

SECRETARY'S RECORD, PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,)	Rule and Regulation No. 205
on its own motion, seeking to)	
amend Title 291, Chapter 14,)	ORDER ADOPTING PROPOSED
Recreational Vehicles Rules and)	RULES AND ISSUING
Regulations, to adopt the)	CERTIFICATE OF ADOPTION
current editions of applicable)	
code books and update related)	
provisions.)	Entered: March 2, 2021

BY THE COMMISSION:

O P I N I O N A N D F I N D I N G S

On January 5, 2021, the Commission, on its own motion, opened this proceeding seeking to amend Title 291, Chapter 14, Recreational Vehicles Rules and Regulations, to adopt the current edition of applicable code books and update related provisions.

The Commission proposed to amend Title 291, Chapter 14, Recreational Vehicles Rules and Regulations as set forth in the attached Appendix A, incorporated herein by this reference. The proposed rules modify provisions relating to recreational vehicles, specifically to adopt the more recent version of the NFPA and ANSI Code Books. The proposed rule amendments would also add the ability to submit plans and payments to the Department on an electronic basis.

No written comments were received. A hearing was held on February 23, 2021. Notice of the public hearing was published in The Daily Record, Omaha, the Omaha World Herald, Omaha, and the Lincoln Journal Star, Lincoln, on January 12, 2021 and January 19, 2021. Shana Knutson, Legal Counsel, and Mark Luttich, Director of the Housing and Recreational Vehicle Department appeared for the Commission to describe the proposed rule amendments. No interested parties offered testimony or comments at the hearing.

Based upon the information in the record, the Commission is of the opinion and finds that the proposed rules attached hereto as Appendix A and incorporated herein by this reference should be adopted.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a certificate of adoption for the proposed rules as set forth in the Appendix be, and it is hereby issued.

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ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 2nd day of March, 2021

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Rod Johnson
Crystal Broadus
Mary Kadden
Tim Schram

Don Wooten

Chair

ATTEST:

Michael S. Hyatt

Executive Director

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APPENDIX A

001 SCOPE, DEFINITIONS, AND STATE CODE:

001.01 Scope and Application: The Scope and Applicability of these rules and regulations is described in Nebraska Revised Statute §71-4620.01.

Exemptions for Recreational Vehicles manufactured in Nebraska for distribution outside the state are described in 71-4606.

Recreational vehicles temporarily displayed in Nebraska by Nebraska licensed dealers adhering to the following requirements are exempt from all other sections of these rules and regulations. Recreational vehicles sold in Nebraska are not eligible for this exemption:

001.01A Dealer making application must be a licensed dealer as described in Neb. Rev. Stat. §71-4603.

001.01B The recreational vehicle model will be currently approved for sale in Nebraska (see Section 004).

001.01C The recreational vehicle is allowed to be displayed in Nebraska for a maximum of thirty-six (36) hours.

001.01D Dealer applicant will complete a form as prescribed by the Commission.

001.02 Definitions: The following definitions apply to these standards. The terms and definitions in Neb. Rev. Stat. §71-4603 are hereby incorporated into this chapter. Such terms not specifically identified in statute are defined below. Where these definitions differ from those in the Standards adopted in subsection 001.03, these will control.

001.02A Alteration means the replacement, addition, modification or removal of any equipment or installations which may affect the construction, design, or plumbing, heating or electrical system or the functioning thereof in recreational vehicles subject to the State code;

001.02B Authorized Representative means any person, firm or corporation, or employee thereof, designated by the Department to perform inspection services;

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001.02C Department means the Nebraska Public Service Commission, Housing and Recreational Vehicle Department;

001.02D Initial Package means the materials required for submission to the Department by a manufacturer who plans to sell recreational vehicles 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 recreational vehicles which meet or exceed the applicable standards. Each initial package will consist of:

001.02D1 Two paper copies or electronically to psc.housing-rv@nebraska.gov of the quality control manual (refer to subsection 004.02);

001.02D2 Two paper copies or electronically to psc.housing-rv@nebraska.gov of the plans and specifications for each recreational vehicle model (refer to subsections 004.03 through 004.08);

001.02D3 A completed paper application form or electronically to psc.housing-rv@nebraska.gov as prescribed by the Commission.

001.02D4 A completed paper seal request form or electronically to psc.housing-rv@nebraska.gov as prescribed by the Commission.

001.02D5 A check or money order or electronic payment for applicable fees. The initial package, as well as subsequent models and revisions, are subject to the yearly renewal process and fees.

001.02E New Model means a specific floor plan that includes specific plumbing, electric, mechanical equipment, and components installed and located in accordance with the plans submitted for approval. Re-arrangement of furniture, built in or otherwise, that has no impact on systems does not constitute a new model.

