

**CHAPTER 183****( SB 99 )**

AN ACT relating to construction projects.

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

➔Section 1. KRS 323.033 is amended to read as follows:

- (1) Except as otherwise provided in this section, the following buildings, or additions to existing buildings, classified by use group shall require the services of an architect licensed in the Commonwealth of Kentucky;
  - (a) Assembly use group having a capacity of one hundred (100) persons or more, except church buildings having a capacity of four hundred (400) persons or less or six thousand (6,000) square feet or less;
  - (b) Business use group having a capacity of one hundred (100) persons or more;
  - (c) Institutional use group, regardless of capacity;
  - (d) Mercantile use group having a capacity of one hundred (100) persons or more;
  - (e) Residential use group of more than twelve (12) dwelling units or having a capacity of fifty (50) persons or more;
  - (f) Educational use groups regardless of capacity; and
  - (g) Mixed use group containing one (1) or more of the use group classifications and capacities listed under paragraphs (a) ~~to (f)~~ (f) of this subsection.
- (2) Alterations or new construction requiring compliance with the Kentucky Building Code for any building containing one (1) or more of the use group classifications and capacities listed under subsection (1) of this section shall require the services of an architect licensed in the Commonwealth of Kentucky; except that, when such alterations or new construction predominantly involve primarily structural components or mechanical or electrical systems, services may be performed by one (1) or more licensed professional engineers.
- (3) Buildings, or additions to existing buildings, containing one (1) or more of the use group classifications and capacities listed under subsection (1) of this section shall require, in addition to the services of an architect, the services of one (1) or more licensed engineers.
- (4) The following buildings and additions to existing buildings, classified by use group, shall require the services of either an architect or a professional engineer registered in the Commonwealth of Kentucky:
  - (a) Factory and industrial use group having a capacity of one hundred (100) persons or more;
  - (b) High hazard use group, regardless of capacity;
  - (c) Storage use group having a capacity of one hundred (100) persons or more; and
  - (d) Utility and miscellaneous use groups having a capacity of one hundred (100) persons or more.
- (5) Neither the state nor any of its political subdivisions shall engage in the construction of any public work involving the practice of architecture or engineering unless the plans, specifications, and estimates have been prepared and the administration of construction contracts executed under the direct supervision of a licensed architect or a professional engineer. This subsection shall not apply to:
  - (a) Any public work, including a building or capital project under KRS 56.491, that involves only maintenance or repair of the facility. Maintenance or repair shall not include any work which alters, modifies, or changes the original characteristics of the design; ~~or~~
  - (b) Any residential dwelling that falls under the Kentucky Residential Code; *or*
  - (c) *Facilities used in the furtherance of security or defense contracts, grants, or agreements with the United States of America located on property owned by the Commonwealth that are industrial or storage areas measuring twenty thousand (20,000) square feet or less or a business area measuring ten thousand (10,000) square feet or less, provided work is in compliance with the United States Department of Defense Building Code.*

- (6) The services required in subsections (1) to (5) of this section shall include the administration of construction contracts.

**Signed by Governor April 5, 2021.**