 REGISTRATION REQUIREMENT AND INSTALLER LICENSING RECIPROCITY.

Subpart 1. **Registration.** An installer shall register with the department to obtain seals by providing a copy (proof) of a manufactured home installer's license issued by the commissioner or a reciprocal state or United States jurisdiction prior to obtaining required installation certificates and seals under part 1350.0600, subpart 2. Registration shall be renewed every three years.

Subp. 2. **Reciprocity.** An installer who holds and maintains an unexpired license or certificate issued by any state other than Minnesota or by a United States jurisdiction in which the licensing or certification and renewal requirements meet or exceed Minnesota's licensing and renewal requirements as determined by the commissioner is exempt from the requirement to obtain licensure in Minnesota as a manufactured home installer if the installer:

- A. provides proof of valid license or certification to the commissioner;
- B. provides proof of public liability insurance coverage in the amount of \$300,000 per occurrence and \$10,000 property damage coverage;
- C. posts a bond of at least \$2,500; and
- D. registers in accordance with subpart 1.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; 34 SR 866*

Posted: *January 4, 2010*

1350.6705 DEFINITIONS.

Subpart 1. **Applicability.** The definitions in this part apply to part 1350.6710.

Subp. 2. **Appropriate and related knowledge.** "Appropriate and related knowledge" means facts, information, or principles that are clearly relevant to the installer in performing responsibilities under a license issued by the commissioner. These facts, information, or principles must convey substantive and procedural knowledge as it relates to postlicensing issues and it must be relevant to the technical aspects of a particular area of continuing education.

Subp. 3. **Classroom hour.** "Classroom hour" means 50 minutes of continuing education training for every hour of training required.

Subp. 4. **Instructor.** "Instructor" means a person approved by the commissioner under part 1350.6710, subpart 2, to act as a trainer, teacher, or presenter of approved manufactured home installer continuing education courses.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.10*

History: *34 SR 866*

Posted: *January 4, 2010*

1350.6710 LICENSED MANUFACTURED HOME INSTALLER EDUCATION.

Subpart 1. **Installer continuing education requirements.** An installer licensed in Minnesota is required to complete a minimum of 12 classroom hours of continuing education training during every three-year license renewal period, with a minimum of four classroom hours consisting of training in the following areas:

A. an overview of the act and the general regulatory structure of the HUD manufactured housing program;

B. an overview of the manufactured home installation standards and regulations established in Code of Federal Regulations, title 24, parts 3285 and 3286, and applicable Minnesota laws and rules, with specific instruction covering:

- (1) preinstallation considerations;
- (2) site preparation;
- (3) foundations;
- (4) anchorage against wind;
- (5) optional features, including comfort cooling systems;
- (6) ductwork and plumbing and fuel supply systems;
- (7) electrical systems; and
- (8) exterior and interior close-up work;

C. an overview of the construction and safety standards and regulations found in Code of Federal Regulations, title 24, parts 3280 and 3282;

D. licensing requirements applicable to installers;

E. installer responsibilities for correction of improper installation, including installer obligations under applicable state and HUD manufactured housing dispute resolution programs;

F. inspection requirements and procedures;

G. problem reporting mechanisms;

H. operational checks and adjustments; and

I. penalties for any person's failure to comply with Code of Federal Regulations, title 24, parts 3285, 3286, and 3288, and applicable Minnesota laws and rules.

The remaining eight classroom hours of continuing education training must relate to any aspect of manufactured home installation or construction. All continuing education courses must be approved in advance by the commissioner pursuant to subpart 3.

Subp. 2. Approval for instructors.

A. Each continuing education course shall have an instructor who is qualified by education, training, or experience to ensure competent instruction. Failure to have a qualified instructor teach an approved course offering will result in withdrawal of the course approval. Qualified instructors shall have at least one of the following qualifications:

- (1) a four-year degree in any subject area, plus two years of experience in the subject area being taught;
- (2) five years of experience in the subject area being taught; or
- (3) certification by HUD as a trainer for manufactured home installation.

The applicant shall submit to the commissioner an application for approval as an instructor on a form provided by the commissioner and submit appropriate evidence to verify that the required qualifications have been met. Following the commissioner's review of the application and evidence of qualifications, the commissioner shall provide the applicant with a final determination regarding approval as an instructor. A HUD-certified trainer must also be approved by the commissioner in order to be considered an instructor for manufactured home installer continuing education.

