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TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION

CHAPTER 13 - MODULAR HOUSING UNIT CONSTRUCTION RULES AND REGULATIONS

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TITLE 291 - NEBRASKA PUBLIC SERVICE COMMISSION

CHAPTER 13 - MODULAR HOUSING UNIT CONSTRUCTION RULES AND REGULATIONS

001 SCOPE, DEFINITIONS, AND STATE CODES:

001.01 Scope and Application: All rules, regulations, and orders of the Department of Health and Human Services Regulation and Licensure or its predecessor agency adopted prior to May 1, 1998, in connection with the powers, duties, and functions transferred to the Nebraska Public Service Commission under the Nebraska Uniform Standards for Modular housing Units Act, shall continue to be effective until revised, amended, repealed, or nullified pursuant to law.

In regard to any modular housing unit displaying the Nebraska Modular Housing Unit Seal, no suit, action, or other proceeding, judicial or administrative, lawfully commenced prior to May 1, 1998, or which could have been commenced prior to that date, by or against such department or agency, or the director or employee thereof is such director's or employee's official capacity or in relation to the discharge of his or her official duties, shall abate by reason of the transfer of duties and functions from the Nebraska Health and Human Services Department to the Nebraska Public Service Commission.

Any amendment(s) to any section(s) of these administrative rules and regulations which deals with construction standards shall apply only to those modular housing units manufactured on or after the effective date of the amendment(s). All modular housing units for which purchase orders have been received by the manufacturer prior to the effective date of any such amendment shall be considered to be manufactured prior to the effective date of the amendment. All modular housing units considered manufactured prior to the effective date of any amendment must meet the requirements of the section(s) as set out prior to any amendment.

Further, these Rules and Regulations shall govern the design, manufacture, and sale of modular housing units intended for sale, lease or installation in this state, or elsewhere, wherever such modular housing units are reciprocally accepted by virtue of the Nebraska seal. No agency or political subdivision of the state or a municipality shall require compliance with local codes or standards for the construction of or the installation of structural, plumbing, heating, or electrical

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systems in a modular housing unit which are different from those established by the department in these administrative rules and regulations. An agency or political subdivision of this state or a municipality may prescribe reasonable and necessary requirements of the site development for modular housing units in accordance with local standards. Site development is defined for the purposes of such act as those local development requirements including, but not limited to, foundations, site utility requirements and their connections to the modular housing units, zoning and subdivision regulations, and fire control provisions.

001.02 Definitions: The following definitions shall apply to these standards. Where these definitions differ from those in the Standards adopted in Sections 001.03A, 001.03B, 001.03C and 001.03D, these shall be controlling:

001.02A Authorized Representative shall mean any person, firm or corporation, or employee thereof, designated by the Department to perform inspection services.

001.02B Commission shall mean the Nebraska Public Service Commission.

001.02C Date of manufacture shall mean the date the modular housing unit has been completed with all but minor finishing details and has left the assembly line.

001.02D Dealer shall mean any person other than a manufacturer who sells, offers to sell, distributes, or leases manufactured modular housing units primarily to persons who in good faith purchase or lease a modular housing unit for purposes other than resale.

001.02E Defect shall mean any defect in the performance, construction, components, or material of a modular housing unit that renders the modular housing unit or any part thereof not fit for the ordinary use for which it was intended.

001.02F Imminent Safety Hazard shall mean a hazard that presents an imminent and unreasonable risk of death or severe personal injury.

001.02G Initial Package shall mean the materials required for submission to the Department by a manufacturer who plans to market or manufacture modular housing units in Nebraska and is applying for seals to put on them, based on a showing that its use of proposed plans and specifications will produce modular

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housing units which meet the applicable standards. Each initial package shall consist of:

001.02G1 Two copies of the compliance assurance manual (subsection 003.01B);

001.02G2 Two copies of the plans and specifications for each modular housing unit model (subsections 003.04).

001.02G3 A completed application for plan approval form prescribed by the Commission;

001.02G4 Completed application for seals on a form prescribed by the Commission; and

001.02G5 A check or money order for applicable fees.

001.02H Manufacturer shall mean any person who manufactures or produces modular housing units.

001.02I Modular housing unit shall mean any dwelling whose construction consists entirely of or the major portions of its construction consist of a unit or units not fabricated on the final site for the dwelling unit, which units are movable or portable until placed on a permanent foundation and connected to utilities. Modular housing units shall be taxed as real estate. The term modular housing unit shall not include a manufactured home (mobile home).

001.02J Person shall mean any individual, partnership, company, corporation, limited liability company, or association engaged in manufacturing, selling, offering to sell, or leasing modular housing units.

001.02K Compliance Assurance Manual shall mean the manual prepared by the modular housing unit manufacturer that lists the production process, guidelines and actions necessary to assure individual unit compliance with the standard adopted by the State of Nebraska (subsection 003.01B).

001.02L Seal shall mean a device or insignia issued by the Nebraska Public Service Commission to be displayed on the exterior of the modular housing unit to evidence compliance with Departmental standards.

001.02M Typicals shall mean the drawings that detail repetitive construction techniques necessary to assure code compliance.

