

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on)	Rule and Regulation No. 201
its own motion, seeking to amend)	
Title 291, Chapter 14, Recreational)	ORDER ADOPTING PROPOSED RULES
Vehicles Rules and Regulations, to)	AND ISSUING CERTIFICATE OF
adopt the current editions of)	ADOPTION
applicable code books and update)	
related provisions.)	Entered: January 29, 2019

BY THE COMMISSION:

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

On October 31, 2017, 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 editions of applicable code books and update related provisions. Hearing was held December 5, 2017. The Rules were adopted on December 12, 2018. In May of 2018, the Governor's Policy Research Office (GPRO) contacted the department regarding additional changes to the rules. The GPRO requested any statutory repetition be removed from the rules. Based on continued discussion with the GPRO, the Commission reopened the Docket on December 4, 2018.

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 2018 version of the NFPA Code Book and the 2015 version of the ANSI Code Book and remove statutory repetition.

Written comment was submitted but the RV Industry Association requesting changes to the data plate requirements and rule 004.07. A hearing was held on January 23, 2019. Attorney Ellie Rohr appeared on behalf of the Commission Staff along with Housing Director, Mark Luttich. No other parties offered testimony at the hearing.

E V I D E N C E

Ellie Rohr explained to the Commission that the rule change was originally meant to bring the Commission's rules into compliance with current national codes and standards. The industry is already following these standards. Nebraska Revised Statute 71-4609 empowers the Commission to adopt rules in accordance with current standards. Based upon the recommendations of the GPRO, the Department re-wrote the chapter to eliminate any statutory repetition. Ms. Rohr noted the changes requested by the RV Industry Association and explained the

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Rule and Regulation No. 201

Page 2

department's recommendation is to address the current changes in this rule making. An additional rule making will be opened in this department later this year when the next code book editions are released. To make the additional proposed changes would require additional publication and hearings. It is more efficient to address the substantial changes to the chapter now and the additional changes in the next rule making.

OPINION AND FINDINGS

Based upon the evidence received, the Commission finds that the proposed rules attached hereto as Appendix A and incorporated herein by this reference should be adopted.

The Commission further finds that the additional changes discussed will be better addressed in a later rule making.

ORDER

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 is hereby, issued.

ENTERED AND MADE EFFECTIVE at Lincoln, Nebraska, this 29th day of January, 2019.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Cystal Knoder
Don Williams
Tim Schram
Ree Jensen

Mary Ridd
Chair

ATTEST:

Theresa H. Se
Executive Director

APPENDIX A

001 SCOPE, DEFINITIONS, AND STATE CODE:

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 Recreational Vehicles Act, shall continue to be effective until revised, amended, repealed, or nullified pursuant to law.~~

~~In regard to any recreational vehicles displaying the Nebraska Recreational Vehicle 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 in such director 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 recreational vehicles manufactured on or after the effective date of the amendment(s). All recreational vehicles for which purchase orders have been received by the manufacturer prior to the effective date of any such amendment(s) shall will be considered to be manufactured prior to the effective date of the amendment. All recreational vehicles 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.~~ The Scope and Applicability of these rules and regulations is described in Nebraska Revised Statute §71-4620.01.

~~Recreational vehicles manufactured in Nebraska destined for sale or lease outside of Nebraska or the United States shall be are exempt from these regulations.~~ 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.

SECRETARY'S RECORD, NEBRASKA PUBLIC SERVICE COMMISSION

Rule and Regulation No. 201

Page 4

Recreational vehicles sold in Nebraska are not eligible for this exemption:

001.01A Dealer making application shall will be licensed in the State of Nebraska through the Motor Vehicle Industry Licensing Board (see subsection 001.02E). application must be a licensed dealer as described in Neb. Rev. Stat. §71-4603.

001.01B The recreational vehicle model shall 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 shall will complete a form as prescribed by the Commission.

001.02 Definitions: The following definitions shall 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 shall be controlling will control.