B. Instructors shall:

- (1) thoroughly address the continuing education subjects approved by the commissioner pursuant to subpart 3, within the credit hours allotted by the commissioner;
- (2) maintain attendance records including times, locations, names of attendees at each session, and content of all courses offered. These records shall be made available to the commissioner upon request;
- (3) provide certificates of completion to course attendees, within ten days following completion of the course that indicates the attendee's name, course title and number, course content (including any technical areas), and assigned classroom hours of continuing education credit earned, which have been signed and dated by the instructor;
- (4) maintain course records related to the content of the course, which shall include any tests administered as a part of the course. These records shall be made available to the commissioner upon request; and
- (5) notify the commissioner, in writing, within ten days of any change to the information on an application for course approval or on the materials submitted with the application, that are on file with the commissioner.

C. Prohibited practices for instructors, in connection with an approved course, include:

- business;
- (1) recommending or promoting the services, products, or practices of a particular business;
 - (2) requiring students to participate in other programs or services offered by the instructor;
 - (3) misrepresenting any information submitted to the commissioner;
 - (4) failing to cover all points, issues, and concepts contained in the course outline or materials approved by the commissioner during the approved instruction; and
 - (5) issuing inaccurate course certificates of completion.

Subp. 3. Course approval.

A. Courses for manufactured home installer continuing education must be approved in advance by the commissioner, pursuant to this subpart, and will be approved on the basis of the applicant's compliance with this subpart. The commissioner shall provide the final approval regarding the course offering. The commissioner reserves the right to audit course offerings with or without notice to the instructor. The burden of demonstrating that courses impart appropriate and related knowledge falls on the person seeking the approval or credit.

B. To obtain course approval, the following procedure must be followed.

(1) An approved instructor must complete an application for course approval on a form provided by the commissioner and submit all pertinent course materials. The instructor shall also provide on the application the number of classroom hours of continuing education credit requested. Application for course approval must be submitted at least 30 days prior to the course offering. The instructor shall specify whether a test will be required for the course and, if required, provide the minimum passing score to obtain course credit.

(2) The commissioner shall review the application and pertinent course material for appropriate technical content and program length. Courses must be a minimum of one classroom hour in length. Course content must adequately cover the technical area being taught for the classroom hours of continuing education credit being requested.

(3) Following the commissioner's review of the application and course materials, the commissioner shall provide the instructor, within 40 days of receipt, with a final written determination regarding course approval and the number of approved continuing education classroom hours assigned to the course.

C. Course examinations are not required for approved manufactured home continuing education courses, unless they are required by the instructor.

D. Approved courses shall be resubmitted by the instructor to the commissioner for review of course content every three years from the date of the original approval.

Subp. 4. Fees. Fees for an approved course of study and related materials must be clearly identified to students. In the event that an instructor cancels a course for any reason, all fees must be returned within 15 days of the date of cancellation. If a student is unable to attend a course or cancels the registration for a course, the instructor's policies regarding refunds shall apply.

Subp. 5. Facilities and supplementary materials. Each continuing education course must be held in a classroom or other facility that is adequate to accommodate the instructors and the number of students enrolled. The instructor may limit the number of students enrolled in a course. An adequate supply of supplementary materials to be used or distributed in connection with an approved course must be available

at the time and place of the course offering to ensure that each student receives all of the necessary materials. Outlines and any other materials that are reproduced must be legible.

Subp. 6. **Advertising courses.** Advertising for courses must be truthful and not deceptive or misleading. No advertisement, pamphlet, circular, or other similar material pertaining to an approved offering can be circulated or distributed in this state, unless the following statement is prominently displayed: "This course has been approved by the Minnesota Department of Labor and Industry for (approved number of classroom hours) classroom hours for Manufactured Home Licensed Installer continuing education." Advertising for approved courses must be clearly distinguishable from the advertisement for other nonapproved courses. A continuing education course may not be advertised before it has been approved, unless the course is described in the advertising as "approval pending" and the application for approval has been timely submitted to the commissioner and a denial has not been received. The number of classroom hours for which the course has been approved and any testing required for credit must be prominently displayed on the advertisement for the course.

Subp. 7. **Withdrawal of approval.** Failure to comply with the requirements of subparts 2 to 6 shall result in the commissioner's withdrawal of the approval for the continuing education credit and hours for the three-year renewal period, qualifications as an approved instructor, or approval for a course offering. Nothing in this part limits the authority of the commissioner from withdrawing an approval pursuant to this part.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.10*

History: *34 SR 866*

Posted: *January 4, 2010*

1350.6800 OTHER FEES.

For all other work performed by the Department of Labor and Industry including, but not limited to, the review of plans, specifications, independent agency reports, quality control evaluations, and on-site inspections, a fee as specified in Minnesota Statutes, section 326B.153, subdivision 1, paragraph (c), shall be charged.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *17 SR 1279; 24 SR 1846; L 2007 c 140 art 1 s 1; 34 SR 866*

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1350.6900 RESERVATION OF RIGHTS.

