

1350.4500 NOTIFICATION PURSUANT TO MANUFACTURER'S DETERMINATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

The formal plan and notification requirements are waived pending final resolution of a waiver request under subpart 7 as of the date of the request. If a waiver request is not

accepted, the plan called for by subparts 3 and 4 shall be submitted within five days after the manufacturer is notified that the request was not accepted.

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

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

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