

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission, on)	RULE AND REGULATION NO. 180
its own motion, seeking to amend)	
Title 291, Chapter 14, Recreational)	
Vehicles Rules and Regulations, to)	
adopt the 2011 and 2009 editions of)	
applicable code books, update)	ORDER ISSUING CERTIFICATE OF
related provisions, update defini-)	ADOPTION FOR PROPOSED RULES
tional sections, update procedures)	
regarding seal issuance, inspect-)	
tions, and plan review, general)	
language clean up, and delete)	
certain forms.)	ENTERED: June 21, 2011

BY THE COMMISSION:

The Commission, on its own motion, opened the above-captioned docket to amend Title 291, Chapter 14, Recreational Vehicles Rules and Regulations, to adopt the 2011 and 2009 editions of applicable code books, update related provisions, update definitional sections, update procedures regarding seal issuance, inspections, and plan review, general language clean up, and delete certain forms. A hearing was held on the proposed rules on June 14, 2011 in the Commission Hearing Room, 1200 N Street, Suite 300, Lincoln, Nebraska. Notice of the hearing was published in the Daily Record and the Lincoln Journal Star.

The Commission received one set of written comments regarding the proposed rule. No parties appeared or commented at the hearing. A minor clean-up was made based on the written comments. The word "park model" in section 001.03 was changed to "park trailer" which is consistent with the defined terminology within the statute and the rule. The change was made for clean up purposes only and was not substantive. The remaining suggested changes in the written comments would require a statutory change as the language in the rule directly reflects the statutory language. Those changes were therefore rejected by the Commission.

Based upon the written comments filed and no appearances at the hearing, another hearing regarding this matter is not necessary and the Commission adopts the revision proposed. Therefore, the Commission finds that the proposed rules as contained in the attached Appendix A, incorporated herein by 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 is hereby, issued.

MADE AND ENTERED in Lincoln, Nebraska on this 21st day of June,
2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

Executive Director

APPENDIX

Make the following revisions to Title 291, Chapter 14, Sections 001, 002, 004, and 006.

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 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.

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

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 Dealers making application shall be licensed in the State of Nebraska through the Motor Vehicle Industry Licensing Board (see subsection 001.02E).

001.01B The recreational vehicle model shall 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 complete ~~the form titled "Report of Recreational Vehicle on Temporary Display" (Form RV-05)~~ a form as prescribed by the Commission.

001.02 Definitions: The following definitions shall apply to these standards. Where these definitions differ from those in the Standards adopted in subsection 001.03, these shall be controlling.

001.02A Alteration shall mean 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 mean 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 mean the Nebraska Public Service Commission.

001.02E Dealer shall mean 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 mean 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;

001.02G Department shall mean the Nebraska Public Service Commission, Housing and Recreational Vehicle Department;

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

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

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

001.02L Imminent Safety Hazard shall mean a hazard that presents an imminent and unreasonable risk of death or severe personal injury; **Previously numbered 001.02M**

001.02M Initial Package shall mean 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 consist of: **Previously numbered 001.02L, renumber remaining subsections.**

001.02M1 Two copies of the quality control manual (refer to subsection 004.02);

001.02M2 Two copies of the plans and specifications for each recreational vehicle model (refer to subsections 004.03 through 004.08);

001.02M3 A completed ~~A~~ application ~~for Recreational Vehicle Plan Approval (Form RV-02)~~ form as prescribed by the Commission;

001.02M4 ~~A~~ Completed ~~S~~ seal ~~R~~ request ~~F~~ form ~~(Form RV-01)~~ as prescribed by the Commission.

001.02M5 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 mean any person engaged in manufacturing, assembling, or completing recreational vehicles;

001.02Q Motor Home shall mean 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;

001.02P New Model shall mean 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 mean 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 mean 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 square feet when in the setup mode.

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

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

001.02U Quality Control Manual shall mean the manual prepared by the manufacturer that lists the production process, guidelines 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 mean 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 include, but not be limited to, travel trailer, park trailer, camping trailer, truck camper, motor home, and van conversion;

001.02W Seal shall mean 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 mean 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 mean 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 ~~three~~ four hundred ~~twenty~~ square feet;

001.02Z Truck Camper shall mean 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;

001.02AA Typical Drawing shall mean a specific drawing that is common to more than one model.