001.02F Quality Control Manual means the manual prepared by the manufacturer that lists the production process, guide-lines and actions necessary to assure individual vehicle compliance with the standards adopted by the State of Nebraska (refer to subsection 004.02);

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001.02G Typical Drawing means a specific drawing that is common to more than one model.

001.02H Yearly Renewal, provided the standard remains unchanged, means the annual extension of the initial package and subsequent models previously approved by the Department beyond the initial twelve (12) month period.

001.03 Standards: Standards for all recreational vehicle types, except park trailers, dealing with body and frame design, and construction, and with the installation of plumbing, heating, and electrical systems in recreational vehicles approved and adopted by the National Fire Protection Association and known as the NFPA 1192 STANDARD ON RECREATIONAL VEHICLES ~~2018~~2021 EDITION, are hereby adopted and incorporated by reference. (It is available from N.F.P.A., 1 Batterymarch Park, PO Box 9101, Quincy, MA 02269-9101, Phone 1-800-344-3555).

Standards for park trailers dealing with body and frame design, and construction, and with the installation of plumbing, heating, electrical systems and structural elements in park model type of recreational vehicles approved and adopted by the Recreational Park Trailer Industry Association and by the American National Standards Institute and known as ANSI A 119.5 RECREATIONAL PARK TRAILERS, ~~2015~~2020 Edition, are hereby adopted and incorporated by reference. (It is available from the Recreational Vehicle Industry Association (RVIA), 1896 Preston White Drive, Reston, VA 20191, Phone 703-620-6003).

The Standards are also available for viewing (during normal business hours excluding weekends and holidays) at the office of the Nebraska Public Service Commission, Housing and Recreational Vehicle Department, 300 The Atrium, 1200 N Street, Lincoln, NE 68508.

002 SEALS:

002.01 Application for Seals: Any person desiring to acquire a seal must meet the requirements of this section and must apply for seals on the form prescribed by the Commission. The application must be accompanied by the seal fee set forth in that form, the number of seals requested and a check or money order, payable to the Nebraska Public Service Commission. A completed form and payment may also be submitted electronically.

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002.02 Acquisition of Seal: Any person, except one altering a recreational vehicle (refer to Section 003), must show compliance to the standard and acquire a seal by one of the following methods:

002.02A A dealer lot inspection which includes:

002.02A1 Requesting the dealer lot inspection on a form prescribed by the Commission and;

002.02A2 Meeting the recreational vehicle standards as shown by the dealer lot inspection.

002.02B Submission of an Initial Package (refer to subsection 001.02K) for review and approval.

002.03 Acquisition of Seals Regarding Alteration: Any person altering a recreational vehicle bearing or required to bear a seal qualifies for acquisition of a seal by following the requirements set forth in subsection 003.01A.

002.04 Denial and Revocation of Seals: Neb. Rev. Stat. §71-4609(2) identifies the circumstances under which the department will refuse to issue a seal.

The Department must revoke seals from any manufacturer, and not issue seals to any manufacturer, that refuses a factory inspection. Seals will not be reissued to the manufacturer or to manufacturer's units on a dealer's lot pursuant to subsection 002.02A, until a factory inspection is subsequently performed and the inspection determines adequate compliance to these rules and regulations.

Neb. Rev. Stat. §71-4609(3) identifies the circumstances under which the Department will suspend or revoke seals.

No dealer or distributor will sell a recreational vehicle in Nebraska if it contains a defect, a serious defect, an imminent safety hazard or does not display the state seal.

002.05 Lost or Damaged Seals:

002.05A When a seal becomes lost or damaged, the Department must be notified immediately in writing by the holder. The holder must specify the manufacturer, the serial number, and when possible, the seal number.

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002.05B All damaged seals must be promptly returned for a replacement from the Department. Lost seals will be replaced by the Department with a new seal upon payment of the seal fee as adopted by the Commission.

002.06 Placement of Seals:

002.06A Each seal must be assigned and affixed to a specific recreational vehicle and a record of each seal assigned must be submitted as set forth in subsection 002.07.

002.06B The seal must be securely affixed near the primary entrance of the recreational vehicle, not less than six (6) inches above the floor line, before it leaves the manufacturing plant.

002.07 Records: The manufacturer must submit to the Department, by the 10th of each month, a listing of the seals used on a form prescribed by the Commission.

002.08 Vehicle Identification:

002.08A Each recreational vehicle sold, displayed in the state, offered for sale, or leased in this state must bear a legible identifying serial number. Each recreational vehicle must also bear identification which includes the date of manufacture.

