

PUBLIC PROTECTION CABINET
Department of Housing, Buildings and Construction
Division of Building Code Enforcement
(Amendment)

815 KAR 4:027. Reporting incidents involving personal injury or death.

RELATES TO: KRS 198B.400(1), (11), 198B.490

STATUTORY AUTHORITY: KRS 198B.490

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.490~~[(4)]~~ requires the Department of Housing, Buildings and Construction to promulgate administrative regulations to establish standards for the safety of elevators and fixed guideway systems. This administrative regulation establishes the reporting requirements for personal injury or death involving elevators or fixed guideway systems.

Section 1. Definitions. (1) "Elevator" is defined by KRS 198B.400(1).

(2) "Fixed guideway system" is defined by KRS 198B.400(11).

(3) "Personal injury" means hurt or damage to a person's body, such as a cut or broken bone, as distinguished from injury to property or reputation.

Section 2. Elevators and Fixed Guideway System Incidents Reporting Requirements. (1) If personal injury for which medical care is received or death occurs from the use, attempted use, or maintenance of an elevator or fixed guideway system, the owner or the owner's designee shall:

(a) Immediately notify the department of the incident;

(b) Allow the authorized elevator inspector to inspect any part~~[and all parts]~~ of the elevator or fixed guideway system; and

(c) Prevent removal of any of the parts of the elevator or fixed guideway system until the investigating elevator inspector grants permission for removal.

(2) Use of the elevator or fixed guideway system shall be immediately discontinued following the occurrence of a personal injury for which medical care was received or death occurred~~[incurred]~~ from use, attempted use, or maintenance of an elevator or fixed guideway system.

(a) The elevator or fixed guideway system shall not be used until the investigating elevator inspector examines the elevator or fixed guideway system and grants approval for use.

(b) Within twenty-four (24) hours of the incident being reported, the investigating elevator inspector shall investigate and examine the elevator or fixed guideway system.

KERRY B. HARVEY, Secretary

RICK W. RAND, Commissioner,

APPROVED BY AGENCY: July 6, 2021

FILED WITH LRC: July 6, 2021 at 12:27 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 27, 2021 at 10:00 a.m., eastern time, in the Department of Housing, Buildings and Construction, 500 Mero Street, First Floor, Frankfort, Kentucky 40601. Individuals interest in being heard at this hearing shall notify this agency in writing by five working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on

the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021 at 11:59 p.m., eastern time. Send written notification of the intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person below:

CONTACT PERSON: Benjamin Siegel, General Counsel, Department of Housing, Buildings and Construction, 500 Mero Street, 1st Floor, Frankfort, Kentucky 40601, phone (502) 782-0604, fax (502) 573-1057, email benjamin.siegel@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Benjamin Siegel

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the reporting requirements for personal injury or death involving elevators or fixed guideway systems.

(b) The necessity of this administrative regulation: KRS 198B.490(1) requires the Department to promulgate administrative regulations to establish standards for the safety of elevators and fixed guideway systems.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 198B.490(1) requires the Department to promulgate administrative regulations to establish standards for the safety of elevators and fixed guideway systems.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the reporting requirements for personal injury or death involving elevators or fixed guideway systems.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment makes grammatical and technical changes to clarify that the personal injury referenced in this administrative regulation means personal injury for which medical care was received.

(b) The necessity of the amendment to this administrative regulation: This amendment makes grammatical and technical changes. The added language is necessary to clarify that personal injury means injury for which medical care was received.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 198B.490 requires the Department of Housing, Buildings and Construction to promulgate administrative regulations to establish standards for the safety of elevators and fixed guideway systems. This amendment makes technical changes and clarifies the reporting requirements for personal injury or death involving elevators or fixed guideway systems.

(d) How the amendment will assist in the effective administration of the statutes: This administrative amendment clarifies the reporting requirements for personal injury or death involving elevators or fixed guideway systems.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals, businesses, organizations, and state and local governments who operate elevators and fixed guideway systems in the Commonwealth will be affected by this administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in Question (3) will have to take to comply with this administrative regulation or amendment: This amendment does not require any additional action from the entities identified in question (3).

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost for the entities identified in question (3) to comply with the amendment to this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The administrative regulation will be easier to understand for the entities identified in question (3).

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There is no initial cost associated with implementing this administrative regulation initially.

(b) On a continuing basis: There is no continuing cost associated with implementing this administrative regulation on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of this amendment is anticipated to result in no additional costs to the department. Any cost resulting from this amendment will be met with existing agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This amendment will not necessitate an increase in fees or require funding to the department for implementation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: There are no fees established by this amendment. There are no fees directly or indirectly increased by this amendment.

(9) TIERING: Is tiering applied? Tiering is not applied as it is not necessary for this administrative regulation. All entities have the same criteria and processes.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? All units, parts or divisions of state or local government that operate elevators and fixed guideway systems in the Commonwealth will be affected by this administrative regulation.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. This administrative regulation is authorized by KRS 198B.490.

3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This amendment is not anticipated to generate additional revenue for the state or local government for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This amendment is not anticipated to generate additional revenue for the state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year? There are no anticipated additional costs to administer this regulatory amendment for the first year.

(d) How much will it cost to administer this program for subsequent years? There are no anticipated additional costs to administer this regulatory amendment for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None