001.03 Standards for Modular Housing Units: Except as provided by statute, the following standards are hereby adopted as the State of Nebraska Standards governing all construction and installation of plumbing, heating, and electrical systems in modular housing units.

001.03A INTERNATIONAL RESIDENTIAL CODE - 2009 EDITION, as published by the International Code Council, Inc., 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, and made a part hereof by reference with the following revisions and amendments. A copy of this code is available to be viewed at the Nebraska Public Service Commission office at 300 The Atrium, 1200 N Street, Lincoln, Nebraska, during normal business hours.

001.03A1 Omit Chapter 1 entirely.

001.03A2 In Chapter 3, Section R301.2, remove the last sentence.

001.03A3 In Chapter 3, Table R301.2 (1), the value for "Ground Snow Load" shall be 30 psf, "Wind Design Speed (mph)" shall be 90 mph, "Wind Design Topographic Effects" shall be "No", "Seismic Design Category" shall be "C". "Winter Design Temp" shall be "-4", "Ice Barrier Underlayment Required" shall be "Yes" and "Air Freezing Index" shall be "2500", and "Mean Annual Temp" shall be "50". Footnote "d", second sentence shall read, "Wind exposure category shall be "C".

001.03A4 In Chapter 3, Table R301.5, change the value for "Sleeping rooms" to 40.

001.03A5 In Chapter 3, Section R311.7.9, add "alternating tread devices" immediately after "Spiral stairways".

001.03A5a In Chapter 3, add a new section R311.7.9.3 to read, "R311.7.9.3 Alternating Tread Devices". Alternating tread devices are limited to providing access to a space of not more than 70 square feet and such

space shall not provide access to any other space or habitable room. Construction of handrails and treads shall be in conformance with the International Building Code, 2009 Edition, Sections 1009.10.1 and 1009.10.2 (Delete the "Exception" in Section 1009.10.2).

001.03A6 In Chapter 3, omit Section R313 entirely.

001.03A7 In Chapter 9, Section R905.2.7.1, remove all words prior to and including the first comma (,) and capitalize the "a" in "an".

001.03A8 In Chapter 11, Section N1101.2, retain only the section's first sentence and replace the remainder of the section with, "The climate zone for all of Nebraska is "5". The climate zone for homes to be located outside of Nebraska shall be determined by the site's authority having jurisdiction".

001.03A9 In Chapter 24, omit exceptions 3 and 4 in Section G2406.2.

001.03A10 Omit Chapters 33, 34, 35, 36, 37, 38, 39, 40, 41, 42 and 43.

001.03A11 Adopt Appendix A, B, C and K.

001.03B INTERNATIONAL BUILDING CODE, 2009 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, made part hereof by reference with the following revisions and amendments. This code shall be used only for buildings that are not detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress. A copy of this code is available to be viewed at the Nebraska Public Service Commission office at 300 The Atrium, 1200 N Street, Lincoln, Nebraska, during normal business hours.

001.03B1 In Chapter 1, omit Sections 101.1, 101.2, 103, 104, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115 and 116.

001.03C INTERNATIONAL PLUMBING CODE, 2000 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, made a part hereof by reference with the following revisions and amendments. This code shall be used only for buildings that are not detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress. A copy of this code is available to be viewed at the Nebraska Public Service Commission office at 300 The Atrium, 1200 N Street, Lincoln, Nebraska, during normal business hours.

001.03C1 In Chapter 1, omit Sections 101.1, 102, 103, 104, 105, 106, 107, 108, 109 and 110.

001.03C2 Adopt Appendix D, F and G.

001.03D NATIONAL ELECTRICAL CODE, adopted by the Nebraska State Electrical Board in 100 NAC 18 pursuant to Nebraska Revised Statutes Section 81-2104, issued and adopted by the National Fire Protection Association in Publication Number 70 is made a part hereof by reference. A copy of this code is available to be viewed at the Nebraska Public Service Commission office at 300 The Atrium, 1200 N Street, Lincoln, Nebraska, during normal business hours.

001.03E INTERNATIONAL MECHANICAL CODE, 2009 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, made a part hereof by reference with the following revisions and amendments. This code shall be used only for buildings that are not detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress. A copy of this code is available to be viewed at the Nebraska Public Service Commission office at 300 The Atrium, 1200 N Street, Lincoln, Nebraska, during normal business hours.

001.03E1 In Chapter 1 omit Sections 101.1, 102, 103, 104, 105, 106, 107, 108, 109 and 110.

001.03E2 Adopt Appendix A.

001.03F INTERNATIONAL FUEL GAS CODE, 2009 Edition, as published by the International Code Council, Inc., 500 New Jersey Avenue NW, 6th Floor, Washington, DC 20001, made a part hereof

by reference with the following revisions and amendments. This code shall be used only for buildings that are not detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress. A copy of this code is available to be viewed at the Nebraska Public Service Commission office at 300 The Atrium, 1200 N Street, Lincoln, Nebraska, during normal business hours.

001.03F1 In Chapter 1 omit Sections 101.1, 102, 103, 104, 105, 106, 107, 108, 109 and 110.

001.03F2 Adopt Appendix A, B and C.

