

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

815 KAR 4:030. Elevator licensing.

RELATES TO: KRS 198B.4003, 198B.4009, 198B.4011, 198B.4013, 198B.4023, 198B.4025, 198B.4027, 198B.4033

STATUTORY AUTHORITY: KRS 198B.4009, 198B.4011, 198B.4013, 198B.4023

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.4009(3) authorizes the Department of Housing, Buildings and Construction to promulgate administrative regulations necessary to implement KRS 198B.400 through 198B.540. KRS 198B.4009(1) requires elevator contractors and elevator mechanics to be licensed. KRS 198B.4011 provides the eligibility requirements for issuance of an elevator contractor's license. KRS 198B.4013 provides the eligibility requirements for issuance of an elevator mechanic's license and an accessibility and residential elevator mechanic's license. KRS 198B.4023 authorizes the department to promulgate administrative regulations establishing the requirements for inactive license and reactivation procedures. KRS 198B.4025 establishes the continuing education requirements for elevator license renewals. KRS 198B.4027 provides the minimum insurance requirements for elevator contractor licensees. This administrative regulation establishes the licensure requirements for elevator contractors, elevator mechanics, and accessibility and residential elevator mechanics.

Section 1. General Requirements.

(1) Elevator contractor.

(a) Supervision. The elevator contractor shall provide general supervision, and be primarily responsible for, all elevator work performed by the mechanics, employees, and subcontractors of the licensee.

(b) Change of licensee's information. A licensee who is an employee of a company and whose license represents the company shall notify the department, in writing, if the licensee ceases to represent the company or if the name of the company changes.

(2) Elevator mechanic.

(a) Supervision. The elevator mechanic shall provide general supervision for all helpers or apprentices assigned to the elevator mechanic in carrying out the installation, construction, alteration, replacement, maintenance, removal, or dismantling of any elevator or fixed guideway system.

(b) Limitation on applicability. A licensed elevator mechanic may perform work on accessibility and residential elevators without obtaining an accessibility and residential elevator license.

(3) Accessibility and residential elevator mechanic.

(a) Supervision. The accessibility and residential elevator mechanic shall provide general supervision for all helpers or apprentices assigned to the accessibility and residential elevator mechanic in carrying out the installation, construction, alteration, replacement, maintenance, removal, or dismantling of any accessibility lift or private residential elevator.

(b) Limitation on applicability. A licensed accessibility and residential elevator mechanic shall not hold out himself or herself as complying with all the elevator mechanic experience and examination requirements.

Section 2. Initial Application Requirements.

(1) Filing the application.

(a) Elevator contractor. An applicant seeking an elevator contractor license shall submit to the department:

1. A completed Elevator Contractor License Application on Form EV-3;
2. An initial license application fee of \$240 for a twelve (12) month license. The initial license fee may be prorated for not less than seven (7) months or more than eighteen (18) months and shall expire on the final day of the applicant's birth month;
3. Proof of applicant's experience as required by KRS 198B.4011 and this administrative regulation;
4. A passport-sized color photograph of the applicant taken within the past six (6) months, except for an applicant that is a partnership, corporation, or other business entity;
5. Proof of insurance as required by KRS 198B.4027; and
6. If the elevator contractor applicant is an employee representing a company, the applicant shall state the company name on the application form. The company may provide the insurance certificates and shall be subject to this administrative regulation.

(b) Elevator mechanic and accessibility and residential elevator mechanic. An applicant seeking an elevator mechanic license or an accessibility and residential elevator mechanic license shall submit to the department:

1. A completed Elevator Mechanic License Application on Form EV-4;
2. An initial license application fee of ninety-six (96) dollars for a twelve (12) month license. The initial license fee may be prorated for not less than seven (7) months or more than eighteen (18) months and shall expire on the final day of the applicant's birth month;
3. Proof of the applicant's experience as required by KRS 198B.4013 and this administrative regulation; and
4. A passport-sized color photograph of the applicant taken within the past six (6) months.

(2) Termination of an application.

