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TO: Manufactured Home Installers
FROM: Manufactured Housing & Modular Units Program
DATE: May 16, 2016
SUBJECT: Renewal of July 1, 2016 – June 30, 2017 Installer License

Your annual HUD home installer license will expire on June 30, 2016.

If your installer renewal application is not received by June 30, 2016 and/or unable to be processed by June 30, 2016 due to the lack of required information and fee (including being up-to-date on filing monthly decal reports) your license will not be renewed and you will NOT be eligible to work as an installer in the state of Missouri.

Complete the renewal application insuring installer name, address, phone number, email address, etc., are printed legibly and correctly. The license renewal fee is \$150. Installers are required to attend a continuing education class every three (3) years. All monthly decal reports must be up-to-date with the Commission. (Renewal packets are available on our webpage @ www.psc.mo.gov; Manufactured Housing tab; Installer Information link. Information can be typed into these forms and printed.)

Each applicant must submit from their insurance company a “Certificate of Liability Insurance” showing proof of current insurance coverage for General Liability Insurance (\$300,000) and Workers’ Compensation Insurance, if applicable. The “Certificate of Liability Insurance” must indicate dates of coverage and amount of insurance coverage. Pursuant to Section 287.061 RSMo from the Division of Workers’ Compensation (573-751-4231), if there is no Workers’ Compensation Insurance, an Affidavit of Exemption of Workers’ Compensation Insurance must be submitted (see renewal packet).

Installers may be covered by their employer’s insurance, submit a copy of the employer’s “Certificate of Liability Insurance” reflecting the name of the insured, type of coverage, current coverage period and coverage amounts. In the event employment ends with this employer prior to the installer’s registration expiration date, the installer’s license will be inactive and the installer must obtain their own coverage and provide proof of insurance.



Missouri Public Service Commission

Application for Manufactured Home Installer License

Complete the form completely and legibly.

PSC OFFICE USE ONLY	Transmittal No.:	Check No.:	Check Amt
GENERAL INFORMATION			
<ul style="list-style-type: none"> ▪ Installer licenses are issued to an individual only ▪ License fee is \$150 per licensee. (Make Checks Payable To: Missouri Director of Revenue) ▪ Installer License is valid until June 30. ▪ Licenses are not transferable. ▪ Licensee shall notify the Commission in writing within 30 days of any change of information required on this form. 			
SECTION A LICENSE INFORMATION			
Check one:		Installer License #:	
<input type="checkbox"/> New - Installer License <input type="checkbox"/> Renewal - Installer License			
SECTION B INSTALLER INFORMATION			
Installer Name:		Email Address:	
Installer Address/City/State/Zip:			
County:	Phone Number:	Fax Number:	
SECTION C INSTALLER'S EMPLOYMENT <input type="checkbox"/> Check here if license is being required by an employer. Complete employer information.			
Employer's Name:			
Employer's Address/City/State/Zip:			
Phone Number:	Fax Number:	Email Address:	
CHECK-OFF REQUIRED ITEMS LISTED BELOW TO INSURE ALL NEEDED INFORMATION IS SUBMITTED:			
<ul style="list-style-type: none"> <input type="checkbox"/> 1. Completed Application (Sections A, B, D, E, F and C, if applicable) <input type="checkbox"/> 2. Application fee of \$150 (Make Checks Payable To: Missouri Director of Revenue) <input type="checkbox"/> 3. Certification - Copy of Continuing Education Certificate (8 hrs. mandatory); as required every 3rd year <input type="checkbox"/> 4. Proof of General Liability Insurance (\$300,000) for the current licensing year (copy of the Certificate of Liability Insurance) <input type="checkbox"/> 5a. Proof of Workman's Compensation Insurance for the current licensing year (copy of the Certificate of Liability Insurance) OR <input type="checkbox"/> 5b. Exemption for Workers' Compensation Insurance, submit a notarized affidavit (included) of exemption for Workers' Compensation Insurance pursuant to 287.061 RSMo, Division of Workers' Compensation. (Questions concerning eligibility for Exemption to Workers' Compensation contact Division of Workers' Compensation at (573) 751-4231.) <p>I am claiming exemption under Section 287 for Workers' Compensation for the following reason: (check one)</p> <p><input type="checkbox"/> Sole Proprietor with no employees</p> <p><input type="checkbox"/> Partner in a partnership with no employees</p> <p><input type="checkbox"/> A corporation that has filed a Notice of Election with the Division of Worker's Compensation (include a copy of the Notice of Election).</p>			
SECTION D FELONY INFORMATION:			
Within the preceding ten (10) years, have you ever been convicted in any Federal or State court of a felony relating to the acquisition or transfer of a manufactured home or any other form of property? <input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, provide: the date, court, conviction, sentence on separate sheet.)			
SECTION E MISDEMEANOR INFORMATION:			
Within the preceding five (5) years, have you ever been convicted in any Federal or State court of a misdemeanor relating to the acquisition or transfer of a manufactured home or any other form of property? <input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, provide: the date, court, conviction, sentence on separate sheet.)			
I CERTIFY that all statements and information furnished regarding this application are true, complete and correct to the best of my knowledge and belief, and are made in good faith. I understand that statements or information furnished on this form are subject to verification by the program director and I agree to furnish supporting documents or information when so requested.			
SECTION F Signature			Date