002.08B

The Following information must be displayed as described:

002.08(B)(1) Serial Numbers:

002.08(B)(1)(i) For travel trailers and other towable units, serial numbers will be permanently stamped in a visible location on the front frame cross member or coupler

002.08(B)(1)(ii) For truck campers and motor homes, serial numbers must be permanently stamped on a metal plate permanently attached to the exterior surface of the unit, near the door. The serial number must be visible at all times.

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002.08(B)(2) Data plates will be provided to manufacturers by the department. Manufacturers must complete data plates and affix them to the inside of a cabinet door. Manufacturers may develop and use their own data plates so long as they contain, at a minimum, the following required information:

002.08(B)(2)(i) Manufacturer's name, Manufacturer's address, State Seal Number, Unit Serial Number, Model Number, Manufacturer and Model Identification for the installed equipment (furnace, air conditioner(s), refrigerator, microwave, range, generator and water heater), and the following language "Recreational Vehicles bearing a State of Nebraska label are manufactured under a program of plan evaluations and representative inspection for conformation with Recreational Vehicle Standard, NFPA 1192 - [list current edition]. See owner's manual for all service connection and operating instructions." "NEBRASKA PUBLIC SERVICE COMMISSION, HOUSING AND RECREATIONAL VEHICLE DEPARTMENT, 300 THE ATRIUM, 1200 "N" STREET, P.O. BOX 94927, LINCOLN, NE, 68509, 402-471-0518".

003 ALTERATIONS TO RECREATIONAL VEHICLES:

003.01 Alteration Application:

003.01A Any dealer or manufacturer proposing alteration to a recreational vehicle bearing a seal will apply to the Department prior to making the alteration. The Department's review and response to the applicant will identify any deviations from the Standard. Upon approval of the application, the Department will schedule an inspection of the completed alteration(s). If the recreational vehicle meets the Standard after the proposed alteration, the Department will allow the applicant to retain the seal, otherwise the applicant will surrender the seal and the recreational vehicle will be removed from the state. Such application will be in writing to the Department and consist of, at a minimum:

003.01A1 Name of dealer or manufacturer proposing the alteration,

003.01A2 Description of proposed alteration,

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003.01A3 Identification of Standard section being affected by the alteration,

003.01A4 Identification of the recreational vehicle to include the name of the manufacturer, manufacturer's address, manufacturer's assigned serial number, and the seal number affixed to the unit, and

003.01A5 Anticipated date of proposed alteration.

003.01B The following does not constitute an alteration:

003.01B1 Repairs with approved component parts.

003.01B2 Conversion of listed fuel-burning appliances in accordance with the terms of their listing; or conversion to electric where provisions for such conversion have been made by the appliance manufacturer and said appliance is listed by a recognized testing agency.

003.01B3 Adjustment and maintenance of equipment.

003.01B4 Replacement of equipment in kind.

004 INITIAL AND SUBSEQUENT PACKAGE SUBMISSION AND APPROVAL:

004.01 Applicability: Any person desiring to acquire seals in accordance with subsection 002.02B will submit to the Department, for review and approval, the requirements set forth in this section.

004.02 Quality Control Procedure:

Each Manufacturer must submit and receive Department approval for its quality control manual.

004.02A The manufacturer or his designated representative will consent to investigations and inspections at reasonable hours by the Department for field verification of satisfactory quality control.

004.02B The manuals will outline the procedure which will direct the manufacturer to construct recreational vehicles in accordance with the approved plans specifying the following:

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004.02B1 Scope and purpose.

004.02B2 Receiving inspection procedure for basic materials.

004.02B3 Material storage and stock rotation procedure.

004.02B4 Types and frequency of production process inspection.

004.02B5 Sample of inspection control form used.

004.02B6 Test equipment.

004.02B7 Control of drawings and material specifications.

004.02B8 Test procedures.

004.02B9 Record-keeping procedures.

004.02B10 Method to incorporate revisions in an orderly manner.

004.02B11 A map identifying the manufacturing plant(s) location.

004.02C Where the manufacturer proposes changes to the quality control manual, two copies of such changes will be submitted to the Department for approval.

004.03 Plan Submittal Procedure: Plans, specifications and other information will provide designs which meet the standards and will be confirmed by calculations or tests. When designs cannot be verified by calculations, testing of components must be conducted by a registered professional engineer or testing agency, the cost of which will be borne by the manufacturer.

004.04 Evidence of Plan Approval: Plan approval will be evidenced by a letter of approval from the Department and the Department stamp on each approved page. One copy of all approved documentation will be returned to the manufacturer.

