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This is an official publication of the Commonwealth of Kentucky, Legislative Research Commission, giving public notice of all proposed regulations filed by administrative agencies of the Commonwealth pursuant to the authority of Kentucky Revised Statutes Chapter 13.

Persons having an interest in the subject matter of a proposed regulation published herein may request a public hearing or submit comments within 30 days of the date of this issue to the official designated at the end of each proposed regulation.

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KENTUCKY ADMINISTRATIVE REGULATIONS are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title	Chapter	Regulation
806 KAR 50 : 155		
Cabinet, Department, Board or Agency	Bureau, Division or Major Function	Specific Area of Regulation

Administrative Register of Kentucky

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Public Hearings Scheduled

DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION Bureau of Environmental Protection Division of Plumbing

The Department for Natural Resources and Environmental Protection has scheduled a public hearing on February 2, 1977 at 10 a.m. EST in the Auditorium of Capital Plaza Tower, Frankfort, Kentucky 40601 on the following proposed regulation, published in this issue:

401 KAR 1:105. Subsurface sewerage disposal systems.

PUBLIC PROTECTION AND REGULATION CABINET Department of Insurance State Fire Marshal

The Department of Insurance has scheduled a public hearing on January 6, 1977 at 1 p.m. EST in Room G-2, Capital Plaza Tower, Frankfort, Kentucky 40601 on the following proposed regulation, published in this issue:

806 KAR 50:200. Mobile homes.

Department of Mines and Minerals Division of Explosives and Blasting

The Department of Mines and Minerals has scheduled a public hearing on January 20, 1977 at 10 a.m. EST at the University of Kentucky, College of Law Courtroom, Lexington, Kentucky on the following proposed regulation, published in this issue:

805 KAR 4:087. Explosives.

Emergency Regulations Now In Effect

101 KAR 1:050E

JULIAN M. CARROLL, GOVERNOR
EXECUTIVE ORDER 76-1159
November 30, 1976

EMERGENCY REGULATION Department of Personnel

WHEREAS, the Commonwealth of Kentucky has a substantial interest in the compensation of its employees; and
WHEREAS, a sentence which contradicts subsequent language has inadvertently been retained in a current regulation; and

WHEREAS, the Department of Personnel has determined and finds that an emergency exists and that there is an immediate necessity to clarify the language of the regulation pertaining to the Compensation Plan for the Classified Service; and

WHEREAS, the Commissioner of the Department of Personnel, pursuant to KRS 13.082 and KRS 18.170, has promulgated the regulation hereinabove referenced:

NOW, THEREFORE, I, Julian M. Carroll, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by Section 13.085(2) of the Kentucky Revised Statutes, hereby acknowledge the finding of the Department

of Personnel that an emergency exists and direct that the attached regulation become effective immediately upon being filed in the Office of the Legislative Research Commission.

JULIAN M. CARROLL, Governor
DREXELL R. DAVIS, Secretary of State

SECRETARY OF THE CABINET Department of Personnel

101 KAR 1:050E. Compensation Plan.

RELATES TO: KRS 18.170, 18.190, 18.210, 18.240

PURSUANT TO: KRS 13.082, 18.170, 18.210

EFFECTIVE: December 2, 1976

EXPIRES: April 1, 1977

NECESSITY AND FUNCTION: KRS 18.210 requires the Commissioner of Personnel to prepare and submit to the board rules which provide for a pay plan for all employees in the classified service, taking into account such factors as the relative level of duties and responsibilities of various classes, rates paid for comparable positions elsewhere, and the state's financial resources. This rule is to assure uniformity and equity in administration of the pay plan in accordance with statutory requirements.

Section 1. Preparation, Approval, and Amendment of the Plan. After consultation with appointing authorities and the Commissioner of the Executive Department for Finance and Administration, the commissioner shall prepare and recommend to the board a compensation plan for all classes of position. The board shall present the plan, through the Commissioner of the Executive Department for Finance and Administration, to the Governor for his approval. The plan shall provide salary ranges for the various classes, with the salaries consistent with the functions outlined in the classification plan. Such salary ranges shall include minimum, intervening, maximum, and longevity rates of pay for each class. Each class of position in the classification plan shall be assigned to a salary range in the compensation plan.

Section 2. Entrance Salary. Initial appointments to state service shall be made at the minimum of the pay range for the class unless:

(1) The commissioner determines that it is not possible to recruit qualified employees at the established entrance salary in a specific area, in which case, he may, at the request of the appointing authority, authorize the recruitment for a class of position at a higher step of the range, provided that all other employees in the same class of position in the same agency in the same locality are adjusted in salary to the same step.

(2) The commissioner authorizes the appointment of a qualified applicant at the second or third step of the range, provided that any such exception is based on the outstanding and unusual character of the employee's experience, education and ability over and above the minimum qualifications specified for the class, provided that all other employees possessing similar qualifications in the same class of position in the same agency in the same locality are adjusted in salary to the same step.

Section 3. Re-Entrance to State Service. Appointing authorities, with the approval of the commissioner, may place re-employed, reinstated and probationarily appointed former employees at a salary determined by one (1) of the following methods:

(1) The same class:

(a) Request the same salary that was paid at the time of separation if such salary is within the current salary range;

(b) Request a salary relative to that which was paid employee at time of separation (original salary plus increases resulting from a change of salary range) if such salary is within the current salary range;

(c) Request a lower salary within the current salary range which falls in one (1) of the steps within the salary range;

(d) Request a salary in accordance with the standards used for making new appointments.

(2) A higher class:

(a) Request the same salary that was paid at the time of separation if such salary is within the higher salary range;

(b) Request a salary relative to that which was paid the employee at time of separation (original salary plus increases resulting from a change of salary range) if such salary is within the higher salary range;

(c) Request a salary in accordance with the standards used for making new appointments.

(3) A lower class:

(a) Request the same salary that was paid at the time of separation if such salary is within the lower salary range;

(b) Request a salary relative to that which was paid the employee at the time of separation (original salary plus increases resulting from the change of salary range) if such salary is within the lower salary range;

(c) Request a salary in accordance with the standards used for making new appointments.

Section 4. Salary Adjustments. (1) Change in Salary Range. Whenever a new or different salary range is made applicable to a class of position, persons employed in positions of that class at the effective date of the adjustment shall have their salary placed at least at the minimum salary step of the new range. An adjustment may be made to the salary step of the new range corresponding to that step which an employee held under the range formerly applicable to his class of position. In fixing salaries on an adjustment, an appointing authority shall afford equitable treatment to all employees affected by the adjustment. Salary adjustments resulting from different salary ranges being made applicable to a class of position shall not affect an employee's normal anniversary increment date.

(2) An employee who is promoted may have his salary raised to the lowest step of the salary range for the class of his new position which will provide an increase over the salary received prior to promotion. If the promotion is to a classification which constitutes an unusual increase in the level of responsibility, the appointing authority, with the prior written approval of the commissioner, may grant a two (2) or three (3) step salary increase over the employee's previous salary, provided the proposed salary is within the salary range for the position.

(3) An employee who is demoted shall have his salary reduced to at least the maximum rate of the new class; however, if an employee whose performance is satisfactory is demoted through no fault of his own as a result of the reallocation of his position to a lower class and his salary is above the maximum, he may retain the salary he received before the reallocation, but he shall not receive salary advancements so long as he remains in a position with a maximum rate no higher than this salary.

(4) Transfer. An employee who is transferred to the same class of position shall be paid the same salary that he received prior to transfer.

(5) Reclassification. An employee who is advanced to a higher pay grade through a reclassification of his position shall have his salary raised to the lowest step of the salary range for the class which will provide an increase over the salary received prior to the advancement.

(6) Reallocation. An employee who is advanced to a higher pay grade through a reallocation of his position shall have his salary raised to the lowest step of the salary range for the class which will provide an increase over the salary received prior to the advancement.

(7) Detail to special duty. An employee who is approved for detail to special duty as provided by 101 KAR 1:110, Section 4, may have his salary raised to the lowest step of the salary range for the class of the new position which will provide an increase over the salary received prior to the detailed assignment. Annual increments will not be permitted while an employee is on detail to special duty.

(8) Salary reduction. Employees who are transferred back to their old class, after completion of a detail assignment or unsatisfactory probationary period following a promotion, shall have their salary reduced to the salary rate received prior to the detail assignment or promotion. An employee who reverts back to his old class after a detail to special duty is entitled to all salary advancements he would have received had he not been on detail to special duty.

Section 5. Salary Advancements. (1) Annual increments shall be based upon length of service, and shall correspond with the steps of the approved salary range, and shall, in the classified service, be limited to employees having status.

(2) Employees shall be eligible and may be given consideration by the appointing authority for a one (1) step salary

advancement at the beginning of any month following the successful completion of the probationary period. The service may be provisional or probationary. Thereafter, an employee shall be given a one (1) step salary advancement at the beginning of the month following completion of twelve (12) months continuous service since last receiving an annual or probationary increment. An employee may not be given salary advancement more than once for successful completion of a probationary period in the same class except as provided in paragraphs (a) or (b). [A reinstated, re-employed, or probationarily appointed former employee who is required to serve a probationary period shall not be eligible for a probationary period salary advancement at the end of that probationary period, except when appointed to a higher classification.]

(a) Former employees reinstated, re-employed or probationarily appointed to a lower salary shall be eligible for a one-step salary advancement at the beginning of any month following successful completion of a probationary period.

(b) An employee reinstated or re-employed at the same or higher salary may be considered for a salary advancement when he has completed twelve (12) months' service since the date he last received a probationary or annual increment. However, a maximum of six (6) months of that twelve (12) months' service may have been earned during the last period of service in which he held status. In no case shall the period for awarding a one-step salary advancement exceed twelve (12) months' continuous service from the date of reinstatement or re-employment.

(3) Any permanent full-time employee who has served continuously for one (1) year immediately preceding the recommendation and who has not received an outstanding merit advancement within twelve (12) months, is eligible for a one (1) step outstanding merit advancement within his present grade in addition to any other salary advancements to which he might be entitled if:

(a) His acts or ideas have resulted in significant financial savings to the Commonwealth, or to a significant improvement in service to its citizens; or,

(b) His job performance is outstanding. The appointing agency must submit written justification to the commissioner and the personnel action form must be approved by the agency head and the commissioner to be effective. In a fiscal year, an agency with sufficient budgeted funds may grant as many outstanding merit salary advancements as thirty (30) percent of the number of its employees at the close of the prior fiscal year.

(4) Subject to the approval of the commissioner, any permanent, full-time employee who, after his probationary period, satisfactorily completes 260 classroom hours of job-related instruction, is eligible for an educational achievement (1) step salary advancement.

(5) New increment anniversary dates will be established when:

(a) An employee first enters on duty. Increment anniversary date will be the first of the month if the employee enters on duty the first work day of the month. For employees entering on duty after the first work day of the month, the anniversary date shall be the first day of the following month;

(b) An employee receives an increase in salary as a result of a promotion;

(c) An employee going on leave without pay, shall result in a postponement of employee's receiving an increment one (1) full month for each full or partial month he is on leave.

(6) Increment anniversary dates will not change when:

(a) An employee's position class receives a new or different salary range;

(b) An employee receives a salary adjustment as a result of his position being reallocated or reclassified;

(c) An employee is transferred from one department to another in the same salary grade and at the same rate of pay;

(d) An employee receives a demotion to a position of a lower class or his position receives a lower classification;

(e) An employee is approved for detail to special duty as provided by 101 KAR 1:110, Section 4. The increment anniversary date will remain the same for the last position in which the employee had status;

(f) An employee receives an outstanding merit salary advancement under 101 KAR 1:050, Section 5(3), or an educational achievement salary advancement under 101 KAR 1:050, Section 5(4);

(g) An employee receives an adjusted increment based on the fact that the employee had not received the maximum number of salary advancements permitted.

(7) An employee who has not received the maximum number of salary advancements permitted by the time limits set forth may be given additional salary advancements at the beginning of any month provided his salary is not advanced to a step of the salary range higher than he would have reached had he received all salary advancements permitted;

(8) No employee shall have his salary advanced to a point above the maximum of the salary range applicable to the class of his position except as provided by 101 KAR 1:050, Section 5(3), (4), and 101 KAR 1:050, Section 6.

Section 6. Longevity Increases. (1) All salary advancements with the longevity plan shall be based upon length of service, and shall correspond with the steps of the approved salary range, and shall, in the classified service, be limited to employees having status.

(2) An employee shall be eligible and advanced to the first longevity step after completion of twelve (12) months service at the salary rate preceding the first longevity step and seven (7) years of total state service.

(3) An employee shall be eligible and advanced to the second longevity step after completion of twelve (12) months service at the salary rate preceding the second longevity step and nine (9) years of total state service.

(4) An employee shall be eligible and advanced to the third longevity step after completion of twelve (12) months service at the salary rate preceding the third longevity step and eleven (11) years of total state service.

(5) Requirements as to total service. The service does not have to be continuous. Absences of leave without pay, except approved educational leave, in excess of thirty (30) working days shall be deducted in computing total service. Re-employed persons who have been dismissed for cause from state service shall not receive credit for service prior to the dismissal. In computing years of total service for the purpose of determining longevity eligibility only those months for which an employee earned annual leave shall be used.

(6) The longevity steps may be used for promotions, demotions, and changes in pay grade, provided the employee possesses the total service required for advancement to the longevity step.

Section 7. Paid Overtime. Overtime for which pay is authorized shall have the approval of the Commissioner of Personnel and the Commissioner of the Executive Department for Finance and Administration.

Section 8. Maintenance and Maintenance Allowance. In each case where an employee or the employee and his family are provided with full or part maintenance, consisting of one (1) or more meals per day, lodging or living quarters, and domestic or other personal services, such compensation in kind shall be treated as part payment and its value shall be

deducted from the appropriate salary rate in accordance with the schedule promulgated by the commissioner after consultation with appointing authorities and the Commissioner of the Executive Department for Finance and Administration.

Section 9. Supplemental Shift Premium. Upon request of the appointing authority, the commissioner may authorize the payment of a supplemental shift premium for those employees directed to work an evening or night shift.

However, no employee shall receive a supplemental shift premium subsequent to a transfer to a position that is ineligible for a shift differential premium payment. The employee's loss of shift differential pay shall not be a basis for an appeal to the Personnel Board.

ADDIE D. STOKLEY, Commissioner

ADOPTED: November 12, 1976

RECEIVED BY LRC: December 2, 1976 at 10:15 a.m.

Amended Regulations Now In Effect

(The following regulations, as proposed to be amended, were published originally in the September and October issues of the *Administrative Register*. The issuing agencies, following public hearings, further amended the regulations. As finally amended, the regulations were approved for filing by the Administrative Regulation Review Subcommittee at its December 1, 1976 meeting and became effective on that date.)

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION As Amended

200 KAR 2:065. Per diem expense allowance.

RELATES TO: KRS Chapters 42, 44, 45

PURSUANT TO: KRS 13.082, 45.180(7)

EFFECTIVE: December 1, 1976

NECESSITY AND FUNCTION: This regulation promulgated pursuant to the authority of KRS 45.180(7), establishes the maximum fixed amounts per day payable out of the State Treasury or of any fund appropriated out of the State Treasury as reimbursement for expenses incurred by state officers and employees in the discharge of the official duties of their offices and employment.

Section 1. Except as otherwise provided by specific law relating to the reimbursement of the official expenses of any state officer or of any administrative or other corporate body or instrumentality of the state government, each state officer and employee authorized to receive reimbursement out of the state treasury, or out of any fund appropriated out of the state treasury, for travel and other expenses incurred incident to the performance of his official duties shall be reimbursed for only such expenses as provided herein.

Section 2. Transportation expenses shall be reimbursed as provided in and at the rates established by 200 KAR 2:050, Transportation.

Section 3. Subsistence expenses for meals, lodging, associated taxes, gratuities and related expenses inclusive, shall be reimbursed as provided in subsections (1), (2), and (3) of this section.

(1) In-State Travel: If any state officer or employee shall be required in the discharge of his official duties as an officer or employee of the Commonwealth of Kentucky or of an agency thereof, to travel from the place of his official work station as defined in Section 1, 200 KAR 2:030, to some other place within the Commonwealth or to any metropolitan area or community bordering on the Commonwealth (e.g., Greater Cincinnati area; Huntington-Ashland-Ironton; Henderson-

Evansville, etc.) and the time of departure and return is during the hours hereinafter stated he shall be paid as reimbursement for subsistence expenses deemed to have been incurred during such official travel, the sum of the amounts stated below:

- (a) Not less than 8 [7] hours:
 - 1. Between the hours of 11 p.m. to 7 a.m. [9 a.m. to 4 p.m.]\$3.00
 - 2. Between the hours of 7 a.m. to 3 p.m. [4 p.m. to 11 p.m.]3.00 [8.00]
 - 3. Between the hours of 3 p.m. to 11 p.m.8.00
- (b) Not less than 12 hours11.00
- (c) Not less than 16 hours14.00
- (d) More [Not less] than 16 hours but not [no] more than 24 hours when lodging is necessary upon the submission of a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay at such a place of accommodation during the period of absence and which must be located at least 35 miles from his work station, place of domicile or usual residence.22.00
- (e) Twenty-four (24) [Not less than 24] hours or more with a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay at such [a] place of accommodation during the period of absence and which must be located at least 35 miles from his work station, place of domicile or usual residence.33.00
- (f) Twenty-four (24) [Not less than 24] hours or more, but without the submission of a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay.18.00
- (g) The provisions of paragraph (a) of this subsection notwithstanding, and in lieu of the amounts stated herein, any state officer who attends, or any employee of an agency designated or directed by the head of such agency to attend as an official representative of the agency, any meeting or function held or sponsored by any organization not under the control of such state officer or of the agency by which such employee is employed, shall be reimbursed for the actual cost incurred for any meal charge fixed by the sponsoring organization.
- (2) Out-of-State Travel: If any state officer or employee shall be required in the discharge of his official duties as an officer or employee of the Commonwealth of Kentucky or of

an agency thereof to travel from the place of his official work station to any place outside of the geographic limits of this state or a metropolitan area or community bordering on this state, and the time of departure and return is during the hours hereinafter stated, he shall be paid as reimbursement for his subsistence expenses deemed to have been incurred during such out-of-state travel, the sum of the amounts stated below:

- (a) Not less than 8 hours \$6.00
 - (b) Not less than 12 hours 17.00
 - (c) Not less than 16 hours 20.00
 - (d) *More* [Not less] than 16 hours but *not* [no] more than 24 hours when lodging is necessary upon submission of a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay at such [a] place of accommodation during the period of absence from his work station, place of domicile or usual residence... 35.00
 - (e) *Twenty-four* (24) [Not less than 24] hours *or more*, when lodging is necessary upon submission of a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay at such [a] place of accommodation during the period of absence from his work station, place of domicile or usual residence... 44.00 [45.00]
 - (f) *Twenty-four* (24) [Not less than 24] hours *or more* but without the submission of a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay 27.00
- (3) Out-of-State Travel High Rate Localities: If any state officer or employee shall be required in the discharge of his official duties as an officer or employee of the Commonwealth of Kentucky or of an agency thereof to travel from the place of his official work station to a high rate locality outside of the geographic limits of this state or a metropolitan area or community bordering on this state, he shall be paid as reimbursement for subsistence expenses deemed to have been incurred during such official out-of-state travel the sum of the amounts stated. The Secretary of the Executive Department for Finance and Administration shall issue in the "Policy and Procedure Management Manual" a list of localities to be reimbursed at these rates:
- (a) Not less than 8 hours \$6.00
 - (b) Not less than 12 hours 20.00
 - (c) Not less than 16 hours 25.00
 - (d) *More* [Not less] than 16 hours but *not* [no] more than 24 hours when lodging is necessary upon submission of a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay at such [a] place of accommodation during the period of absence from his work station, place of domicile or usual residence... 48.00
 - (e) *Twenty-four* (24) [Not less than 24] hours *or more*, when lodging is necessary upon submission of a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay at such [a] place of accommodation during the period of absence from his work station, place of domicile or usual residence 60.00
 - (f) *Twenty-four* (24) [Not less than 24] hours *or more*, but without the submission of a preprinted receipt from a hotel, motel, or other place of public accommodation covering an overnight stay 33.00

Section 4. The provisions of Section 3 hereof notwithstanding, officers, employees and others in the service of the Commonwealth who are properly authorized under the provisions of 200 KAR 2:040, to travel outside North America (United States, including Alaska, Hawaii, Canada, and Mexico) shall, subject to the prior approval of the Secretary of the Executive Department for Finance and Administration, be

reimbursed for their actual and necessary expenses incurred in the course of such authorized travel. All expense items of more than two dollars (\$2) shall be supported by a receipt.

Section 5. All claims for reimbursement of subsistence expenses in the amounts specified in this regulation shall be filed on Form AP-6.

Section 6. *This regulation shall be effective January 1, 1977.*

RUSSELL R. McCLURE, Secretary

ADOPTED: November 5, 1976

RECEIVED BY LRC: November 9, 1976 at 10:05 a.m.

EXECUTIVE DEPARTMENT FOR FINANCE AND ADMINISTRATION As Amended

200 KAR 5:075. Small businesses; classifications and definitions.

RELATES TO: KRS Chapter 45

PURSUANT TO: KRS 45.480

EFFECTIVE: December 1, 1976

NECESSITY AND FUNCTION: KRS 45.480 provides for the Executive Department for Finance and Administration to promulgate regulations defining standards regarding the classifications and definitions of small businesses. This regulation defines small business concerns and specifies when contracts shall be designated "small business set asides."

Section 1. When the Director of Purchases of the Executive Department for Finance and Administration, for purchasing commodities and services (other than contractual services related to [real property and] capital construction projects) determines that there is a reasonable expectation that bids can be obtained from at least three (3) small business concerns capable of performing state contracts for goods (including fungible goods), equipment, or services for which purchase or performance has been requested by or for an agency of the Commonwealth, he shall designate the contract as a "small business set aside" (as defined by KRS 45.470) in the invitation to bidders.

(1) Invitations for bids or proposals, which are designated as "small business set asides," shall be solicited from small business concerns only as defined in this section and bids or proposals received from firms which are not small business concerns shall be considered nonresponsive and rejected.

(2) A small business concern, for the purposes of purchasing services as set forth herein, is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on state contracts and can further qualify under the following criteria:

(a) Manufacturing firms: cannot employ more than 100 persons and gross receipts from the past three (3) years cannot exceed fifteen (15) million dollars.

(b) Non-manufacturing firms, distributors and wholesalers: cannot employ more than twenty-five (25)

persons and gross receipts from the past three (3) years cannot exceed four (4) million dollars.

(c) Service firms: cannot employ more than 100 persons and gross receipts from the past three (3) years cannot exceed six (6) million dollars.

Section 2. When the Director of Engineering of the Executive Department for Finance and Administration determines that there is a reasonable expectation that bids can be obtained from at least three (3) small business concerns for contractual services related to [real property and] capital construction projects, the performance of which has been requested by or for an agency of the Commonwealth, he shall designate the contract as a "small business set aside" (as defined in KRS 45.470) in the invitation to bidders provided the criteria set forth below are met.

(1) Invitations for bids or proposals, which are designated as small business set asides, shall be solicited from small business concerns only as defined in this section and bids or proposals received from firms which are not small business concerns shall be considered nonresponsive and rejected.

(2) Highly technical, electronic and single source projects are exempt from the small business set aside designation regardless of costs. Single or limited trade projects estimated to cost \$10,000 or less, and multi-trade projects estimated to cost \$25,000 or less, are eligible to be designated small business set asides provided the criteria set forth below are met.

(3) A small business concern, for the purposes of purchasing contractual services related to [real property and] capital construction projects, is a concern, including its affiliates, which is independently owned and operated, is not dominant in the field of operation in which it is bidding on state contracts and can further qualify under the following criteria:

(a) Single or limited trade projects: the bidding firm cannot employ more than fifteen (15) full-time employees and gross receipts for the past year do not exceed \$100,000.

(b) Multi-trade projects: the bidding firm cannot employ more than thirty (30) full-time employees and gross receipts for the past year do not exceed \$300,000.

Section 3. (1) Contracts shall be awarded to the lowest and best responsible bidder meeting specifications. If the Director of Purchases, or the Director of Engineering for contractual services related to [real property and] capital construction projects, determine that less than three (3) small business concerns are capable of meeting the terms of the invitations or specifications or that the lowest and best bid submitted in response to an invitation for bids or proposals designated as small business set aside results in an unreasonable price, they shall reject all bids and withdraw the designation of small business set aside, giving bidders the reason(s) for rejection, and seek additional bids without designating the new invitation as a small business set aside.

(2) The bidder submitting a bid in response to an invitation designated as a small business set aside shall certify as a part of his offer, that his firm is a small business concern as is set forth above.

RUSSELL McCLURE, Secretary

ADOPTED: November 5, 1976

RECEIVED BY LRC: November 9, 1976 at 10:05 a.m.

DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection
Division of Plumbing
As Amended

401 KAR 1:011. Parts or materials list.

RELATES TO: KRS Chapter 318

PURSUANT TO: KRS 13.082, 13.080(3)(b)

EFFECTIVE: December 1, 1976

NECESSITY AND FUNCTION: The Department is directed by KRS 318.130 through the State Plumbing Code Committee to adopt and put into effect a State Plumbing Code. This is a new regulation which will allow the Department to permit the use of new parts and materials without amending specific regulations for each new item. This regulation will eliminate the repetitious amending of the Plumbing Code now required to include new materials item by item.

Section 1. Definitions as used in this regulation:

(1) "APML" shall mean the "Approved Parts or Materials List."

(2) "Parts or materials" shall mean all types of fittings and piping used in the soil, waste and vent systems, house sewers, potable water supply, plumbing fixtures, appurtenances, and mechanical sewage systems [in private residences].

(3) "Committee" shall mean the State Plumbing Code Committee.

(4) "Code" shall mean the State Plumbing Code.

(5) "Department" shall mean the Department for Natural Resources and Environmental Protection.

(6) "Person" shall mean any individual, public or private corporation, political subdivision, government agency, municipality, copartnership, association, firm, trust, estate, or other entity whatsoever.

Section 2. Approved Parts and Materials List (APML). The use of any part or material in any drainage or plumbing system or section thereof, other than those currently authorized by the code, is prohibited unless the use of such part or material has been considered by the committee and approved by the department for inclusion in the APML. The APML may also specify methods of installation and/or restrictions applicable to a particular part or material.

Section 3. Amending the APML. (1) A person desiring to have the APML amended shall petition, in writing, for an opportunity to be heard by the committee no later than fourteen (14) days prior to the next scheduled meeting of the committee. Such request shall include a description of the part or material for which approval is sought, available technical data, and a listing of other authorities which have the use of the part or material, and any other pertinent information requested by the committee.

(2) *The committee shall hold hearings, upon adequate notice to the affected parties specifying the matters to be considered before the submission to the secretary of its suggested amendments to the APML; provided, however, that nothing herein contained shall be construed to prohibit the amendment of the APML by the department after the prior review of the committee.*

(3) [(2)] The committee will consider all parts or materials for which approval is sought and will forward thirty (30) days thereafter its recommended disposition to

the department. [Provided however, that a hearing will be held before the committee if requested, within thirty (30) days following the determination of the committee, by a person having an interest in the subject matter.] Upon adoption of a recommendation by the department, the APML will be amended as necessary, and filed by reference in accordance with 1 KAR 1:010.

Section 4. Custody of the APML. It shall be the responsibility of the Director, Division of Plumbing, to maintain an up-to-date APML and to make it available for inspection during regular office hours. Copies of the APML may be obtained by mailing a self-addressed stamped envelope to the Division of Plumbing, Department for Natural Resources and Environmental Protection, Frankfort, Kentucky 40601. The cost of reproduction shall not exceed ten (10) cents per page.

ROBERT D. BELL, Secretary

ADOPTED: November 19, 1976

RECEIVED BY LRC: November 24, 1976 at 1:35 p.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
As Amended

806 KAR 50:010. Standards of safety.

RELATES TO: KRS 227.220

PURSUANT TO: KRS 13.082, 227.300

EFFECTIVE: December 1, 1976

NECESSITY AND FUNCTION: KRS 227.300 requires the State Fire Marshal's Office to establish by regulation principles and practices for construction in order to safeguard life and property from the hazards of fire and panic. These proposed regulations set out the basic procedures, and definitions used in the State Fire Marshal's Office.

Section 1. Citations: These regulations constitute and may be cited as the "Standards of Safety."

Section 2. Purpose and Application: (1) The purpose of the Standards of Safety is to provide, in accordance with KRS 227.300, reasonable rules and regulations, based upon recognized good fire prevention and fire protection engineering principles and practices, for the safeguarding, to a reasonable degree, of human life and property from the hazards of fire and panic:

(a) By establishing minimum requirements governing the design and construction of buildings, particularly those involving the public interest or welfare, and including any building or structure, permanent or temporary which is used or occupied or is to be used or occupied by persons who are employed, lodged, housed, cared for, assembled, served, entertained, or instructed therein, including, but not limited to, hotels, motels, apartments, schools or other educational institutions, colleges, hospitals of all kinds, penal institutions, asylums, nursing homes, convalescent homes, or homes for the aged, mercantile establishments, office buildings, apartment houses, theaters, churches, restaurants, auditoriums, grandstands and stadiums, gymnasiums, armories, night

clubs, lodge halls, dance halls, factories, work shops, meeting rooms, bowling alleys, manufacturing and processing establishments, and all other buildings and structures of same or similar character or of same or similar use;

(b) By establishing minimum standards for safeguarding the more common fire hazards;

(c) By establishing minimum requirements for public and private care and cleanliness, as they relate to fire; and,

(d) By establishing minimum regulations governing the operation and maintenance of certain occupancies which have a direct bearing on general safety of life and property (including provisions for issuance of permits, inspection of property, etc.).

(2) Except as otherwise specifically provided, the general provisions of the Standards of Safety apply to all buildings, occupancies, installations or conditions, including those occupancies for which special requirements are given.

(3) While safety to life warrants as close compliance as possible with the Standards of Safety, nothing herein shall apply to farm property, unless there are activities of an industrial nature sufficient to require the consideration of the State Fire Marshal from a life hazard standpoint.

(4) Unless otherwise provided, the Standards of Safety are intended primarily to apply to new or remodeled buildings, installations, equipment, or conditions; however, they shall also apply to existing buildings, installations, equipment, conditions and occupancies where safety to life or protection of the public interest requires their enforcement.

(5) The standards herein contained are to be considered a minimum. Where an ordinance has been adopted by a municipality, the Standards of Safety do not modify any provision of said ordinance, unless the Standards of Safety impose greater restrictions, in which case the provisions of the Standards of Safety shall control.

(6) Where the purpose of any provision of the Standards of Safety, as it pertains to safety to life and property from fire, can be fulfilled by other means, the State Fire Marshal may modify the provision to permit certain specific alternatives.

(7) It is not the intent of the Standards of Safety to dictate use of specific materials, provided the necessary degree to safety is otherwise attained. Other materials than those herein specified may be used if approved and having the equivalent strength, fire resistance, and other qualities needed for the purpose for which they are intended.

(8) Many of the Standards of Safety are specific. Others, for the sake of brevity and simplification, are of general nature. All features of construction and occupancy, and operations of any nature, shall be such as to provide reasonable safety to life and property from fire and shall conform to recognized safe practice requirements. Unless specifically covered by a provision of these standards, the following nationally recognized codes, standards, and regulations shall be deemed safe practice requirements. These codes, standards and regulations have been approved by the commissioner, and copies have been placed on file in the Office of the State Fire Marshal and with the Legislative Research Commission.

(a) Standards of the National Fire Protection Associa-

tion known as the National Fire Codes, Volume 1-10, (1973-1974 Edition) and NFPA Pamphlet 58, "Storage and Handling of Liquefied Petroleum Gases," 1974 edition. 1. Copies of the 10 volumes, or of any pamphlet contained therein or of pamphlet 58, 1974 edition are available for a fee from: National Fire Protection Association, 470 Atlantic Avenue, Boston, Massachusetts 02210. 2. The National Fire Codes contain the following codes, standards, recommended practices, and manuals:

"Volume 1. Flammable Liquids, Boiler-Furnaces, Ovens

Pamphlet	Title and Edition
30	Flammable & Combustible Liquids Code, '73
31	Oil Burning Equipment, '72
32	Dry Cleaning Plants, '72
321	Classification of Flammable Liquids, '73
327	Cleaning Small Tanks, '70
328	Manholes and Sewers, Flammable and Combustible Liquids and Gases in, '70
329	Underground Leakage of Flammable and Combustible Liquids, '72
33	Spray Application, '73
34	Dip Tanks, '71
35	Manufacture of Organic Coatings, '71
36	Solvent Extraction, '73
385	Tank Vehicles for Flammable & Combustible Liquids, '71
386	Portable Shipping Tanks, '70
393	Gasoline Blow Torches, '69
395	Flammable and Combustible Liquids on Farms and Isolated Construction Projects, '72
85	Oil- and Gas-Fired Watertube Furnaces - One Burner, '73
85B	Furnace Explosions in Natural Gas-Fired Multiple Burner Boiler-Furnaces, '73
85D	Fuel Oil-Fired Multiple Burner Boiler-Furnaces, '73
85E	Pulverized Coal-Fired Multiple Burner Boiler-Furnaces, '73
86A	Ovens and Furnaces, '73
86B	Industrial Furnaces, '73
86C	Industrial Furnaces, Special Processing Atmospheres, '73
704M	Fire Hazards of Materials, Identification Systems for, '69

Volume 2. Gases

37	Sta. Combustion Engines & Gas Turbines, '70
50	Bulk Oxygen Systems, '73
50A	Gaseous Hydrogen Systems, '73
50B	Liquefied Hydrogen Systems, '73
51	Welding & Cutting, Oxygen-Fuel Gas Systems for, '73
51A	Acetylene Cylinder Charging Plants, '73
51B	Cutting & Welding Processes, '71
54	Gas Appliances and Gas Piping, Installation of, '69
54A	Industrial Gas Piping and Equipment, '69
56A	Inhalation Anesthetics, '73
56B	Respiratory Therapy, '73
56D	Hyperbaric Facilities, '70
56E	Hyprobaric Facilities, '72
56F	Nonflammable Medical Gas Systems, '73
56HM	Home Respiratory Therapy, '73
57	Fumigation, '73
58	Liquefied Petroleum Gases, Storage and Handling, '72
59	Liquefied Petroleum Gases at Utility Gas Plants, '68
59A	Liquefied Natural Gas, Storage and Handling, '72

Volume 3. Combustible Solids, Dusts and Explosives

40	Cellulose Nitrate Motion Picture Film, '67
41L	Model Rocketry Code, '68

42	Pyroxylin Plastics in Factories, '67
43	Pyroxylin Plastic Storage, Sale, '67
43A	Liquid and Solid Oxidizing Materials, '73
44A	Fireworks, Manufacturing, Transportation and Storage, '73
48	Magnesium Storage, Handling, '67
481	Titanium Storage, Handling, '72
482M	Zirconium, Plants Producing, '61
49	Hazardous Chemicals Data, '73
490	Ammonium Nitrate Storage, '70
492	Separation Distances of Ammonium Nitrate and Blasting Agents, '68
494L	Fireworks Law, Model State, '72
495	Explosive Materials, '73
498	Explosives, Motor Vehicle Terminals, '70
60	Pulverized Fuel Systems, '73
61A	Manufacturing and Handling Starch, '73
61B	Grain Elevators, Bulk Handling Facilities, '73
61C	Feed Mills, Dust Hazards, '73
61D	Agricultural Commodities for Human Consumption, '73
62	Sugar & Cocoa, Dust Hazards, '67
63	Industrial Plants, Dust Explosions, '71
65	Aluminum Processing and Finishing, '73
651	Aluminum Powder, Manufacture of, '72
652	Magnesium Powder, Plants Handling, '68
653	Coal Preparation Plants, Dust Hazards, '71
654	Plastics Industry, Dust Hazards, '70
655	Sulfur Fires, Explosions, Prevention, '71
656	Spice Grinding Plants, Dust Hazards, '71
657	Confectionery Manufacturing, Dust Hazards, '67
66	Pneumatic Conveying Systems, '73
664	Woodworking Plants, Dust Hazards, '71
701	Flame-Resistant Textiles and Films, Fire Tests for, '69
702	Flammability of Wearing Apparel, '68

Volume 4. Building Construction & Facilities

78	Lightning Protection Code, '68
80	Fire Doors and Windows, '73
80A	Protection from Exposure Fires, '70
82	Incinerators, Rubbish Handling, '72
89M	Clearances, Heat Producing Appliances, '71
90A	Air Conditioning & Ventilating Systems, '73
90B	Warm Air Heating & Air Conditioning, '73
91	Blower & Exhaust Systems, '73
92M	Waterproofing and Draining of Floors, '72
96	Commercial Cooking Equipment, Ventilation, '73
97M	Glossary of Heating Terms, '72
101	Life Safety Code, '73
102	Tents, Grandstands & Air-Supported Structures Used for Places of Assembly, '72
203M	Roof Coverings, '70
204	Smoke & Heating Venting Guide, '68
206M	Building Areas & Heights, '70
211	Chimneys, Fireplaces & Vents, '72
214	Water Cooling Towers, '71
220	Building Types, Standard, '61
241	Building Construction and Demolition Operations, '73
251	Fire Tests, Building Construction & Materials, '72
252	Fire Tests, Door Assemblies, '72
255	Building Materials, Tests of Surface Burning Characteristics, '72
256	Fire Tests, Roof Coverings, '70
257	Fire Tests of Window Assemblies, '70
703	Fire Retardant Treatments, Building Materials, '61

Volume 5. Electrical

70	Electrical Code, '71
70A	Electrical Code for One- and Two-Family Dwellings, '72
70L	Model State Electrical Law, '73
75	Electronic Computer/Data Processing Equipment, '72
76A	Essential Electrical Systems, '73
76CM	High-Frequency Electrical Equipment, '70
79	Electrical Metalworking Machine Tools, '73
493	Intrinsically Safe Control Equipment, '69
496	Purged Enclosures for Electrical Equipment, '72

Volume 6. Sprinklers, Fire Pumps & Water Tanks

- 13 Sprinkler Systems, Installations, '73
- 13A Sprinkler Systems, Maintenance, '71
- 13E Fire Department Operations in Properties Protected by Sprinkler, Standpipe Systems, '73
- 16 Foam-Water Sprinkler & Spray System, '68
- 20 Centrifugal Fire Pumps, '72
- 21 Steam Fire Pumps, Maintenance, '63
- 22 Water Tanks, '71
- 24 Outside Protection, '73

Volume 7. Alarm & Special Extinguishing Systems

- 11 Foam Extinguishing Systems, '73
- 11A High Expansion Foam Systems, '70
- 11B Synthetic Foam and Combined Agent Systems, '73
- 12 Carbon Dioxide Systems, '73
- 12A Halon 1301 Systems, '73
- 12B Halon 1211 Systems, '73
- 14 Standpipe & Hose Systems, '73
- 15 Water Spray Fixed Systems, '73
- 17 Dry Chemical Systems, '73
- 18 Wetting Agents, '72
- 26 Supervision of Valves, '58
- 291 Fire Hydrants, Uniform Markings, '35
- 292M Water Charges, Private Protection, '61
- 69 Explosion Prevention Systems, '73
- 71 Central Station Signaling Systems, '72
- 72A Local Protective Signaling Systems, '72
- 72B Auxiliary Signaling Systems, '72
- 72C Remote Station Signaling Systems, '72
- 72D Proprietary Signaling Systems, '73
- 73 Public Fire Service Communications, '73
- 74 Household Fire Warning Equipment, '72

Volume 8. Portable & Manual Fire Control Equipment

- 2M Model Drafts for Enabling Legislation, '67
- 3M Hospital Emergency Preparedness, '70
- 4 Organization for Fire Services, '71
- 4A Fire Department Organization, '69
- 6 Industrial Fire Loss Prevention, '67
- 7 Fire Emergencies, Management, '67
- 8 Effects of Fire on Operations, Management Responsibility for, '67
- 9 Training Reports and Records, '70
- 10 Portable Fire Extinguishers, Installation, '73
- 10A Portable Fire Extinguishers, Maintenance & Use, '73
- 10L Model Enabling Act, Portable Fire Extinguishers, '69
- 182M Vaporizing Liquid Agents, Hazards, '65
- 19 Automotive Fire Apparatus, '73
- 19B Respiratory Protective Equipment for Firefighters, '71
- 191 Portable Pumping Units, '59
- 193 Fire Department Ladders, '72
- 194 Fire Hose Couplings, Screw Threads, '68
- 196 Fire Hose, '72
- 197 Initial Fire Attack, Training Standard on, '66
- 198 Fire Hose, Care of, '72
- 25 Water Systems for Rural Fire Protection, '69
- 27 Private Fire Brigades, '67
- 295 Wildfire Control by Volunteer Fire Departments, '73
- 601 Guard Service in Fire Loss Prevention, '68
- 601A Guard Operations in Fire Loss Prevention, '68
- 604 Salvaging Operations, '64
- 901 Uniform Coding for Fire Protection, '73
- 901AM Fire Reporting Field Incident Manual, '73

Volume 9. Occupancy Standards & Process Hazards

- 46 Lumber, Outdoor Storage, '73
- 46A Wood Chips, Outdoor Storage, '73
- 46B Outdoor Storage of Logs, '71
- 47 Lumber Yards, Retail, Wholesale, '73
- 56C Laboratories in Health-Related Institutions, '73
- 68 Explosion Venting, Guide, '54
- 77 Static Electricity, '72
- 81 Fur Storage, Cleaning, '69

- 87 Piers and Wharves, '71
- 88A Parking Structures, '73
- 88B Repair Garages, '73
- 224 Homes, Camps in Forest Areas, '72
- 231 General Storage, Indoor, '72
- 231A General Storage, Outdoor, '70
- 231B Cellular Rubber and Plastics, '68
- 231C Rack Storage of Materials, '73
- 232 Record Protection, '70
- 232AM Archives and Record Centers, '72
- 501A Mobile Home Parks, '73
- 501B Mobile Homes, '73
- 501C Recreational Vehicles, '72
- 501D Electrical Standard for Recreational Vehicles Parks, '71
- 513 Motor Freight Terminals, '73
- 602 Community Dumps, '64
- 801 Facilities Handling Radioactive Materials, '70
- 802 Nuclear Reactors, '60
- 910 Protection of Library Collections, '70
- 911 Protection of Museum Collections, '69

Volume 10. Transportation

- 302 Motor Craft, '72
- 303 Marinas & Boatyards, '69
- 306 Control of Gas Hazards on Vessels, '72
- 307 Marine Terminals, Operations, '67
- 311 Ship Fire Signal, '49
- 312 Vessels During Construction, Protection of, '70
- 402 Aircraft Rescue, Fire Fighting, Standard Operating Procedures, '73
- 403 Aircraft Rescue, Fire Fighting Services at Airports, '73
- 406M Fire Dept. Handling Crash Fires, '68
- 407 Aircraft Fuel Servicing, '73
- 408 Aircraft Fire Extinguishers, '73
- 409 Aircraft Hangars, '73
- 410A Aircraft Electrical Maintenance, '68
- 410B Aircraft Oxygen Maintenance, '71
- 410C Aircraft Fuel System Maintenance, '72
- 410D Aircraft Cleaning, Painting & Paint Removal, '71
- 410E Aircraft Welding Operations in Hangars, '70
- 410F Aircraft Cabin Cleaning Operations, '70
- 412 Aircraft Foam Fire Fighting Vehicles, Test Procedures, '73
- 414 Aircraft Rescue, Fire Fighting Vehicles, '70
- 415 Aircraft Terminal Buildings, '73
- 416 Airport Terminal Buildings, '73
- 417 Aircraft Loading Walkways, '73
- 418 Roof-top Heliport Construction & Protection, '73
- 419 Airport Water Supply Systems, '69
- 421 Aircraft Interior Fire Protection, '73
- 422M Aircraft Fire Investigators Manual, '72
- 505 Powered Industrial Trucks, '73
- 512 Truck Fire Protection, '70"

3. Incorporated by reference on November 1, 1974.

(b) National Building Code recommended by the American Insurance Association, 1967 Edition, hereafter referred to as "The National Building Code," except Article XVIII and Appendix 1 and Section 27. 1. Copies of the National Building Code are available for a fee from: American Insurance Association, 85 John Street, New York, New York 10038. 2. The National Building Code contains the minimum standards for the construction, alteration, equipment, use and occupancy, location and maintenance, moving and demolition of buildings and structures. 3. Date Incorporated by reference November 1, 1974.

(c) A new Article XVIII of the National Building Code shall read as follows:

(NOTE: These Standards and Codes also adopt other nationally recognized Standards and Codes, i.e. Article XVIII of the National Building Code.)

**"ARTICLE XVIII
LIST OF STANDARDS AND PUBLICATIONS.**

Section 1800. Compliance.

Compliance with the standards or publications listed under the section numbers of this code in this article shall be evidence of compliance with the section of the code referring to this article.

Section 1801. Organization names and indicating abbreviations.

The abbreviations preceding these standards and publications shall have the following meaning and are the organizations issuing the standards and publications listed.

ANSI - American National Standards Institute (formerly United States of American Standards Institute.)
1430 Broadway
New York, New York 10018

ASTM - American Society for Testing and Materials
1916 Race Street
Philadelphia, Pa. 19103

NFPA - National Fire Protection Association International
470 Atlantic Avenue
Boston, Mass. 02210

Section 313.1 NFPA No. 30, Flammable and Combustible Liquids Code, '73. NFPA No. 35, Standard for the Manufacture of Organic Coatings, '71. NFPA No. 36, Standard for Solvent Extraction Plants, '73. NFPA No. 40, Standard for Storage & Handling of Cellulose Nitrate Motion Picture Film, '67. NFPA No. 48, Standard for the Storage, Handling & Processing of Magnesium, '67. NFPA No. 481, Standard for the Production, Processing, Handling and Storage of Titanium, '72. NFPA No. 61B, Standard for the Prevention of Dust Explosions in Terminal Grain Elevators, '73. NFPA No. 61C, Standard for the Prevention of Dust Explosion in Flour & Feed Mills, '73. NFPA No. 65, Code for the Processing & Finishing of Aluminum, '73. NFPA No. 664, Code for the Prevention of Dust Explosions in Woodworking & Wood Flour Manufacturing Plants, '71.

Section 318.5 NFPA No. 40, Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film, '67. NFPA No. 102, Standard for Places of Outdoor Assembly, Grandstands and Tents, '72.

Section 321 NFPA No. 40, Standard for Storage & Handling of Cellulose Nitrate Motion Picture Film, '67.

Section 505.1 NFPA No. 90A, Standard for the Installation of Air Conditioning & Ventilating Systems Other Than Residence Type, '73. NFPA No. 54, Gas Appliances and Gas Piping, Installation, '69. NFPA No. 54A, Industrial Gas Piping and Equipment, '69. NFPA No. 90B, Warm Air Heating and Air Conditioning, '73. NFPA No. 91, Blower and Exhaust Systems, '73. NFPA No. 96, Commercial Cooking Equipment, Ventilation, '73. NFPA No. 204, Smoke and Heat Venting Guide, '68. NFPA No. 211, Chimneys, Fireplaces and Vents, '72.

Section 811.4a NFPA No. 14, Standards for the Installation of Standpipe and Hose Systems, '73.

Section 812.3a NFPA No. 13, Standards for the Installation of Sprinkler Systems, '73.

Section 905.1a ANSI A56.1, Building Code Requirements for Excavations and Foundations, '52.

Section 908.1a ASTM D25, Specifications for Round Timber Piles, '73. ANSI A56.1, Building Code Requirements for Excavations and Foundations, '52. ASTM A252, Specifications for Welded and Seamless Steel Pipe Piles, '73. ASTM A283, Specifications for Low and Intermediate Tensile Strength Carbon Steel Plates for Structural Quality, '70 A.E. ASTM A366, Specifications for Cold-Rolled Carbon Steel Sheets, Commercial Quality, '72. ASTM A569, Steel Carbon (0.15 maximum percent) Hot Rolled Sheet and Strip, Commercial Quality, '72. ASTM A36, Structural Steel Specifications, '70A. ASTM A306, Carbon Steel Bores Subject to Mechanical Property Requirements, '64. ASTM A242, Specification for High-Strength Low Alloy Structural Steel, '70AE. ASTM A441, Specification for High-Strength, Low Alloy Structural Manganese Vanadium Steel, '70AE.