Mail completed application and required documentation along with fee to:
 Missouri Public Service Commission, Manufactured Housing & Modular Units Program, P.O. Box 360, Jefferson City, MO 65102
 Phone: 800-819-3180 Fax: 573-522-2509



MISSOURI DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

**AFFIDAVIT OF EXEMPTION FOR WORKERS' COMPENSATION INSURANCE
PURSUANT TO § 287.061, RSMo**

Before me, the undersigned authority, personally appeared _____
Name of Affiant

who, being duly sworn on this oath states as follows:

1. My name is _____. I am of legal age and sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated. I understand that by submitting this affidavit to the city or county for an occupational or business license as a contractor in the construction industry, I am stating that my business is exempt from carrying workers' compensation insurance coverage.

2. I am the sole proprietor, owner or partner of _____,
Name of Business
a business engaged in construction industry that is not required to purchase workers' compensation insurance coverage for the following reason:

(Check One)

I am a sole proprietor **and have no "employees"** as defined under the law, see page 2.

I am a partner in a partnership **with no "employees"** as defined under the law, see page 2.

I have filed a Notice of Employer's Exemption with the Missouri Division of Workers' Compensation (Division) for _____ to be withdrawn from
Name of Corporation

coverage because there are no more than two owners of the corporation who are also the only employees of the corporation. A copy of the acknowledgement letter from the Division dated _____ is enclosed.
Date

Further, I have not filed a notice to withdraw this exemption for my corporation with the Division and my corporation has no other workers' compensation insurance coverage.

3. I have read and reviewed the concept of "statutory employment" explained on pages 2-3. My business operation is not being carried out by persons who may be regarded as statutory employees.

4. **I understand that providing fraudulent information on this affidavit is unlawful under §§287.128, 287.061(3), 570.090, 575.040, 575.050, and/or 575.060, RSMo, and may be either a misdemeanor or a felony, punishable by imprisonment and fine, as indicated on page 3.**

Affiant

Date

STATE OF MISSOURI)
)
COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 20 _____

My Commission Expires: _____

Notary Public

(SEAL)

Affidavit of Exemption for Workers' Compensation Insurance Applicable Statutory Provisions and Guidelines to be followed

The Division has developed the "Affidavit of Exemption for Workers' Compensation Insurance Pursuant to §287.061, RSMo" that is required to be filed by a contractor in the construction industry when he/she applies for an occupational or business license in any city or county only if the contractor does not have proof of workers' compensation insurance coverage. If a contractor fails to comply with the requirements relating to providing proof of coverage or completing the "Affidavit of Exemption" form, he/she shall be denied the business license until the contractor obtains a certificate of insurance. If the contractor submits the "Affidavit of Exemption" form to obtain the business license he/she should familiarize himself/herself with the following key statutory provisions. **Those who are unsure as to whether they may lawfully submit such affidavit should seek competent legal advice.**

Every employer who is subject to the requirements of chapter 287, RSMo must insure its workers' compensation liability with an insurance company authorized to insure such liabilities in the state of Missouri by the Missouri Department of Insurance Financial Institutions and Professional Registration or meet the Division's requirements to be self-insured. If an employer fails to obtain the insurance coverage he/she may be held liable to an injured employee for all of the benefits under the Law in either a civil law suit or in an administrative proceeding before the Division.

Employee: §287.020, RSMo: The definition of "employee" includes both full- and part-time employees, and includes every person in the service of an employer under any contract of hire, express or implied, oral or written, or under any appointment or election, including executive officers of a corporation. It includes minors whether or not they are employed in violation of the law and family members. It may include volunteer workers who do not receive any income or compensation unless the exception noted below applies.