001.03G These standards shall have the same force and effect as rules and regulations of the Nebraska Public Service Commission as if set out verbatim in this section, and shall be considered the State standards in regard to modular housing units.

002 SEALS:

002.01 Acquisition of Seal: Any person desiring to acquire a seal must meet the requirements of either 002.01A or 002.01B.

002.01A: Meet the requirements of Section 003 and compliance assurance program approval pursuant to Section 004.

002.01B: Have each home inspected twice, at a minimum, by a Commission representative at the convenience of the Commission. The manufacturer shall notify the Commission in advance so the Commission is able to inspect each home in the rough-in state (prior to the home being enclosed but after the framing, wiring and plumbing have been installed) and again when the home is fully completed.

002.02 Application for Seals: Any person who has met the applicable requirements of Subsection 002.01 shall apply for seals on a form prescribed by the Commission.

002.03 Denial and Suspension of Seals: The denial and suspension of seals shall be performed as described in the NEBRASKA UNIFORM STANDARDS FOR MODULAR HOUSING UNITS ACT. The Commission or an authorized representative of the Commission may order a manufacturer or dealer to refrain from selling, offering to sell or leasing any modular housing unit determined to be in noncompliance with the state codes, even though a Nebraska seal or reciprocal state seal is affixed to the unit.

The Commission or authorized representative of the Commission may affix to said non-complying unit or component thereof an insignia or device indicating such prohibition.

002.04 Lost or Damaged Seals:

002.04A When a seal becomes lost or damaged, the Commission shall be notified immediately in writing by the manufacturer or dealer. The manufacturer or dealer shall specify the state seal number lost or damaged.

002.04B All damaged seals shall be promptly returned. Damaged seals shall be replaced by the Commission with a new seal at Commission cost.

002.05 Placement of Seals:

002.05A Each seal shall be assigned and affixed to a modular housing unit before its shipment from the manufacturing plant and a record of each seal assignment shall be submitted as set forth in Subsection 002.06.

002.05B The seal shall be securely affixed to a lower corner of a window.

002.06 Records: A construction compliance certificate, prescribed by the Commission, shall be submitted to the Commission by the 10th of each month after the seal is affixed to the home. This rule applies to all Nebraska manufacturers for each unit manufactured in Nebraska and to all out of state manufacturers with housing units destined for Nebraska.

002.07 Unit Identification: Each modular housing unit shall be assigned a serial number and each major transportable section of the house shall carry this serial number. The serial number shall be readily visible. The following information shall be placed directly or by reference on one or more permanent data plates as prescribed by the Commission in the vicinity of the electrical distribution panel or in some other designated location that is readily accessible for inspection.

002.07A Manufacturer's name and address.

002.07B Serial number of the unit.

002.07C Model designation and name of manufacturer of major factory-installed appliances.

002.07D Where applicable, identification of permissible type of gas for appliances.

002.07E Name and date of standards complied with.

002.07F State seal number.

002.07G Design loads.

002.07H Special conditions or limitations of the unit.

002.07I Date of manufacture.

002.07J Electrical Ratings - instructions and warnings on voltage, phase, size, and connections of units and grounding requirements.

002.07K Insulation Values.

003 PLAN APPROVAL:

003.01 General Requirements: Applications, plans, and specifications, and other documentation shall be submitted as indicated below:

003.01A All plans and specifications of basic systems or variations thereof, including all elements relating to specific components and properly identified as relating to said components, shall be submitted in duplicate and accompanied by an application for review on a form supplied by the Commission. When required by Nebraska Revised Statutes, '81-3401to 81-3455, all plans and specifications submitted to the Commission shall be prepared only by persons who are regis-tered as professional engineers and architects in Nebraska.

003.01B A compliance assurance manual (two copies each) shall be provided with index including but not limited to the following:

003.01B1 Standards: The manual shall identify which of the following standards are adhered to by the manufacturer as adopted by the State of Nebraska:

003.01B1a INTERNATIONAL RESIDENTIAL CODE, 2009 Edition.

003.01B1b INTERNATIONAL PLUMBING CODE, 2009 Edition.

003.01B1c INTERNATIONAL MECHANICAL CODE, 2009 Edition.

003.01B1d NATIONAL ELECTRICAL CODE, adopted by the Nebraska State Electrical Board.

003.01B1e INTERNATIONAL FUEL GAS CODE, 2009 Edition.

003.01B1f INTERNATIONAL BUILDING CODE, 2009 Edition.

003.01B2 IDENT. (Identification)
Identification of plant, modular housing models produced and manufacturing plant personnel involved with principal inspection agencies and related activities.

003.01B3 EXT. INSP. (External Inspection)
Agreements for principal inspection agencies and related activities.

003.01B4 A.C. ORGAN. (Assurance Compliance Organization) Company organization chart, functional characteristics of quality control groups, and resumes of key quality assurance personnel.

003.01B5 PRODUCTION
Description of product flow by work stations, workload at stations, inspection, production line testing, and final (at plant) inspection.

003.01B6 MATERIALS
Inspection procedure for controlling incoming material, materials in storage, specifications and approved materials list.

003.01B7 SALES
Sales contract and related obligations incurred by manufacturer and dealer.