Section 909.1c ASTM C5, Specifications for Quicklime for Structural Purposes, '59. ASTM C6, Specifications for Normal Finishing Hydrated Lime, '49. ASTM C10, Specifications for Natural Cement, '73. ASTM C22, Specifications for Gypsum, '72. ASTM C33, Specifications for Concrete Aggregates, '74A. ASTM C34, Specifications for Structural Clay Load-Bearing Wall Tile, '62. ASTM C52, Specifications for Gypsum Partition Tile or Block, '54. ASTM C55, Specifications for Concrete Building Brick, '71. ASTM C56, Specifications for Structural Clay Non-Load-Bearing Tile, '71. ASTM C57, Specifications for Structural Clay Floor Tile, '57. ASTM C61, Specifications for Keene's Cement, '64. ASTM C62, Specifications for Building Brick (Solid Masonry Units Made from Clay or Shale), '69E. ASTM C73, Specifications for Sand-Lime Building Brick, '67. ASTM C90, Specifications for Hollow Load-Bearing Concrete Masonry Units, '70A. ASTM C91, Specifications for Masonry Cement, '71. ASTM C105, Specifications for Ground Fire Clay as a Mortar for Laying-Up Fireclay Brick, '47. ASTM C126, Specifications for Ceramic Glazed Structural Clay Facing Brick, and Solid Masonry Units, '71. ASTM C129, Specifications for Hollow Non-Load-Bearing Concrete Masonry Units, '73. ASTM C141, Specifications for Hydraulic Hydrated Lime for Structural Purposes, '67. ASTM C144, Specifications for Aggregate for Masonry Mortar, '70. ASTM C145, Specifications for Solid Load-Bearing Concrete Masonry Units, '71A. ASTM C150, Specifications for Portland Cement, '74. ASTM C595, Blended Hydraulic Cements, '74. ASTM C206, Specifications for Special Finishing Hydrated Lime, '49. ASTM C207, Specifications for Hydrated Lime for Masonry Purposes, '74. ASTM C212, Specifications for Structural Clay facing Tile, '60. ASTM C216, Specifications for Facing Brick (Solid Masonry Units Made from Clay or Shale), '71A. ASTM C260, Specifications for Air-Entraining Admixtures for Concrete, '73. ASTM C270, Specifications for Mortar for Unit Masonry, '73. ASTM C279, Specifications for Chemical-Resistant Masonry Units, '54. ASTM C287, Specifications for Sulfur Mortar, '71. ASTM C315, Specifications for Clay Flue

Linings, '56. ASTM C330, Specifications for Lightweight Aggregate for Concrete Masonry Units, '69A.

Section 911.1 ASTM C476, Specifications for Mortar and Grout for Reinforced Masonry, '71. ANSI A41.2, Building Code Requirements for Reinforced Masonry, '60, (R70).

Section 913.1 ANSI 89.1, Building Code Requirements for Reinforced Concrete, '72. ASTM C33, Specifications for Concrete Aggregates, '74A. ASTM C330, Specifications for Lightweight Aggregates for Structural Concrete, '69A. ASTM C332, Specifications for Lightweight Aggregates for Insulating Concrete, '66.

Sections 913.1 and 914.1a ASTM A36, Structural Steel Specifications, '70A. ASTM A283, Specifications for Low and Intermediate Tensile Strength Carbon Steel Plates for Structural Quality, '70AE. ASTM A306, Carbon Steel Bores Subject to Mechanical Property Requirements, '64. ASTM A82, Specifications for Cold-Drawn Steel Wire for Concrete Reinforcement, '72. ASTM A185, Specifications for Welded Steel Wire Fabric for Concrete Reinforcement, '73. ASTM A377, Specifications for Cast Iron Pressure Pipe, '66. ASTM A615, Deformed Plain Billet Steel Bores for Concrete Reinforcement, '74. ASTM A616, Rail Steel, Deformed and Plain Bars for Concrete Reinforcement, '72. ASTM A617, Axle Steel, Deformed and Plain Bars for Concrete Reinforcement, '72.

Section 914.1a ANSI A59.1, Building Code Requirements for Reinforced Gypsum Concrete, '68 (R72).

Section 915.1 ANSI A122.1, Vermiculite Concrete Roofs and Slabs-on-Grade, '65.

Section 916.1 ANSI A89.1, Building Code Requirements for Reinforced Concrete, '72.

Section 917.1 ASTM A36, Specifications for Structural Steel, '70A. ASTM A283, Specifications for Low and Intermediate Tensile Strength Carbon Steel Plates for Structural Quality, '70AE. ASTM A306, Carbon Steel Bores Subject to Mechanical Property Requirements, '64. ASTM A242, Specifications for High Strength Low Alloy Structural Steel, '70AE. ASTM 440, Specifications for High Strength Structural Steel, '70AE. ASTM 441, Specifications for High Strength Low Alloy Structural Manganese Vanadium Steel, '70AE.

Section 917.7d NFPA No. 51, Gas Systems for Welding and Cutting, '73. ANSI Z49.1 Safety in Welding and Cutting, '73.

Section 918.1 ASTM A570, Hot Rolled Carbon Steel Sheet and Strip, Structural Qualities, '72. ASTM A611, Steel Cold Rolled Sheets, Carbon Structural Specifications, '72. ASTM A606, Steel Sheet and Strip; Hot Rolled and Cold Rolled, High Strength and Low Alloy with Improved Corrosion Resistance, '71E. ASTM A607, Steel Sheet and Strip; Hot Rolled and Cold Rolled, High Strength and Low Alloy Columbian and/or Vanadium, '70. ASTM A446, Specification for Steel Sheets of Structural Quality, Coils and Cut Lengths, '72.

Section 920.1 ASTM B221, Specifications for Aluminum-Alloy Extruded Bars, Rods Shapes and Tubes, '74. ASTM B308, Specifications for Aluminum-Alloy Standard Structural Shapes, Rolled or Extruded, '73.

Section 925 ANSI A42.1, Specifications for Gypsum Plastering, '64. ANSI A42.2, Specifications for Portland Cement Stucco, '71. ANSI A42.3, Specifications for Portland Cement Plastering, '71. ANSI A42.4, Specifications for Interior Lathing and Furring, '67. ANSI A97.1, Specifications for the Application and Finishing of Wallboard, '65.

Section 1204.1 ANSI A10.4, Safety Requirements for Workmen's Hoists, '73.

Section 1211.2a NFPA No. 31, Standard for the Installation of Oil Burning Equipment, '72. NFPA No. 58, Standard for the Storage and Handling of Liquefied Petroleum Gases, '72.

Section 1300 ANSI A17.1, Safety Code for Elevators, Dumbwaiters and Escalators and Moving Walks, '71.

Section 1305 ANSI A113.1, Safety Code for Mechanized Parking Garage Equipment, 'R71.

Section 1400.1 NFPA No. 54, Standards for the Installation of Gas Piping and Gas Appliances in Buildings, '69.

Section 1500 NFPA No. 70, National Electrical Code, '71.

Section 1602.6a ANSI A60.1, Building Code Requirements for Signs and Outdoor Display Structures, '49."

(d) A new Appendix I Section 27 of the National Building Code shall read as follows:

"SECTION 27. LIST OF STANDARDS AND PUBLICATIONS"

Compliance with the standards or publications listed under the section numbers in this section shall be evidence of compliance with the section of the code referring to this section.

The abbreviations preceding these standards and publications shall have the following meaning and are the organizations issuing the standards and publications listed.

NFPA-National Fire Protection Association, International, 470 Atlantic Avenue, Boston, Mass. 02210.

Section 26. NFPA No. 30, Flammable and Combustible Liquids Code, '73. NFPA No. 32, Standard for Dry Cleaning Plants, '72. NFPA No. 33, Standard for Spray Finishing Using Flammable and Combustible Materials, '73. NFPA No. 34, Standard for Dip Tanks Containing Flammable or Combustible Liquids, '71. NFPA No. 35, Standard for the Manufacture of Organic Coatings, '71. NFPA No. 36, Standard for Solvent Extraction Plants, '73. NFPA No. 40, Standard for Storage & Handling of Cellulose Nitrate Motion Picture Film, '67. NFPA No. 42, Standard for Storage, Handling & Use of Pyroxylin Plas-

tics in Factories, '67. NFPA No. 43, Standard for Storage, Handling & Use of Pyroxylin Plastics in Warehouses, Wholesale and Retail Stores, '67. NFPA No. 48, Standard for Storage, Handling & Processing of Magnesium, '67. NFPA No. 481, Standard for the Production, Processing, Handling & Storage of Titanium, '72. NFPA No. 56A, Inhalation Anesthetics, '73. NFPA No. 56B, Respiratory Therapy, '73. NFPA No. 58, Standard for Storage & Handling of Liquefied Petroleum Gases, '72. NFPA No. 61A, Standard for Prevention of Dust Explosions in Starch Factories, '73. NFPA No. 61B, Code for the Prevention of Dust Explosions in Terminal Grain Elevators, '73. NFPA No. 61C, Code for the Prevention of Dust Explosions in Flour and Feed Mills, '73. NFPA No. 62, Standard for the Prevention of Dust Explosions in Sugar and Cocoa, '67. NFPA No. 651, Code for the Prevention of Dust Explosions in the Manufacture of Aluminum Powder, '72. NFPA No. 562, Code for Explosion & Fire Protection in Plants Producing or Handling Magnesium Powder or Dust, '68. NFPA No. 653, Standard for the Prevention of Dust Explosions in Coal Preparation Plants, '71. NFPA No. 654, Standard for the Prevention of Dust Explosions in the Plastics Industry, '70. NFPA No. 655, Standard for the Prevention of Sulfur Fires and Explosions, '71. NFPA No. 656, Code for the Prevention of Dust Ignitions in Spice Grinding Plants, '71. NFPA No. 657, Code for the Prevention of Dust Explosions in Confectionery Manufacturing Plants, '67. NFPA No. 664, Code for the Prevention of Dust Explosions in Woodworking and Wood Flour Manufacturing Plants, '71. NFPA No. 88A, Parking Structures, '73. NFPA No. 88B, Repair Garages, '73. NFPA No. 409, Standard on Aircraft Hangars, '73."

Section 3. Definitions: (1) Unless otherwise expressly stated, the following terms, as used in these standards, shall have the meanings indicated in this article.

(2) Words used in the present tense include the future; the singular number includes the plural and the plural the singular.

(3) Where terms are not defined in this article, they shall have their ordinarily accepted meaning or such as the context may imply.

(a) "Addition" as applied to a building or structure, means any construction which increases the area or the height of any portion of the building or structure.

(b) "Alley" means any public space or thoroughfare less than twenty-one (21) feet in width which has been dedicated or devoted to public use.

(c) "Alteration" as applied to a building or structure, means any change or modification in construction, exit facilities, or permanent fixture or equipment which does not include an addition to the building or structure.

(d) "ASTM" means American Society for Testing and Materials.

(e) "Approved" as applied to a material, device, or mode of construction, means materials, devices or equipment listed by Underwriter's Laboratories, Inc., the testing laboratory of the American Gas Association, or other recognized testing authority or approved by the State Fire Marshal.

(f) "Area" as applied to a building or structure, means the maximum horizontal projected area of the building or structure at or above grade.

(g) "Areaway" means an unroofed subsurface space adjacent to a building.

(h) "Attic" means the space between the ceiling beams of the top habitable story and the roof rafters.

(i) "Automatic" as applied to a fire door or other opening protective, means normally held in an open position and automatically closed by a releasing device that is actuated by abnormal high temperature, a predetermined rate of rise in temperature or electrically connected to an approved fire alarm system.

(j) "Basement" means that portion of a building the average height of which is more than half below grade. However, the space shall not be considered a basement if its ceiling is seven and one-half (7 1/2) feet or more above the grade level at any point next to the building. If this space is used for human habitation it shall be considered a story.

(k) "Building" means the total area enclosed between exterior walls, or exterior walls and fire walls. For the purpose of this code each portion of a building separated from other portions by a fire wall shall be considered as a separate building.

(l) "Combustible material" as applied to installation of heating equipment means any material made or surfaced with wood, compressed paper, plant fibers, or other material that will ignite and burn whether flameproof or not, or whether plastered or not plastered.

(m) "Concrete" means a mixture of portland cement, aggregates and water.

(n) "Concrete, reinforced" means concrete in which reinforcement other than provided for shrinkage or temperature changes is embedded in such a manner that the two (2) materials act together as a resisting force.

(o) "Court" means any open, uncovered, unoccupied space on the same lot with a building: 1. Inner court means any court other than an outer court or yard. 2. Outer court means a court other than a yard having at least one side thereof opening to a street, ally, or yard or other permanent open space. 3. Yard means a court on the same lot with a building extending along the entire length of a lot line.

(p) "Dwelling" means a building occupied exclusively for residence purposes and having: 1. One (1) dwelling unit; or 2. Two (2) dwelling units; or 3. One or two dwelling units with a total of not more than fifteen (15) boarders or roomers in these units served with means or sleeping accommodations or both.

(q) "Dwelling unit" means one (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.

(r) "Elevator" means a hoisting and lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction, and which serves two (2) or more floors of a building or structure: 1. Freight elevator means an elevator ordinarily used for carrying freight and on which only the operator and the persons necessary for unloading and loading the freight are permitted to ride. 2. Passenger elevator means an elevator used primarily to carry persons other than the operator.

(s) "Existing" means in existence before the time that this code becomes effective.

(t) "Fire Chief" means the authorized head of a fire department that is recognized by the State Fire Marshal's Office.

(u) "Fire Department", for the purposes of these standards, means a fire department recognized by the State Fire Marshal's Office.

(v) "Fire door" means a door and its assembly, so constructed and assembled in place as to give protection against the passage of fire (See approved).

(w) "Fire resistance rating" means the time in hours that the material or construction will withstand the standard fire exposure, as determined by a fire test made in conformity with the "Standard Method of Fire Tests in Building Construction and Materials," ASTM E119-55 (See Appendix B for fire resistance ratings for specific types of construction).

(x) "Fire resistive construction" means construction conforming to the requirements of Section 702 of the National Building Code.

(y) "Fire retardant treated lumber" means lumber that has been treated by an approved pressure impregnation process and has a flame spread rating not higher than equivalent of twenty-five (25) with no evidence of significant progressive combustion when tested for thirty (30) minutes duration under the Standard Test Method for Fire Hazard Classification of Building Materials of Underwriter's Laboratories, Inc., U.L. 723, NFPA 255, ASTM E84. All fire retardant treated lumber shall be easily identifiable.

(z) "Fire walls"—(See walls). (aa) "Grade" with reference to a building or structure, means the elevation of the ground adjoining the building. (bb) "Heavy timber construction" means construction conforming to the requirement of Section 706 of the National Building Code.

(cc) "Height:" 1. As applied to buildings, means the vertical distance from grade to the highest finished roof surface, or to a point at the average height of a roof having a pitch of more than one (1) foot in four and one-half (4 1/2) feet; "height" of a building in stories does not include basements. (See "basement".) 2. As applied to a story, means the vertical distance from top to top of two (2) successive tiers of floor beams or finished floor surfaces. 3. As applied to a wall, means the vertical distance to the top measured from the foundation wall, or from a girder, or other immediate support of such wall. (dd) "Horizontal separation" means a permanent open space between the building wall under consideration and the lot line or the center line of a facing street, alley or public way. Where two or more buildings are on a lot, the horizontal separation of the wall under consideration shall be measured from an imaginary line drawn at a distance from the facing wall equal to the horizontal separation applicable for that wall.

(ee) "Interior finish" means the material of walls, partitions or fixed or movable type ceilings and other exposed interior surfaces of building. Interior finish includes materials affixed to the building structure as distinguished from decorations and furnishings, which are not so affixed:

1. Class A Interior Finish-Flame Spread Rating 0-25
2. Class B Interior Finish-Flame Spread Rating 26-75
3. Class C Interior Finish-Flame Spread Rating 76-200
4. Class D Interior Finish-Flame Spread Rating 201-500

5. Class E Interior Finish-Flame Spread Rating over 500. (ff) "Legislative body" means a city council, fiscal court, board of directors, commissioners, committee, or any group however, named, which governs a recognized fire department. (gg) "Masonry" means a built-up construction or combination of building units of such materials as clay, shale, concrete, glass, gypsum or stone set in mortar; or plain concrete: 1. "Hollow masonry unit" means a masonry unit whose net cross-sectional area in any plane parallel to the bearing surface is less than seventy-five per cent (75%) of its cross-sectional area measured in the same plane. 2. "Masonry of hollow units" means masonry consisting wholly or in part of hollow masonry units laid continuously in mortar. 3. "Solid masonry" means consisting of solid masonry units laid continuously in mortar, or consisting of plain concrete. 4. "Solid masonry unit" means a masonry unit whose net cross-sectional area in every plane parallel to the bearing surface is seventy-five per cent (75%) or more of its gross cross-sectional area measured in the same plane. 5. "Reinforced masonry" means unit masonry in which reinforcement is embedded in such manner that the two materials act together in resisting forces. (hh) "Multifamily house" means a building or portion thereof containing three (3) or more dwelling units; including tenement houses, apartment houses, flats, etc. (ii) "Noncombustible" as applied to a building construction material, means a material which, in the form in which it is used, falls into one (1) of the following groups: 1. Materials no part of which will ignite or burn and which will not liberate flammable gases or melt when heated to a temperature of 1380 degrees Fahrenheit and to the maximum temperature to which it will be subjected under its normal use under the applicable conditions as follows: a. Where the combustibility of material is a factor in the application or requirements for clearance of the material from a heating appliance, flue, or other device which is a source of high temperature and such clearance is the only consideration requiring that the material be non-combustible. b. When the material other than backing is used to support only interior finish. c. When the material is used for window sashes, doors, trims, or frames required to be non-combustible but not required as opening protectives to prevent the spread of fire through an opening. 2. Materials having a structural base of a non-combustible material as defined in paragraph (ii) with surfacing not over one-eighth (1/8) inch thick which has a flamespread rating not higher than fifty (50). 3. Materials other than as described in subparagraphs 1. or 2. above having a surface flamespread rating not higher than twenty-five (25) without evidence of continued progressive combustion when tested (as per ASTM E84) for a duration of thirty (30) minutes. It does not apply to surface finishes or coatings which are applied to the surface of combustible materials. Flamespread rating as used herein refers to a rating obtained according to the standard test method for fire hazard classification of the building materials of Underwriter's Laboratories, Inc., U.L. 723, NFPA 255, ASTM E84. (jj) "Noncombustible" as applied to the installations of heating equipment, means any material which will not ignite and burn. (kk) "Occupancy": (1) "Assembly occupancy" means the occupancy or use of a building or structure or any portion thereof by a gathering of persons for civic, political, travel, religious, social, or recreational purposes; including among others:

Armories
Assembly Halls
Auditoriums
Bowling Alleys
Broadcasting Studios
Chapels
Churches
Clubrooms
Community Buildings
Courthouses
Dance Halls
Exhibition Rooms
Gymnasiums

Lecture Rooms
Lodge Rooms
Motion Picture Theaters
Museums
Night Clubs
Opera Houses
Passenger Stations
Pool Rooms
Recreation Areas
Restaurants
Skating Rinks
Television Studios
Theaters

Asylums
Homes for the Aged
Hospitals
Houses of Correction
Infirmaries
Jails

Nursing Homes
Orphanages
Penal Institutions
Reformatories
Sanitariums
Nurseries

2. "Business occupancy" means the occupancy or use of a building or structure or any portion thereof for the transaction of business, the rendering or receiving of professional services, or the displaying, selling or buying of goods, wares, or merchandise, or the housing of vehicles of transportation, except where occupancy is of high hazard; including among others:

Banks
Barber Shops
Beauty Parlors
Department Stores
Garages
Markets

Service Stations
Offices
Stores
Radio Stations
Telephone Exchanges
Television Stations

3. "Educational occupancy" means the occupancy or use of a building or structure or any portion thereof by persons assembled for the purpose of learning or of receiving education instruction; including among others:

Academies
Care Centers
Colleges
Kindergartens
Libraries

Pre-school Child
Relocable Classroom Unit
Schools
Seminaries
Universities

4. "High hazard occupancy" means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, high flammable or explosive materials or which as inherent characteristics that constitute a special fire hazard; including among others:

Aluminum Power Factories
Charging or filling stations
Distilleries
Dry Cleaning Plants
Dry Dyeing Plants
Explosive-Manufacture, Sale or Storage
Flour and Feed Mills
Gasoline Bulk Plants

Grain Elevators
Lacquer Factories
Liquefied Petroleum Gas
Mattress Factories
Paint Factories
Pyroxylin-Factories, or Warehouses
Rubber Factories
Sales Rooms

5. "Industrial occupancy" means the occupancy or use of a building structure or any portion thereof for assembling, fabricating, finishing, manufacturing, packaging or processing operations, except for occupancies of high hazard; including among others:

Assembly Plants
Creameries
Electrical Substations
Factories
Ice Plants
Laboratories
Laundries
Manufacturing Plants

Mills
Power Plants
Processing Plants
Pumping Stations
Repair Garages
Smokehouses
Workshops

6. "Institutional occupancy" means the occupancy or use of a building or structure or any portion thereof by persons harbored or detained to receive medical, charitable or other care or treatment, or by persons involuntarily detained; including among others:

7. "Residential occupancy" means the occupancy or use of a building or structure or any portion thereof by persons for who sleeping accommodations are provided but who are not harbored or detained to receive medical, charitable or other care or treatment, or are not involuntarily detained, including among others:

Apartments
Boarding Houses
Club Houses
Convents
Dormitories
Dwellings

Hotels
Lodging Houses
Motels
Multifamily Houses
Studios
Tenements

8. "Storage occupancy" means the occupancy or use of a building or structure or any portion thereof for the storage of goods, wares, merchandise, agricultural, or manufactured products or the sheltering of livestock and other animals except where the occupancy is classified as high hazard. (ll) "Ordinary construction" means construction conforming to the requirements of Section 707 of the National Building Code. (mm) "Pent house" means an enclosed structure other than a roof structure, located on the roof, extending not more than twelve (12) feet above a roof and used primarily for living or recreational accommodations. (See story.) (nn) "Place of assembly" shall apply to all buildings or sections of buildings used for the gathering of more than 100 persons in one (1) room or space for religious, recreational, educational, political, social, or amusement purposes, or for the consumption of food or drink. (oo) "Pre-fabricated" means fabricated prior to erection or installation on a building or structure foundation. (pp) "Protected non-combustible construction" means construction conforming to the requirements of Section 704 of the National Building Code. (qq) "Public place" means a thoroughfare or open space over twenty-one (21) feet wide which is dedicated to a governmental body maintaining accessibility to the fire department and other public services. (rr) "Publicway" means a thoroughfare over twenty-one (21) feet wide on a privately owned, privately maintained property but designated for public use and which by agreement is kept accessible at all times to the fire department and other public services. (ss) "Repair" means the replacement of existing work with equivalent materials for the purpose of its maintenance; but not including any addition, change or modification in construction, exit facilities, or permanent fixtures of equipment. (tt) "Required" means required by some provision of these standards. (uu) "Self closing" as applied to a fire door or other protective, means normally closed and equipped with an approved device which will insure closing after having been opened for use. (vv) "Shaft" means a vertical opening or passage through two (2) or more floors of a building or through floors and roof. (ww) "Shall" indicates mandatory provisions of these standards. (xx) "Should" indicates advisory provisions of these standards which, while not mandatory, are highly desirable and strongly recommended. (yy) "Solid wooden door or the flush type" means a door of solid wooden construction (no indented panels or hollow spaces) not less than one and three-fourths (1 3/4) inch

in thickness at any point. (zz) "Sprinklered" means equipped with an approved automatic sprinkler system. (aaa) "Story" means that part of a building comprised between a floor and the floor or roof next above. A mezzanine shall be considered a story if it exceeds thirty-three and one-third per cent ($33\frac{1}{3}\%$) of the area of the floor immediately below. A penthouse shall be considered a story if it exceeds 1,000 square feet or thirty-three and one-third per cent ($33\frac{1}{3}\%$) of the roof area. The basement of a building used for educational occupancy shall be considered a story if it is used for purposes other than storage, mechanical, or electrical equipment. (bbb) "Street" means any public thoroughfare or space twenty-one (21) feet or more in width, which has been dedicated or devoted to the public for public use. (ccc) "This office" means the State Fire Marshal's Office. (ddd) "Unprotected noncombustible construction" means conforming to the requirements of Section 705 of the National Building Code. (eee) "Walls:" 1. "Bearing wall" means a wall which supports any vertical load in addition to its own weight. 2. "Cavity wall" means a wall built of masonry or of plain concrete, or a combination of these materials, so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are tied together with metal ties. 3. "Curtain wall" means a nonbearing wall between columns or piers and which is not supported by girders or beams. 4. "Faced wall" means a wall in which the masonry facing the backing is so bonded as to exert common action under load. 5. "Fire wall" means a wall constructed in accordance with Section 800, for the purpose of subdividing a building or separating buildings to restrict the spread of fire and which starts at the foundation and extends continuously through all stories through and above the roof, except where the roof is fire-resistive and wall is carried up tightly against the underside of the roof slab. 6. "Foundation wall" means a wall below the first floor extending below the adjacent ground level and serving as a support for a wall, pier, column, or other structural part of a building. 7. "Hollow wall" of masonry means a wall built of masonry units so arranged as to provide an air space within the wall, and in which the inner and outer parts of the wall are bonded together with masonry units. 8. "Nonbearing wall" means a wall which supports no load other than its own weight. 9. "Panel wall" means a nonbearing wall built between columns or piers and wholly supported at each story. 10. "Party wall" means a wall used or adapted for joint services between two (2) buildings. 11. "Veneered wall" means a wall having a facing which is not attached and bonded to the backing as to form an integral part of the wall for purposes of load bearing and stability. (fff) "Wood frame construction" shall mean construction conforming to Section 708 of the National Building Code. Buildings having exterior masonry veneer, metal, or stucco, on wooden frame, constituting wholly or in part the structural support of the building are considered "frame buildings".