(a) The initial application shall remain pending until all requirements are met, up to a period of one (1) year after the date the application is received by the department.

(b) At the end of one (1) year, the application shall be void.

Section 3. Reciprocity.

(1) Out of state credentials.

(a) To be eligible for reciprocity, an applicant shall have a current license, certification, or registration in another state whose standards are substantially equal to those of this Commonwealth as established in KRS Chapter 198B and 815 KAR Chapter 4.

(b) The license, certificate, or registration shall be equivalent to the Kentucky license requested.

(2) Application.

(a) A reciprocal elevator license applicant shall submit the appropriate application and fee:

1. For an elevator contractor applicant, a completed Elevator Contractor License Application on Form EV-3 and \$240; and
2. For an elevator mechanic applicant or an accessibility and residential elevator mechanic applicant, a completed Elevator Mechanic License Application on Form EV-4 and ninety-six (96) dollars.

(b) If applying for both licenses, an application fee shall be submitted for each license with each application form.

(3) Experience.

(a) Elevator contractor. A reciprocal elevator contractor applicant shall meet the experience requirement in Section 5(1) of this administrative regulation.

(b) Elevator mechanic and accessibility and residential elevator mechanic. A reciprocal elevator mechanic or an accessibility and residential elevator mechanic shall meet the experience required by KRS 198B.4013(2).

Section 4. Examination Requirements. An applicant for an elevator mechanic license or an accessibility and residential elevator mechanic license shall take and pass the examination administered in compliance with this section.

(1) Examination criteria.

(a) Elevator Mechanic. For an application pursuant to KRS 198B.4013(2)(a), the examination shall test the applicant's knowledge of codes, standards, and current technological and industry recommended practices with respect to the proper installation, maintenance, repair, remodeling, or alteration of elevators, elevator systems, and fixed guideway systems.

(b) Accessibility and Residential elevator mechanic. For an application pursuant to KRS 198B.4013(2)(b), the examination shall test the applicant's knowledge of codes, standards, and current technological and industry recommended practices with respect to the proper installation, maintenance, repair, remodeling, or alteration of accessibility lifts and private residential elevators.

(2) The department or its designee shall develop, administer, and score the examinations in subsection (1)(a) and (b) of this section.

(3) Reasonable accommodations shall be made to provide accessibility to disabled applicants, upon request.

(4) Except as established in subsection (8) of this section, an applicant shall pass with a score of at least seventy (70) percent on the examinations in subsection (1)(a) or (b) in this section.

(5)

(a) A request to sit for an examination shall be made directly to the testing facility approved by the department.

(b) A list of facilities and contact information shall be provided by the department to applicants upon request.

(6) The cost shall not exceed \$100 for either the Kentucky Elevator Mechanic Examination or for the Kentucky Accessibility and Residential Elevator Mechanic Examination.

(7) A passing score on an approved elevator examination shall be valid for a period of three (3) years.

(8) Upon application by a testing agency, a national code group, or by an applicant for licensure, the department shall recognize another examination as equivalent to the examinations administered by the department or department's designee if the person or group submitting the examination demonstrates that the examinations cover the same material and require the same level of knowledge as the department's examinations.

Section 5. Experience Requirements.

(1) Minimum experience.

(a) Elevator contractor. An elevator contractor applicant shall have a minimum of three (3) years of verifiable experience as an elevator mechanic.

(b) Elevator mechanic and accessibility and residential elevator mechanic. An elevator mechanic applicant or an accessibility and residential elevator mechanic applicant shall meet the experience required by KRS 198B.4013(2).

(2) Records of experience. An applicant's experience shall be listed on the application form or included with submission of application form to the department.

(a) Proof of listed experience shall be provided by:

1. A W-2 form; or
 2. An affidavit by an elevator contractor who directed and supervised the applicant.
- (b) Additional proof of experience shall be requested by the department if the department has reason to believe that the experience shown is insufficient, falsified, or nonexistent.

Section 6. Inactive License Status.