Nothing in parts 1350.0100 to 1350.6900 shall limit the rights of the purchaser under any contract or applicable law.

Statutory Authority: *MS s 327.33*

Posted: *January 4, 2010*

LICENSING OF MANUFACTURERS, DEALERS,

LIMITED DEALERS, AND DEALERS' SUBAGENCIES**1350.7000 AUTHORITY.**

Parts 1350.7000 to 1350.9200 are adopted by the commissioner pursuant to Minnesota Statutes, section 327B.10, to implement and administer the provisions of Minnesota Statutes, sections 327B.01 to 327B.12, relating to the licensing of manufactured home manufacturers, dealers, limited dealers, and dealers' subagencies.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.7100 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts 1350.7000 to 1350.9200 have the meanings given them in this part and in Minnesota Statutes, section 327B.01.

Subp. 2. **Applicant.** "Applicant" means a person who is applying for a manufactured home manufacturer or dealer license or limited dealer license.

Subp. 3. **Commissioner.** "Commissioner" has the meaning given it in part 1350.0100, subpart 12.

Subp. 4. **Distributor.** "Distributor" has the meaning given it in part 1350.0100, subpart 19.

Subp. 5. **Length of a manufactured home.** "Length of a manufactured home" has the meaning given it in part 1350.0100, subpart 34.

Subp. 6. **Licensee.** "Licensee" means a person licensed under Minnesota Statutes, section 327B.04.

Subp. 7. **Manufacturer's sale agreement.** "Manufacturer's sale agreement" means a franchise or written contract between a manufacturer and a dealer which authorizes the dealer to sell or distribute manufactured homes made by the manufacturer and establishes such things as the length of the agreement, model names, responsibility for warranty service, any other responsibilities between the parties, and, if applicable, the area of the state under contract to the dealer.

Subp. 7a. **Manufactured home park.** "Manufactured home park" means a licensed manufactured home park as required in Minnesota Statutes, section 327.15, and defined in Minnesota Statutes, section 327.14.

Subp. 8. **Width of a manufactured home.** "Width of a manufactured home" has the meaning given it in part 1350.0100, subpart 60.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.7200 LICENSE APPLICATION.

Subpart 1. **Forms; requirements.** An applicant shall apply for a manufacturer, dealer, limited dealer, or dealer subagency license on forms furnished by the commissioner and shall comply with Minnesota Statutes, section 327B.04.

Subp. 2. **Required information.** The kinds of information listed in items A and B satisfy the related requirements in Minnesota Statutes, section 327B.04, subdivisions 3 and 4.

A. An application for a dealer's license must contain the information in subitems (1) to (9):

(1) A photocopy of the applicant's valid driver's license clearly showing the applicant's signature and photograph, or, if the applicant has no current driver's license, some other form of identification showing a photograph and the signature of the applicant.

(2) The name under which the applicant desires to do business in this state. If the name is an assumed name the applicant shall submit proof of filing the assumed name with the secretary of state. If the business is a corporation the applicant shall submit a copy of its Minnesota certificate of incorporation.

(3) The type of business to be operated by the applicant such as manufacturing, selling (new or used), or brokering manufactured homes, and the applicant's business location.

(4) The names, home and business addresses, and telephone numbers of the applicant's directors, officers, limited and general partners, controlling shareholders, and affiliates.

(5) The signature of the applicant as the owner, general partner, or corporate president verified under oath.

(6) A statement of the applicant's qualifications for licensure as a dealer, such as education, work experience, and any other qualifications in manufactured home construction, sales, repair, or related fields involving sales, financing, title transfer, or contracts.

(7) A statement of all other manufactured home dealer or manufacturer licenses held by the applicant either directly or indirectly in this or another state.

(8) A statement of the type of businesses the applicant has previously been involved in, either directly or indirectly, for the past five years by company name, address, directors, officers, limited or general partners, controlling shareholders, affiliates, dates, and current business status.

(9) The original copy of the surety bond required by Minnesota Statutes, section 327B.04, subdivision 4 on a form furnished by the commissioner.