Section 4. Administration, Enforcement, and Permits:

(1) Jurisdiction. Any person, persons, firm or corporation failing, refusing, or neglecting to comply with the

Standards of Safety shall be punished as provided by KRS 227.990.

(2) Permits.

(a) General: Permits required by this subsection will be issued when the requirements of the Standards of Safety have been complied with, and they may be suspended or revoked if the requirements are violated. Application for such permits shall be made in writing. When submission of plans and specifications is required by the Standards of Safety, it is strongly recommended that preliminary plans and specifications be submitted for review in order to eliminate unnecessary delays to the registered architect and/or professional engineer through minimizing any changes to the final working drawings. Any deviation from the final plans and/or specifications shall have prior approval from the office of the State Fire Marshal in writing.

(b) Application: Application for "state permits" required by paragraph (c), following, shall be made to the State Fire Marshal, Division of Fire Prevention, Department of Insurance, Frankfort, Kentucky. Where submission of plans and specifications is required by the Standards of Safety, the application for a "state permit" together with at least one (1) complete set of plans and specifications shall be submitted.

(c) State permits: A permit or license shall be obtained from the State Fire Marshal, for the following: 1. The transportation, selling, storing for resale, or delivering of liquefied petroleum gases, or for engaging in the business of installing or servicing liquefied petroleum gas equipment; or for persons who actually perform such installations or servicing operations. Licenses issued under this subparagraph shall be in accordance with the provisions of KRS 234.120. Under this subparagraph, licenses or permits are not required for storage or transportation in quantities of ten (10) gallons or less by the ultimate consumer, handling in quantities of less than one (1) gallon where the gas is an integral part of a device for its utilization, or for use as a motor fuel while in the fuel tank of the motor vehicle. 2. The construction, or substantial remodeling, of any plant or building of a class listed in subsection (3) "Design Responsibility—Plans and Specifications", paragraph (b), following. 3. The construction or substantial remodeling of any plant or building containing an occupancy for which a license is required under KRS 234.120 relating to the storage and handling of liquefied petroleum gases. 4. Conditions where permits are required by Section 6 Flammable Liquids, Section 7 Dry Cleaning, Section 8 Airports, and NFPA Pamphlet 495 Explosives.

(d) Local permits: Where the "state permits" are required as, above, local permits shall also be obtained from an authorized city official, where provisions have been made by the municipality for the issuance of permits, and where the municipality has adopted the Standards of Safety, or has regulations at least as stringent as the Standards of Safety.

(e) Certificate of occupancy: The provisions on certificates of occupancy in the National Building Code will be enforced in their entirety.

(3) Design responsibility, plans and specifications:

(a) Responsibility for the design, plans, and specifications, [(architectural, structural, mechanical, and electrical)] covering the construction or substantial remodeling of any building of the classes listed below, shall be intrusted [either] to a professional architect registered in Kentucky, acting within the scope of his professional registration in accordance with KRS Chapter 323 [or a professional engineer registered in Kentucky, acting within the scope of his professional registration in accordance with KRS Chapter 322 or both, when, at the discretion of the State Fire Marshal, the circumstances so require]. *The responsibility for the design, plans, and specifications for the mechanical and electrical systems within such buildings, and, when in the discretion of the State Fire Marshal the circumstances so require, the structural design for such buildings, shall be intrusted to a professional engineer acting within the scope of his professional registration in accordance with KRS Chapter 322.* Such architects' and engineers' seals and signatures shall be attached to the data covering each area of construction for which [he assumes design responsibility.] *the particular professional is responsible.*

(b) Plans and specifications in specific detail and in conformity with good architectural and engineering practices shall be submitted to the State Fire Marshal, Division of Fire Prevention, Department of Insurance, Frankfort, Kentucky, and approval received (see "state permits" preceding) before construction or substantial remodeling is started for the following: 1. Asylums, hospitals, nursing or convalescent homes for the aged; however named, and regardless of capacity. 2. A school or other educational facility, regardless of capacity. 3. A residential occupancy, defined, for the purpose of this section only, as: a. Hotels. Includes buildings or groups of buildings under the same management in which there are more than fifteen (15) sleeping accommodations for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. So-called apartment hotels shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels. b. Apartment buildings. Includes buildings containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartments, or by any other name. c. Dormitories. Includes buildings where group sleeping accommodations are provided for persons not members of the same family group in one (1) room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, orphanages, fraternity houses, military barracks, ski lodges; with or without meals. 4. A place of assembly, regardless of capacity. 5. Mercantile building having a capacity in excess of 100 persons. 6. Industrial buildings having a capacity in excess of 100 persons. 7. Office buildings having a capacity in excess of 100 persons. 8. Any building having more than 20,000 square feet of floor area.

(c) The architects and professional engineers shall notify this office before the end of construction or remodeling of any building listed above, in order that a final inspection may be made prior to occupancy. When supervision of the construction is not conducted by the architect or professional engineer, it shall be noted on the State Fire Marshal's Project Information Sheet.

(4) Inspection:

(a) This office has state-wide jurisdiction to inspect all places insofar as it is necessary for the enforcement of all laws, ordinances and lawful orders requiring any place to be safe from fire loss. The chief of the fire department or an officer or member of his department, designated by him for that purpose, has authority to inspect all places in his city except the interiors of private dwellings in order to determine whether hazardous conditions exist in which case he shall order proper remedies. The power of inspection mentioned in this paragraph applies to the interior of private dwellings only when a fire has occurred or when there is reason to believe dangerous conditions exist in the dwelling. (KRS 227.270, 227.370.)

(b) If any owner fails to comply with an order issued pursuant to KRS 227.380 or with an order as modified on appeal to the commissioner, the officer may cause the property to be repaired or removed if repair is not feasible, and all fire hazard conditions remedied at the expense of the owner. (KRS 227.390.) The fire chief shall have primary responsibility for the safety of places under his jurisdiction. Regulations of this office establish minimum standards, which shall not prevent any city from enacting more stringent regulations; but this office will cooperate with local officials in enforcing all fire safety laws and ordinances of the state or its political subdivision. (KRS 227.220, 227.230, 227.320.) Inspection of property in the territory served by the fire department shall be made as often as practicable or as often as the legislative body may direct. A written report of continued violations should be sent to the State Fire Marshal who will cooperate with local authorities to secure compliance with the Standards of Safety and other laws, ordinances and regulations of the state and its political subdivisions relating to matters within the scope of this office (KRS 227.220 et seq.)

(c) It shall be the duty of the chief of police in each city or town having a police department to render all possible assistance in the enforcement of the provisions of the Standards of Safety, and to direct and require police officers to enter places of public assembly for such purpose.

Section 5. Constitutionality: If any part of the "Standards of Safety" is adjudged to be invalid such judgment shall not invalidate the remainder of the "Standards of Safety," but shall be confined in its effect solely to the part directly involved in the proceeding in which rendered.

Section 6. Storage, Handling and Transportation of Flammable Liquids: (1) Permit requirements.

(a) State permits. 1. A permit subject to the provisions of Section 4(2), shall be obtained from the State Fire Marshal for the construction, substantial remodeling, or operation of any refinery, bulk storage plant, distributing station, or service station; and for the transporting of flammable liquids in tank vehicles other than in drums, cans, or other containers, of less than sixty (60) gallons individual capacity. 2. Every owner of a tank vehicle used for the transportation of flammable liquids in Kentucky shall make application annually to the State Fire Marshal for a permit to operate such vehicle. such application shall be accompanied by a statement of the condition of the vehicle at the time applica

tion is made. The State Fire Marshal will issue annually numbered permits upon receipt of proper application and certification of conditions. 3. The annual permit number shall be displayed at the top of the rear of each tank. Such numbers shall be of a sharply contrasting color and a minimum of three (3) inches in height. 4. No person shall place any flammable liquid in a tank vehicle for transportation in Kentucky until such vehicle has received, and displayed a permit number as required in subparagraphs 2. and 3. above from the State Fire Marshal.

(b) Local permits: A permit, subject to the provisions of Section 4(2)(d), shall be obtained from an authorized city official for: 1. The storage or handling of Class I liquids in excess of one (1) gallon in any building of "residential occupancy," in excess of ten (10) gallons inside any other building, and in excess of fifty (50) gallons outside of any building. 2. The storage or handling of Class II liquids in excess of ten (10) gallons in any building of "residential occupancy," in excess of sixty (60) gallons in any other building, and in excess of 120 gallons outside any building. 3. The storage or handling of Class III liquids in excess of 275 gallons inside any building, and in excess of 1,100 gallons outside of any building. 4. The construction, substantial remodeling, or operation of a refinery, bulk storage plant, distributing station or service station. 5. Quantities of paints, oils, varnishes, and similar flammable liquids in excess of those given above, for use on the premises, stored for not more than thirty (30) days.

Section 7. Dry Cleaning and Dyeing: (1) Definitions.

(a) For the purposes of the Standards of Safety, "dry cleaning" shall be considered the process of removing dirt, grease, paints, and stains from wearing apparel, textiles, fabrics, rugs, etc., through the use of nonaqueous liquid solvents by one or more of the following methods: 1. Immersion and agitation in open vessels. 2. Immersion and agitation in approved closed machines. 3. Spotting or local application of solvents to spots of dirt, grease, paints and stains not removed by immersion and agitation processes. 4. Brushing or scouring with solvents.

(b) "Dry dyeing" shall be considered the process of drying clothes, textiles, fabrics, rugs, etc., in solutions of dye colors and non-gaseous liquid solvents.

(c) In the following regulations, wherever reference is made to "dry cleaning," that term shall be construed as applying to both dry cleaning and dry dyeing operations.

(2) Permits and plans.

(a) A permit from the State Fire Marshal, subject to the provisions of Section 4(2), shall be obtained for the construction or operation of a dry cleaning or dry dyeing plant; or for using any room or structure for dry cleaning or dry dyeing operations; or for the storage of flammable or volatile substances for use in such business.

(b) Plans shall be drawn to an indicated scale and shall show the relative location of the dry cleaning building, boiler room, finishing building or department, storage tanks for solvents, and the location and arrangement

of all equipment, such as pumps washers, drying tumblers, extractors, filter traps, stills, condensers, and piping. Such plans and specifications, based on NFPA Pamphlet No. 32, shall be submitted with the application for a permit. Where a dry cleaning operation is intended to meet Class III requirements as specified in NFPA Pamphlet No. 32, specifications shall include sufficient information to identify listed equipment and solvents (listees' names and model designation on equipment, and name and trade designation for solvents).

Section 8. Airports: (1) Permit: A permit subject to the provisions of Section 4(2) shall be secured from the State Fire Marshal before beginning the construction or operation of any airport, or hangar, or similar building intended for the storage or service of airships or airplanes.

(2) General: In addition to the applicable provisions of the Standards of Safety the following requirements shall be met:

(a) Gas or other open flame lights shall not be used for runway lighting.

(b) Aboveground storage tanks for flammable liquids shall not be permitted.

HAROLD B. MCGUFFEY, Commissioner

ADOPTED: November 10, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: November 4, 1976 at 11:45 a.m.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Insurance
Office of the State Fire Marshal
As Amended

806 KAR 50:205. Recreational vehicles.

RELATES TO: KRS 227.570

PURSUANT TO: KRS 13.082, 227.590

EFFECTIVE: December 1, 1976

NECESSITY AND FUNCTION: KRS 227.590 requires the Recreational Vehicle Certification and Licensure Board to establish rules and regulations governing the standards for manufacture, sale, and alteration of recreational vehicles. These regulations are intended to assure safety for owners and occupiers of recreational vehicles.

Section 1 Authorization: (1) these rules are authorized by KRS 227.590 and established pursuant to the rule making procedures set forth in KRS Chapter 13, in order to implement, interpret, and carry out the provisions of Laws of 1974 as amended in 1976, KRS Chapter 227, relating to mobile homes and recreational vehicles. In the event that these regulations conflict with the codes promulgated by the National Fire Protection Association NFPA 501 (C), the codes shall govern in all cases.

(2) At least thirty (30) days before the adoption or promulgation of any change in or addition to the rules and regulations, the office shall mail to all manufacturers possessing valid certificates of acceptability and dealers

possessing valid licenses a notice including a copy of the proposed changes and additions and the time and place that the board will consider any objections to the proposed changes and additions. After giving the notice required by this section, the board shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any manner.

(3) Every rule or regulation, or modification, amendment or repeal of a rule or regulation adopted by the board shall state the date it shall take effect.

Section 2. Enforcement: Subject to the provisions of applicable law, the Office of the State Fire Marshal shall administer and enforce all the provisions of the Mobile Home and Recreational Vehicle Act. Any officer, agent, or employee of the State Fire Marshal's Office is authorized to enter any premises in order to inspect any recreational vehicle for which the office has issued a seal of approval, or to inspect such recreational vehicle's equipment and/or its installations to insure compliance with the Act, the code, and these regulations. Upon complaint and request, a privately owned recreational vehicle bearing a seal may be entered to determine compliance with these regulations. When it becomes necessary to determine compliance, he may require that a portion or portions of such recreational vehicles be removed or exposed in order that a compliance inspection can be made.

Section 3. Definitions: In addition to the definitions contained herein, the definitions of NFPA 501 (C) by the National Fire Protection Association shall apply:

(1) Act: The Mobile and Recreational Vehicle Act, KRS 227.550 to 227.660.

(2) Agency, testing: An outside organization which is:

(a) Primarily interested in testing and evaluating equipment and installations;

(b) Qualified and equipped for, or to observe experimental testing to approved standards;

(c) Not under the jurisdiction or control of any manufacturer or supplier of any industry;

(d) Makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and

(e) Approved by the board.

(3) Alteration or conversion: The replacement, addition, modification, or removal of any equipment or installations which may affect the plumbing, heat-producing, electrical, and fire and life safety systems or the functioning thereof of recreational vehicles subject to these rules is an alteration or conversion unless excluded by these rules. The above equipment must be installed in accordance with manufacturer's specifications.

(4) Board: Recreational Vehicle Certification and Licensure Board.

(5) Certificate of acceptability: The certificate provided to the manufacturer signifying the manufacturer's ability to manufacture, import, or sell recreational vehicles within the state.

(6) Class "A" seal: A device or insignia issued by the office to indicate compliance with the standards, established by the office or rules and regulations established by the board for recreational vehicles manufactured after the effective date of the Act.

(7) Class "B" seal: A device or insignia issued by the

office to indicate compliance with the standards established by the office, rules and regulations established by the board for used recreational vehicles without a class "A" seal, or for new recreational vehicles manufactured prior to the effective date of the Act.

(8) Dealer: Any person, other than a manufacturer, as defined herein, who sells or offers for sale three (3) or more recreational vehicles in any consecutive (12) month period.

(9) Established place of business: A fixed and permanent place of business in this state, including an office building and hard surface lot of suitable character and adequate facilities and qualified personnel, for the purpose of performing the functional business and duties of a recreational vehicle dealer, which shall include the books, records, files, and equipment necessary to properly conduct such business or building having sufficient space therein to properly show and display the recreational vehicles being sold and in which the functional duties of a recreational vehicle dealer may be performed. The place of business shall not consist of residence, tent, temporary stand, or open lot. It shall display a suitable sign identifying the dealer and his business.

(10) Hard surfaced lot: An area open to the public during business hours with a surface of concrete, asphalt/macadam, compacted gravel and/or stone, or other material of similar characteristics.

(11) Manufacturer: Any person who manufactures recreational vehicles and sells to dealers.

(12) NFPA 501 (C): That section of the National Fire Code adopted by the National Fire Protection Association that pertains to standards for recreational vehicles.

(13) Office: The Office of the State Fire Marshal.

(14) Person: This means a person, partnership, corporation or other legal entity.

(15) Recreational vehicle: For purposes of the scope of the Act and regulations, this is a vehicular type unit designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

(16) Suitable sign: A sign with the dealership name and type of dealership in letters of a minimum height of six (6) inches and a minimum width of one and one-half (1½) inches.

Section 4. Scope and Purpose of the Act and Regulations: (1) Except to the extent otherwise stated in the Act and these regulations and in other laws of the Commonwealth which are not inconsistent with or superseded by the Act and these regulations, these regulations govern the design, manufacture, storage, and sale of recreational vehicles which are manufactured, sold, leased, or transported for use within or outside of the Commonwealth. These regulations apply to recreational vehicles manufactured in manufacturing facilities located within or outside the Commonwealth. Recreational vehicles brought into this state for exhibition use only and which will not be sold in this state may be excluded from the coverage of this Act and regulations if inspections reveal no condition hazardous to health or safety.

(2) The legislature has enacted the Mobile Home and Recreational Vehicle Act to protect the health and safety of the owner, occupiers, and all other persons from mal-manufactured recreational vehicles. The office has been given the authority to carry out the purpose of the Act. The Act sets out the minimum standards for design and

manufacture. Dealers are encouraged to maintain ethical business standards beyond non-fraudulent minimums.

Section 5. Standards for Vehicles in Manufacturers' or Dealers' Possession: (1) The office shall enforce such standards and requirements for the installation of plumbing, heating, electrical, and fire and life safety systems in recreational vehicles as it determines are reasonably necessary to protect the health and safety of the occupants and the public.

(2) On all recreational vehicles manufactured after July 15, 1975, said standards shall be NFPA 501 (C), 1974 edition, herein adopted by reference.

(3) On all used recreational vehicles without a seal or any recreational vehicle manufactured prior to July 15, 1975, said standards shall be that the dealer shall certify that the electric, heating, plumbing, and fire and life safety systems have been checked, and repaired if necessary, and found to be in safe working condition and thus be in conformity with the intent of the Act to protect the health and safety of the occupants and general public.

(4) All recreational vehicles taken in trade must be reinspected and certified. The existing class "A" or class "B" seal may be removed or a new seal may be applied over the existing seal. A seal will not be required if such dealer submits an affidavit that the unit will not be resold for use as such by the public.

(5) All new recreational vehicles purchased outside the Commonwealth of Kentucky not bearing a class "A" seal of approval and all used recreational vehicles purchased outside the Commonwealth of Kentucky, regardless of the type seal affixed, shall be delivered to a certified Kentucky dealer for inspection according to the following criteria:

(a) Inspection of the plumbing and waste systems;

(b) Inspection of the heating unit to determine adequacy of the system;

(c) Inspection of the electrical systems including the main circuit box and all outlets/switches to detect any damaged coverings, lost screws, or improper installations;

(d) Inspection of fire/life safety (fire extinguishers and second means of egress).

(6) Any licensed Kentucky recreational vehicle dealer that maintains the capability to perform minor maintenance of plumbing, heating, and electrical systems of recreational vehicles shall be permitted to inspect and certify those recreational vehicles purchased in another state for use within the Commonwealth of Kentucky. Any dealer desiring to perform this service shall make application to the Office of the State Fire Marshal for appropriate certification.

(7) Any unit found to be in non-compliance with the requirements of Section 5(5) of this regulation shall be corrected prior to the dealer certifying the unit. All units requiring repairs or correction prior to unit certification shall be reported to the office specifying the repairs required to correct the deficiencies. Appropriate reporting forms shall be made available to qualified dealers performing inspection.

(8) The fee for the inspection of recreational vehicles shall be fifteen dollars (\$15) per hour plus mileage as required and a twenty dollar (\$20) seal fee.

Section 6. Applicability and Interpretation of Code and Regulation Provisions: Any questions regarding the applicability or interpretation of any provisions of code or regulation adopted shall be submitted in writing by any

interested person to the office for resolution. It is the policy of the office that with respect to questions regarding NFPA 501 (C), any such questions shall whenever feasible be submitted to the NFPA in accordance with the established procedures of the organization. The decision of the office shall be in writing.

Section 7. Certificate of Acceptability: (1) No manufacturer may manufacture, import, or sell any recreational vehicle in this state after the effective date of this Act, unless he has procured a certificate of acceptability from the board. Compliance shall be enforced through KRS 227.992. Recreational vehicles manufactured in this state and designed for delivery to and for sale in a state that has a code that is inconsistent with NFPA 501 (C) need not comply with this provision.

(2) Requirements for issuance:

(a) the manufacturer must submit and the office must approve in-plant quality control systems;

(b) An affidavit certifying compliance with the applicable standards must be attached to the application;

(c) A \$400 fee must accompany the application. The fee shall be paid by check or money order and shall be made payable to: Kentucky State Treasurer. Said fee shall be prorated on a calendar year basis if it is a new license;

(d) The manufacturer must furnish and maintain with the office proof of general liability insurance to include lot and completed operations insurance in the minimum amount of \$100,000 bodily injury or death for each person, \$300,000 bodily injury or death for each accident, and \$50,000 property damage.

(3) To obtain in-plant quality control approval, a manufacturer shall submit a system for in-plant control pursuant to paragraph (b) of this subsection and submit to inspection by the office for field certification of satisfactory quality control. Applications for approval of in-plant quality control systems shall contain the following:

(a) A certified copy of the plans and specifications of a model or model-group for electrical, heating, and plumbing systems. All plans shall be submitted on sheets, the minimum possible size of which is eight and one-half inches by eleven inches (8-½" x 11") and the maximum possible size of which is twenty-four inches by thirty inches (24" x 30"). The manufacturer shall certify that the aforementioned systems comply with NFPA 501 (C).

(b) Also a copy of the procedure which will direct the manufacturer to construct recreational vehicles in accordance with the plans, specifying:

1. Scope and purpose.

2. Receiving and inspection procedure for basic materials.

3. Material storage and stock rotation procedure.

4. Types and frequency of product inspection.

5. Sample of inspection control form used.

6. Responsibility for quality control programs, indicating personnel, their assignments, experience and qualifications.

7. Test equipment.

8. Control of drawings and material specifications.

9. Test procedures.

(4) A unit certification format certifying compliance with the Act and regulations shall be submitted to the office no later than the end of the first week of each month. The unit certification format shall contain the information in the format of Appendix A.

(5) No manufacturer to which a certificate of acceptability has been issued shall modify in any way its

manufacturing specifications without prior written approval of the office.

(6) If the manufacturer is also a dealer, he must also comply with dealer licensing provisions.

(7) Should the applicant not conform with these regulations, the applicant shall be so notified in writing by the office within ten (10) working days of the date received. Should the applicant fail to submit a corrected application in accordance with the information supplied on the application correction notice, the application will be deemed abandoned and twenty percent (20%) of fees due will be forfeited to the office. Any additional submission shall be processed as new application.

(8) Manufacturers shall notify the office in writing within thirty (30) days of any of the following occurrences:

- (a) The corporate name is changed;
- (b) The main address of the company is changed;
- (c) There is a change in twenty-five percent (25%) or more of the ownership interest of the company within a twelve (12) month period;
- (d) The location of any manufacturing facility is changed;
- (e) A new manufacturing facility is established; or,
- (f) There are changes in the principal officers of the firm.

(9) Any information relating to building systems or in-plant quality control systems which the manufacturer considers proprietary shall be so designated by him at the time of its submission, and shall be so held by the office, and by the inspection, evaluation, and local enforcement agencies unless the board determines in each case that disclosure is necessary to carry out the purposes of the Act.

(10) The office may determine that the standards for recreational vehicles established by a state or a recognized body or agency of the federal government are at least equal to NFPA 501 (C). If the office finds that such standards are actually enforced then it may issue a certificate of acceptability for such recreational vehicles.

(11) A certificate of acceptability may be denied, suspended, or revoked on the following grounds:

- (a) Evidence of insolvency;
- (b) Material misstatement in application for certificate of acceptability;
- (c) Willful failure to comply with any provisions of the Act or any rule or regulation promulgated by the board under the Act;
- (d) Willfully defrauding any buyer;
- (e) Willful failure to perform any written agreement with any buyer or dealer;
- (f) Failure to furnish or maintain the required liability insurance;
- (g) A fraudulent sale, transaction, or repossession;
- (h) Violation of any law relating to the sale or financing of recreational vehicles.

(12) If a certificate holder is a firm or corporation, it shall be sufficient cause for denial, suspension, or revocation of a certificate that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a certificate to such party as an individual. Each certificate holder shall be responsible for any or all of his salesmen while acting as his agent while the said agent is acting within the scope of his authority.

(13) Procedure for denial, revocation or suspension:

- (a) The office may deny the application for a certificate of acceptability by written notice to the applicant, stating

the grounds for such denial.

(b) No certificate of acceptability shall be suspended or revoked by the office except after a hearing thereon. The office shall give the certificate holder at least thirty (30) days notice of the time and place of the hearing and of the charges to be heard.

(c) Any manufacturer who violates or fails to comply with this Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation and instructed to correct the violation within sixty (60) days. Should the manufacturer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any certificate of acceptability if it finds that:

- 1. The manufacturer has failed to pay the fees authorized by the Act;
- 2. The manufacturer, either knowingly or without the exercise of due care to prevent the same, has violated any provision of this Act or any regulation or order lawfully made pursuant to and within the authority of the Act; or that
- 3. The manufacturer has shipped or imported into this state a recreational vehicle to any person other than to a duly licensed dealer.