001.02A Alteration shall 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 shall means any person, firm or corporation, or employee thereof, designated by the Department to perform inspection services;

001.02C Camping Trailer shall mean a vehicular, portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping, or travel use;

001.02D Commission shall means the Nebraska Public Service Commission.

001.02E Dealer shall means a person licensed by the State pursuant to Chapter 60, Article 14, as a dealer in

~~recreational vehicles or any other person, other than a manufacturer, who sells, offers to sell, distributes, or leases recreational vehicles primarily to persons who in good faith purchase or lease a recreational vehicle for purposes other than resale;~~

~~001.02F Defect shall means a failure to conform to an applicable construction standard that renders the recreational vehicle or any component of the recreational vehicle not fit for the ordinary use for which it was intended but does not result in an unreasonable risk of injury or death to occupants;~~

~~001.02CG Department shall means the Nebraska Public Service Commission, Housing and Recreational Vehicle Department;~~

~~001.02H Distributor shall means any person engaged in the sale and distribution of recreational vehicles for resale;~~

~~001.02I Failure to Conform shall means a defect, a serious defect, noncompliance, or an imminent safety hazard related to the code;~~

~~001.02J Fifth-wheel Trailer shall means a unit mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, of such size or weight as not to require a special highway movement permit, of gross trailer area not to exceed four hundred thirty square feet in the set-up mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle;~~

~~001.02K Cross Trailer Area shall means the total plan area measured on the exterior to the maximum horizontal projections of exterior walls in the set-up mode and shall includes all siding, corner trims, moldings, storage spaces, expandable room sections regardless of height, and areas enclosed by windows, but shall will not include roof overhangs. Storage lofts contained within the basic unit shall must have ceiling heights less than five feet and shall do not constitute additional square footage.~~

~~001.02L Imminent Safety Hazard shall means a hazard that pre-sents an imminent and unreasonable risk of death or severe personal injury;~~

001.02DM Initial Package ~~shall~~ 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 ~~shall~~ will consist of:

001.02DM1 Two paper copies or electronically to psc.housing-rv@nebraska.gov of the quality control manual (refer to subsection 004.02);

001.02DM2 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);

001.02DM3 A completed paper application form or electronically to psc.housing-rv@nebraska.gov as prescribed by the Commission.

001.02DM4 A completed paper seal request form or electronically to psc.housing-rv@nebraska.gov as prescribed by the Commission.

001.02DM5 A check or money order for applicable fees. The initial package, as well as subsequent models and revisions, are subject to the yearly renewal process and fees.

~~001.02N Manufacturer shall means any person engaged in manufacturing, assembling, or completing recreational vehicles;~~

~~001.02O Motor Home shall means a vehicular unit primarily designed to provide temporary living quarters which are built into an integral part of, or permanently attached to, a self-propelled motor vehicle chassis or van containing permanently installed independent life support systems that meet the departmental standard for recreational vehicles and providing at least four of the following facilities: cooking; refrigeration or ice box; self-contained toilet; heating, air conditioning, or both; a potable water supply system including a faucet and sink;~~

~~separate one hundred twenty nominal volt electrical power supply; or LP gas supply;~~

001.02EP New Model shall 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.

~~001.02Q Noncompliance shall means a failure to comply with an applicable construction standard that does not constitute a defect, a serious defect, or an imminent safety hazard;~~

~~001.02R Park Trailer shall means a vehicular unit which meets the following criteria:~~

~~001.02R1 Built on a single chassis mounted on wheels;~~

~~001.02R2 Designed to provide seasonal or temporary living quarters which may be connected to utilities necessary for operation of installed fixtures and appliances;~~

~~001.02R3 Constructed to permit setup by persons without special skills using only hand tools which may include lifting, pulling, and supporting devices; and~~

~~001.02R4 Having a gross trailer area not exceeding four hundred thirty square feet when in the setup mode.~~

~~001.02S Person shall means any individual, partnership, company, corporation or association engaged in manufacturing, selling, offering to sell or leasing recreational vehicles;~~

~~001.02T Purchaser shall means the first person purchasing a recreational vehicle in good faith for purposes other than resale;~~

001.02FU Quality Control Manual shall 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);

