

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

815 KAR 4:025. Permit and inspection fees for new and altered elevators, chairlifts, fixed guideway systems, and platform lifts.

RELATES TO: KRS 198B.050, 198B.400-198B.540

STATUTORY AUTHORITY: KRS 198B.060, 198B.4009, 198B.490, 198B.520

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.420 requires the Department of Housing, Buildings and Construction to administer all aspects of the State Elevator and Fixed Guideway System Inspection Program. KRS 198B.520 requires a permit to be obtained prior to the construction, installation, or alteration of an elevator or fixed guideway system. KRS 198B.490 requires the department to promulgate administrative regulations governing the safety and inspection of elevators and fixed guideway systems and authorizes the department to prescribe reasonable fees to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B.~~[KRS 198B.490 authorizes the Commissioner of the Department of Housing, Buildings and Construction to make inspections and prescribe the associated fees to be charged for each elevator, chairlifts, and platform lifts constructed, installed, or altered within the Commonwealth.]~~ This administrative regulation establishes the permit ~~[permitting]~~ and inspection fees for passenger elevators, freight elevators, ~~[and initial installation fees for]~~ chairlifts, fixed guideway systems, and platform lifts.

Section 1. Definitions. (1) "Alteration" means a change that:

- (a) Is made to an elevator, elevator equipment, elevator device, chairlift, fixed guideway system or platform lift; and
 - (b) Does not include maintenance, repair, or replacement of parts in kind.
- (2) "Elevator" is defined by KRS 198B.400(1).
- (3) "Fixed guideway system" is defined by KRS 198B.400(11).

Section 2. Issuance of Permits. (1) Permits to construct, install, or alter an elevator, chairlift, fixed guideway system, or platform lift shall only be issued to a Kentucky licensed elevator contractor.

(2) A Kentucky licensed elevator mechanic shall not construct, install, or alter an elevator, chairlift, fixed guideway system, or platform lift unless the work is performed under the supervision of a Kentucky licensed elevator contractor or exempt from supervision under the provisions of KRS 198B.4009(2).

Section 3. Permit Required. (1) An application shall be made for a permit prior to construction, installation, or alteration of an elevator, chairlift, fixed guideway system, or platform lift on one (1) of the following:

- (a) Form EV-1, Elevator Construction and Installation Permit Application; or
 - (b) Form EV-2, Elevator Alteration Permit Application.
- (2) An application shall be submitted to the department~~[Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Elevator section]~~ before commencing elevator, chairlift, fixed guideway system, or platform lift work which requires~~[requiring]~~ a permit.

Section 4. ~~[Passenger Elevator]~~ Construction, Installation, and Alteration Permit Fees. Permit and inspection fees for passenger elevators, freight elevators, chairlifts, fixed guideway systems, and platform lifts shall be as follows:

Horsepower (per unit)	Permit Fee
Zero (0) to five (5)	\$85
Six (6) to ten (10)	\$100
More than ten (10)	\$100 plus \$10 for each additional horsepower exceeding ten (10)

Section 5. ~~[Freight Elevator Construction, Installation, and Alteration Permit Fees. Permit and inspection fees for freight elevators shall be as follows:~~

Horsepower (per unit)	Permit Fee
Zero (0) to five (5)	\$85
Six (6) to ten (10)	\$100
More than ten (10)	\$100 plus \$10 for each additional horsepower exceeding ten (10)

~~Section 6]. Inspection Fees. (1)(a) Each passenger elevator, freight elevator, chairlift, fixed guideway system, or platform lift permit shall include up to two (2) inspections [(one (1) final and one (1) supplemental, if necessary)] at no additional cost.~~

~~(b) All passenger elevator, freight elevator, chairlift, fixed guideway system, or platform lift inspections in excess of the two (2) provided with the purchase of the permit shall be performed at the rate of the original permit fee per inspection.~~

~~(2)[(a) Each freight elevator permit shall include two (2) inspections (one (1) final and one (1) supplemental) at no additional cost.~~

~~(b) All freight elevator inspections in excess of the two (2) provided with the purchase of the permit shall be performed at the rate of the original permit fee per inspection.~~

~~(3) The inspection fee for a newly installed or altered chairlift or platform lift shall be eighty-five (85) dollars for the first two (2) inspection and eighty-five (85) dollars per each additional inspection required prior to approval of the installation or alteration.~~

~~(4)] Payment for all necessary permits and inspections shall be received by the department[the elevator section] prior to final approval of an elevator, chairlift, fixed guideway system, or platform lift construction, installation, or alteration being granted.~~

Section 6. Elevator Inspection Checklist. Prior to requesting a final inspection of the constructed, installed, or altered elevator, the elevator contractor shall submit a completed Elevator Inspection Violation Reference List for New and Existing Elevator Devices and Scheduling Checklist, Form EV-3, to the department.