(14) Any person aggrieved by any ruling of the office denying a certificate of acceptability within fifteen (15) days after any such ruling of the office may appeal such ruling to the board herein provided for. Such appeal shall be in writing. The board shall state in writing, officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter. If the Board shall determine and order that any applicant is not qualified to receive a certificate of acceptability, no certificate shall be granted. If the board shall determine that the certificate holder was willfully or through gross negligence has been guilty of a violation of any of the provisions of the Act, his certificate may be suspended or revoked.

(15) Any person aggrieved by any ruling of the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.

(16) Under proceedings for the suspension of a certificate of acceptability for any of the violations enumerated in the Act, the holder of a certificate of acceptability may have the alternative subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the sum of fifty dollars (\$50) per day.

Section 8. Serial Numbers, Model Numbers, Date Manufactured: A clearly designated serial number, model number, and date manufactured shall be stamped into the tongue, or front cross member of the frame at the lower left hand side (while facing the unit), and if there is no such tongue or cross member, then a data plate with this information shall be affixed on the outside in a conspicuous place.

Section 9. Dealer License: (1) No dealer of recreational vehicles shall engage in business as such in this state without a license issued by the office upon application.

(2) Application must contain the following information:

- (a) Name and address of the chief managing officer;

(b) Location of each and every established place of business;

(c) Social security number and date of birth of chief managing officer;

(d) Previous year's units sold, new and used;

(e) Affidavit certifying compliance with the Act and regulations;

(f) Names of officers if dealership in corporate form;

(g) Names of partners if dealership in partnership form;

(h) Any other information the office deems commensurate with safeguarding of the public interest in the locality of the proposed business.

(3) All licenses shall be granted or refused within thirty (30) days after application therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted.

(4) The license fee shall be fifty dollars (\$50). The fee shall be paid by check or money order and shall be made payable to Kentucky State Treasurer.

(5) The license must be conspicuously displayed at the established place of business. In case such location be changed, the office shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

(6) The dealer must furnish and maintain with the office proof of [general] liability insurance [to include lot and completed operations insurance] in the minimum amount of \$50,000 [\$100,000] bodily injury or death for each person, \$100,000 [\$300,000] bodily injury or death for each accident, and \$25,000 [\$50,000] property damage.

(7) Periodic reports:

(a) A unit compliance format certifying compliance with the Act and regulations shall be submitted to the office no later than the end of the first week of each month. The unit certification format shall contain the information in Appendix B.

(b) Notification of a change in the application information must be made within thirty (30) days of any of the following occurrences:

1. Dealership name is changed;

2. Established place of business is changed;

3. There is a change in twenty-five (25%) or more of the ownership interest of the dealership within a twelve (12) month period; or

4. There are changes in the principal officers of the firm.

(8) A license may be denied, suspended or revoked on the following grounds:

(a) A showing of insolvency in a court of competent jurisdiction;

(b) Material misstatement in application;

(c) Willful failure to comply with any provisions of the Act or any rule or regulation promulgated by the board under the Act;

(d) Willful failure to perform any written agreement with the buyer;

(e) Willfully defrauding any buyer;

(f) Failure to have or to maintain an established place of business;

(g) Failure to furnish or maintain the required liability insurance;

(h) Making a fraudulent sale, transaction or repossession;

(i) Employment of fraudulent devices, methods, or

practices in connection with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods;

(j) Failure of a dealer to put the title to a recreational vehicle in his name after said dealer has acquired ownership of the recreational vehicle by trade or otherwise;

(k) Violation of any law relating to the sale or financing of recreational vehicles.

(9) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director, or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act of omission which would be cause for refusing, suspending, or revoking a license to such party as an individual. Each licensee shall be responsible for any or all of his salesmen while acting as his agent while the said agent is acting within the scope of his authority.

(10) Upon proceedings for the suspension of a license for any of the violations enumerated in the Act, the licensee may have the alternative, subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the sum of fifty dollars (\$50) per day.

(11) Procedure for denial, revocation, or suspension:

(a) The office may deny the application for a license within thirty (30) days after receipt thereof by written notice to the applicant, stating the grounds for such denial.

(b) No license shall be suspended or revoked by the office except after a hearing thereon. The office shall give the licensee at least thirty (30) days notice of the time and place of hearing and of the charges to be heard.

(c) Any dealer who violates or fails to comply with the Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation, and instructed to correct the violation within sixty (60) days. Should the dealer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any license if it finds that:

1. The dealer has failed to pay the fees authorized by the Act; or that

2. The dealer either knowingly or without the exercise of due care to prevent the same, has violated any provision of the Act or any regulation or order lawfully made pursuant to and within the authority of the Act.

(12) Any person aggrieved by any ruling of the office denying, suspending or revoking a license, within fifteen (15) days after such ruling of the office may appeal such ruling to the board herein provided for. Such appeal shall be in writing. The board shall state in writing, officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter. If the board shall determine that the licensee has willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his license may be suspended or revoked.

(13) Any person aggrieved by any ruling of the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.

Section 10. Temporary Licenses. (1) Any dealer other than one duly licensed in Kentucky wishing to show and offer recreational vehicles within the Commonwealth of Kentucky for the express purpose of retailing said units to the general public, shall be required to purchase from the

Office of the State Fire Marshal a temporary license. Said license shall not exceed fifteen (15) days duration and the license fee shall be twelve dollars and fifty cents (\$12.50) for each authorized event.

(2) Applicant shall meet the following requirements before a temporary license is granted:

(a) Be a duly licensed dealer in a state other than Kentucky;

(b) Must furnish to the office proof of [general] liability insurance [to include lot and completed operations insurance] in the minimum amount of \$50,000 [\$100,000] bodily injury or death for each person, \$100,000 [\$300,000] bodily injury or death for each accident, and \$25,000 [\$50,000] property damage.

(c) Provide satisfactory assurance to the office that all new units sold to Kentucky consumers bear the Kentucky class "A" seal affixed on the unit by the manufacturer;

(d) Provide all other information as may be required by the office.

(3) Temporary licenses shall be prominently displayed at the location where the applicant is transacting business.

(4) Temporary licenses shall not be required for those dealers attending a recreational vehicle show within the Commonwealth of Kentucky provided they do not sell or offer for sale to the general public recreational vehicles.

Section 11. (1) No manufacturer who has received a certificate of acceptability from the office shall sell or offer for sale to Kentucky dealers in this state recreational vehicles unless they bear a class "A" seal of approval issued by and purchased from the office. The provision shall not apply to vehicles sold or offered for sale for shipment out of state.

(2) No dealer who has received a license from the office shall sell a recreational vehicle unless it has a seal. Any dealer who has acquired a used recreational vehicle without a seal or a recreational vehicle manufactured prior to July 15, 1975, shall apply to the office for a class "B" seal by submitting an affidavit certifying either that all electrical, heating, plumbing, and fire and life safety equipment has been checked, and if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable code.

(a) Acquisition of seals:

1. Any manufacturer, except one altering a new recreational vehicle bearing a seal, may qualify for acquisition of a class "A" seal by obtaining a certificate of acceptability pursuant to KRS 227.580 and Section 7 of this regulation.

2. Any dealer, except one altering a recreational vehicle bearing a seal, may qualify for acquisition for a class "B" seal by giving an affidavit certifying either that all electrical, heating, plumbing, and fire and life safety equipment has been checked, if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable code.

(b) Application for seals:

1. Any person who has met the applicable requirements of Section 7 or Section 9 of this regulation shall apply for seals in the form prescribed by the office. The application shall be accompanied by the seal fee of twenty dollars (\$20) for each class "A" seal or twenty dollars (\$20) for each class "B" seal.

2. If the applicant has qualified to apply for seals pursuant to the in-plant quality control approval method, the seal application shall include the certificate of

acceptability number.

(c) Alteration or conversion of a unit bearing a seal:

1. Any alteration of the plumbing, heat-producing equipment, electrical equipment or installations, or fire and life safety in a recreational vehicle which bears a seal, shall void such approval and the seal shall be returned to the office.

2. The following shall not constitute an alteration or conversion:

- a. Repairs with approved component parts;
- b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing;
- c. Adjustment and maintenance of equipment;
- d. Replacement of equipment in kind;
- e. Any change that does not affect those areas covered by NFPA 501 (C).

3. Any dealer proposing an alteration to a recreational vehicle bearing a seal shall make application to the office. Such application shall include:

- a. Make and model of recreational vehicle;
- b. Serial number;
- c. State seal number;
- d. A complete description of the work to be performed together with plans and specifications when required;
- e. Location of the recreational vehicle where work is to be performed.

4. Upon completion of the alteration, the applicant shall request the office to make an inspection.

5. The applicant may purchase a replacement seal, based on inspection of the alteration for a fee of two dollars (\$2).

(d) Denial and repossession of seals: Should inspection reveal that a manufacturer is not constructing recreational vehicles according to NFPA 501 (C) and such manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture recreational vehicles in violation of these rules and the code, applications for new seals shall be denied and the seals previously issued and unused shall be confiscated and credit given. Upon satisfactory proof of compliance such manufacturer may resubmit an application for seal.

(e) Seal removal: In the event that any recreational vehicle bearing the seal is found to be in violation of these rules, the office shall attach to the vehicle a notice of non-compliance and furnish the manufacturer or dealer a copy of same. The office, dealer or manufacturer shall not remove the non-compliance tag until corrections have been made, and the owner or his agent has requested an inspection in writing to the office or given an affidavit certifying compliance.

(f) Placement of seals:

1. Each seal shall be assigned and affixed to a specific recreational vehicle. Assigned seals are not transferable and are void when not affixed as assigned, and all such seals shall be returned to or may be confiscated by the office. The seal shall remain the property of the office and may be seized by the office in the event of violation of the Act or regulations.

2. The seal shall be securely affixed by the door on the handle side at approximately handle height.

3. No other seal, stamp, cover, or other marking may be placed within two (2) inches of the seal.

(g) Lost or damaged seals:

1. When a seal becomes lost or damaged, the office shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the recreational

vehicle serial number, and when possible, the seal number.

2. All damaged seals shall be promptly returned. Damaged and lost seals shall be replaced by the office with a replacement seal on payment of the replacement seal fee of two dollars (\$2).

806 KAR 50:205

APPENDIX A

UNIT CERTIFICATION FORMAT

Name of Manufacturer						
Mailing Address				County		
City		State		Zip Code		

I hereby certify that the recreational vehicles as described hereon have been constructed in compliance with NFPA 501 (C), 1974 edition.

NO.	Serial#	KY Seal#	Date Mfg.	Model	Size	Dealer
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

This form must be used in reporting units to the Office of the State Fire Marshal. The form should be completed in duplicate with the original to be sent to the Office of the State Fire Marshal, and the copy retained by the manufacturer. This form should be mailed to the Office of the State Fire Marshal when the last entry has been filled or not later than the first week of each month.

Date

BY _____
PERSON AUTHORIZED TO
CERTIFY THESE UNITS

806 KAR 50:205

APPENDIX B

UNIT CERTIFICATION FORMAT

Name of Dealer			
Mailing Address		County	
City	State	Zip Code	

I hereby certify that the recreational vehicles as described hereon have been inspected and are in compliance with the Life/Safety Standards appropriate for the class of seal which I have affixed on the unit as required by KRS 227.550 thru KRS 227.660 and regulations thereunder.

NO.	Serial#	KY Seal#	Date Mfg.	Model	Size	Purchaser
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						

This form must be used in reporting units to the Office of the State Fire Marshal. The form should be completed in duplicate with the original to be sent to the Office of the State Fire Marshal, and the copy retained by the dealer. This form should be mailed to the Office of the State Fire Marshal when the last entry has been filled or not later than the first week of each month.

Date

BY _____
PERSON AUTHORIZED TO
CERTIFY THESE UNITS

WARREN SOUTHWORTH, State Fire Marshal
HAROLD B. McGUFFEY, Commissioner
ADOPTED: November 13, 1976
APPROVED: JAMES E. GRAY, Secretary
RECEIVED BY LRC: November 15, 1976 at 1:30 p.m.

Proposed Amendments

DEPARTMENT OF TRANSPORTATION Bureau of Highways (Proposed Amendment)

603 KAR 5:110. Permits for moving house trailers.

RELATES TO: KRS 189.270

PURSUANT TO: KRS 13.082, 174.080

NECESSITY AND FUNCTION: KRS 189.270 [189.275] authorizes the Department of Transportation to issue permits for the movement of *house trailers* [mobile homes] exceeding legal dimensions. This regulation establishes permit fees and determines requirements necessary in the interest of highway safety.

Section 1. No house trailer of a width greater than eight (8) feet or with a combined length of house trailer and towing vehicle greater than fifty-five (55) feet, one or both, shall be towed upon any Kentucky highway unless, and until a special written permit has been issued by the Department of Transportation.

Section 2. Permits will be issued for single trips, or at the option of owners as set forth in Section 3, an annual permit will be issued to authorize movement of house trailers not exceeding twelve (12) feet in width. Registration and capacity of towing vehicles for house trailers in excess of eight (8) feet wide shall be the same as noted in Section 3. Single trip permits will be issued for a period of not more than ten (10) calendar days.

Section 3. Annual permits for movement of house trailers not exceeding twelve (12) feet in width on specified highways as shown by map on the permit will be issued to dealers and manufacturers located within the Commonwealth of Kentucky and certificated motor carriers who are properly licensed as such by the Department of Transportation and to private owner-residents of Kentucky for movements of their personally owned house trailers. No annual permits will be issued for the movement of house trailers in excess of twelve (12) feet in width. Each towing vehicle for house trailers twelve (12) feet wide must be registered in Kentucky for a gross weight of not less than 22,000 pounds, have dual wheels on the rear and be rated at least one and one-half (1½) ton capacity. Towing vehicles for house trailers fourteen (14) feet wide must have a minimum of 185 horsepower, a minimum of two (2) ton capacity, and must be licensed for a gross weight equal to the combined weight of the towing vehicle and the house trailer.

Section 4. The issue cost of single trip permits shall be ten dollars (\$10) and the issue cost of annual permits shall be forty dollars (\$40) for each towing vehicle and the cost will not be prorated. Permits will not be issued for units, including towing vehicle and house trailer combined, exceeding eighty-five (85) feet in length and fourteen (14) feet in width. The *house trailer* [mobile home] itself shall not exceed seventy (70) feet in length. Single trip permits will specify the highway to be used for the trip.

Section 5. Annual permits shall be issued by the Permit Section, Division of Motor Carriers, Department of Transportation, Frankfort, Kentucky.

Section 6. Single trip permits shall be issued by the Permit Section, Division of Motor Carriers, Frankfort, Kentucky, and by the Department of Transportation District Offices at Paducah, Madisonville, Bowling Green, Elizabethtown, Louisville, Covington, Lexington, Somerset, Flemingsburg, Ashland Subdistrict, Jackson, Manchester and Pikeville, Kentucky.

Section 7. One lead escort vehicle is required for movement of house trailers twelve (12) feet wide on all two (2) lane highways except on sections of toll roads which may be two (2) lanes. Escort vehicles, both front and rear, may be required on some highways where highway conditions may dictate the need. Red flags twelve (12) inches by twelve (12) inches square must be displayed both sides front bumper of lead escort and both sides of rear of a following escort. Amber flashing lights may be used on both escort and towing vehicle. Red lights are prohibited.

Section 8. All permit forms and requests for trip permits shall specify make of towing vehicle, license number and state of issue, name and address of owner, dates for travel and routes of travel. Requests and permit forms for annual permits shall specify make of towing vehicle, rated capacity, serial number, license number, and whether for hire or private carriers.

Section 9. A duplicate permit to replace an annual permit or to transfer the permit to another vehicle may be obtained from the Permit Section, Division of Motor Carriers, Frankfort, by the payment of a fee of ten dollars (\$10).

Section 10. Prior departmental approval must be secured from the Permit Section, Division of Motor Carriers, Frankfort, for any house trailer hauled under an annual permit which deviates from the routes prescribed in the permit issued for the towing vehicle.

Section 11. Permits shall be carried in the towing vehicles and must be presented, upon request, to any law enforcement officer or authorized personnel of the Department of Transportation for inspection.

Section 12. Permits are valid during daylight hours only, from Monday through Saturday noon, except for those periods before, during and after the following holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day. In connection with these holidays, travel is not permitted from noon the preceding day until daylight of the next permissible day. If the holiday occurs on Sunday or Monday the restricted period will extend from noon of the preceding Friday to daylight of the following Tuesday. If satisfactory proof of an emergency is furnished the Permit Section, Division of Motor Carriers, Frankfort, Kentucky, the Permit Section may authorize moves during the restricted hours. The term "daylight hours" means the period from one-half (½) hour before sunrise until one-half (½) hour after sunset, but it does not include such period or part thereof when atmospheric conditions render visibility lower than is ordinarily the case during such daylight hours.

Section 13. Single trip permits for moves involving house trailers fourteen (14) feet wide will be issued by the Central Office only. The permit fee shall be ten dollars (\$10).

Section 14. Moves of house trailers fourteen (14) feet wide will be limited to four (4) lane highways and to reasonable distances on two (2) lane highways. The definition of a reasonable distance from a four (4) lane highway to the units ultimate destination is defined in the sense that the Department of Transportation will in its best judgment designate the shortest and best route to be used. The department shall deny movements on any routes deemed unsuitable for move.

Section 15. Moves cannot be made when the pavement is wet or when wind velocity exceeds twenty-five (25) MPH. Moves will be made between the hours of 9:00 a.m. and 3:00 p.m. week days only. No travel on weekends, holidays or at night.

Section 16. When house trailers fourteen (14) feet wide are moved, one (1) escort will be required in the rear on four (4) lane highways and one (1) escort vehicle, both front and rear, on other highways. Escort vehicles shall have an amber flashing light on the roof. The house trailer shall be equipped with four (4) way amber flashers spaced not less than six (6) feet above the roadway. All running lights must be on while in motion. All axles on the house trailer shall be equipped with brakes.

Section 17. Speed limit on movement of fourteen (14) feet wide house trailers on interstate highways is forty-five (45) MPH. On other highways the speed limit is thirty-five (35) MPH, unless posted minimum speed exceeds this, then this may be increased to the minimum posted speed.

O. B. ARNOLD, Commissioner

ADOPTED: December 1, 1976

APPROVED: JOHN C. ROBERTS, Secretary

RECEIVED BY LRC: December 2, 1976 at 4 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING
TO: Commissioner, Bureau of Vehicle Regulation, Department of Transportation, State Office Building, Frankfort, Kentucky 40601.

EDUCATION AND ARTS CABINET
Department of Library and Archives
(Proposed Amendment)

725 KAR 2:010. Public libraries.

RELATES TO: KRS 171.150, 171.204, 171.125 to 171.306

PURSUANT TO: KRS 13.082, 171.150, 171.204, 171.125 to 171.306

NECESSITY AND FUNCTION: The following rules and regulations are necessary for the Department of Library and Archives to exercise its duties. The Department of Library and Archives is designated by KRS Chapter 171 as the agency to administer funds granted for the purpose of providing and equalizing minimum public library service in Kentucky. This service includes the establishment, extension and development of local public library facilities. The Construction Officer of the Department of Library and Archives is authorized to act according to the following document.

Section 1. Hereinafter, the expression, the "Board" refers to the library trustees, the initials, "C.O." refer to the Construction Officer, and the initials "D.L.A." refer to the Department of Library and Archives.

Section 2. All public library buildings are bound by certain stipulations concerning any public service and any public buildings. Those stipulations are: (1) Public building code:

(a) Federal regulations:

1. Federal wage law for contractor,
2. Physically handicapped entrance.

(b) State regulations:

1. State Fire Marshal requirements,
2. Physically handicapped entrance,
3. State health codes,
4. State minimum wage law.

(c) County ordinances.

(d) City ordinances:

1. Sidewalks, etc.,
2. Sanitation laws, etc.

(2) Public service law:

(a) The right of any individual, regardless of race, creed, color, etc., to use and enjoy the services of the library.

(b) The right of any group to use the facility as provided for under the rules and regulations of the board of trustees.

(3) The following stipulations are required by the Department of Library and Archives:

(a) The site must be approvable by the construction officer.

(b) Purchase of existing buildings for renovation for library purposes may be authorized if this would be the best and most reasonable method of obtaining adequate library facilities. The C.O. will approve this purchase following approval by the Board of Review.

(c) The site and facility must be owned or will be purchased by the local board of trustees.

(d) The application for a construction grant must be filed with the C.O.'s office.

(e) Buildings or alterations must be planned and construction supervised by an architect registered in the Commonwealth of Kentucky and approved by the D.L.A. This approval will be based on registration of the architect and the experience as shown by the architect in previous projects.

(f) The plans submitted by the architect must be approved by the D.L.A. (C.O.) as to size, adequacy, location, function and suitability for services of a public library.

Section 3. Preliminary Review of Applications For Construction. A preliminary review is recommended for the purpose of establishing the construction application. This will be a working meeting of a small group and should be held regularly to keep information on the applications current and to prevent unpreparedness for the Board of Review. The intent of the review is to have more persons informed about the proposed projects and

to provide a complete and current application to the Board of Review.

(1) A preliminary review to establish the completeness of applications for construction projects will be held at least two (2) months before the regular Board of Review.

(a) A review committee of five (5) shall be established. These shall be appointed at the first yearly Board of Review. Three (3) of the members shall be from field staff, one (1) from each of the three (3) library areas, selected by the area library directors. The two (2) other members shall be selected by the three (3) field members on the committee. The terms shall be for one (1) year. New members shall be appointed yearly. The committee members shall select replacements for any members who resign from the committee during the year.

(b) The review committee will read the applications and shall have the responsibility to communicate with the district director involved about any questions they have concerning the applications.

(2) Procedures of the Review Committee:

(a) Applications will be presented alphabetically by county name.

(b) Realistic operating budget for the proposed facility will be presented insofar as practicable; i.e., estimates on costs of utilities, etc., should be obtained from proper authority. This budget should be brought up-to-date before each review.

(c) Proof of need must be plainly established, i.e., lack of service, lack of space for the book collection, etc., which an expanded facility would enable the library to provide. Willingness to provide these services should be made clear. A plan of projected service should be submitted.

(d) Ability to provide service adequately after the new facility is in operation is necessary. The board should not cut its staff budget to pay for the building.

(e) Librarians must be certified in accordance with the Kentucky Revised Statutes.

(f) The district director involved should be able to show serious intent of the board by having a knowledge of possible sites, possible square footage, approximate costs, and the board's willingness to proceed immediately.

(g) A history of operational budgets should be presented.

(h) A report of library relations to the community and governing bodies should be in the application.

(i) The Review Committee shall return the applications to the C.O. with recommendations for approval or disapproval. Those approved shall be scheduled for the next Board of Review.

(3) Correction of Application. If an application is found to be lacking in the above, it should be returned to the applicant with an explanation of deficiencies. The applicant should correct the form and re-submit it for consideration by the Board of Review or Preliminary Review Committee, whichever is first. The C.O. will have the responsibility of checking the corrections if the Board of Review meets before the Preliminary Review

Committee. A corrected application should not be held up for a preliminary review.

Section 4. Establishment of the Board of Review. (1) A Board of Review is established to award grants from such monies as are available to the D.L.A. for construction, improvement and equipping of public library facilities.

(a) The Board of Review shall meet every six (6) months, once in September and once in March, as scheduled by the C.O.

(b) The voting membership of the Board of Review shall be the C. O., State Librarian, *Assistant State Librarian*, Director of Field Services, Director of Administrative Services, *Director of Research and Development*, Area Library Directors and District Library Directors. The District Director of the county involved should attend the Board of Review, or have an official delegate there.

(2) Priority system for consideration of grants. (This establishes the order of consideration of applications.)

(a) Those counties or districts serving as headquarters for a multi-county federation (called Library Development Districts), having an established adequate income, but with facilities which do not meet minimum standards.

(b) Those county or district libraries participating in multi-county federations (called Library Development Districts) which have an assured, adequate income, but with facilities that do not meet minimum standards.

(c) Those county or district libraries (*either a headquarters or participating county*) participating in multi-county federations (called Library Development Districts) having an assured, adequate income which have reached minimum facilities and service and are applying for a branch facility or an addition or renovation to an existing building.

(d) Those libraries giving county-wide service which meet other requirements of this document.

(e) When minimum standards are referred to, exceptions to those standards may be made upon joint recommendations of the area director, district director, and C.O. to the Board of Review.

(3) Ranking system for applications within a priority group. The applicants will be ranked in high to low per capita library income order within a priority group. The application showing the highest income is the first to be considered.

(a) Income can include: all assured funds; taxes from library districts or from taxes legally established within the general fund, income trusts or property.

(b) Income cannot include: fines, gifts or appropriations (including those from other units of government) or income from annual art exhibits, plays, shows, fairs, cookie sales, etc.

(c) Population as used for per capita definition is based on the latest annual Kentucky Department of Commerce census figure.

(d) All previous steps being equal between any two (2) or more applicants, a "coin flip" (or other method acceptable to both parties) will determine the first to be considered in the priority group making.