B. An application for a manufacturer's license must contain the information in subitems (1) to (4):

(1) The name under which the applicant desires to do business in this state. If the name is an assumed name the applicant shall submit proof of filing the assumed name with the secretary of state. If the business is a corporation the applicant shall submit a copy of its Minnesota certificate of incorporation.

(2) A current list of Minnesota dealers with whom the applicant has a manufacturer's sale agreement, as required by Minnesota Statutes, section 327B.04, subdivision 4.

(3) A list of the manufacturer's manufacturing facilities that will be shipping manufactured homes into this state.

(4) A list of the brand names of manufactured homes that the manufacturer will ship into this state.

Subp. 3. **Fee.** An applicant shall submit, with the application, the required fee established in Minnesota Statutes, section 327B.04.

Subp. 4. **Copy for applicant's records.** An applicant shall copy the complete application, bond, and any revisions as submitted to the commissioner and shall keep the copies on file at all times at the applicant's principal place of business.

Statutory Authority: *MS s 326B.02; 326B.101; 326B.106; 326B.13; 327.32; 327.33; 327B.01 to 327B.12*

History: *24 SR 1846; 34 SR 866; L 2010 c 347 art 3 s 74*

NOTE: Subpart 3 is repealed by Laws 2010, chapter 347, article 3, section 75, effective January 1, 2012.

Posted: *September 16, 2010*

1350.7205 LIMITED LICENSE APPLICATION.

An applicant shall apply for a limited dealer license pursuant to Minnesota Statutes, section 327B.04, subdivision 8.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.7300 ESTABLISHED PLACE OF BUSINESS.

Subpart 1. **Proof required.** The commissioner shall not grant a dealer license until the applicant has furnished the commissioner with proof that the applicant has an established place of business, as required by Minnesota Statutes, section 327B.04, subdivision 4, and that the requirements in subparts 2 to 7 have been met.

Subp. 2. **Building or office space.** An applicant for a dealer license must have a permanent enclosed building, other than a residence, or a commercial office space for the principal place of business and for each subagency location.

A manufactured home, other than a residence, qualifies as an established place of business if it is set up in a permanent manner, it is connected to sewer, water, and electricity, it is skirted, it is owned by the applicant, and it is not being offered for or subject to sale while being used as an office. The owner of a licensed manufactured home park who resides in or adjacent to the park may use the residence as the established place of business required by this subpart, unless prohibited by local zoning ordinance.

Subp. 3. **Unimproved sales lots.** Unimproved lots and premises may be used for sale and display of manufactured homes if they are in proximity to a licensed dealer's principal place of business or subagency location so as to avoid confusion or uncertainty as to their relationship to the business. A photo or drawing must be submitted to the commissioner clearly indicating the relationship of the unimproved lot or premises to the business location.

Subp. 4. **Unimproved storage lots.** Unimproved lots and premises may be used for storage of manufactured homes. The licensed dealer shall notify the commissioner of the location of the unimproved lot or premises prior to storage of manufactured homes there.

Subp. 5. **Photograph.** The licensed dealer shall submit a current photograph which accurately depicts the principal place of business, each subagency location, and unimproved lots to be used for sales and display for which the applicant is requesting a license.

Subp. 6. **Deed, contract, or lease.** The licensed dealer shall submit a copy of a valid warranty deed, contract for deed, or lease for a term of not less than one year for the premises housing the principal place of business and each subagency.

Subp. 7. **Sole licensed occupant.** Only one licensee, as licensed dealer may own or lease and occupy an established place of business or commercial office space. Two or more licensees may occupy one established place of business if they are related by means of ownership or are one legal entity.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *17 SR 1279; 24 SR 1846*

Posted: *January 4, 2010*

1350.7400 MANUFACTURER'S SALE AGREEMENT.

A dealer shall furnish a copy of the contract or franchise required by Minnesota Statutes, section 327B.04, subdivision 4, clause (b), to the commissioner. The dealer shall notify the commissioner within 14 days of the time when a contract or franchise expires or becomes void.

Statutory Authority: *MS s 327B.10*

Posted: *January 4, 2010*

1350.7500 TRUST ACCOUNT.

A broker shall establish a trust account with a bank located in this state, and must comply with Minnesota Statutes, section 327B.08, subdivisions 3 to 5. The trust account information must be submitted on a form furnished by the commissioner.

Statutory Authority: *MS s 327B.10*

Posted: *January 4, 2010*

1350.7600 RETURNED CHECKS.

When a check is offered to the commissioner in payment for fees or changes pursuant to parts 1350.7000 to 1350.9200 and the check is returned without payment for any reason, the fee set in Minnesota Statutes, section 327B.04 becomes due and is a part of the total obligation in addition to other consequences permitted by law and parts 1350.7000 to 1350.9200.