001.02BB Van Conversion shall mean 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 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;

001.02CC Yearly Renewal, provided the standard remains unchanged, shall mean 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 ~~models~~ 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 by the American National Standards Institute~~ and known as the ~~NATIONAL FIRE PROTECTION ASSOCIATION STANDARD FOR RECREATIONAL VEHICLES, AN AMERICAN NATIONAL STANDARD, N.F.P.A. 1192-2002, ANSI A119.2-2002,~~ NFPA 1192 STANDARD ON RECREATIONAL VEHICLES, 2011 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 ~~models~~ 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, ~~1998~~ 2009 Edition, are hereby adopted and incorporated by reference. (It is available from the Recreational Park Trailer Industry Association, ~~19 Perry Street, Suite 204~~ 30 Greenville Street, Second Floor, Newman, GA 30263, Phone 770-251-2672).

The Standards are also available for viewing (during normal business hours excluding weekends and holidays) ~~at the office of the Secretary of State, Room 2300, State Capitol, Lincoln, NE 68508 or~~ 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 apply for seals on the form prescribed ~~herein (Form RV-01)~~ by the Commission. The application shall be accompanied by the seal fee set forth in ~~Form RV-01~~ 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 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 ~~with Form RV-01,~~ 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 001.02M) 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 for acquisition of a seal by following the requirements set forth in subsection 003.01A.

002.04 Denial and Revocation of Seals: The Department shall 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 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.

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 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 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 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 be notified immediately in writing by the holder. The holder shall specify the manufacturer, the serial number, and when possible, the seal number.

002.05B All damaged seals shall be promptly returned for a replacement from the Department. Lost seals shall be replaced by the Department with a new seal upon payment of the seal fee as ~~provided in Form RV-01~~ adopted by the Commission.

002.06 Placement of Seals:

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

002.06B The seal shall 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 submit to the Department, by the 10th of each month, a ~~copy of the Construction Compliance Certificate for Recreational Vehicles (Form RV-03).~~ The form shall be completed for each seal assigned to a recreational vehicle 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 bear a legible identifying serial number. Each recreational vehicle shall also bear identification which shall include the date of manufacture.

002.08B The serial numbers of travel trailers and other towable units shall 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 be permanently stamped on a metal plate which shall be permanently attached to the exterior surface of the recreational vehicle unit, near the door. The serial number shall be so located as to be visible at all times. The date of manufacture shall appear on ~~the~~ a data plate or adjacent to the serial number as provided by the Commission. If coded, the manufacturer shall provide the Department with the proper decode. The data plate ~~(Form RV-04)~~ will be provided to the manufacturer by the Department and shall 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 ~~State's~~ data plate ~~(Form RV-04)~~ provided by the Commission.

004 INITIAL AND SUBSEQUENT PACKAGE SUBMISSION AND APPROVAL:

004.01 Applicability: Any person desiring to acquire seals in accordance with subsection 002.02B shall 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.

004.02A The manufacturer or his designated representative shall 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 be submitted in duplicate. The manuals shall 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 be submitted to the Department for approval.

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

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

004.05A All plans and specifications, including all elements relating to specific components shall be properly identified, submitted in duplicate and accompanied by an application for review on ~~Form RV-02~~ a form prescribed by the Commission.

004.05B Two copies of each quality control manual prepared by the manufacturer shall 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 ~~set of application Form RV-02~~ 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-1-2004~~9~~, 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 Secretary of State, Room 2300, State Capitol, Lincoln, NE, 68508, or~~ at the office of the Nebraska Public Service Commission, Housing and Recreational Vehicle Department, 300 The Atrium, 1220 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 be performed and stamped by a registered professional engineer and shall be furnished 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 an additional twelve (12) months along with applicable fees and a completed ~~Recreational Vehicle Plan Approval Form RV-02~~ 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.

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.

006.02 Plant Inspection Fee: Fees shall 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 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. Inspection expenses shall be paid prior to any issuance of seals.

006.03 Plan Inspection Fee: 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 ~~of thirty nine dollars (\$39.00) per hour~~ 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 not be affixed to models not previously reviewed and approved by the Department. An inspection ~~fee of \$75.00, as referenced in~~ 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.

Delete Page 16 of current rules and remove all forms.

RULE AND REGULATION NO. 180

PAGE 2

MADE AND ENTERED in Lincoln, Nebraska on this 21st day of June, 2011.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Ed Johnson
Anne Boyle
Gerald L. Vay

Tim Schram
Chairman

Thad Kell
Executive Director

//s//Frank E. Landis
//s//Tim Schram