(4) The Board of Review will take formal action on the project or projects for which application *is/are complete*. *This group will review the applications* to ascertain that the requirements of the plan for grants have been met. The action of the board will be to:

- (a) Approve the application as submitted, or
- (b) Reject the application completely.
- (5) Action following the board of review.
 - (a) Promptly following the meeting of the Board of Review, those library boards whose applications have been rejected will receive notice of the rejection from the Department of Library and Archives.
 - (b) When the application has been approved, the Board of Review will ask the construction officer to notify the library board of the approval.

Section 5. Board of Appeals. (1) If the application is rejected, a letter of rejection will explain the reasons for the rejection, and the procedures to be followed by the board if members desire to appeal the decision of the Board of Review.

(2) Procedures:

(a) Within twenty-one (21) days of the date of the letter of rejection, the library board must notify the Department of Library and Archives of the intent of members to appeal. This notification must be in writing, to the State Librarian, and include the basis for appeal. The appeal is to be filed by registered mail with the State Librarian who is charged then with the responsibility of notifying and convening the appeal board.

(b) The board of appeals shall consist of three (3) people: one (1) appointed by the Kentucky Trustees Association; one (1) appointed by the Friends of Kentucky Libraries; and one (1) appointed by the Kentucky Library Association. The President of each organization will be notified by the State Librarian when an appeal has been received by his office.

(c) The appeals board will notify, in writing, both the applicant and the State Librarian of the date (within three (3) weeks), and place, at which a hearing will be held. After the hearing has been held, the appeals board will notify the State Librarian and the board of its recommendation, within a reasonable length of time.

(d) The State Librarian will consider the recommendation of the appeal board and render a final decision.

Section 6. Procedures After Approval. (1) After a letter of approval has been received by the board the following items must be completed for presentation at the next board of review.

- (a) Architect's contract as approved by C.O.
- (b) Option on site as approved by C.O.
- (c) Letter of intent concerning financing.
- (d) Contract between D.L.A. and board.
- (e) Holding company contract, if needed.
- (f) Schematics (preliminary plans).
- (g) Other documentation as specified by C.O.
- (2) Files for the project will be kept at C.O.'s office.
- (3) The board of review will be asked to preview schematic drawings of a proposed facility. The intent is

to use previous experience of the district staff to advise on the various proposals.

(4) After approval of schematics, construction of the project should be started in accordance with the following schedule:

- Under \$100,000—6 months
- \$100,000 to \$250,000—9 months
- \$250,000 to \$500,000—10 months
- \$500,000 to \$750,000—12 months
- \$750,000 to \$1,000,000—14 months
- \$1,000,000 and over—14 to 24 months

(5) All requirements of subsection (4) may be delayed with written approval of C.O.

Section 7. Construction Procedures. (1) The library board and/or holding company will establish a separate bank account into which will be deposited all funds making up the total budget of the construction project.

(2) The architect for the project immediately submits a list of construction trades that will be involved to the Department of Labor to quote the wage rate which the contractor will be required to pay.

(3) The architect will proceed immediately with the working drawings and specifications for submission to the construction officer for final approval by the department before the project is advertised for bids.

(4) When the department has approved the working drawings, the plans will be completed and advertised publicly for construction bids.

(5) The bid opening date (coordinated with the construction officer) shall be at least seven (7) days after the third weekly running of the bid advertisement in the local newspaper.

(6) The contract will be awarded to the "lowest and best" bidder, as mutually determined by the library board, the architect, and the Construction Officer of the Department of Library and Archives.

(7) In case of serious disagreement as to which bid is "lowest and best," the final decision is to be made by the State Librarian.

(8) The architect will have the responsibility of notifying the construction officer, one (1) week in advance, when the building is ready for inspection. The building must be inspected by the construction officer or his designated official when the foundations are complete, during roofing, and at the completion of the building.

(9) Payments will be made to the architect and contractor by the library board in accordance with state law. These payments will be made from the bank account established to pay the bills for the project.

(10) Duplicate copies of all invoices, checks, deposit documents, and all contractor's payrolls must be filed with the Department of Library and Archives to facilitate state audits.

(11) The Department of Library and Archives will assist the library board to whatever extent members desire in selecting and ordering the furniture and equipment for the project. The department will supervise the advertisement for bids and purchase of the equipment. State law must be adhered to and all requirements for public advertisement and bids be met. In any case, bidding for furniture and equipment must be competitive.

(12) Payments will be made promptly to contractors

and suppliers when approved by the architect except that ten (10) per cent will be withheld until the satisfactory completion of the building has been officially approved by the department, the library board, the architect, and until the construction officer has concluded his audit, and all necessary documents are on file in Frankfort.

Section 8. Amount and Type of Grants. An optimum program of project funding will be decided on by the Board of Review, based on recommendations by the C.O. and architect, when possible.

(1) Grants will be based on the total projected cost at the time of the Board of Review.

(2) Grants made with state funds shall be on a matching basis, up to sixty-five (65) per cent of the project cost to be provided by the D. L. A.

(3) If amortization funds are used, the funds granted annually will be based on amortizing sixty-five (65) per cent of the estimated minimum project cost for all counties. The annual check will be based on "total project cost $\times .65/10$ " regardless of the actual interest rate or loan period. The check shall be awarded to the board once a year for twenty (20) years; provided amortization funding is budgeted each biennium by the state legislature.

(4) Grants up to \$15,000 will be made for renovation and repair of library facilities. These grants are based on sixty-five (65) per cent of the cost up to \$15,000 provided by the D.L.A.

(5) If library services and construction act funds are used, the rate shall be based on the formula as described by H.E.W. This amount will be given to the library district or holding company in four (4) payments during the construction period. If the applicant county is in the Appalachian area, a supplemental grant of approximately eighteen (18) per cent of the total project cost will be made. This grant is coordinated with the four (4) library services and construction act payments.

(6) Grants up to \$15,000 will be made for emergency repairs or purchases for library facilities. The qualifications for "emergency" will mean that library service would have to cease unless the facility's condition is immediately repaired or that the timing of purchase arrangements or legalities concerned with facilities would be greatly enhanced by immediate action. This grant does not need to be matched.

CHARLES F. HINDS, State Librarian

ADOPTED: December 6, 1976

APPROVED: WENDELL P. BUTLER, Secretary

RECEIVED BY LRC: December 15, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: John Lee West, Construction Officer, Department of Library and Archives, Box 537, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Labor
Occupational Safety and Health
(Proposed Amendment)

803 KAR 2:020. Adoption of 29 CFR Part 1910.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and

338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules, regulations and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of general industry.

Section 1. The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1910, the Occupational Safety and Health Standards, published in the Federal Register June 27, 1974 edition, Volume 39, Number 125, Government Printing Office, Washington, D. C. 20402. These standards are hereby adopted by reference with the following additions, exceptions, and deletions.

(1) 29 CFR Part 1910.1 shall read as follows:

"The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1910 to all employers, employees, and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) 29 CFR Part 1910.2 shall read as follows:

As used in this part, unless the context clearly requires otherwise:

(a) "Act" means KRS Chapter 338.

(b) "Assistant Secretary of Labor" means the Commissioner of Labor, Commonwealth of Kentucky.

(c) "Employer" means any entity for whom a person is employed except those employers excluded in KRS 338.021.

(d) "Employee" means any person employed except those employees excluded in KRS 338.021.

(e) "Standard" means a standard which requires conditions or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment. "Standard" has the same meaning as and includes the words "regulation" and "rule."

(f) "National Consensus Standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization.

(g) "Established Federal Standard" means any operative occupational safety and health standard established by any agency of the United States Government.

(h) An employer, required under these standards, to report information to the U. S. Department of Labor, or any subsidiary thereof, shall, instead report such information to the Kentucky Department of Labor, 151 Elkhorn Court, Frankfort, Kentucky 40601.

(3) 29 CFR 1910.13 through 1910.16 relating to ship repairing, shipbuilding, shipbreaking, and longshoring; and 1910.267a relating to pesticides, as well as paragraph (a) (6) in Section 1910.267 which refers to Section 1910.267a, are excluded and deleted in their entirety.

(4) 29 CFR 1910.141 (c) (2) (i) shall read as follows:

"(i) Each water closet shall occupy a separate compartment with walls or partitions between fixtures sufficiently high to assure privacy."

(5) The changes which have been adopted by the U. S. Department of Labor relating to 29 CFR 1910.211, and 1910.217, mechanical power presses, and published in the Federal Register, Volume 39, Number 233, December 3,

1974, a copy of which is attached hereto, are hereby adopted by reference.

(6) The changes and additions which have been adopted by the U. S. Department of Labor relating to Telecommunications which are contained in 29 CFR 1910.67, 1910.70, 1910.183, 1910.189, 1910.190, 1910.268, 1910.274, and 1910.275, published in the Federal Register, Volume 40, Number 59, March 26, 1975, a copy of which is attached hereto, are adopted by reference.

(7) 29 CFR 1910.93q, the Occupational Safety and Health Standard covering Vinyl Chloride which was published in the Federal Register, Volume 39, Number 194, October 4, 1974, a copy of which is attached hereto, is hereby adopted by reference.

(8) 29 CFR 1910.309 (c) (National Electrical Code) shall read as follows:

"(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the requirements in section 210-7 of the National Electrical Codes that all 15- and 20-ampere receptacle outlets on single-phase circuits for construction sites shall have approved ground fault circuit protection for personnel, shall not be applicable."

(9) 29 CFR 1910.106 (d) (2) (iii) of the Federal Register, Volume 39, Number 125, June 27, 1974, shall be amended by adding Table H-12 of the Federal Register, Volume 40, Number 18, page 3982, January 27, 1975, a copy of which is attached hereto, is adopted by reference.

(10) 29 CFR 1910.151 relating to medical services and first aid shall be changed to read as follows:

"(a) The employer shall ensure the ready availability of medical personnel for advice and consultation on matters of occupational health.

"(b) Employers with eight (8) or more employees within the establishment shall have persons adequately trained to render first aid and first-aid supplies approved by a consulting physician, along with a signed list of these supplies, shall be readily available. Outside salesmen, truck drivers, seasonable labor, and others who while performing their duties, are away from the premises more than fifty (50) percent of the time are not to be included in determining the number of employees.

"(c) All other employers shall, in the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, have a person or persons adequately trained to render first aid. First-aid supplies approved by the consulting physician shall be readily available.

"(d) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use."

(11) Recodification of 29 CFR 1910.93 through 1910.93q as 1910.1000 through 1910.1017 respectively, as published in the Federal Register, Volume 40, Number 103, May 29, 1975, a copy of which is attached hereto, is hereby adopted by reference.

(12) 29 CFR 1910.141 (d) (2) (i) of the Federal Register, Volume 40, Number 82, April 28, 1975 amended by deleting the last half of Table J-2, a copy of which is attached hereto, is hereby adopted by reference.

(13) The new standard, adopted by the U. S. Department of Labor relating to Industrial Slings contained in 29 CFR 1910.184, published in the Federal Register, Volume 40, Number 125, June 27, 1975, a copy of which is attached hereto, is hereby adopted by reference.

(14) 29 CFR 1910.94 which was amended by revoking paragraphs (b) (2) (i) and (b) (2) (ii) and by revising paragraph (b) (2), as published in the Federal Register, Volume 40, Number 111, June 9, 1975, a copy of which is attached hereto is adopted by reference.

(15) 29 CFR 1910.217 (b) (7) (xii) relating to machines using part revolution clutches shall be amended by adding the following:

"This provision will not prevent the employer from utilizing a reversing means of the drive motor with the clutch-brake control in the 'inch' position."

(16) 29 CFR 1910.94 (d) (4) (i) Table G-14, Page 23594, published in the Federal Register, Vol. 39, No. 125, Thursday, June 27, 1974 as adopted, contains a typographical error and is hereby revoked. The corrected version, published in the Federal Register, Vol. 37, No. 202, Wednesday, October 18, 1972, Table G-14, Page 22155, a copy of which is attached hereto, is hereby adopted by reference.

(17) 29 CFR 1910.1001 (i) (1) which was revised by the U. S. Department of Labor, for retention of records of Asbestos Exposure Monitoring from three (3) years to twenty (20) years, as published in the Federal Register, Vol. 41, No. 55, Friday, March 19, 1976, a copy of which is attached hereto, is hereby adopted by reference.

(18) 29 CFR 1910.184 (f) (6) which was amended by the U. S. Department of Labor, to delete the paragraph which prohibits the use of knots or wire rope clips to form eyes in wire rope slings, as published in the Federal Register, Vol. No. 62, Tuesday, March 30, 1976, a copy of which is attached hereto, is hereby adopted by reference.

(19) 29 CFR 1910.401 through 1910.441 Subpart T, the Occupational Safety and Health Emergency Standard covering Diving Operations which was published in the Federal Register, Vol. 41, No. 116, Tuesday, June 15, 1976, a copy of which is attached hereto, is hereby adopted by reference.

(20) Paragraph 1910.1005 (c) (7) of 29 CFR 1910, General Industry Standards, shall read as follows:

"Premixed Solutions: Where 4, 4' Methylene bis (2-Chloroaniline is present only in a single solution at a temperature not exceeding 120 degrees Celsius the establishment of a regulated area is not required; however, (i) only authorized employees shall be permitted to handle such materials;"

(21) 29 CFR 1910.101 (b) shall be amended by revocation of referenced pamphlet P-1-1965 and the adoption of P-1-1974, herein filed by reference.

(22) 29 CFR 1910.1029 Exposure to Coke Oven Emissions as printed in the Federal Register Vol. 41, No. 206, Friday, October 22, 1976, a copy of which is attached hereto, is adopted by reference.

Section 2. The Occupational Safety and Health Standards Board hereby adopts the following regulation applicable to general industry.

(1) A safety tire rack, cage, or equivalent protection shall be provided and used when inflating, mounting, or dismounting tires installed on split rims or rims equipped with locking rings or similar devices.

(2) Changing and charging storage batteries (for automotive-type battery charging installations and in-vehicle charging of batteries):

(a) Battery charging installations shall be located in areas designated for that purpose.

(b) In-vehicle charging shall be done in areas designated for that purpose.

(c) Facilities shall be provided for flushing electrolyte from the eyes and skin with water. An adequate water supply shall be within twenty-five (25) feet of any part of the area designated above.

(d) No battery shall be charged or discharged within a closed or unvented container. The batteries shall be charged:

1. In the open, or
2. In a mechanically ventilated space, or
3. In a space providing at least twenty (20) cubic feet per ampere of charging capacity.

(e) A face shield shall be provided and available at each charging unit. The use of the face shield shall be required for connection and disconnection of vehicle or charger leads to the battery terminals and for the addition or pouring of electrolyte.

(f) Tools and other metallic objects not in actual use shall be kept away from the top terminal section of the battery.

(g) The following instructions shall be posted at each charging installation and on each battery charger:

"WEAR FACE SHIELD" (Batteries may explode).
 "TURN OFF CHARGER TO CONNECT OR DISCONNECT BATTERY." "WASH ACID SPILLS IMMEDIATELY." "FIRST AID FOR ACID IN EYES OR ON SKIN QUICKLY FLUSH WITH WATER FOR 10 MINUTES."

JAMES R. YOCOM, Commissioner

ADOPTED: December 3, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: December 14, 1976 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Department of Labor, Occupational Safety and Health Program, 151 Elkhorn Court, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor
 Occupational Safety and Health
 (Proposed Amendment)

803 KAR 2:032. Adoption of 29 CFR Part 1928.

RELATES TO: KRS Chapter 338

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: KRS 338.051 and 338.061 authorize the Kentucky Occupational Safety and Health Standards Board to adopt and promulgate occupational safety and health rules and regulations, and standards. Express authority to adopt by reference established federal standards and national consensus standards is also given to the board. The following regulation contains those standards to be enforced by the Division of Occupational Safety and Health Compliance in the area of agriculture.

Section 1. The Occupational Safety and Health Standards Board hereby adopts 29 CFR Part 1928, the Occupational Safety and Health Standards, published in the Federal Register April 25, 1975 edition, Volume 40, Number 81, Government Printing Office, Washington, D. C.

20402. These standards are hereby adopted by reference with the following additions, exceptions and deletions:

(1) 29 CFR Part 1928.1 shall read as follows:

"This part contains Occupational Safety and Health standards applicable to agriculture operations. The provisions of this regulation adopt and extend the applicability of established federal standards contained in 29 CFR Part 1928 to all employers, employees and places of employment throughout the Commonwealth except those excluded in KRS 338.021."

(2) The additions which have been adopted by the U. S. Department of Labor, relating to agricultural standards, which are contained in 29 CFR 1928.57, Subpart D, Safety for Agricultural Equipment, published in the Federal Register, Vol. 41, No. 47, Tuesday, March 9, 1976 and Vol. 41, No. 109, Friday, June 4, 1976, copies of which are attached hereto, are hereby adopted by reference.

(3) Amendments which have been adopted by the U. S. Department of Labor by making several non-substantive editorial changes in 29 CFR paragraph 1928.57, published in the Federal Register, Volume 41, No. 206, Friday, October 22, 1976, copies of which are attached hereto, are hereby adopted by reference.

JAMES R. YOCOM, Commissioner

ADOPTED: December 3, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: December 14, 1976 at 1 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING

TO: Executive Director, Kentucky Department of Labor, Occupational Safety and Health Program, 151 Elkhorn Court, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Insurance
 Office of the State Fire Marshal
 (Proposed Amendment)

806 KAR 50:200. Mobile homes.

RELATES TO: KRS 227.570

PURSUANT TO: KRS 13.082, 227.590

NECESSITY AND FUNCTION: KRS 227.590 requires the Mobile Home Certification and Licensure Board to establish rules and regulations governing the standards for manufacture, sale, and alteration of mobile homes. These regulations are intended to assure safety for owners and occupiers of mobile homes.

Section 1. Authorization: (1) These rules are authorized by KRS 227.590 and established pursuant to the rule making procedures set forth in KRS Chapter 13, in order to implement, interpret, and carry out the provisions of laws of 1974, as amended in 1976, KRS Chapter 227, relating to mobile homes. In the event that these regulations conflict with the codes promulgated by the National Fire Protection Association NFPA 501 (B) and Title VI of the Federal Housing and Community Development Act of 1974 (Hud Act), the codes or the HUD Act subsequent to the effective enforcement date, shall govern in all cases.

(2) At least thirty (30) days before the adoption or promulgation of any change in or addition to the rules and

regulations, the office shall mail to all manufacturers possessing valid certificates of acceptability and dealers possessing valid licenses a notice including a copy of the proposed changes and additions and the time and place that the board will consider any objections to the proposed changes and additions. After giving the notice required by this section, the board shall afford interested persons an opportunity to participate in the rule making through submission of written data, views or arguments with or without opportunity to present the same orally in any manner.

(3) Every rule or regulation, or modification, amendment or repeal of a rule or regulation adopted by the board shall state the date it shall take effect.

Section 2. Enforcement: Subject to the provisions of applicable law, the Office of the State Fire Marshal shall administer and enforce all the provisions of the mobile home and recreational vehicle Act. Any officer, agent, or employee of the State Fire Marshal's Office is authorized to enter any premises in order to inspect any mobile home for which the office has issued a seal of approval, or to inspect such mobile home's equipment and/or its installations to insure compliance with the Act, the code and/or the HUD Act and these regulations. Upon complaint and request, a privately owned mobile home bearing a seal may be entered to determine compliance with these regulations. When it becomes necessary to determine compliance he may require that a portion or portions of such mobile homes be removed or exposed in order that a compliance inspection can be made.

Section 3. Definitions: In addition to the definitions contained herein, the definitions of NFPA 501 (B) by the National Fire Protection Association and/or the HUD Act shall apply:

(1) Act: The Mobile Home and Recreational Vehicle Act, KRS 227.550 to 227.660.

(2) HUD ACT: Title VI of the "Housing and Community Development Act of 1974 - National Mobile Home Construction and Safety Standards."

(3) Agency, testing: An outside organization which is:

(a) Primarily interested in testing and evaluating equipment and installations;

(b) Qualified and equipped for, or to observe experimental testing to approved standards;

(c) Not under the jurisdiction or control of any manufacturer or supplier of any industry;

(d) Makes available a published report in which specific information is included stating that the equipment and installations listed or labeled have been tested and found safe for use in a specific manner; and

(e) Approved by the board.

(4) Alteration or conversion: The replacement, addition, modification or removal of any equipment or installations which may affect the body and frame design and construction, plumbing, heat-producing or electrical systems or the functioning thereof of mobile homes subject to these rules is an alteration or conversion unless excluded by these rules. The above equipment must be installed in accordance with manufacturer's specifications.

(5) Board: Mobile Home Certification and Licensure Board.

(6) Certificate of acceptability: The certificate provided to the manufacturer signifying the manufacturer's ability to manufacture, import, or sell mobile homes within the state.

(7) Class "A" seal: A device or insignia issued by the

office to indicate compliance with the standards, established by the office, or rules and regulations established by the board for new mobile homes manufactured after the effective date of the Act.

(8) Class "B" seal: A device or insignia issued by the office to indicate compliance with the standards, established by the office, rules and regulations established by the board for used mobile homes without a class "A" seal, or for new mobile homes manufactured prior to the effective date of the Act.

(9) Dealer: Any person, other than a manufacturer, as defined herein, who sells or offers for sale three (3) or more mobile homes in any consecutive twelve (12) month period.

(10) Established place of business: A fixed and permanent place of business in this state, including an office building and hard surface lot of suitable character and adequate facilities and qualified personnel, for the purpose of performing the functional business and duties of a mobile home dealer, which shall include the books, records, files and equipment necessary to properly conduct such business or a building having sufficient space therein to properly show and display the mobile homes being sold and in which the functional duties of a mobile home dealer may be performed. The place of business shall not consist of residence, tent, temporary stand or open lot. It shall display a suitable sign identifying the dealer and his business.

(11) Hard surfaced lot: An area open to the public during business hours with a surface of concrete, asphalt/macadam, compacted gravel and/or stone, or other material of similar characteristics.

(12) Manufacturer: Any person who manufactures mobile homes and sells to dealers.

(13) Mobile home: For purposes of the scope of the Act and regulations this means a movable or portable unit constructed to be moved from place to place on the public streets or highways and designed to permit the permanent or temporary occupancy therein for the purpose of use as a place of residence, business, profession, or trade by the owner, lessee, or their assigns and which can be connected to electric, water, gas, sewage, and telephone facilities. It may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure. It shall include house trailers which are regulated as to length, width and registration by KRS Chapter 186. "Add-a-room" units are not considered an integral part of a mobile home. A mobile home used or intended to be used as a single family dwelling is covered by the HUD Act and is excluded from these regulations.

(14) NFPA 501 (B): That section of the National Fire Code adopted by the National Fire Protection Association that pertains to standards for mobile homes.

(15) Office: The Office of the State Fire Marshal.

(16) Person: This means a person, partnership, corporation or other legal entity.

(17) Suitable sign: A sign with the dealership name and type of dealership in letters of a minimum height of six (6) inches and minimum width of one and one-half (1½) inches.

Section 4. Scope and Purpose of the Act and Regulations: (1) Except to the extent otherwise stated in the Act and these regulations and in other laws of the Commonwealth which are not inconsistent with or superseded by the Act and these regulations, these regulations govern the design, manufacture, storage and sale

of mobile homes which are manufactured, sold, leased, or transported for use within or outside of the Commonwealth. These regulations apply to mobile homes manufactured in manufacturing facilities located within or outside the Commonwealth. Mobile homes brought into this state for exhibition use only and which will not be sold in this state may be excluded from the coverage of this Act and regulations if inspections reveal no condition hazardous to health or safety.

(2) The state legislature has enacted the mobile home and recreational vehicle Act to protect the health and safety of the owner, occupiers, and all other persons from mal-manufactured mobile homes. The office has been given authority to carry out the purpose of the Act. The Act sets out the minimum standards for design and manufacture. Dealers are encouraged to maintain ethical business standards beyond non-fraudulent minimums.

Section 5. Standards for Vehicles in Manufacturers' or Dealers' Possession: (1) The office shall enforce such standards and requirements for the installation of plumbing, heating, and electrical systems in mobile homes as it determines are reasonably necessary to protect the health and safety of the occupants and the public.

(2) The office shall also enforce such standards and requirements for the body and frame design and construction of mobile homes as are reasonably necessary in order to protect the health and safety of the occupants and the public.

(3) On all mobile homes manufactured after July 15, 1975, said standards shall be NFPA 501 (B), 1974 edition, herein adopted by reference and the HUD Act herein adopted by reference.

(4) On all used mobile homes without a seal or any mobile home manufactured prior to July 15, 1975, said standards shall be that the dealer shall certify that the electric, heating, and plumbing systems have been checked, and repaired if necessary, and found to be in safe working condition and thus be in conformity with the intent of the Act to protect the health and safety of the occupants and general public.