004.05 General Requirements: Applications, plans, specifications, and other documentation will be submitted in as indicated below:

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004.05A All plans and specifications, including all elements relating to specific components will be properly identified, submitted, in duplicate or electronically and accompanied by an application for review on a form prescribed by the Commission.

004.05B Two copies or electronically of each quality control manual prepared by the manufacturer will be submitted;

004.05C If the manufacturer plans to produce the same design at more than one location, plan approval for each location may be obtained at the time of original filing, subject to submission for each design of the following:

004.05C1 One additional application form as prescribed by the Commission for plan approval for each location of manufacture;

004.05C2 One additional set of quality control and inspection procedures if mailed for each additional location of manufacture.

004.06 Required Construction Details: Plan submission requirements dealing with body and frame design; construction; and with the installation of plumbing, heating, and electrical systems in recreational vehicles approved and adopted by the American National Standards Institute and by the Recreational Vehicle Industry Association and known as the AMERICAN NATIONAL STANDARD UNIFORM PLAN APPROVAL FOR RECREATIONAL VEHICLES, ANSI/RVIA UPA-1-~~2014~~2019, are hereby adopted and incorporated here by reference. (It is available from RVIA, 1896 Preston White Drive, Reston, VA, 20191, Phone 703-620-6003). It is also available for viewing at the office of the Nebraska Public Service Commission, Housing and Recreational Vehicle Department, 300 The Atrium, 1200 N Street, Lincoln, NE, 68508 during normal business hours excluding weekends and holidays.

004.07 Tests: All tests or calculations to validate a design must be performed and stamped by a registered professional engineer. A copy of the stamped results of such tests must be provided to the Department for review.

004.08 Validity of Approval: Plan approval is valid for twelve (12) months provided the standard remains unchanged. If the designs or the State Code do not change at the end of the twelve month period, the manufacturer may request an extension of the approved designs by letter seeking an additional twelve (12) months

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along with applicable fees and a completed form as prescribed by the Commission.

004.09 Confidentiality: Any person under this Act may file a notice that such person claims information filed with or obtained by the Department is confidential, pursuant to Nebraska Revised Statutes §71-4615. Such notice should contain the exact portions of such record and the basis under §71-4615 by which it is claimed to be confidential. The Commission will make a final determination of confidentiality upon request for release by any other person.

005 DEPARTMENT INSPECTIONS:

005.01 Field Inspections of Alterations: Alterations requiring departmental inspection (refer to Section 003) will be inspected by a departmental representative and determined to be in substantial compliance with the standards prior to sale or lease.

005.02 Plant and Dealer Lot Inspections: The Department will periodically make, or cause to be made, an independent inspection of recreational vehicles from each manufacturing facility seeking approval and certification, including reciprocal certification, in order to verify the reliability of each compliance assurance program.

006 FEES:

006.01 Fees for Seals: Fees for seals will be set as described in Nebraska Revised Statute §71-4604.01 (2).

006.02 Plant Inspection Fee: Fees will be charged 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 consist of reimbursement by the manufacturer, to the State, of the inspector's (a) time; (b) airfare; (c) ground transportation; (d) lodging; and (e) 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 will be prorated among all manufacturers whose plants were inspected. Inspection expenses will be paid prior to any issuance of seals.

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006.03 Plan Inspection Fee: Plan inspection fees will be charged as outlined in Nebraska Revised Statute §71-4604.01(3).

006.04 Single Unit Inspection Fee: Nebraska recreational vehicle seals will not be affixed to models not previously reviewed and approved by the Department. An inspection fee as set by Neb. Rev. Stat. 71-4604.01 (b)(4), will be assessed to the manufacturer for any inspection of a new recreational vehicle subject to these rules that does not display the seal issued by the State of Nebraska or some state on the reciprocity list. The same fee will be assessed for any new recreational vehicle subject to these rules that displays the State seal but has not had the respective model reviewed and approved.

007 RECIPROCITY LIST: The procedures for determining reciprocity and information about the Reciprocity List are outlined in Nebraska Revised Statute §71-4606.

008 RULE REVISION:

008.01 Ad Hoc Committee: The Commission will utilize an ad hoc committee to review any proposed revision to these rules. All ad hoc committee members will be selected by the Commission and meet in person, via video conference, by telephone conference call, or through any combination of the aforementioned methods as determined to be convenient to the Commission and the ad hoc committee members. The membership will consist of, when possible, no more than one person from each of the following groups: recreational vehicle manufacturers; recreational vehicle retailers; recreational vehicle park/campground owners or operators; professional engineer or architect or building officials. Committee members are ineligible for expense reimbursement.