- (1) A licensee may request that a license be placed in inactive status.
- (2) An elevator contractor licensee in inactive status shall not be required to maintain insurance as required by KRS 198B.4027.
- (3) A certified elevator inspector may be licensed as an elevator contractor, elevator mechanic, or accessibility and residential elevator mechanic, but shall place the license in inactive status while having an active elevator inspector certification.
- (4) A licensee shall not perform elevator work while the license is inactive. Performing elevator work while holding an inactive license shall be grounds for revocation or suspension of all elevator licenses and certifications held by the licensee.

Section 7. Renewal and Reactivation Requirements and Procedures.

- (1) Filing for renewal. Licenses shall be renewed each year. To renew a license, a licensee shall submit to the department:
 - (a) A completed, applicable form:
 1. For elevator contractors, the Elevator Contractor License Application on Form EV-3; or
 2. For elevator mechanics and accessibility and residential elevator mechanics, the Elevator Mechanic License Application on Form EV-4;
 - (b) A renewal fee made payable to the Kentucky State Treasurer of:
 1. \$240 for an elevator contractor; or
 2. Ninety-six (96) dollars for an elevator mechanic or an accessibility and residential elevator mechanic; and
 - (c) Proof of attendance and completion of continuing education prior to the application for renewal in accordance with 815 KAR 2:010.
- (2) Each application for license renewal shall be submitted by each licensee with a United States postmark dated no later than the last day of the licensee's birth month.
- (3) A renewal application submitted late, but with a United States postmark dated no more than sixty (60) days after the last day of the licensee's birth month, shall be accepted, but a restoration fee, in accordance with Section 8(1) of this administrative regulation, shall be added to the annual renewal fee.
- (4) Failure to renew within sixty (60) days after the last day of the licensee's birth month shall terminate the license.
- (5) To reactivate an inactive license, the inactive licensee shall:
 - (a) Pay the annual renewal fee;
 - (b) Pay the reactivation fee pursuant to Section 8(3) of this administrative regulation;
 - (c) Comply with the continuing education requirements established in 815 KAR 2:010; and
 - (d) Provide current proof of insurance required by KRS 198B.4027 if an elevator contractor.

Section 8. Special Service Fees. In addition to other fees required by this administrative regulation, the following fees shall also be applied:

- (1) Restoration fee. The fee for renewal of an expired license shall be:
 - (a) Fifty (50) dollars for an elevator contractor; or
 - (b) Twenty-five (25) dollars for an elevator mechanic or accessibility and residential elevator mechanic.

- (2) Reinstatement fee. The fee for reinstatement of a terminated license shall be:
 - (a) \$100 for an elevator contractor; or
 - (b) Twenty-five (25) dollars for an elevator mechanic or accessibility and residential elevator mechanic.
- (3) Reactivation fee. The fee for reactivation of an inactive license shall be:
 - (a) \$120 for an elevator contractor; or
 - (b) Forty-eight (48) dollars for an elevator mechanic or accessibility and residential elevator mechanic.
- (4) Duplicate license fee. A verified lost or destroyed license shall be replaced upon payment of a ten (10) dollar fee.

Section 9. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Elevator Contractor License Application", Form EV-3, ~~April 2023~~~~[May 2020]~~; and
 - (b) "Elevator Mechanic License Application", Form EV-4, ~~April 2023~~~~[May 2020]~~.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, Division of Building Codes Enforcement, Elevator ~~Inspection Branch~~~~[Section]~~, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at <http://dhbc.ky.gov/Pages/default.aspx>.

RAY A. PERRY, Secretary

RICK W. RAND, Commissioner

APPROVED BY AGENCY: April 12, 2023

FILED WITH LRC: April 13, 2023 at 3:30 p.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 27, 2023, at 10:00 a.m., eastern time, in the Department of Housing, Buildings and Construction, 500 Mero St., First Floor, Frankfort, Kentucky. Individuals interested 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 until 11:59 p.m. eastern time on June 30, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person:

CONTACT PERSON: Molly B. Cassady, General Counsel, Department of Housing, Buildings and Construction, Mero St., Kentucky 40601, phone 502-782-5448, fax 502-573-1057; email molly.cassady@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Molly B. Cassady

(1) Provide a brief summary of:

(a) What this administrative regulation does:

This administrative regulation establishes the licensure requirements for elevator contractors, elevator mechanics, and accessibility and residential mechanics, and the requirements for renewing and reactivating elevator licenses.