003.01B8 SHIPPING
Responsibility related to transportation of manufacturer's modular units.

003.01B9 ENGINEERING
Coding of drawings and calculations. Cross indexing of data.

003.01C If the manufacturer plans to produce the same design at more than one location, an additional set of the compliance assurance manual and inspection procedures for each additional location of manufacture shall be submitted to the Commission.

003.01D Plans shall be drawn to scale or properly proportioned with dimensions.

003.02 Required Construction Details: Plans and specifications for modular housing units shall indicate but not be limited to the following details:

003.02A General:

003.02A1 Details and method of installation of modular housing units or components to foundations or to each other.

003.02A2 All exterior elevations.

003.02A3 Cross sections as necessary to identify major building components to include complete structural details with justification (tests or calculations).

003.02A4 Attic access and attic ventilation.

003.02A5 Fire separation details, if required by code.

003.02A6 Sizes, locations, and types of doors and windows.

003.02B Complete heat loss, plumbing, mechanical and electrical plans or specifications indicating all pertinent elements for each model.

003.03 Validity of Approval: An approval granted by the Commission shall be valid from the date of issuance as a continuous certification, provided that the plans, specifications, and compliance assurance pro-

grams remain in compliance with the State Codes for modular housing units.

003.04 Confirm Information: Plans, specifications, and other information shall provide units which meet the state codes and shall be confirmed by calculations or tests. When designs cannot be verified by calculations, test of components must be conducted by a registered professional engineer or independent testing agency, the cost of which will be borne by the manufacturer.

003.05 Evidence of Plan Approval: Required material shall be submitted in duplicate. Plan approval shall be evidenced by a letter of approval from the Commission and the Commission stamp on each approved page. One copy of all approved documentation shall be returned to the manufacturer. Additional sets will be approved if requested.

004 COMPLIANCE ASSURANCE QUALITY CONTROL PROGRAM:

004.01 General: It shall be the manufacturer's responsibility to execute every aspect of the compliance assurance program. The manufacturer shall continue to be responsible for all corrective actions required. Each manufacturer must obtain approval of their compliance assurance program from the Commission.

004.02 Requirements of Manufacturer: The manufacturer of modular housing units shall submit the following, at a minimum, in duplicate:

004.02A Compliance assurance manual with index.

004.02B Installation procedures with appropriate inspection procedures. Utility hook-up information shall contain appropriate inspection criteria and test description.

004.02C Identification of the manufacturer's representative who will be assigned the responsibility for implementing the compliance assurance program, and define such individual's functional obligation, responsibility and authority. The Commission shall be advised of any subsequent change.

004.02D A statement identifying who is responsible directly, or by means of an agent, for timely and effective performance of service and repairs related to code compliance.

004.02E Changes to the compliance assurance manual.

004.03 Requirements of Inspection Agencies: To ensure that the final product conforms to the adopted construction standards set forth in Subsection 001.03, "Standards for Modular Housing Units", inspection agencies shall follow the following requirements:

004.03A Be totally familiar with the procedures, materials, and design specifications, as stated in the manufacturer's approved design plans and compliance assurance manual.

004.03B During the in-plant inspection, the inspector shall check for, but not be limited to, the following:

004.03B1 Floor Framing:

004.03B1a Materials: Structural, framing members - joists, beams, stringers, blocking, bridging.

004.03B1a(1) Species

004.03B1a(2) Grade

004.03B1a(3) Size(s)

004.03B1a(4) Moisture Content

004.03B1a(5) Preservative Treatment

004.03B1a(6) Condition/ Tolerances (e.g., warp, bow, splits, twist)

004.03B1b Operations:

004.03B1b(1) Measuring and Cutting

004.03B1b(2) Drilling and Notching

004.03B1b(3) Layout/Spacing

004.03B1b(4) Framing for Floor Openings (e.g., stairwells)

004.03B1c Fasteners: Nails, bolts/screws, joist hangers.

004.03B1c(1) Size

004.03B1c(2) Type/Grade

004.03B1c(3) Condition

004.03B1d Connections:

004.03B1d(1) Number (of fasteners)

004.03B1d(2) Location and Spacing

004.03B1d(3) Method (e.g., toenail, end-nail)

004.03B1d(4) Bearing of Members

004.03B1d(5) Washers (with bolts/screws)

004.03B1d(6) Workmanship

004.03B2 Floor Insulation:

004.03B2a Materials: Moisture barrier, thermal insulation.

004.03B2a(1) Size (e.g., thickness, weight)

004.03B2a(2) Type/Grade

004.03B2a(3) Condition (e.g., dry, undamaged)

004.03B2b Installation:

004.03B2b(1) Moisture Barrier

004.03B2b(2) Thermal Insulation

004.03B2b(3) Workmanship

004.03B3 Floor Sheathing:

004.03B3a Materials: Plywood, proprietary sheathing types.

004.03B3a(1) Size (e.g., thickness)

004.03B3a(2) Type/Grade

004.03B3a(3) Condition/ Tolerances

004.03B3b Fasteners:

004.03B3b(1) Nails, Staples

004.03B3b(2) Adhesives

004.03B3c Installation:

004.03B3c(1) Measuring and Cutting

004.03B3c(2) Layout

004.03B3c(3) Nails, Staples

004.03B3c(4) Adhesives

004.03B3c(5) Methods

004.03B4 Wall Framing and Setting:

004.03B4a Materials: Structural framing members - studs, plates, and lintels.

