

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 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 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 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.
- (39 Ky.R. 1970; 2174; eff. 5-31-2013; 48 Ky.R. 617; eff. 3-1-2022.)

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 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.