Section 7. Certificate of Approval. Upon the satisfactory completion of final inspection of the

constructed, installed, or altered elevator, chairlift, fixed guideway system, or platform lift a certificate of approval shall be issued by the department.

Section 8. Expiration of Permits. An elevator permit issued pursuant to this administrative regulation shall be subject to revocation, expiration, or extension pursuant to the provisions of KRS 198B.520.

Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Elevator Construction and Installation Permit Application", Form EV-1, May 2020; and
- (b) "Elevator Alteration Permit Application", Form EV-2, May 2020.
- (c) "Elevator Inspection Violation Reference List for New and Existing Elevator Devices and Scheduling Checklist", Form EV-3, May 2021.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Housing, Buildings[,] and Construction; 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

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 head 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 permit and inspection fees for passenger elevators, freight elevators, chairlifts, fixed guideway systems, and platform lifts.

(b) The necessity of this administrative regulation: KRS 198B.420 requires the Department to administer all aspects of the State Elevator and Fixed Guideway System Inspection Program; KRS 198B.520 requires a permit to be obtained prior to the construction, installation, or alteration of an elevator or fixed guideway system; and KRS 198B.490 requires the department

to promulgate administrative regulations governing the safety and inspection of elevators and fixed guideway systems and authorizes the department to prescribe reasonable fees to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B. This administrative regulation is necessary to establish permitting and inspection requirements for the construction, installation, or alteration of an elevator or fixed guideway system.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 198B.420 requires the Department to administer all aspects of the State Elevator and Fixed Guideway System Inspection Program; KRS 198B.520 requires a permit to be obtained prior to the construction, installation, or alteration of an elevator or fixed guideway system; and KRS 198B.490 requires the department to promulgate administrative regulations governing the safety and inspection of elevators and fixed guideway systems and authorizes the department to prescribe reasonable fees to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the permit and inspection fees for passenger elevators, freight elevators, chairlifts, fixed guideway systems, and platform lifts.

(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: The amendment adds a definition for "fixed guideway systems," clarifies what is included/required in each fee schedule, restructures the administrative regulation into a format that is easy for the reader to follow, creates a new section requiring the Pre-Inspection Checklist be submitted to the Department before the request for a final inspection, and adds a newly incorporated elevators pre-inspection checklist form.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to make clear what is included for each fee schedule and to require a Pre-Inspection Checklist prior to the final inspection and to incorporate the Pre-Inspection Checklist by reference.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 198B.420 requires the Department of Housing, Buildings and Construction to administer all aspects of the State Elevator and Fixed Guideway System Inspection Program. KRS 198B.520 requires a permit to be obtained prior to the construction, installation, or alteration of an elevator or fixed guideway system. KRS 198B.490 requires the department to promulgate administrative regulations governing the safety and inspection of elevators and fixed guideway systems and authorizes the department to prescribe reasonable fees to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B. This amendment provides clarity as to what each fee schedule is applicable to.

(d) How the amendment will assist in the effective administration of the statutes: This amendment makes clear what is included for each fee schedule and requires a Pre-Inspection Checklist prior to the final inspection and to incorporate the Pre-Inspection Checklist by reference.

(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 that install, alter, or repair elevators, Chairlifts, fixed guideway systems, and platform lifts (elevator contractors) and Department of Housing, Build-

ings and Construction personnel 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: Elevator contractors will be required to submit the Pre-Inspection Checklist prior to the final inspection.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): By utilizing the pre-inspection checklist, the entities identified in question (3) will reap the benefit of fewer issues during final inspections.

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

(a) Initially: There are no anticipated additional costs to implement this administrative regulation initially.

(b) On a continuing basis: There is no ongoing cost associated with the implementation of 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 from 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 directly or indirectly increased by this amendment.

(9) TIERING: Is tiering applied? Tiering is not applied as all regulated entities are subject to the same amended requirements.

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? The Department of Housing, Buildings and Construction, Division of Building Code Enforcement, Elevator Inspection section will be impacted 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. KRS 198B.420 requires the Department of Housing, Buildings and Construction to administer all aspects of the State Elevator and Fixed Guideway System Inspection Program. KRS 198B.520 requires a permit to be obtained prior to the construction, installation, or alteration of an elevator or fixed guideway system. KRS 198B.490 requires the department to promulgate administrative regulations governing the safety and inspection of elevators and fixed guideway systems and authorizes the department to prescribe reasonable fees to be charged for each inspection. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B.

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 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