004.03B4a(1) Species

004.03B4a(2) Grade

004.03B4a(3) Size(s)

004.03B4a(4) Moisture Content

004.03B4a(5) Condition/ Tolerances (e.g., warp, bow, splits, twist)

004.03B4b Operations:

004.03B4b(1) Measuring and Cutting

004.03B4b(2) Drilling and Notching

004.03B4b(3) Layout/Spacing

004.03B4b(4) Framing for Wall Openings

004.03B4c Fasteners: Nails, bolts/screws, staples.

004.03B4c(1) Size

004.03B4c(2) Type/Grade

004.03B4c(3) Condition

004.03B4d Connections:

004.03B4d(1) Number (of fasteners)

004.03B4d(2) Location and Spacing

004.03B4d(3) Method (e.g., toenail, end-nail)

004.03B4d(4) Bearing of Members

004.03B4d(5) Plumb and Square

004.03B4d(6) Workmanship

004.03B4e Erection/Setting of Walls:

004.03B4e(1) Connections/ Fasteners

004.03B4e(2) Bearing of Members

004.03B4e(3) Workmanship

004.03B5 Wall Insulation:

004.03B5a Materials: Moisture barrier, thermal insulation.

004.03B5a(1) Size (e.g., thickness, weight)

004.03B5a(2) Type/Grade

004.03B5a(3) Condition (e.g., dry undamaged)

004.03B5b Installation:

004.03B5b(1) Moisture Barrier

004.03B5b(2) Thermal Insulation

004.03B6 Interior Wall Covering:

004.03B6a Materials: Gypsum Wallboard

004.03B6a(1) Size (thickness)

004.03B6a(2) Type/Grade

004.03B6a(3) Condition

004.03B6b Fasteners:

004.03B6b(1) Nails, screws, wallboard clips

004.03B6b(2) Adhesives

004.03B6c Installation:

004.03B6c(1) Nails, Screws

004.03B6c(2) Adhesives

004.03B6c(3) Method

004.03B7 Ceiling/Roof Framing and Setting:

004.03B7a Materials: Structural framing members - rafters, joists, roof trusses.

004.03B7a(1) Species

004.03B7a(2) Grade

004.03B7a(3) Sizes

004.03B7a(4) Moisture Content

004.03B7a(5) Condition/ Tolerances (e.g., warp, bow, splits, twist)

004.03B7b Operations:

004.03B7b(1) Measuring and Cutting

004.03B7b(2) Drilling and Notching

004.03B7b(3) Layout/Spacing

004.03B7b(4) Laps and Splices

004.03B7b(5) End Bearing

004.03B7b(6) Framing for Openings

004.03B7c Fasteners: Nails, bolts/screws, truss plates

004.03B7c(1) Size

004.03B7c(2) Type/Grade

004.03B7c(3) Condition

004.03B7d Connections:

004.03B7d(1) Number (of fasteners)

004.03B7d(2) Location and Spacing

004.03B7d(3) Method (e.g., toenail, end-nail)

004.03B7d(4) Bearing of Members

004.03B7d(5) Plumb and Square

004.03B7d(6) Workmanship

004.03B7e Erection/Setting of Ceilings/ Roof:

004.03B7e(1) Connections/ Fasteners

004.03B7e(2) Bearing of Members

004.03B7e(3) Workmanship

004.03B8 Interior Ceiling Covering:

004.03B8a Materials: Gypsum Wallboard.

004.03B8a(1) Size (thickness)

004.03B8a(2) Type/Grade

004.03B8a(3) Condition

004.03B8b Fasteners:

004.03B8b(1) Nails, Screws, Wallboard Clips

004.03B8b(2) Adhesives

004.03B8c Installation:

004.03B8c(1) Nails, Screws

004.03B8c(2) Adhesives

004.03B8c(3) Method

004.03B9 Plumbing:

004.03B9a Materials:

004.03B9a(1) Pipe - D.W.V.

004.03B9a(2) Pipe - Water Supply and Distribution

004.03B9a(3) Pipe - Gas Fuel Supply Piping

004.03B9a(4) Plumbing Fixtures/Drains (traps, trap arms)

004.03B9a(5) Valves

004.03B9a(6) Appliances and Equipment

004.03B9a(7) Miscellaneous - Air gaps, pipe coatings, compounds, solder

004.03B9b Install Drainage System:

004.03B9b(1) Piping

004.03B9c Install Venting System:

004.03B9c(1) Installation

004.03B9d Install Traps and Trap Arms:

004.03B9d(1) Installation

004.03B9e Install Joints and Connections:

004.03B9e(1) Installation

004.03B9f Install Indirect Waste Piping, Wet Vented Systems And Special Wastes:

004.03B9f(1) Installation

004.03B9g Install Plumbing Fixtures:

004.03B9g(1) Installation

004.03B9h Install Water Distribution System:

004.03B9h(1) Installation

004.03B9i Install Fuel Gas Piping:

