

**CHAPTER 31****( HB 162 )**

AN ACT relating to elevator inspections and licensure.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔Section 1. KRS 198B.400 is amended to read as follows:

As used in KRS ~~198B.400~~~~[198B.410]~~ to 198B.540, unless the context otherwise requires:

- (1) "Elevator" means all the machinery, construction, apparatus, and equipment used in raising and lowering a car, cage, or platform vertically between permanent rails or guides, and includes all elevators, power dumbwaiters, escalators, gravity elevators, and other lifting or lowering apparatus permanently installed between rails or guides, but does not include hand operated dumbwaiters, manlifts of the platform type with a platform area not exceeding nine hundred square inches, construction hoists, or other similar temporary lifting or lowering apparatus;
- (2) "Passenger elevator" means an elevator that is designed to carry persons to its contract capacity;
- (3) "Freight elevator" means an elevator used for carrying freight and on which only the operator, by the permission of the employer, is allowed to ride;
- (4) "General inspector" means a state inspector examined and hired to inspect elevators for the Department of Housing, Buildings and Construction;
- (5) "Special inspector" means an inspector examined and certified by the department to inspect elevators in the state;
- (6) "Inspector" means either a general or special inspector;
- (7) "Department" means the Department of Housing, Buildings and Construction;
- (8) "Certificate of operation" is a certificate issued by the department authorizing the operation of an elevator which ~~shall~~~~[must]~~ be conspicuously posted on the elevator at all times;
- (9) "Escalator" means a moving stairway consisting of steps attached to a continuously circulating belt that is used to move persons from one (1) level to another;
- (10) "Moving sidewalk" means horizontal flat panels attached to a continuously circulating belt used to move people;
- (11) "Fixed guideway system" means any nonrail system, funicular, or automated people mover, either air-suspended or wheeled, that is not regulated by the Federal Transit Administration;
- (12) "Mine elevator" means an elevator permanently installed in a mine shaft to provide vertical transportation of mine personnel, their tools, equipment, and mine supplies;
- (13) "Stage elevator" means a section of a stage arranged to be raised and lowered above and below the stage in a vertical direction;
- (14) "Orchestra elevator" means a platform used for raising and lowering musicians in an orchestra in a vertical direction;
- (15) "Organ console elevator" means a mechanism used for raising and lowering an organ console, including the organist, in a vertical direction;
- (16) "Material lift" means a hoisting and lowering mechanism equipped with a car that moves within a guide system installed at an angle of greater than seventy (70) degrees from the horizontal, serving two (2) or more landings, for the purpose of transporting materials that are manually or automatically loaded or unloaded. A person shall not ride on a material lift;
- (17) "Committee" means the Elevator Advisory Committee;
- (18) "Elevator contractor" means any sole proprietor, partnership, or corporation possessing an elevator contractor license issued by the department and who is engaged in the business of erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or fixed guideway systems;

- (19) "Elevator mechanic" means any person who:
- (a) Possesses an elevator mechanic license issued by the department;
  - (b) Is employed by an elevator contractor; and
  - (c) Is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or fixed guideway systems;
- (20) "Elevator helper" or "elevator apprentice" means any person who works under the general supervision of a licensed elevator mechanic. An elevator helper or elevator apprentice is not subject to licensure;
- (21) "Commissioner" means the commissioner of the Department of Housing, Buildings and Construction;
- (22) "Direct and immediate supervision" means that the licensed supervising authority is on site. The supervisor is not required to have actual or direct sight of the person being directly supervised;~~{and}~~
- (23) "General supervision" means that the supervising authority oversees the work performed overall but is not required to be on-site at all times during work relating to elevators or fixed guideway systems;
- (24) ***"Accessibility and residential elevator mechanic" means any person who:***
- (a) ***Possesses an accessibility and residential elevator mechanic license issued by the department;***
  - (b) ***Is employed by an elevator contractor; and***
  - (c) ***Is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining accessibility lifts and private residential elevators;***
- (25) ***"Accessibility lift" means a hoisting and lowering mechanism, that moves within a guide system, serving two (2) or more landings, for the purpose of transporting a person; and***
- (26) ***"Private residential elevator" means a passenger elevator installed within a structure subject to the Kentucky Residential Code as established in 815 KAR 7:125, but shall not be shared by units if installed in a multifamily dwelling.***

➔Section 2. KRS 198B.4013 is amended to read as follows:

- (1) An application for licensure as an elevator mechanic shall contain the following:
- (a) Name;
  - (b) Residential address;
  - (c) Name and address of the applicant's employer, if employed;
  - (d) The number of years the applicant has engaged in the business of installing, maintaining, or servicing elevators or fixed guideway systems;~~{and}~~
  - (e) ***The types of elevators or fixed guideway systems the applicant installed, maintained, or serviced during the applicant's years of experience;***
  - (f) ***Identification of the type of license, whether an elevator mechanic license or an accessibility and residential elevator mechanic license, sought by the applicant; and***
  - (g) Upon request by the department, supplemental documentation of information required by this section.
- (2) An applicant for an elevator mechanic license ***or an accessibility and residential elevator mechanic license*** shall demonstrate one (1) or more of the following to be eligible for licensure:
- (a) 1. Proof the applicant ***for an elevator mechanic license*** has not less than thirty-six (36) months of work experience in the elevator industry, in construction, maintenance, service, repair, or any combination of these activities as verified by current and previous employers, or equivalent experience while serving in the United States military services; and
  - 2. Passage of a written, oral, or computerized examination administered by the department ***or the department's designee*** based upon the most recent referenced codes and standards ***for full licensure***;
  - (b) 1. ***Proof the applicant for an accessibility and residential elevator mechanic license has not less than twelve (12) months of work experience in the elevator industry, in construction, maintenance, service, repair, or any combination of the activities verified by current and***

*previous employers, or equivalent experience while serving in the United States military services; and*

2. *Passage of a written, oral, or computerized examination administered by the department or the department's designee based upon the most recent referenced codes and standards for the accessibility and residential elevator mechanic license the applicant seeks;*
- (c) Proof the applicant has worked without direct and immediate supervision as an elevator constructor, maintenance, or repair person for not less than three (3) years immediately prior to July 1, 2011~~}; and~~
- ~~2. Submission of an application for licensure within one (1) year after July 1, 2011};~~
- ~~(d){(e)}~~ Certificate of completion from a nationally recognized training program for the elevator industry such as the National Elevator Industry Educational Program, National Association of Elevator Contractors, or an equivalent program approved by the commissioner *for elevator mechanic licensure*~~};{ or}~~
- (e) *For accessibility and residential elevator mechanic licensure, a certificate of completion from a nationally recognized training program specifically designed for the accessibility and private residence lift, such as the National Association of Elevator Contractors, or an equivalent program approved by the commissioner; or*
- ~~(f){(d)}~~
  1. Certificate of completion of an apprenticeship program for elevator mechanics, having standards substantially equal to those of KRS 198B.400 to 198B.540; and
  2. Proof of registration with the Bureau of Apprenticeship and Training, United States Department of Labor, or a state apprenticeship council.

**Signed by Governor March 19, 2013.**