

## **1350.5000 MANUFACTURER'S PLAN FOR NOTIFICATION AND CORRECTION.**

Subpart 1. **Basic requirement.** Subparts 1 to 6 set out the requirements that manufacturers shall meet in preparing plans they are required to submit under part 1350.4500, subparts 3 and 4. The underlying requirement is that a plan show how the manufacturer will fulfill its responsibilities with respect to notification and correction.

Subp. 2. **Copy of proposed notice.** The plan shall include a copy of the proposed notice that meets the requirements of part 1350.5100.

Subp. 3. **Affected class.** The plan shall identify, by serial number and other appropriate identifying criteria, all manufactured homes with respect to which notification is to be provided. The class of manufactured homes with respect to which notification shall be provided and which shall be covered by the plan is that class of manufactured homes that was or is suspected of having been affected by the cause of an imminent safety hazard or failure to conform. The class is identifiable to the extent that the cause of the imminent safety hazard or failure to conform is such that it would probably have been systematically introduced into the manufactured homes in the class during the course of production. In determining the extent of such a class, the manufacturer may rely either upon information that positively identifies the extent of the class or upon information that indicates what manufactured homes were not affected by the same cause, thereby identifying the class by excluding those manufactured homes. Methods that may be used in determining the extent of the class of manufactured homes include, but are not limited to:

A. inspection of manufactured homes produced before and after the manufactured homes known to be affected;

B. inspection of manufacturer quality control records to determine whether quality control procedures were followed;

C. inspection of production inspection primary inspection agency records to determine whether the imminent safety hazard or failure to conform was either detected or specifically found not to exist in some manufactured homes;

D. inspection of the design of the manufactured home in question to determine whether the imminent safety hazard or failure to conform resulted from the design itself;

E. identification of the cause as relating to a particular employee or process that was employed for a known period of time or in producing the manufactured homes manufactured during that time; and

F. inspection of records relating to components supplied by other parties and known to contain or suspected of containing imminent safety hazards or failures to conform.

The class of manufactured homes identified by these methods may include only manufactured homes actually affected by the imminent safety hazard or failure to conform if the manufacturer can identify the precise manufactured homes. If it is not possible to identify the precise manufactured homes, the class shall include manufactured homes suspected of containing the imminent safety hazard or failure to conform because the evidence shows that they may have been affected.

Subp. 4. **Production inspection primary inspection agency statement.** The plan shall include a statement by the production inspection primary inspection agency operating in each plant in which manufactured homes in question were produced. In this statement, the production inspection primary inspection agency shall concur in the methods used by the manufacturer to determine the class of potentially affected manufactured homes or state why it believes the methods to have been inappropriate, inadequate, or incorrect.

Subp. 5. **Deadline.** The plan shall include a deadline for completion of all notification and corrections.

Subp. 6. **Notification.** The plan shall provide for notification by certified mail or other more expeditious means to the dealers or distributors of a manufacturer to whom the manufactured homes were delivered. Where a serious defect or imminent safety hazard is involved, notification shall be sent by certified mail if it is mailed. The plan shall provide for notification by certified mail to the first purchaser of each manufactured home in the class of manufactured homes set out in the plan under subpart 3 and to any subsequent owner who has any warranty provided by the manufacturer or required by federal, state, or local law on the manufactured home that has been transferred, to the extent feasible. However, notification need not be sent to any person known by the manufacturer not to own the manufactured home in question if the manufacturer has a record of a subsequent owner of the manufactured home. The plan shall provide for notification by certified mail to any other person who is a registered owner of each manufactured home containing the imminent safety hazard, serious defect, defect, or noncompliance and whose name has been ascertained pursuant to the manufacturer's records.

**Statutory Authority:** *MS s 327.33*

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