004.03B9i(1) Installation

004.03B9j Install Water Heater and Vents:

004.03B9j(1) Installation

004.03B10 Electrical:

004.03B10a Materials:

004.03B10a(1) Service Equipment

004.03B10a(2) Distribution Panel and Load Center

004.03B10a(3) Feeder Circuits

004.03B10a(4) Branch Circuits

004.03B10a(5) Fixed Appliances, Ranges, Water Heaters

004.03B10a(6) Outlet Boxes, Switches, Junction Boxes, Fittings

004.03B10a(7) Lighting Fixtures, Lampholders and Lamps

004.03B10b Install Electrical Service:

004.03B10b(1) Identification

004.03B10b(2) Mounting Cabinet

004.03B10b(3) Service Entrance

004.03B10b(4) Grounding Continuity

004.03B10b(5) Gutter at Service

004.03B10b(6) Service Disconnect

004.03B10b(7) Workmanship

004.03B10c Install Distribution:

004.03B10c(1) Identification

004.03B10c(2) Mounting

004.03B10c(3) Over Current 111Protection

004.03B10c(4) Grounding and Bonding

004.03B10c(5) Workmanship

004.03B10d Install Feeder Circuits:

004.03B10d(1) Identification

004.03B10d(2) Drilling, Boring-Studs/Joists

004.03B10d(3) Mechanical Protection

004.03B10d(4) Mechanical Continuity

004.03B10d(5) Installation

004.03B10d(6) Workmanship

004.03B10e Install Branch Circuits:

004.03B10e(1) Identification

004.03B10e(2) Drilling, Boring-Studs/Joists

004.03B10e(3) Mechanical Protection

004.03B10e(4) Mechanical Continuity

004.03B10e(5) Installation

004.03B10e(6) Workmanship

004.03B10f Install Fixed Appliances, Ranges, Water Heaters:

004.03B10f(1) Marking

004.03B10f(2) Supply Circuits

004.03B10f(3) Location

004.03B10f(4) Grounding

004.03B10f(5) Over Current Protection

004.03B10f(6) Workmanship

004.03B10g Install Outlet, Switch and Junction Boxes and Fittings:

004.03B10g(1) Identification

004.03B10g(2) Mounting and Installation

004.03B10g(3) Size and Shape

004.03B10g(4) Covers and Canopies

004.03B10g(5) Conductors

004.03B10g(6) Accessibility

004.03B10g(7) Grounding, Bonding and Insulation from Supports

004.03B10g(8) Workmanship

004.03B10h Lighting Fixtures, Lampholders, Lamps, Rosettes, Outlet Boxes:

004.03B10h(1) Identification

004.03B10h(2) Installation

004.03B10i Testing of System:

004.03B10i(1) Continuity Test

004.03B10i(2) Functional Test of Fixtures and Appliances

004.03B11 Mechanical (HVAC) System:

004.03B11a Materials:

004.03B11a(1) Heating Equipment, Furnaces, Room Heaters

004.03B11a(2) Ventilation Systems

004.03B11a(3) Air Conditioning Equipment

004.03B11a(4) Miscellaneous Heat Producing Appliances - Ranges, Dryers

004.03B11b Install Warm Air Furnaces:

004.03B11b(1) Identification

004.03B11b(2) Installation

004.03B11b(3) Circulating Air Supply

004.03B11b(4) Conditioned Air Supply

004.03B11b(5) Combustion Air

004.03B11b(6) Workmanship

004.03B11c Vents/Chimneys:

004.03B11c(1) Identification

004.03B11c(2) Type/System

004.03B11c(3) Size/Area

004.03B11c(4) Location/Support

004.03B11c(5) Length/Pitch/ Clearance

004.03B11c(6) Termination

004.03B11c(7) Connectors

004.03B11c(8) Unused Openings

004.03B11c(9) Workmanship

004.03B11d Ducts:

004.03B11d(1) Identification

004.03B11d(2) Fastening/Support

004.03B11d(3) Location

004.03B11d(4) Plenum

004.03B11d(5) Workmanship

004.03B11e Install Floor Furnaces, Room Heaters:

004.03B11e(1) Identification/ Label/Listing

004.03B11e(2) Type/System

004.03B11e(3) Location/Access

004.03B11e(4) Combustion Air Supply

004.03B11e(5) Grilles/Registers

004.03B11e(6) Support

004.03B11e(7) Protection from Damage

004.03B11e(8) Controls-Manual/ Auto

004.03B11e(9) Electrical Connectors

004.03B11e(10) Workmanship

004.03B11f Install Ventilation System:

004.03B11f(1) Ducts

004.03B11f(2) Hoods

004.03B11f(3) Workmanship

004.03B11g Install Air Conditioning Equipment:

004.03B11g(1) Identification

004.03B11g(2) Location

004.03B11g(3) Support

004.03B11g(4) Access

004.03B11g(5) Circulating Air Supply

004.03B11g(6) Return Air Limitation

004.03B11g(7) Workmanship

004.03B11h Install Miscellaneous Heat Producing Appliances, Ranges, Dryers:

004.03B11h(1) Identification

004.03B11h(2) Location

004.03B11h(3) Clearances

004.03B11h(4) Ducts

004.03B11h(5) Workmanship

004.03B11i Testing of Mechanical Merchandise:

004.03B12 Ceiling Insulation:

004.03B12a Materials: Moisture Barrier, Thermal Insulation

004.03B12a(1) Size (e.g., thickness, weight)

004.03B12a(2) Type/Grade

004.03B12a(3) Condition (e.g., dry, undamaged)

004.03B12b Installation:

004.03B12b(1) Moisture Barrier

004.03B12b(2) Thermal Insulation

004.03B13 Miscellaneous Components (Window, Exit Door, and Stairway) Installation:

004.03B13a Materials:

004.03B13a(1) Doors and Windows

004.03B13a(2) Stairways

004.03B13b Installation:

004.03B13b(1) Door and Windows

004.03B13b(2) Stairways

004.03B14 Wall Sheathing:

004.03B14a Materials: Plywood, fiberboard, proprietary sheathing types.

004.03B14a(1) Size (e.g., thickness)

004.03B14a(2) Type/Grade

004.03B14a(3) Condition/Tolerance

004.03B14b Fasteners:

004.03B14b(1) Nails, Staples

004.03B14b(2) Adhesives

004.03B14c Installation:

004.03B14c(1) Measuring and Cutting

004.03B14c(2) Layout

004.03B14c(3) Nails, Staples

004.03B14c(4) Adhesives

004.03B15 Exterior Siding:

004.03B15a Materials:

004.03B15a(1) Exterior Wall Siding

004.03B15a(2) Weather Flashing

004.03B15a(3) Caulking Compounds/Mastics

004.03B15b Fasteners:

004.03B15b(1) Nails, Staples

004.03B15b(2) Adhesives

004.03B15c Installation:

004.03B15c(1) Flashing

004.03B15c(2) Layout

004.03B15c(3) Weather Tightness

004.03B15c(4) Nails, Staples

004.03B15c(5) Adhesives

004.03B15c(6) Caulking Application

004.03B15c(7) Corner Treatment

004.03B15c(8) Painting/Finishing

004.03B16 Roof Sheathing:

004.03B16a Materials: Plywood, proprietary sheathing types.

004.03B16a(1) Size (e.g., thickness)

004.03B16a(2) Type/Grade

004.03B16a(3) Condition/Tolerances

004.03B16b Fasteners:

004.03B16b(1) Nails, Staples, Plyclips

004.03B16b(2) Adhesives

004.03B16c Installation:

004.03B16c(1) Measuring and Cutting

004.03B16c(2) Layout

004.03B16c(3) Nails, Staples

004.03B16c(4) Adhesives

004.03B16c(5) Methods

004.03B17 Finish Roofing:

004.03B17a Materials:

004.03B17a(1) Underlayment

004.03B17a(2) Roofing

004.03B17a(3) Weather Flashing

004.03B17a(4) Nails

004.03B17b Installation:

004.03B17b(1) Underlayment

004.03B17b(2) Flashing

004.03B17b(3) Layout

004.03B17b(4) Nails

004.03B17b(5) Exposure

004.03B17b(6) Workmanship

004.03B18 Compliance Inspection and Certification:

004.03B18a Compliance Review:

004.03B18a(1) Manufacturers checklist (traveler)

004.03B18a(2) Test equipment and procedures

004.03B18a(3) Material storage

004.03B18a(4) Drawing availability

004.03B18a(5) Design Referral responses

004.03B18b Seal Review:

004.03B18b(1) Contents

004.03B18b(2) Location

004.03B18b(3) Attachment

004.03B18c Construction Compliance Certificate Review

004.03B18d Manufacturer's Data Plate:

004.03B18d(1) Contents

004.03B18d(2) Location

004.03B18d(3) Attachment

004.04 Initial and Monitoring In-Plant Inspection by Inspection Agencies:

004.04A Initial In-Plant Inspection: Once a Manufacturer's compliance assurance manual and plans have been approved, the inspection agency shall perform the initial inspection. The initial inspection shall consist of the inspection agency making

a station-by-station thorough evaluation of the manufacturer's operation to assure that the manufacturer is operating in accordance with the criteria set forth in the previously approved compliance assurance manual and plans. In so doing, the inspection agency shall utilize the in-plant inspection checklist specified in Subsection 004.03.

If the manufacturer during the initial inspection is found to be producing units in accordance with the approved compliance assurance manual and plans, the inspection agency shall notify the manufacturer, in writing, with a copy being forwarded to the Nebraska Public Service Commission.

The notification letter to the manufacturer from the inspection agency shall be signed by an authorized agent of the inspection agency and shall include the following:

004.04A1 Name of inspection agency.

004.04A2 Name of inspector(s).

004.04A3 Date(s) inspection was performed.

004.04A4 Name and address of manufacturer.

004.04A5 Statement from the inspection agency stating "A thorough, complete and station-by-station inspection and evaluation of the manufacturer's construction and inspection process was performed in conformance with its approved plans and compliance assurance manual and Nebraska's standards for modular housing units, and the inspection agency is satisfied that the manufacturer can produce modular housing units in conformance with Nebraska standards for modular housing units on an ongoing basis."