Please Note: As an exception, the workers' compensation law does not apply to volunteers if:

- The entity is a tax-exempt organization which operates under the standards of section 501(c)(3) of the federal Internal Revenue Code;
- The volunteers are not paid wages; and
- The volunteers provide services purely on a charitable and voluntary basis.

All three requirements must be met in order for a volunteer worker not to be classified as an employee under §287.020, RSMo.

Employer: §287.030, RSMo, that defines "employer" includes a very broad category and states that every employer who has five or more employees must carry workers' compensation insurance with one exception for construction industry employers who erect, alter, demolish or repair improvements who must purchase workers' compensation insurance if they have one or more employees.

Sole Proprietor and Partner: §287.035, RSMo, provides that natural persons who are sole proprietors or partners are employers and they do not have to purchase workers' compensation insurance on themselves but they may voluntarily choose to do so. Further, close relatives by blood or marriage of sole proprietors or partners may be withdrawn from coverage but, under §287.030, these relatives are still considered to be "countable" employees. Note that these provisions do not apply if the business is a corporation or a Limited Liability Company [LLC].

Corporate Exemption (Two Owners/Employees): §287.090.5, RSMo. A corporation may withdraw from the provisions of this chapter, when there are no more than two owners of the corporation who are also the only employees of the corporation, by filing with the Division notice of election to be withdrawn. The election shall take effect and continue from the date of filing with the Division by the corporation of the notice of withdrawal from liability under this chapter. Any corporation making such an election may withdraw its election by filing with the Division a notice to withdraw the election, which shall take effect thirty days after the date of the filing or at such later date as may be specified in the notice of withdrawal.

Statutory Employer: §287.040, RSMo, provides that certain independent contractors may be considered to be “employees” of the person who hired them for workers’ compensation purposes, under the legal principle known as “statutory employment.” Missouri Law does not define “independent contractor.” Missouri courts use three factors to determine when a statutory employment relationship exists: (1) the work is performed pursuant to a contract; (2) the injury occurs on or about the premises of the statutory employer; and (3) the work is in the usual course of the statutory employer’s business. An employer cannot avoid its workers’ compensation liability by hiring independent contractors to perform jobs that would otherwise be performed by its employees. A contract need not be in writing. The Missouri courts have ruled that the “employer’s premises” can include a location where the employer is carrying on its business temporarily. As a construction industry employer you may be held responsible to pay workers’ compensation benefits to an independent contractor or uninsured subcontractor or their employees. The immediate contractor or subcontractor is liable as an employer of the employees of the subcontractor. The liability of the immediate employer is primary and that of the others is secondary and any compensation benefits that are paid by those who are secondarily liable may be recovered from those primarily liable.

Please Note: A general contractor can require subcontractors to carry workers’ compensation insurance. Generally, the Law says that the general contractor is liable for any injuries sustained by uninsured subcontractors or their uninsured employees (§287.040, RSMo). Because of this, the general contractor’s insurer will charge an additional premium if the subcontractor cannot provide proof of coverage, even if the subcontractor has no employees. If the general contractor says he/she will not hire the subcontractor unless he/she has a policy and insures himself/herself, the subcontractor would need to buy a policy covering their business or himself/herself or work for a general contractor who does not make this a requirement.

Criminal Penalties: §287.128, RSMo makes it unlawful for any person to knowingly make or cause to be made any false or fraudulent material statement or material representation for the purpose of obtaining or denying any benefit. This is considered a class D felony punishable by fine up to \$10,000 or double the value of the fraud whichever is greater. A subsequent violation is a class C felony.

Any person who knowingly misrepresents any fact in order to obtain workers' compensation insurance at less than the proper rate for that insurance shall be guilty of a class A misdemeanor. A subsequent violation is a class D felony. Any employer who knowingly fails to insure his liability pursuant to this chapter shall be guilty of a class A misdemeanor and, in addition, is liable to the state of Missouri for a penalty in an amount up to three times the annual premium the employer would have paid had such employer been insured or up to \$50,000, whichever amount is greater. A subsequent violation is a class D felony.

Further, providing false information with the intent to deceive also can constitute a felony under §§570.090 (Forgery) and 575.040 (Perjury), and a misdemeanor under §§575.050 (False Affidavit) and 575.060 (False Declaration).