(5) All mobile homes taken in trade must be reinspected and certified. The existing Class "A" or Class "B" seal may be removed or a new seal may be applied over the existing seal. A seal will not be required if such dealer submits an affidavit that the unit will not be resold for use as such by the public.

(6) All new mobile homes purchased outside the Commonwealth of Kentucky not bearing a Class "A" seal of approval or a HUD label and all used mobile homes purchased outside the Commonwealth of Kentucky, regardless of the type seal or label affixed, shall be inspected by a certified Kentucky dealer and a Class "B" seal of approval affixed prior to registration of the home. This inspection shall consist of the following:

(a) Inspection of the plumbing and waste systems.

(b) Inspection of the heating unit to determine adequacy of systems.

(c) Inspection of the electrical systems including the main circuit box and all outlets/switches to detect any damaged coverings, lost screws, or improper installations.

(7) Any licensed Kentucky mobile home dealer that maintains the capability to perform minor maintenance of plumbing, heating and electrical systems of mobile homes shall be permitted to inspect and certify those mobile homes purchased in another state for use within the

Commonwealth of Kentucky. Any dealer desiring to perform this service shall make application to the Office of the State Fire Marshal for appropriate certification.

(8) Any unit found to be in non-compliance with the requirements of Section 5(6) of this regulation shall be corrected prior to the dealer certifying the unit. All units requiring repairs or correction prior to unit certification shall be reported to the office specifying the repairs required to correct the deficiencies. Appropriate reporting forms shall be made available to qualified dealers performing inspection.

(9) The fee for the inspection of mobile homes shall be fifteen dollars (\$15) per hour plus mileage as required and a twenty dollar (\$20) seal fee.

Section 6. Applicability and Interpretation of Code and Regulation Provisions. Any questions regarding the applicability or interpretation of any provisions or code or regulation adopted shall be submitted in writing by any interested person to the office for resolution. It is the policy of the office that with respect to questions regarding NFPA 501 (B), any such questions shall whenever feasible be submitted to the NFPA in accordance with the established procedures of the organization. The decision of the office shall be in writing.

Section 7. Certificate of Acceptability: (1) No manufacturer may manufacture, import, or sell any mobile home in this state after the effective date of this Act, unless he has procured a certificate of acceptability from the board. Compliance shall be enforced through KRS 227.992. Mobile homes manufactured in this state and designed for delivery to and for sale in a state that has a code that is inconsistent with NFPA 501 (B) need not comply with this provision.

(2) Requirements for issuance:

(a) The manufacturer must submit and the office must approve in-plant quality control systems.

(b) An affidavit certifying compliance with the applicable standards must be attached to the application.

(c) A \$400 fee must accompany the application. The fee shall be paid by check or money order and shall be made payable to: Kentucky State Treasurer. Said fee shall be pro-rated on a calendar year basis if it is a new license.

(d) The manufacturer must furnish and maintain with the office proof of general liability insurance to include lot and completed operations insurance in the minimum amount of \$100,000 bodily injury or death for each person, \$300,000 bodily injury or death for each accident, and \$50,000 property damage.

(3) To obtain in-plant quality control approval, a manufacturer shall submit a system for in-plant control pursuant to paragraph (b) of this subsection and submit to inspection by the office for field certification of satisfactory quality control. Applications for approval of in-plant quality control systems shall contain the following:

(a) A certified copy of the plans and specifications of a model or model-group for body frame design and construction and electrical, heating, and plumbing systems. All plans shall be submitted on sheets, the minimum possible size of which is eight and one-half inches by eleven inches (8½" x 11") and the maximum possible size of which is twenty-four inches by thirty inches (24" x 30"). The manufacturer shall certify that the aforementioned systems comply with NFPA 501 (B).

(b) Also a copy of the procedure which will direct the

manufacturer to construct mobile homes in accordance with the plans, specifying:

1. Scope and purpose.
2. Receiving and inspection procedure for basic materials.
3. Material storage and stock rotation procedure.
4. Types and frequency of product inspection.
5. Sample of inspection control form used.
6. Responsibility for quality control programs, indicating personnel, their assignments, experience and qualifications.
7. Test equipment.
8. Control of drawings and material specifications.
9. Test procedures.

(4) A unit certification format certifying compliance with the Act and regulations shall be submitted to the office no later than the end of the first week of each month. The unit certification format shall contain the information in the suggested format of Appendix A.

(5) No manufacturer to which a certificate of acceptability has been issued shall modify in any way its manufacturing specifications without prior written approval of the office.

(6) If the manufacturer is also a dealer, he must also comply with dealer licensing provisions.

(7) Should the applicant not conform with these regulations, the applicant shall be so notified in writing by the office within ten (10) working days of the date received. Should the applicant fail to submit a corrected application in accordance with the information supplied on the application correction notice, the application will be deemed abandoned and twenty percent (20%) of fees due will be forfeited to the office. Any additional submission shall be processed as new application.

(8) Manufacturers shall notify the office in writing within thirty (30) days of any of the following occurrences:

- (a) The corporate name is changed;
- (b) The main address of the company is changed;
- (c) There is a change in twenty-five percent (25%) or more of the ownership interest of the company within a twelve (12) month period;
- (d) The location of any manufacturing facility is changed;
- (e) A new manufacturing facility is established; or
- (f) There are changes in the principal officers of the firm.

(9) Any information relating to building systems or in-plant quality control systems which the manufacturer considers proprietary shall be so designated by him at the time of its submission, and shall be so held by the office, and by the inspection, evaluation, and local enforcement agencies unless the board determines in each case that disclosure is necessary to carry out the purposes of the Act.

(10) The office may determine that the standards for mobile homes established by a state or a recognized body or agency of the federal government are at least equal to NFPA 501 (B). If the office finds that such standards are actually enforced then it may issue a certificate of acceptability for such mobile homes.

(11) A certificate of acceptability may be denied, suspended, or revoked on the following grounds:

- (a) Evidence of insolvency;
- (b) Material misstatement in application for certificate of acceptability;
- (c) Willful failure to comply with any provisions of the

Act or any rule or regulation promulgated by the board under the Act;

- (d) Willfully defrauding any buyer;
- (e) Willful failure to perform any written agreement with any buyer or dealer;
- (f) Failure to furnish or maintain the required liability insurance;
- (g) A fraudulent sale, transaction, or repossession;
- (h) Violation of any law relating to the sale or financing of mobile homes.

(12) If a certificate holder is a firm or corporation, it shall be sufficient cause for denial, suspension or revocation of a certificate that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a certificate to such party as an individual. Each certificate holder shall be responsible for any or all of his salesmen while acting as his agent while the agent is acting within the scope of his authority.

(13) Procedure for denial, revocation or suspension:

(a) The office may deny the application for a certificate of acceptability by written notice to the applicant, stating the grounds for such denial.

(b) No certificate of acceptability shall be suspended or revoked by the office except after a hearing thereon. The office shall give the certificate holder at least thirty (30) days notice of the time and place of the hearing and of the charges to be heard.

(c) Any manufacturer who violates or fails to comply with this Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation and instructed to correct the violation within sixty (60) days. Should the manufacturer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any certificate of acceptability if it finds that:

1. The manufacturer has failed to pay the fees authorized by the Act; or that
2. The manufacturer, either knowingly or with the exercise of due care to prevent the same, has violated any provision of this Act or any regulation or order lawfully made pursuant to and within the authority of the Act.
3. The manufacturer has shipped or imported into this state a mobile home to any person other than to a duly licensed dealer.

(14) Any person aggrieved by any ruling of the office denying a certificate of acceptability within fifteen (15) days after any such ruling of the office may appeal such ruling to the board herein provided for. Such appeal shall be in writing. The board shall state in writing, officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter. If the board shall determine and order that any applicant is not qualified to receive a certificate of acceptability, no certificate shall be granted. If the board shall determine that the certificate holder was willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his certificate may be suspended or revoked.

(15) Any person aggrieved by any ruling of the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.

(16) Under proceedings for the suspension of a certificate of acceptability for any of the violations enumerated in the Act, the holder of a certificate of acceptability may have the alternative subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the sum of fifty dollars (\$50) per day.

Section 8. Serial Numbers, Model Numbers, Date Manufactured: A clearly designated serial number, model number, and date manufactured shall be stamped into the mobile home tongue, or front cross member of the frame at the lower left hand side (while facing the unit), and if there is no such tongue or cross member, then a data plate with this information shall be affixed on the outside in a conspicuous place.

Section 9. Dealer License: (1) No dealer of mobile homes shall engage in business as such in this state without a license issued by the office upon application.

(2) Application must contain the following information:

- (a) Name and address of the chief managing officer;
- (b) Location of each and every established place of business;
- (c) Social security number and date of birth of chief managing officer;
- (d) Previous year's units sold, new and used;
- (e) Affidavit certifying compliance with the Act and regulations;
- (f) Names of officers if dealership in corporate form;
- (g) Names of partner if dealership in partnership form;
- (h) Any other information the office deems commensurate with safeguarding of the public interest in the locality of the proposed business.

(3) All licenses shall be granted or refused within thirty (30) days after application therefor, and shall expire, unless sooner revoked or suspended, on December 31 of the calendar year for which they are granted.

(4) The license fee shall be fifty dollars (\$50). The fee shall be paid by check or money order and shall be made payable to Kentucky State Treasurer.

(5) The license must be conspicuously displayed at the established place of business. In case such location be changed, the office shall endorse the change of location on the license without charge if it be within the same municipality. A change of location to another municipality shall require a new license.

(6) The dealer must furnish and maintain with the office proof of [general] liability insurance [to include lot and complete operations insurance] in the minimum amount of \$50,000 [\$100,000] bodily injury or death for each person, \$100,000 [\$300,000] bodily injury or death for each accident, and \$25,000 [\$50,000] property damage.

(7) Periodic Reports:

(a) A unit compliance format certifying compliance with the Act and regulations shall be submitted to the office no later than the end of the first week of each month. The unit certification format shall contain the information in the suggested format.

(b) Suggested format: see appendix B.

(c) Notification of a change in the application information must be made within thirty (30) days of any of the following occurrences:

- 1. Dealership name is changed;
- 2. Established place of business is changed;
- 3. There is a change in twenty-five percent (25%) or

more of the ownership interest of the dealership within a twelve (12) month period; or

4. There are changes in the principal officers of the firm.

(8) A license may be denied, suspended or revoked on the following grounds:

(a) A showing of insolvency in a court of competent jurisdiction;

(b) Material misstatement in application;

(c) Willful failure to comply with any provisions of the Act or any rule or regulation promulgated by the board under the Act;

(d) Willful failure to perform any written agreement with the buyer;

(e) Willfully defrauding any buyer;

(f) Failure to have or to maintain an established place of business;

(g) Failure to furnish or maintain the required liability insurance;

(h) Making a fraudulent sale, transaction or repossession;

(i) Employment of fraudulent devices, methods, or practices in connection with the requirements under the statutes of this state with respect to the retaking of goods under retail installment contracts and the redemption and resale of such goods;

(j) Failure of a dealer to put the title to a mobile home in his name after said dealer has acquired ownership of the mobile home by trade or otherwise;

(k) Violation of any law relating to the sale or financing of mobile homes.

(9) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be cause for refusing, suspending, or revoking a license to such party as an individual. Each licensee shall be responsible for any or all of his salesmen while acting as his agent while said agent is acting within the scope of his authority.

(10) Upon proceedings for the suspension of a license for any of the violations enumerated in the Act, the licensee may have the alternative, subject to the approval of the board, to pay in lieu of part or all of the days of any suspension the sum of fifty dollars (\$50) per day.

(11) Procedure for denial, revocation, or suspension:

(a) The office may deny the application for a license within thirty (30) days after receipt thereof by written notice to the applicant, stating the grounds for such denial.

(b) No license shall be suspended or revoked by the office except after a hearing thereon. The office shall give the licensee at least thirty (30) days notice of the time and place of hearing and of the charges to be heard.

(c) Any dealer who violates or fails to comply with the Act or any rules or regulations promulgated thereunder shall be notified in writing setting forth facts describing the alleged violation, and instructed to correct the violation within sixty (60) days. Should the dealer fail to make the necessary corrections within the specified time, the office may, after notice and hearing, suspend or revoke any license if it finds that:

1. The dealer has failed to pay the fees authorized by the Act; or that

2. The dealer either knowingly or without the exercise of due care to prevent the same, has violated any provision of the Act or any regulation or order lawfully made pursuant to and within the authority of the Act.

(12) Any person aggrieved by any ruling of the office denying, suspending or revoking a license, within fifteen (15) days after such ruling of the office may appeal such ruling to the board herein provided for. Such appeal shall be in writing. The board shall state in writing, officially signed by all the members concurring therein, its findings and determination after such hearing and its order in the matter. If the board shall determine that the licensee has willfully or through gross negligence been guilty of a violation of any of the provisions of the Act, his license may be suspended or revoked.

(13) Any person aggrieved by any ruling of the board may appeal to the Franklin Circuit Court and to the Court of Appeals in the manner provided for by KRS 281.780 and 281.785.

Section 10. Temporary Licenses. (1) Any dealer other than one duly licensed in Kentucky wishing to show and offer mobile homes within the Commonwealth of Kentucky for the express purpose of retailing said units to the general public, shall be required to purchase from the Office of the State Fire Marshal a temporary license. Said license shall not exceed fifteen (15) days duration and the license fee shall be twelve dollars and fifty cents (\$12.50) for each authorized event.

(2) Applicant shall meet the following requirements before a temporary license is granted:

(a) Be a duly licensed dealer in a state other than Kentucky.

(b) Must furnish to the office proof of [general] liability insurance [to include lot and completed operations insurance] in the minimum amount of \$50,000 [\$100,000] bodily injury or death for each person, \$100,000 [\$300,000] bodily injury or death for each accident, and \$25,000 [\$50,000] property damage.

(c) Provide satisfactory assurance to the office that all new units sold to Kentucky consumers bear the Kentucky Class "A" seal affixed on the unit by the manufacturer.

(d) Provide all other information as may be required by the office.

(3) Temporary licenses shall be prominently displayed at the location where the applicant is transacting business.

(4) Temporary licenses shall not be required for those dealers attending a mobile home show within the Commonwealth of Kentucky provided they do not sell or offer for sale to the general public new or used mobile homes.

Section 11. Seals: (1) No manufacturer who has received a certificate of acceptability from the office shall sell or offer for sale to Kentucky dealers in this state mobile homes unless they bear a Class "A" seal of approval issued by and purchased from the office. This provision shall not apply to vehicles sold or offered for sale for shipment out of state.

(2) No dealer who has received a license from the office shall sell a mobile home unless it has a seal. Any dealer who has acquired a used mobile home without a seal or a mobile home manufactured prior to July 15, 1975 shall apply to the office for a Class "B" seal by submitting an affidavit certifying either that all electrical, heating, and plumbing equipment has been checked, and if necessary, repaired, and is now in safe working condition, or that the unit meets the applicable code.

(a) Acquisition of seals:

1. Any manufacturer, except one altering a new mobile

home bearing a seal, may qualify for acquisition of a Class "A" seal by obtaining a certificate of acceptability pursuant to KRS 227.580 and Section 7 of this regulation.

2. Any dealer, except one altering a mobile home bearing a seal, may qualify for acquisition of a Class "B" seal by giving an affidavit certifying either that all electrical, heating, and plumbing equipment has been checked, if necessary, repaired, and is now in safe working condition or that the unit meets the applicable code.

(b) Application for seals:

1. Any person who has met the applicable requirements of Sections 7 or 9 of this regulation shall apply for seals in the form prescribed by the office. The application shall be accompanied by the seal fee of twenty dollars (\$20) for each Class "A" seal or twenty dollars (\$20) for each Class "B" seal.

2. If the applicant has qualified to apply for seals pursuant to the in-plant quality control approval method, the seal application shall include the certificate of acceptability number.

(c) Alteration or conversion of a unit bearing a seal:

1. Any alteration of the construction, plumbing, heat-producing equipment, electrical equipment or installations or fire safety in a mobile home which bears a seal, shall void such approval and the seal shall be returned to the office.

2. The following shall not constitute an alteration or conversion:

a. Repairs with approved component parts.

b. Conversion of listed fuel-burning appliances in accordance with the terms of their listing.

c. Adjustment and maintenance of equipment.

d. Replacement of equipment in kind.

e. Any change that does not affect those areas covered by NFPA 501 (B).

3. Any dealer proposing an alteration to a mobile home bearing a seal shall make application to the office. Such application shall include:

a. Make and model of mobile home.

b. Serial number.

c. State seal number.

d. A complete description of the work to be performed together with plans and specifications when required.

e. Location of the mobile home where work is to be performed.

f. Name and address of the owner of the mobile home.

4. Upon completion of the alteration, the applicant shall request the office to make an inspection.

5. The applicant may purchase a replacement seal, based on inspection of the alteration for a fee of two dollars (\$2).

(d) Denial and repossession of seals: Should inspection reveal that a manufacturer is not constructing mobile homes according to NFPA 501 (B) and such manufacturer, after having been served with a notice setting forth in what respect the provisions of these rules and the code have been violated, continues to manufacture mobile homes in violation of these rules and the code, applications for new seals shall be denied and the seals previously issued and unused shall be confiscated and credit given. Upon satisfactory proof of compliance, such manufacturer may resubmit an application for seal.

(e) Seal removal: In the event that any mobile home bearing the seal is found to be in violation of these rules, the office shall attach to the vehicle a notice of non-compliance and furnish the manufacturer or dealer a copy of same. The office, dealer or manufacturer shall not remove the non-compliance tag until corrections have been

made, and the owner or his agent has requested an inspection in writing to the office or given an affidavit certifying compliance.

(f) Placement of seals:

1. Each seal shall be assigned and affixed to a specific mobile home. Assigned seals are not transferable and are void when not affixed as assigned, and all such seals shall be returned to or may be confiscated by the office. The seal shall remain the property of the office and may be seized by the office in the event of violation of the Act or regulations.

2. The seal shall be securely affixed by the door on the handle side at approximately handle height.

3. No other seal, stamp, cover, or other marking may be placed within two (2) inches of the seal.

(g) Lost or damaged seals:

1. When a seal becomes lost or damaged, the office shall be notified immediately in writing by the owner. The owner shall specify the manufacturer, the mobile home serial number, and when possible, the seal number.

2. All damaged seals shall be promptly returned. Damaged and lost seals shall be replaced by the office with a replacement seal on payment of the replacement seal fee of two dollars (\$2).

WARREN SOUTHWORTH, State Fire Marshal
HAROLD B. MCGUFFEY, Commissioner

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: November 22, 1976 at 9:15 a.m.

PUBLIC HEARING: A public hearing will be held on this proposed amendment January 6, 1977 at 1:00 p.m. in Room G-2, Capital Plaza Tower, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Administration and Operations
(Proposed Amendment)

901 KAR 1:030. Schedule IV substances.

RELATES TO: KRS Ch. 218A

PURSUANT TO: KRS 13.082, 194.050, 211.090

NECESSITY AND FUNCTION: KRS 218A.100 authorizes the Department for Human Resources to place a substance in Schedule IV if it finds that: (1) the substance has a low potential for abuse relative to substances in Schedule III; (2) the substance has currently accepted medical use in treatment in the United States; and (3) abuse of the substance may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III. The Department for Human Resources after considering such criteria hereby designates the substances set forth in this regulation as Schedule IV controlled substances.

Section 1. Stimulants: New Anorectic Drugs. The Department for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts, isomers (whether optical position or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

- (1) Fenfluramine;
- (2) Diethylpropion; and
- (3) Phentermine.

Section 2. Depressants: The Department for Human Resources hereby designates as "Schedule IV" controlled substances, in addition to those specified by KRS 218A.110, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Chlordiazepoxide;
- (2) Clonazepam;
- (3) Clorazepate;
- (4) Diazepam;
- (5) Flurazepam;
- (6) Mebutamate;
- (7) Methohexital;
- (8) Oxazepam; and
- (9) Pemoline.

DAVID B. HOWARD, Commissioner
C. LESLIE DAWSON, Secretary

ADOPTED: November 16, 1976

RECEIVED BY LRC: November 18, 1976 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO:
Secretary for Human Resources, Capitol Annex, Room 201,
Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES
Bureau for Health Services
Certificate of Need and Licensure Board
(Proposed Amendment)

902 KAR 20:105. Ambulatory surgical center services.

RELATES TO: KRS 216.405 to 216.485, 216.990 (2)

PURSUANT TO: KRS 13.082, 216.425

NECESSITY AND FUNCTION: This regulation, which relates to the operations and services of Ambulatory Surgical Center Services, is being promulgated pursuant to the mandate of KRS 216.425(3) that the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board regulate health facilities and health services.

Section 1. Definition: Ambulatory Surgical Center Services, General: An ambulatory surgical center means a public or private institution with an organized medical staff that is established, equipped and operated primarily for the purpose of treatment of patients by surgery, whose recovery in the concurring opinions of the surgeon and/or the physician anesthesiologist or physician anesthetist or dentist anesthetist [anesthesiologist] will not require inpatient care.

Section 2. Essential Characteristics of Ambulatory Surgical Center Services: The essential characteristics of ambulatory surgical centers are as follows:

- (1) Is operated under the supervision of a staff of physicians. [and dentists]
- (2) Surgical procedures shall be permitted to be performed by physicians, [or] dentists, or podiatrists, who at the time, are legally authorized to perform such procedures and are

privileged to perform such procedures in at least one (1) hospital in the area.

(3) Requires (in all cases other than those requiring only local infiltration anesthetics) that a qualified physician *anesthesiologist or physician anesthetist* or dentist anesthetist (or a registered nurse anesthetist acting under the direction of the operating surgeon) administer the anesthetics and remain present during the surgical procedure *and until the patient is fully recovered from the anesthetics*.

(4) Provides at least two (2) operating rooms and at least one (1) post-anesthesia recovery room.

(5) Is equipped to perform diagnostic x-ray and laboratory examinations for diagnostic purposes, or has an agreement with a licensed hospital, a licensed radiologist, or a licensed pathologist to provide these services.

(6) Does not provide accommodations for overnight stays.

(7) Provides the full-time services of registered professional nurses for patient care in the operating and postanesthesia recovery room. *A physician is required to be present in the center until all patients have been discharged and have left the center.*

(8) Has available the necessary equipment and personnel to handle foreseeable emergencies (including defibrillator for cardiac arrest, a tracheotomy set for airway obstructions, and a blood or blood component supply to maintain blood volume).

(9) Maintains a written agreement with one or more licensed hospitals in close proximity for immediate acceptance of patients who develop complications or require postoperative confinement.

(10) Provides for the periodic review of the center and its operations by a utilization review committee or other committee composed as *a medical audit team* of physicians *and/or dentists and podiatrists* having no financial interest in the surgical center.

(11) Maintains adequate medical records for each patient.

(12) Provision shall not be made for any obstetrical deliveries.

Section 3. Licensure and Certificate of Need. (1) An ambulatory surgical center, as herein defined, shall not operate without having first obtained a certificate of need from the Kentucky Health Facilities and Health Services Certificate of Need and Licensure Board unless it was in operation prior to the effective date of these regulations on January 1, 1973.

(2) Upon submission of a properly completed license application form together with the prescribed fee an ambulatory surgical center that has been determined through a site inspection to be in compliance with the standards listed herein, may be issued a license by the Certificate of Need and Licensure Board.

(3) The license shall be posted in a public area of the facility in plain view of visitors.

Section 4. [3.] Minimum Standards for Operation. The following minimum standards of operation as set forth in this regulation shall apply to all ambulatory surgical centers:

(1) Disclosure of ownership. The ownership of the ambulatory surgical center shall be fully disclosed to the licensure board. This disclosure shall apply equally to individuals, partnerships, the officers and the board of directors of a corporation.

(2) State and local laws. The ambulatory surgical center shall be in compliance with all applicable state and local laws.

(3) Governing body and management. There shall be an organized governing body, or designated persons so function-

ing, that have overall legal responsibility for the conduct of the surgical center.

(a) Bylaws. Bylaws shall be adopted in accordance with legal requirements. These bylaws shall include but not be limited to:

1. Description of the organization including selection of officers.

2. Committee structures and their responsibilities.

3. Appointment of physician, [and] dentist and podiatrist members and approval of their bylaws, rules and regulations.

4. Responsibilities for providing and maintaining the physical plant.

5. Provision for liaison between the governing body and the medical staff.

6. Frequency of meetings and the maintenance of written minutes of the governing body meetings.

(b) General administration:

1. The governing body shall appoint an administrator whose qualifications, authority and duties shall be defined in writing and adopted by the governing body.

2. The administrator shall act as the executive officer of the governing body and shall provide liaison between the governing body and medical staff, nursing department and other departments of the center.

3. He shall organize day to day operations of the center through appropriate departmentalization and delegation of duties.

4. A qualified individual shall be designated and authorized to act in the absence of the administrator.

(c) Personnel administration:

1. Written personnel policies, practices and procedures shall be developed and be available to all personnel.

2. Job descriptions shall be developed for each level of personnel and shall include the responsibilities and actual work to be performed in each classification.