004.04A6 Signed and dated by an authorized agent of the inspection agency.

004.04B If the initial inspection reveals deviations from the previously approved compliance assurance manual and plans, the inspection agency shall notify the manufacturer, in writing, of deviations, specifying in detail the observed deviations. A copy of this letter shall be sent to the Nebraska Public Service Commission. Upon notification from the plant that the specified

deviations have been corrected, the inspection agency shall again make an initial inspection of the plant following the procedure previously outlined in this section 004.04A.

004.04C Monitoring In-Plant Inspections: Following notification to a manufacturer under Part 004.04A, the inspection agency shall undertake monitoring in-plant inspections at a frequency sufficient to inspect every home that will receive the Nebraska modular housing unit seal and to assure continuing compliance with the manufacturer's compliance assurance program. Additional factors which the inspection agency shall take into consideration in determining frequency of monitoring in-plant inspections are as follows:

004.04C1 Production Volume

004.04C2 Design Complexity of Units

004.04C3 The qualifications of the manufacturer's own in-house compliance control organization.

004.04C4 The experience record of the manufacturer.

004.04D The in-plant inspection agency shall utilize the in-plant inspection check list in Subsection 004.03 to assure that each construction feature (structural, mechanical, plumbing, and electrical) is fully evaluated.

004.05 Seal Issuance: Upon satisfactory completion of the initial in-plant inspection and notification letter issued to the manufacturer by the inspection agency, the manufacturer shall act in accordance with the provisions of Section 002.

005 FEES:

005.01 Fees for Seals: One seal is required per modular housing unit. A fee shall be charged for each seal issued by the Commission for a modular housing unit as established at least annually after public notice and hearing by the Commission.

005.02 Plant Inspection Fee: Fees shall be charged by the Commission for the inspection of manufacturing plants located outside the State of Nebraska in an amount not to exceed the actual cost of such inspection. The fees shall consist of reimbursement by the manufacturer, to the State, of the inspector's time, and (a) airfare; (b) ground transportation; (c) lodging; and (d) miscellaneous expenses, charged in accordance

with the State of Nebraska's current employee travel expense reimbursement policy. In the event that the state inspector inspects more than one manufacturer's plant on the same trip, the fees which cannot be specifically identified to each plant shall be prorated among all manufacturers whose plants were inspected.

005.03 Engineering Services Fee: A person who submits an initial package (see 001.02G) to the Commission for review and approval shall be charged for Commission engineering services provided for performing the review of the initial package at a rate of thirty dollars ($30.00) per hour based upon sixty (60) hours of review time.

006 RECIPROCITY LIST:

006.01 Procedure to Determine Reciprocity: The Commission shall amend section 006.02, and add to the reciprocity list a state, upon a showing that the standards, codes and enforcement practices are at least equal to or are more stringent than those established by the Commission. Any affected person may petition the Commission pursuant to the Rules of Commission Procedure as codified by state law and Nebraska Administrative Code, Title 291, Chapter 1. A modular housing unit which bears the seal of any state which has been placed on the reciprocity list shall not be required to bear the seal issued by this state.

006.02 Reciprocity List: The Commission shall make available to all interested individuals a list of those states whose standards, codes and enforcement practices for modular housing units are at least equal to those established by the Commission and are being enforced by such other state.

006.02A List of Reciprocal States: None

007 ENFORCEMENT ACTIONS:

007.01 Denials and Suspensions: Whenever the Commission determines to refuse to issue or suspend a seal or deny plan or compliance assurance approval for a manufacturer or becomes aware of the existence of a defect or imminent safety hazard, it shall send to the manufacturer, by either registered or certified mail, a notice setting forth the particular reasons for the actions. Such notice shall state that the refusal of issuance, suspension, or denial shall become final fifteen (15) working days after the receipt of the notice, unless the manufacturer within such fifteen working day period, shall give written notice to the Commission of the desire for a formal hearing. The Commission shall then schedule a formal hearing to be held before the Commission such act of scheduling to be performed within twenty (20) working days

of the receipt of the request and such hearing to be held within sixty (60) working days of the receipt of the request. No seals shall be sent by the Commission to the manufacturer during this period of time before the hearing. Resumption of transmittal of seals shall depend upon the results of the hearing.

007.02 Hearings: Any hearings held before the Commission shall be governed by the Rules of Commission Procedure as codified by state law and Nebraska Administrative Code, Title 291, Chapter 1.

008 RULE REVISIONS:

008.01 Ad Hoc Committee: The Commission shall utilize an ad hoc advisory committee of four (4) members to review any proposed revisions to these rules. All ad hoc committee members shall be selected by the Commission and meet in person, via video conference or telephone conference, or through any combination of the aforementioned methods as determined to be convenient to the Commission and the ad hoc committee members. The membership shall consist of, when possible, no more than one person from each of the following groups (modular housing unit manufacturer, modular housing unit retailer, professional engineer or architect, city building official). Committee members are ineligible for expense reimbursement.

APPROVED
JUN 28 2011
Dave Heineman
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GOVERNOR

FILED
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SECRETARY OF STATE

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JON BRUNING
ATTORNEY GENERAL
MAR 10 2011
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ASSISTANT ATTORNEY GENERAL