Statutory Authority: *MS s 327B.10*

History: *L 2010 c 347 art 3 s 74*

Posted: *September 16, 2010*

1350.7700 POSTING OF LICENSE.

A current license must be posted at the principal place of business and at each subagency and at each manufactured home park location in a conspicuous place and clearly visible to all consumer customers. The posted license must be the license issued for the specific location at which it is posted. Only valid licenses may be posted.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.7800 REAPPLYING FOR A LICENSE.

A person whose license has been suspended, revoked, or whose license application has been denied may not reapply for a license until the error, omission, or cause for suspension, revocation, or denial has been corrected to the satisfaction of the commissioner. This does not limit the applicant's rights pursuant to Minnesota Statutes, section 327B.05, subdivision 2.

Statutory Authority: *MS s 327B.10*

Posted: *January 4, 2010*

1350.7900 CLOSING OF PRINCIPAL PLACE OF BUSINESS OR SUBAGENCY.

When a dealer or limited dealer closes a principal place of business or dealer subagency, the dealer or limited dealer must notify the commissioner and return the appropriate license certificate within 14 days of the closing.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.8000 LICENSE RENEWAL.

Subpart 1. **Date of renewal.** Licensees must renew their licenses pursuant to Minnesota Statutes, section 327B.04 and this part. The commissioner shall send out renewal notices by November 15 of the year a license expires. The renewal must be submitted on forms furnished by the commissioner for principal places of business and subagencies, accompanied by the fees in Minnesota Statutes, section 327B.04. License renewal applications must be received by the commissioner no later than December 15 of the year a license expires. All licenses expire at midnight, December 31 of the year of expiration.

Subp. 2. **Limited dealer license renewal.** A limited dealer, upon application for renewal, shall renew a limited dealer license pursuant to Minnesota Statutes, section 327B.04, subdivision 8.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846; L 2010 c 347 art 3 s 74*

NOTE: Subpart 2 is repealed by Laws 2010, chapter 347, article 3, section 75, effective January 1, 2012.

Posted: *September 16, 2010*

1350.8100 LIMITED DEALER AND DEALER'S RECORDS.

Subpart 1. **Dealer records.** A dealer shall retain copies of all records as required by Minnesota Statutes, section 327B.06, subdivision 1. All records must be retained in one centralized place designated by the dealer. The dealer shall notify the commissioner as to the location of the records either at the principal or subagency location. All records shall be on file at the dealers designated location within 14 days after the closing of the sales transaction.

Subp. 2. **Limited dealer's records.** A limited dealer shall retain copies of all records as required by Minnesota Statutes, section 327B.06, subdivision 1. All records must be retained at the limited dealer's licensed place of business.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.8200 SALESPEOPLE.

Every dealer shall submit a written list to the commissioner of all salespersons employed by the dealer, as required by Minnesota Statutes, section 327B.07, subdivision 2. The list must include the starting date and, when applicable, the termination date, for each salesperson. A running list must be maintained to show all the salespersons currently employed and previously employed. Any change of a salesperson's status must be noted on the running list and the entire list must be submitted to the commissioner within ten days of a change. A copy of the current complete salesperson list as submitted to the commissioner must be retained and kept on file at all times at the dealer's principal place of business. The format of the salesperson list shall conform to that contained in sample forms provided by the commissioner.

Statutory Authority: *MS s 327B.10*

Posted: *January 4, 2010*

1350.8300 [Repealed, L 2009 c 78 art 5 s 34]

Posted: *January 4, 2010*

1350.8400 TRUST FUNDS.

The broker with whom trust funds are to be deposited in satisfaction of Minnesota Statutes, section 327B.08, subdivision 3, shall be the broker under contract for the sale of the manufactured home with the seller.

Trust funds must be maintained in the trust account until they are disbursed in accordance with the terms of the applicable agreements. Disbursement must be made within 14 days following the consummation or termination of a transaction if the applicable agreements are silent as to the time of disbursement.

Statutory Authority: *MS s 327B.10*

Posted: *January 4, 2010*

1350.8500 NOTICE TO COMMISSIONER.

Subpart 1. **Notification requirement.** A licensee shall notify the commissioner of the occurrence of any of the events in subparts 2 to 5.

Subp. 2. **Change in application information.** A licensee shall notify the commissioner in writing within ten days of the change of any change in information contained in a license application on file with the commissioner.