~~001.02V Recreational Vehicle shall means a vehicular type unit, primarily designed as temporary living quarters for recreational, camping, or travel use, which unit either has its own motive power or is mounted on or towed by~~

~~another vehicle. Recreational vehicle shall includes, but is not be limited to, travel trailer, park trailer, camping trailer, truck camper, motor home, and van conversion;~~

~~001.02W Seal shall means a device or insignia issued by the Nebraska Public Service Commission, Housing and Recreational Vehicle Department to be displayed on the exterior of a recreational vehicle to evidence compliance with the departmental standards;~~

~~001.02X Serious defect shall means a failure to conform to an applicable construction standard that renders the recreational vehicle not fit for the ordinary use for which it was intended and which results in an unreasonable risk of injury or death to the occupants;~~

~~001.02Y Travel Trailer shall means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use of such size or weight as not to require special highway movement permits when towed by a motorized vehicle and of gross trailer area less than four hundred thirty square feet;~~

~~001.02Z Truck Camper shall means a portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides and designed to be loaded onto and unloaded from the bed of a pickup truck;~~

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

~~001.02BB Van Conversion shall means a completed vehicle permanently altered cosmetically, structurally, or both, which has been recertified by the State as a multipurpose passenger vehicle but which does not conform to or otherwise meet the definition of a motor home in this section and which contains at least one plumbing, heating, or one hundred twenty nominal volt electrical component subject to the provisions of the Department Standard for Recreational Vehicles. Van Conversion shall will not include any such vehicle that lacks any plumbing, heating,~~

~~or one hundred twenty nominal volt electrical system but contains an extension of the low voltage automotive circuitry,~~

001.02HCC Yearly Renewal, provided the standard remains unchanged, ~~shall~~ 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 ~~2015-2018~~ 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, ~~2009-2015~~ 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 ~~shall~~ must apply for seals on the form prescribed by the Commission. The application ~~shall~~ 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.

002.02 Acquisition of Seal: Any person, except one altering a recreational vehicle (refer to Section 003), ~~shall~~ 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 ~~shall qualify~~ 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 shall must refuse to issue a seal to any manufacturer or other person for any recreational vehicle found not to be in compliance with departmental standards governing body and frame design, and construction, or plumbing, heating, or electrical systems for recreational vehicles or for which fees have not been paid.~~

The Department ~~shall 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. ~~The issuance of seals may be suspended or revoked from any manufacturer or other person who has not complied with any provision of the Uniform Standard for Recreational Vehicles or with any rule, regulation, or standard adopted and promulgated under the Code and issuance of the seals shall will not be resumed until such manufacturer or other person submits sufficient proof that the conditions which caused the lack of compliance or the violation have been remedied. Seals shall will only be applied to units manufactured, offered for sale, including being displayed to the public, or leased in the state.~~

No dealer or distributor ~~shall 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 ~~shall must~~ be notified immediately in writing by the holder. The holder ~~shall must~~ specify the manufacturer, the serial number, and when possible, the seal number.

002.05B All damaged seals ~~shall must~~ be promptly returned for a replacement from the Department. Lost seals ~~shall 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 ~~shall must~~ be assigned and affixed to a specific recreational vehicle and a record of each seal assigned ~~shall must~~ be submitted as set forth in subsection 002.07.

002.06B The seal ~~shall 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 ~~shall 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 ~~shall must~~ bear a legible identifying serial number. Each recreational vehicle ~~shall must~~ also bear identification which ~~shall includes~~ the date of manufacture.

002.08B ~~The serial numbers of travel trailers and other towable units shall will be permanently stamped in a visible location on the front frame cross member or coupler. On truck campers and motor homes, the serial number shall will be permanently stamped on a metal plate which shall will be permanently attached to the exterior surface of the recreational vehicle unit, near the door.~~

~~The serial number shall will be so located as to be visible at all times. The date of manufacture shall will appear on a data plate as provided by the Commission. If coded, the manufacturer shall will provide the Department with the proper decode. The data plate will be provided to the manufacturer by the Department and shall will be completed by the manufacturer and affixed at the manufacturing facility to the inside of a cabinet door. The manufacturer may utilize their own data plate provided it contains, at a minimum, all of the information of the data plate provided by the Commission. 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.