(b) The necessity of this administrative regulation:

This administrative regulation is necessary in order to assist the Elevator Section in carrying out its duty to implement KRS 198B.400 to 198B.540, regulate and monitor the elevator industry in the Commonwealth, and readily identify licensed individuals.

(c) How this administrative regulation conforms to the content of the authorizing statutes:

KRS 198B.4009(3) authorizes the Department of Housing, Buildings and Construction to promulgate administrative regulations necessary to implement KRS 198B.400 to 198B.540. KRS 198B.4009(1) requires elevator contractors and elevator mechanics to be licensed. KRS 198B.4011 provides the eligibility requirements to be met for issuance of an elevator contractor's license. KRS 198B.4013 provides the eligibility requirements to be met for issuance of an elevator mechanic's license and an accessibility and residential elevator mechanic's license. KRS 198B.4023 authorizes the department to promulgate administrative regulations establishing the requirements for inactive licenses and reactivation procedures. KRS 198B.4025 establishes the continuing education requirements for elevator license renewals. KRS 198B.4027 provides the minimum insurance requirements for elevator contractor licenses.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

This administrative regulation establishes the standards applicable to those seeking to obtain and maintain elevator licenses, and how the elevator examination will be administered.

(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 removes references to KRS 164.772, which was repealed in 2019, from the Elevator Contractor and Elevator Mechanic application forms.

(b) The necessity of the amendment to this administrative regulation:

To remove references to KRS 164.772 for clarity.

(c) How the amendment conforms to the content of the authorizing statutes:

This amendment is authorized by KRS 198B.4009(3)'s grant of authority to regulate the Commonwealth's elevator industry.

(d) How the amendment will assist in the effective administration of the statutes:

Removes inapplicable statutory references to eliminate confusion.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation:

All licensed individuals engaged in the elevator and accessibility lift trade within the Commonwealth, those applicants seeking elevator licensure in the Commonwealth, and Department of Housing, Buildings and Construction personnel.

(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 will not impose any additional requirements on any of the regulated 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):

These amendments will not impose any additional costs on any of the regulated entities identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3):

By removing inapplicable statutory references, the form will become less confusing for the applicant. (5) Provide an estimate of how much it will cost to implement this administrative regulation:

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

(a) Initially:

There are no anticipated initial additional costs to administer these regulatory amendments.

(b) On a continuing basis:

There are no anticipated additional costs to administer these regulatory amendments.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation:

Implementation of these amendments is anticipated to result in no additional costs to the agency. Any agency costs resulting from these administrative amendments 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 establishes any fees or directly or indirectly increases any fees:

There are no fees directly or indirectly increased by this administrative regulation amendment.

(9) TIERING: Is tiering applied?

Tiering is not applied as all elevator contractors, elevator mechanics, and accessibility and residential elevator mechanic licensees will be subject to the amended requirements.

FISCAL NOTE

(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 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.

The amendments are authorized by KRS 198B.4009.

(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?

These amendments are 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?

These amendments are not anticipated to generate additional revenue for 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 these regulatory amendments 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 these regulatory amendments 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

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

There are no anticipated cost savings associated with this administrative regulation for the first year.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?

There are no anticipated cost savings associated with this administrative regulation for subsequent years.

(c) How much will it cost the regulated entities for the first year?

There are no anticipated costs to the regulated entities for the first year.

(d) How much will it cost the regulated entities for subsequent years?

There are no anticipated costs to the regulated entities for subsequent years.

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

Cost Savings (+/-):Neutral

Expenditures (+/-):Neutral

Other Explanation:

None

(5) Explain whether this administrative regulation will have a major economic impact, as defined below.

"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,00) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation will not have a major economic impact, as defined above.