Subp. 3. **Civil judgment.** A licensee shall notify the commissioner in writing within ten days of any decision of a court regarding a proceeding in which the dealer or limited dealer was named as a defendant, and in which fraud, misrepresentation, or the conversion of funds was found to have been committed by the licensee.

Subp. 4. **Disciplinary action in another state.** A licensee shall notify the commissioner in writing within ten days of the suspension or revocation of the licensee's manufactured home dealer license or limited dealer or other occupational license issued in another jurisdiction.

Subp. 5. **Criminal offense.** A dealer or limited dealer shall notify the commissioner in writing within ten days if the dealer or limited dealer is found guilty of a felony, gross misdemeanor, misdemeanor, or any comparable offense related to manufactured home sales, improper business practices, fraud, misrepresentation, misuse of funds, or violation of the consumer laws.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.8600 REQUIRED DOCUMENTS.

A dealer or limited dealer shall furnish to the parties to a transaction at the time the documents are signed or become available, true and accurate copies of listing agreements, earnest money receipts, purchase agreements, contracts for title, option agreements, disclosure statements, statement of sale, energy audits, the formaldehyde warning which is required by Minnesota Statutes, section 325F.18, and other records, instruments, or documents which are material to the transaction and which are in the dealer's possession.

The format of the disclosure statement must conform to that contained in sample forms provided by the commissioner and the statement must be signed by the dealer or the dealer's authorized salesperson, the buyer, and the seller. A copy of the disclosure must be kept on file by the dealer.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.8700 STANDARDS OF CONDUCT.

The methods, acts, or practices in part 1350.8800 are standards of conduct governing the activities of a dealer or limited dealer. Failure to comply with those standards is a ground for denial, suspension, or revocation of the license.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.8800 RESPONSIBILITIES OF DEALERS AND LIMITED DEALERS.

Subpart 1. **Supervision of personnel.** Dealers or limited dealers shall closely supervise the activities of their salespersons and employees which are related to the sale of manufactured homes. Supervision includes the ongoing monitoring of listing agreements, purchase agreements, and other manufactured home documents which are prepared or drafted by the dealer's or limited dealer's salespersons or employees or which are otherwise received by the dealer's or limited dealer's office, and the review of all dealer's trust account books and records.

Subp. 2. **Preparation and safekeeping of documents.** Dealers or limited dealers are responsible for the preparation, custody, safety, and accuracy of all manufactured home contracts, documents, and records, even though another person may be assigned these duties by the dealer or limited dealer.

Subp. 3. **Resolution of complaints.** Dealers or limited dealers shall investigate and attempt to resolve complaints made regarding the practices of individuals employed by them.

Subp. 4. **Supervision of place of business.** Each principal place of business and each subagency shall be under the direction and supervision of a manager. The dealer or limited dealer shall furnish the commissioner with the name of each manager responsible for a licensed location. Designation of a manager does not relieve the dealer or limited dealer of overall responsibility for the actions of salespersons or the manager.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.8900 DISCLOSURES BY SALESPERSON.

All dealers or limited dealers shall require their salespersons to conduct business only under the licensed name of and on behalf of the dealer or limited dealer by whom they are employed or to whom they are under contract and to disclose in every transaction the name of the dealer or limited dealer by whom they are employed or to whom they are under contract.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.9000 LENGTH AND WIDTH.

The length and width of a manufactured home when shown on sales contracts, documents, and records is the length and width to the nearest foot as defined in part 1350.0100, except on an application or permit to transport a manufactured home if the total length of the manufactured home is required to include drawbars, couplings, or hitches. Room additions must be noted and measured separately.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.9100 DISCLOSURE.

If a manufactured home being sold is located in a manufactured home park, the dealer or limited dealer, prior to the buyer's signing of the purchase agreement, shall obtain a written statement signed by the buyer acknowledging the dealer's or limited dealer's disclosure of the contents of Minnesota Statutes, section 327C.07, regarding in-park sales of manufactured homes.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846*

Posted: *January 4, 2010*

1350.9200 ENFORCEMENT.

Any authorized representative of the commissioner may at any reasonable time enter the premises where manufactured homes are manufactured, or where new or used manufactured homes are sold, solicited, brokered, or advertised for sale, and may examine the manufacturer's or dealer's or limited dealer's records to the extent necessary to enforce the provisions of parts 1350.0100 to 1350.9200.

Statutory Authority: *MS s 327B.01 to 327B.12*

History: *24 SR 1846*

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