

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

815 KAR 7:130. Kentucky Industrialized Building Systems.

RELATES TO: KRS 198B.030; KRS 198B.062; KRS 318.134

STATUTORY AUTHORITY: KRS 198B.040(10); KRS 198B.050(5); KRS 198B.060(18)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.050(5) requires the Department of Housing, Buildings and Construction to promulgate administrative regulations which are necessary to implement the Uniform State Building Code or to carry out any other responsibility assigned to the department by KRS Chapter 198B. KRS 198B.040(10) requires the department to promulgate administrative regulations for the safe installation and operation of plumbing and plumbing fixtures. KRS 198B.060(18) authorizes the department to establish a schedule of fees for the functions performed under KRS Chapter 198B. KRS 198B.062 requires all buildings to be constructed according to the construction documents approved by the building official having jurisdiction of the building in accordance with KRS 198B.060. This administrative regulation establishes the plan review and out-of-state inspection processes and requirements for industrialized building systems.

Section 1. Definitions.

- (1) "Certificate of acceptability" means the certificate provided to the manufacturer by the department signifying the manufacturer's ability to manufacture, import, and sell industrialized building systems within the state.
- (2) "Department" means Department of Housing, Buildings and Construction
- (3) "Industrialized building system" is defined by KRS 198B.010(18).
- (4) "KIBS" means the Kentucky Industrialized Building System program.
- (5) "M-Seal" means a unique serialized seal applied by a third-party inspector in the factory indicating that the building was constructed in substantial compliance with the Kentucky Building Code, incorporated by reference at 815 KAR 7:120 or the Kentucky Residential Code, incorporated by reference at 815 KAR 7:125.
- (6) "Third-party inspection agency" means a business entity that employs Kentucky certified building inspectors and is approved to conduct out-of-state inspections for substantial compliance with the Uniform State Building Code "Third-Party Inspector" means a building inspector certified by the department in accordance with 815 KAR 7:070 that is not employed by a local government or by the department and is authorized to conduct inspections on industrialized building systems at an out-of-state manufacturing facility.
- (7) "Third-party inspector" means a building inspector certified by the department in accordance with 815 KAR 7:070 that is not employed by a local government or by the department and is authorized to conduct inspections on industrialized building systems at an out-of-state manufacturing facility.
- (8) "Quality Assurance Manual" means a document that describes a business entities' construction practices, quality assurance measures, and dispute resolution procedures.

Section 2. Certificate of Acceptability.

- (1) Any manufacturer who wishes to sell an industrialized building system for placement in Kentucky shall obtain a Certificate of Acceptability.

(2) An applicant for a manufacturer of industrialized building systems' Certificate of Acceptability shall submit to the department:

- (a) A completed Form HBC KIBS-1, Application for Certificate of Acceptability for Industrialized Building Systems;
- (b) Quality Assurance Manual;
- (c) Proof of insurance for general liability coverage in the amount of at least:
 - 1. \$300,000 bodily injury or death for each person;
 - 2. \$400,000 bodily injury or death for each accident; and
 - 3. \$100,000 for damage to property; and
- (d) A prorated certificate of acceptability fee of \$500.

Section 3. Plan submission.

(1)

(a) Prior to manufacturing an industrialized building system for placement in Kentucky, a manufacturer shall submit model plans to the department for approval. Model plans are required once per model and approval shall remain in effect for the duration of the currently adopted Kentucky Building Code or Kentucky Residential Code.

(b) Applicants seeking model plan approval shall submit to the department:

- 1. A completed KIBS Model Application Form, Form HBC KIBS-2;
- 2. Construction documents; and
- 3. Plan review fee as established by 815 KAR 7:120 Section 3.

(2)

(a) Prior to placement of every industrialized building system, except those classified as one- and two- family dwellings, site placement plans shall be submitted to the department for approval.

(b) Applicants seeking site placement plan approval shall submit to the department:

- 1. A completed KIBS Site Placement Application Form, Form HBC KIBS-3;
- 2. Site placement plans; and
- 3. Plan review fee as established by 815 KAR 7:120 Section 3.

Section 4. Out-of-state inspections. Prior to shipment of every industrialized building system, the structure shall be inspected for substantial code compliance by a third-party inspector, and an M-Seal shall be applied if the structure is in substantial compliance with the Kentucky Building Code or Kentucky Residential Code.

Section 5. M-Seals.

(1) A third-party inspector may request M-Seals from the department to place on inspected industrialized building systems. Requestors shall submit to the department:

- (a) A completed Application for M-Seals, Form HBC KIBS-4, and
- (b) A fee of twenty-five dollars (\$25) per M-Seal.

(2) Except for the initial request for M-Seals, a third-party inspector requesting M-Seals shall submit a completed Form HBC KIBS-5 to the department prior to receiving M-Seals.

(3) A third-party inspector shall:

- (a) Affix a M-Seal to a structure that substantially complies with the Kentucky Building Code or Kentucky Residential Code;
- (b) Not affix a M-Seal to a structure he or she has not personally inspected; and
- (c) Not allow M-Seals he or she has received from the department to be used by another.

(4) Penalties. A third-party inspector who knowingly engages in activity intended to defraud or deceive the department shall be subject to certification revocation or suspension pursuant to KRS 198B.060(16)-(17).

Section 6. Plumbing. Plumbing Systems shall be inspected and approved by a plumbing inspector employed by the Kentucky Department of Housing, Buildings and Construction, Division of Plumbing.

Section 7. Incorporation by reference.

- (1) The following material is incorporated by reference:
 - (a) Form HBC KIBS-1, "Application for Certificate of Acceptability for Industrialized Building Systems", April 2023;
 - (b) Form HBC KIBS-2, "KIBS Model Application Form", April 2023;
 - (c) Form HBC KIBS-3, "KIBS Site Placement Application Form", April 2023;
 - (d) Form HBC KIBS-4, "Application for M-Seals", April 2023;
 - (e) Form HBC KIBS-5, "M-Seal Verification Form", April 2023.
- (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 Code Enforcement, 500 Mero Street, Frankfort, Kentucky 40601-5412, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at <http://dhbc.ky.gov>.

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 Street, First Floor, Frankfort, Kentucky 40601. 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 through June 30, 2023 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: 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.