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 ~~shall will~~ make ~~application~~ apply to the Department prior to making the alteration. The Department's review and ~~subsequent~~ response to the applicant will identify any deviations from the Standard. Upon ~~departmental~~ 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 ~~shall will~~ be removed from the state. Such application ~~shall 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,

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 ~~shall 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 ~~shall will~~ submit to the Department, for review and approval, the requirements set forth in this section.

004.02 Quality Control Procedure: ~~Approval of a quality control manual for a manufacturing facility shall be obtained from the Department by each manufacturer. Each Manufacturer must submit and receive Department approval for its quality control manual.~~

004.02A The manufacturer or his designated representative ~~shall will submit a quality control manual as prescribed herein and~~ consent to investigations and inspections at reasonable hours by the Department for field verification of satisfactory quality control.

004.02B ~~Applications for approval of quality control manuals shall will be submitted in duplicate. The manuals shall will~~ outline the procedure which will direct the manufacturer to construct recreational vehicles in accordance with the approved plans specifying the following:

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 ~~shall~~ will be submitted to the Department for approval.

004.03 Plan Submittal Procedure: Plans, specifications and other information ~~shall will~~ provide designs which meet the standards and ~~shall 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 ~~shall 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 ~~shall will~~ be returned to the manufacturer.

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

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

004.05B Two copies of each quality control manual prepared by the manufacturer ~~shall 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 for each additional location of manufacture.

004.06 Required Construction Details: Plan submission requirements 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 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, 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: ~~A copy of the results of all tests or calculations to validate a design shall will be performed and stamped by a registered professional engineer and shall will be furnished to the Department for review.~~ 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 ~~requesting a continuation of the approval status for~~ seeking an additional twelve (12) months 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) ~~shall~~ will be inspected by a depart-mental 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 ~~shall~~ will periodically make, or cause to be made, an independent inspection of recrea-tional 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: ~~A fee shall be charged for each seal issued by the Department for a recreational vehicle as established by the Commission on at least an annual basis after notice and hearing.~~ Fees for seals will be set as described in Nebraska Revised Statute §71-4604.01 (2).

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

006.03 Plan Inspection Fee: ~~Plan inspection fees will be charged as outlined in Nebraska Revised Statute §71-4604.01(3) A person who submits plans, specifications and quality control manuals according to subsection 002.02B to the Department for review and approval shall be charged for departmental engineering services provided for performing the review of the plans and specifications and related functions at a rate as established by the Commission~~

~~on at least an annual basis after notice and hearing based on the number of hours of review time allotted to the type of plan submitted as follows:~~

~~006.03A New model, one hour;~~

~~006.03B Quality Control Manual, two hours;~~

~~006.03C Typical, one half hour;~~

~~006.03D Revision(s), three-fourths hour;~~

~~006.03E Engineering Calculations, three-fourths hour;~~

~~006.03F Initial Package, fifteen hours; and~~

~~006.03G Yearly Renewal, two hours~~

006.04 Single Unit Inspection Fee: Nebraska recreational vehicle seals ~~shall~~ 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.

~~007.01 Procedure to Determine Reciprocity: The Department shall amend the reciprocity list referenced in subsection 007.02, 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 Department. Any affected person, including any state, may initiate an amendment process by writing to the Department showing how the standards, codes and enforcement practices are at least equal to or more stringent than those of the Department.~~

~~007.02 Reciprocity List: The Department shall make available to all interested individuals a list of those States whose body and frame design and construction codes and whose codes for the installation of plumbing, heating and electrical systems for~~

~~recreational vehicles are at least equal to those established by the Department and are being enforced by such other state.~~

008 RULE REVISION:

008.01 Ad Hoc Committee: The Commission ~~shall~~ will utilize an ad hoc committee to review any proposed revision to these rules. All ad hoc committee members ~~shall~~ 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 ~~shall~~ 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.