3. Current employees records shall be maintained and include a resume of each employee's training and experience, evidence of current licensure or registration where required, records of health supervision and reports of all accidents occurring on duty.

Section 5. [(4)] Medical Staff. There shall be a medical staff organized under bylaws approved by the governing body which shall be responsible for the quality of all medical care provided patients in the surgical center and for the ethical and professional practices of its members. It shall include physicians and may include dentists and podiatrists. Bylaws shall be adopted to govern and enable the medical staff to carry out its responsibilities. The medical staff bylaws, rules and regulations shall include, but not be limited to the following areas:

(1) [(a)] Description of the medical staff organization including selection of officers, committee structures and responsibilities.

(2) [(b)] State the necessary qualifications for staff membership.

(3) [(c)] Procedures for granting and withdrawing staff privileges.

(4) [(d)] Provision that surgical privileges will be granted only to physicians, [and] dentists and podiatrists who are privileged to perform such procedures in at least one (1) hospital in the area. It is necessary:

(a) That the medical staff's bylaws, rules and regulations contain specific references governing medical, dental and podiatric services.

(b) That patient's basic medical appraisal must be per-

formed and entered into the medical record by a physician prior to the surgical procedure.

(c) That surgical procedures permitted must be specifically defined.

(d) That surgical procedures permitted must be under the overall supervision of the center's medical audit team.

(e) That a designated physician must be responsible for all non-dental and non-podiatric medical problems.

(5) [(e)] Mechanism for appeal of adverse decision regarding medical staff membership and privileges.

(6) [(f)] State specifically those cases or instances in which consultations with other physicians, [and] dentists and podiatrists are required.

(7) [(g)] Provision for examination of all patients either prior to or upon admission and recording a preoperative diagnosis prior to surgery.

(8) [(h)] Provision that at least a complete blood count and urinalysis be performed on all patients within forty-eight (48) hours prior to surgery and the results made available to the attending physician, dentist or podiatrist.

(9) [(i)] Policy permitting a surgical operation only upon written informed consent of the patient or his legal representative.

(10) [(j)] Provide that the physician, [or] dentist or podiatrist in charge of the patient be responsible for seeing that all tissue removed during surgery is delivered to the center's pathologist and that an examination and report is made of such tissue.

(11) [(k)] A statement that the physicians', [or] dentists' or podiatrists' orders must be in writing and signed by the physician, [or] dentist or podiatrist.

(12) [(l)] Provision for keeping accurate and complete medical records.

(13) [(m)] Provision for staff meetings for the purpose of reviewing clinical work performed in the center.

(14) [(n)] In ambulatory surgical centers providing for voluntary interruption of pregnancies the following shall apply: Where, in the opinion of the attending physician, the pregnancy is approximately three (3) months or less, there shall be a verified pregnancy test prior to surgery; there shall be provision for pre-and post-operative counseling; there shall be a Papanicolaou (PAP) unless the patient has had a PAP smear within the past six (6) months and venereal disease (VD) test prior to surgery; and all patients shall have testing for blood type and Rh factor determination and antibody screening prior to surgery; crossmatch of Rhogam for Rh negative patients shall be performed prior to surgery and Rhogam therapy provided when indicated.

Section 6. [(5)] Sanitary Environment. The surgical center shall provide a sanitary environment to avoid sources and transmission of infections.

(1) [(a)] An infection committee composed of members of the medical and nursing staffs shall be established and responsible for controlling and preventing infections within the center.

(2) [(b)] Written infection control measures shall be established. There shall be written procedures which govern the use of aseptic techniques and procedures in all areas of the center.

(3) [(c)] All employees shall have a VDRL and chest x-ray or tuberculin skin test prior to employment and at least annually thereafter.

(4) [(d)] To insure that cleaning procedures are effective, there shall be bacterial colony counts taken periodically in at least the operating rooms and any other high risk areas.

(5) [(e)] There shall be a method of control used in relation to the sterilization of supplies and water and a written policy requiring nondisposable sterile supplies to be reprocessed no later than every thirty (30) days.

(6) [(f)] There shall be rigidly enforced policies regarding the disposal of patient waste and any other potentially infectious materials.

(7) [(g)] There shall be continuing education to all surgical center personnel on the cause, effect, transmission, prevention and elimination of infections.

Section 7. [(6)] Surgery Department. (1) [(a)] The operating rooms shall be supervised by a registered nurse.

(2) [(b)] The operating room supervisor shall have on file a list of all physicians, [and] dentist and podiatrists with surgical privileges at the center and the privileges assigned to each by the medical staff.

(3) [(c)] The medical staff shall designate which surgical procedures, if any, that will require the presence of two (2) scrubbed physicians. Assistants at lesser operations may be nurses or technicians designated by the medical staff as having sufficient training to assist in such procedures. A registered nurse shall be available to circulate.

(4) [(d)] The operating room register shall be complete and up-to-date.

(5) [(e)] The following equipment shall be available in the operating rooms: cardiac monitor, resuscitator, defibrillator, aspirator, thoracotomy and tracheotomy sets.

(6) [(f)] There shall be effective policies regarding staff privileges for the administration of anesthetics. A postanesthetic followup note on patients receiving general anesthetics shall be recorded two (2) to six (6) hours following surgery by the anesthetist or surgeon, noting post-operative abnormalities or complications, stating the [temperature,] pulse, respiration, blood pressure, presence or absence of swallowing reflex and cyanosis and general condition of the patient.

(7) [(g)] Rules and regulations governing the use of the operating rooms shall be posted.

Section 8. [(7)] Recovery Room. (1) [(a)] There shall be adequate staff available in the recovery room so that no patient is left alone at any time.

(2) [(b)] A registered nurse shall be available to the recovery room at all times.

(3) [(c)] The person(s) staffing this area shall be adequately trained in all aspects of postoperative and postanesthetic care.

(4) [(d)] Equipment available for emergencies shall include, but not be limited to: suction machine, stethoscope, sphygmomanometer, emergency cart and necessary drugs.

Section 9. [(8)] Patient Accommodations in Recovery Room(s). (1) [(a)] The surgical center shall provide suitable accommodations for all its patients. There shall be adequate floor space, furnishings, bed linens, and such other utensils, equipment and supplies as is reasonably required for the proper care of the patients accommodated. There shall be provision for the proper sterilization of supplies, utensils and equipment and for storing them in a clean, convenient and orderly manner. An adequate system for patients to use in calling nurses and attendants shall be maintained.

(2) [(b)] Bedrails shall be available for any patient when required.

(3) [(c)] A satisfactory bed and mattress and one or more pillows of at least fifteen (15) inches by twenty (20) inches shall be provided for each patient. There shall be at least one (1) chair per patient.

Section 10. [(9)] Pharmaceutical Services. (1) [(a)] The surgical center may have a licensed pharmacy. If the center does not have a licensed pharmacy, it shall have provision for promptly and conveniently obtaining prescribed drugs and biologicals from licensed community or institutional pharmacies.

(2) [(b)] The center shall provide appropriate methods and procedures for storage, control and administering of drugs and biologicals, developed with the advice of a staff pharmacist, either full-time, part-time, or on a regular consultative basis. Drugs shall be properly labeled by the pharmacist for individual patients. The pharmacist shall have overall control of drugs at the center.

(3) [(c)] All medications shall be administered by licensed medical or nursing personnel in accordance with the Medical Practice Act (KRS 311.530 to 311.620) and Nurse Practice [Act (KRS Chapter 314)] Acts. Each dose administered shall be properly recorded in the medical record.

(4) [(d)] An emergency medication kit approved by the medical staff shall be readily available and maintained and replacements made by the pharmacist on a regular basis.

(5) [(e)] Security and storage of all controlled substances shall be in accordance with the Kentucky Controlled Substances Act (KRS Chapter 218A).

(6) [(f)] A record shall be maintained which lists on separate sheets for each type and strength of controlled substance the following information: date, time administered, name of patient, dose, physician's or dentist's name, signature of person administering dose, and balance. An audit shall be conducted by the pharmacist and a member of the nursing staff weekly.

Section 11. [(10)] Laboratory Services. A surgical center may have an agreement with a licensed hospital located in close proximity to provide laboratory services; however, if the center provides their own laboratory services, the following regulations shall apply:

(1) [(a)] There shall be necessary space, facilities and equipment to perform those diagnostic procedures commensurate with the center's needs for its patients.

(2) [(b)] The laboratory in the surgical center or the contracted laboratory services shall be directed by a pathologist either on a full-time, part-time or regular consultative basis.

(3) [(c)] There shall be a sufficient number of medical technologists to promptly and proficiently perform the tests in the laboratory.

(4) [(d)] All equipment shall be in good working order, routinely checked and precise in terms of calibration.

(5) [(e)] There shall be ongoing quality control programs, including the use of standards, control sera, reference samples, and periodic recalibration of instruments to insure accuracy of laboratory results.

(6) [(f)] Laboratory examinations shall be made only upon the request of a physician, [or] dentist or *podiatrist*.

(7) [(g)] Provision shall be made for tissue pathology and diagnostic cytology examinations in the center's own laboratory or through arrangements with the pathologist director.

(8) [(h)] All tissue removed from patients at surgery shall be macroscopically and, if necessary, microscopically examined by the center's pathologist.

(9) [(i)] All laboratory and tissue pathology reports shall be signed and entered into the medical record.

Section 12. [(11)] Radiology Services. The surgical center may have an agreement with a licensed hospital located in close proximity to provide radiology services; however, if the

center provides their own radiology services, the following regulations shall apply:

(1) [(a)] The surgical center shall maintain or have available, radiology services according to the needs of the center.

(2) [(b)] The department shall be free of hazards for patients and personnel. Proper safety precautions shall be maintained against fire and explosion hazards, electrical hazards and radiation hazards.

(3) [(c)] Periodic inspection shall be made by state authorities and hazards so identified shall be corrected.

(4) [(d)] Radiology personnel shall be checked periodically for amount of radiation exposure by the use of exposure meters or badge tests.

(5) [(e)] The center shall have a qualified radiologist, either full-time, part-time, or on a consultative basis to supervise the department and to interpret films that require specialized knowledge for accurate reading.

(6) [(f)] The amount of radiologist and technologist time shall be sufficient to meet the requirements or demands that the medical staff places upon the department.

(7) [(g)] The use of all x-ray apparatus shall be limited to personnel designated as qualified by the radiologist or by an appropriate committee of the medical staff.

(8) [(h)] Signed reports shall be promptly entered into the medical record and duplicate copies kept in the department.

(9) [(i)] X-ray examinations shall be made only upon the request of a physician, [or] dentist or *podiatrist*.

Section 13. [(12)] Reports. Each surgical center shall furnish an annual report to the Department for Human Resources on forms supplied by the department for this purpose. This report shall consist of the total number of operations per year, number of operations by clinical category, and such other statistical information that is requested.

Section 14. [(13)] Medical Records. (1) [(a)] Organization: The responsibility for supervision, filing and indexing of medical records shall be delegated to a responsible employee of the surgical center.

(2) [(b)] Indexing: Medical records shall be properly indexed and systematically filed for ready access to properly authorized personnel.

(3) [(c)] Ownership: Records of patients are the property of the surgical center and shall not be removed from the center's jurisdiction and safekeeping except in accordance with a court order or subpoena. Medical records shall be made available, when requested for inspection by duly authorized representatives of the licensure board.

(4) [(d)] Content: Adequate and complete medical records shall be prepared for all patients admitted to the surgical center. All notes shall be legibly written or typed and signed. A minimum medical record shall include, but not be limited to the following information:

(a) [1.] Name and address of person or agency responsible for patient;

(b) [2.] Identification data (name, address, age, sex, marital status);

(c) [3.] Date of admission and discharge;

(d) [4.] Referring and attending physicians', [and] dentists' and *podiatrists* names;

(e) [5.] History and physical examination record prior to surgery;

(f) [6.] Operative consent form signed by patient or his legal representative;

(g) [7.] Special examinations, such as consultations, clinical, laboratory, x-ray;

(h) [8.] Doctor's orders, dated and signed by the physician, [or] dentist *or podiatrist*;

(i) [9.] Nurses' notes;

(j) [10.] Complete medical record signed by the operating surgeon, including anesthesia record, preoperative diagnosis, operative procedures and findings, postoperative diagnosis and tissue diagnosis by a qualified pathologist on all specimens surgically removed, and postanesthesia follow-up note;

(k) [11.] Temperature chart including pulse, respiration and blood pressure;

(l) [12.] Discharge note to include condition on discharge and post-operative instructions to patient.

(5) [(e)] Physician's, [or] dentist's *or podiatrist's* responsibility: It shall be the responsibility of each attending physician, [or] dentist *or podiatrist* to complete and sign the medical record of each patient as soon as practicable after discharge, but not to exceed ten (10) days.

(6) [(f)] Orders for medication: All medical records shall contain the orders for medication and treatment written in ink and signed by the prescribing physician, [or] dentist, *or podiatrist* and if given verbally, countersigned by him within forty-eight (48) hours except that all records for Schedule II drugs shall be signed immediately. A record of medication administered to the patient shall be included in the record and signed by the person administering the medication.

(7) [(g)] Retention of records: All medical records shall be retained for a minimum of five (5) years and for such additional time as deemed necessary by the governing body of the facility based upon all relevant factors.

Section 15. [(14)] Transfer Agreement. (1) [(a)] Each surgical center shall have a written agreement with one or more licensed hospitals located in close proximity to the center, for the immediate acceptance of patients who develop complications or require postoperative confinement.

(2) [(b)] It shall be the responsibility of the surgical center to arrange for transportation of patients who require hospital care and to arrange for their admission.

Section 16. [(15)] Utilization Review. (1) [(a)] Each surgical center shall have in effect a plan for utilization review of their services on at least a quarterly basis by a committee of physicians and/or dentists *and podiatrists* which have no financial interest in the center.

(2) [(b)] Reviews shall be made of admissions and professional services furnished including utilization of surgical services and tissue reports.

Section 17. [(16)] Fire Control or Disaster Plan. The surgical center shall have a written procedure to be followed in case of fire, explosion or other emergency. It shall specify persons to be notified, locations of alarm signals and fire extinguishers, evacuation routes, procedures for evacuating patients, frequency of fire drills and assignment of specific tasks and responsibilities to the personnel.

(1) [(a)] The plan shall be developed with the assistance of qualified fire and safety experts.

(2) [(b)] All personnel shall be trained to perform assigned tasks.

(3) [(c)] Simulated drills testing the effectiveness of the plan shall be conducted at least three (3) times a year.

(4) [(d)] The plan shall be posted throughout the facility.

Section 18. *If any clause, sentence, paragraph, section, or part of these regulations shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall*

be confined in its operation to the clause, sentence, paragraph, section, or part thereof, directly involved in the controversy in which the judgment was rendered.

MASON C. RUDD, Chairman

ADOPTED: November 17, 1976

RECEIVED BY LRC: December 9, 1976 at 1:15 p.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO:
Mason C. Rudd, Chairman, Kentucky Health Facilities and Health Services, Certificate of Need and Licensure Board, 275 East Main Street, Frankfort, Kentucky 40601.

DEPARTMENT FOR HUMAN RESOURCES Bureau for Social Insurance (Proposed Amendment)

904 KAR 1:030. Home health agency services.

RELATES TO: KRS 205.520

PURSUANT TO: KRS 13.082, 194.050

NECESSITY AND FUNCTION: The Department for Human Resources has responsibility to administer the program of Medical Assistance in accordance with Title XIX of the Social Security Act. KRS 205.520(3) empowers the department, by regulation, to comply with any requirement that may be imposed or opportunity presented by federal law for the provision of Medical Assistance to Kentucky's indigent citizenry. This regulation sets forth the provisions relating to home health care services for which payment shall be made by the medical assistance program in behalf of both the categorically needy and the medically needy.

Section 1. Covered Services: Services provided by a participating home health agency shall be considered covered services when provided in accordance with a plan of care. Services provided are:

- (1) Part-time nursing services;
- (2) Physical therapy services;
- (3) Speech therapy services;
- (4) Occupational therapy services;
- (5) Medical social services;
- (6) Disposable medical supplies; [and]
- (7) Home health aid services [.]; and
- (8) Durable medical equipment and appliances.

Section 2. Limitations on Durable Medical Equipment and Appliances: Durable medical equipment and appliances are covered only in accordance with the following conditions: [Exclusions: Excluded from coverage are durable equipment and appliances.]

(1) *The equipment and/or appliance must be preauthorized by the department.*

(2) *The equipment and/or appliance must be ordered by the physician as required in the treatment of the patient.*

(3) *The equipment and/or appliance must be suitable for the patient to use in the home.*

(4) *The recipient utilizing the equipment must meet the criteria for participation in the home health component of the medical assistance program and be followed by a certified home health agency.*

(5) *Coverage for the item of durable medical equipment*

and/or appliance will be in accordance with the following guidelines: that the item must be durable in nature and able to stand repeated use; serve a medical purpose; generally, be not useful to a person in the absence of illness or injury; be appropriate for use in the home; and be necessary, appropriate and reasonable for treatment of an illness or injury or to improve the functioning of a malformed body member. This definition includes, but is not limited to, such items as wheelchairs, crutches, walkers, intermittent positive pressure breathing machines, braces, artificial limbs, and oxygen (when such oxygen supply can be maintained, replaced or resupplied at all times). The Medicare Program will be used as a guide for determining the appropriateness for coverage, where applicable. Not included within the above guidelines are: Items of equipment and/or appliances which would appropriately be considered for coverage only through other sec-

tions or components of the medical assistance program, for example, lens and frames, hearing aids and pacemakers; items such as orthopedic shoes, contact lens and dentures; equipment used primarily and customarily for a non-medical purpose, for example, air conditioners and humidifiers; physical fitness equipment; and equipment which basically serves comfort and convenience functions, for example, elevators.

GAIL S. HUECKER, Commissioner

APPROVED:

C. LESLIE DAWSON, Secretary

RECEIVED BY LRC: November 18, 1976 at 11:30 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO: Secretary for Human Resources, Capitol Annex, Frankfort, Kentucky 40601.

Proposed Regulations

CABINET FOR DEVELOPMENT Department of Fish and Wildlife Resources

301 KAR 2:071. Falconry.

RELATES TO: KRS 150.180, 150.280

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the securing of and use of birds of prey in taking and pursuing wildlife during the hunting seasons. In accordance with KRS 150.025, this regulation is necessary for the continuing protection and conservation of the birds of prey and to insure a permanent and continued supply of this wildlife resource for the purpose of furnishing ecological balance, sport and recreation for present and future residents of the state. This regulation is also necessary to comply with federal falconry regulations. The function of this regulation is to provide for the prudent taking of birds of prey within reasonable limits based upon an adequate supply.

Section 1. Practice of Falconry. (1) Licenses and permits. Wildlife may be pursued and taken only within regular state hunting seasons and bag limits with any legal hunting raptor listed in Section 1(2)(a) of this regulation, if the falconer has in his or her possession a valid falconry permit and valid Kentucky resident or non-resident hunting license. Legal hunting raptors may be possessed and transported by the holder of a valid Kentucky falconry permit, or any permit which proves that permittee legally held the raptor in his or her home state.

(2) Definitions:

(a) Legal hunting raptors include the great horned owl (*Bubo virginianus*) and all hawks and falcons (families Falconidae and Accipitridae) except those that are endangered or threatened and except the ospreys and eagles. Under conditions described in Section 2(2)(c) of this regulation, golden eagles (*Aquila chrysaetos*) and threatened species may be used for falconry.

(b) Exotic raptors are those species which have no subspecies occurring in the wild in the United States nor Mexico, or as defined by the U.S. Fish and Wildlife Service. Purchase of an exotic raptor from anyone other than a pet dealer must be approved by the Commissioner of the Department of Fish and Wildlife Resources. No exotic raptor may be sold after it has been involved in a trade for a non-exotic raptor.

Section 2. Permits and Sponsors. (1) Applications. To obtain a permit, an applicant must submit to the Department of Fish and Wildlife Resources the standard application for falconry permit, and must pass the examination described in Section 3 of this regulation.

(2) Classes of permits:

(a) Apprentice falconry permits. Apprentice falconers shall be at least fourteen (14) years of age and shall have a sponsor holding a general or master falconry permit. Applicants between the ages of fourteen (14) and sixteen (16) years of age shall provide written consent from a parent or guardian. An apprentice may take and possess only one (1) raptor, and may not obtain more than one (1) replacement during any twelve (12) month period which begins when the first replacement raptor is obtained. Only a sparrow hawk (*Falco sparverius*), redtailed hawk (*Buteo jamaicensis*), or red shouldered hawk (*Buteo lineatus*) or any exotic legal hunting raptor may be possessed or taken and the above named Buteo hawks must be first-year (passage) age class birds, capable of flight. Any sparrow hawk which has left the nest and is capable of flight may be taken from the wild in compliance with Section 6(3) of this regulation. There is no age restriction on exotic raptors.

(b) General falconry permits. General permittees shall be at least eighteen (18) years of age and have at least two (2) years experience in the practice of falconry at the apprentice level or its equivalent. A permittee at the general level may possess no more than two (2) raptors, and may obtain no more than two (2) replacements during any twelve (12) month period which begins when any replacement raptor is obtained. General permittees may take and possess any legal hunting raptor listed in Section 1 of this regulation.

(c) Master falconry permits. Master permittees shall have at least five (5) years experience in the practice of falconry at the general class level, or its equivalent, and may possess no more than three (3) raptors. No more than two (2) raptors for replacement birds may be obtained during any twelve (12) month period which begins when any replacement raptor is obtained. A master permittee may take and possess any legal hunting raptor, and, under certain circumstances, may possess golden eagles and one (1) threatened raptor if written permission is obtained from the U.S. Fish and Wildlife Service and the Kentucky Department of Fish and Wildlife Resources.

(3) Duration of permits. Permits shall be valid for a period of two (2) years from date of issue, or from the expiration date of a permit being renewed.

(4) Sponsors. Sponsors must be at least twenty-one (21) years old, unless otherwise approved by the Kentucky Department of Fish and Wildlife Resources. Each sponsor shall restrict himself to three (3) apprentices at any one time. A sponsor wishing to withdraw his sponsorship shall notify the department, giving his reasons for withdrawing. He shall also notify the apprentice of his withdrawal. The apprentice has thirty (30) days to find another sponsor from the date of notification of withdrawal.

Section 3. Examinations. To obtain a Kentucky falconry permit under this regulation, an applicant must answer correctly at least eighty (80) percent of the questions on a supervised examination approved by the U. S. Fish and Wildlife Service and administered by the Department of Fish and Wildlife Resources. Experience, age, and past record of reporting will qualify an applicant for the general and master falconry permits. This examination will be given in Frankfort, or other designated locations, every six (6) months, or more often if the commissioner determines there is a need.

Section 4. Facilities and Equipment. Facilities and equipment shall meet the minimum standards set by the U. S. Fish and Wildlife Service, and must be inspected and approved by a conservation officer of the Department of Fish and Wildlife Resources. Facilities, equipment and raptors shall be available at all times for inspection by authorized personnel of the Kentucky Department of Fish and Wildlife Resources and the U. S. Fish and Wildlife Service.

Section 5. Inventory and Marking. (1) All individuals holding raptors, for other than scientific or zoological purposes, shall give the Department of Fish and Wildlife Resources an inventory of raptors held, by species, age (if known) and sex (if known) at the time of application for a falconry permit, and each time it is renewed thereafter.

(2) All raptors held in captivity, except those held for scientific or zoological purposes, shall be identified with markers supplied by the U.S. Fish and Wildlife Service through the Kentucky Department of Fish and Wildlife Resources. Alteration, counterfeiting or defacing these raptor markers is prohibited except that permittees may remove the rear tab on marker, and may smooth any imperfect surface provided the integrity of the marker and numbering are not affected.

Section 6. Taking Raptors. (1) Licensing. Holders of Kentucky falconry permits must have in possession a valid Kentucky hunting license before taking a legal hunting raptor from the wild. No resident of another state may take a legal hunting raptor from the wild in Kentucky unless that state grants a licensed falconer of Kentucky the same privilege. Before taking or attempting to take a legal hunting raptor from the wild, a non-resident must have a falconry permit from his or her home state, a valid annual non-resident Kentucky hunting license, and a special permit from the Kentucky Department of Fish and Wildlife Resources.

(2) Eyasses. Young birds not yet capable of flight (eyasses) may be taken only by a general or master falconer during the period April 1 through June 29 and no more than two (2) eyasses may be taken by the same permittee during this period. At least one (1) young must be left in the nest.

(3) Passage birds. First-year (passage) birds may be taken only during the period September 1 through November 29.

(4) Retrapping. A raptor marked in accordance with Sec-

tion 5(2) of this regulation may be retrapped at any time.

(5) Mature birds. Only sparrow hawks (*Falco sparverius*) and great-horned owls (*Bubo virginianus*) may be taken when over one (1) year old, except that any legal hunting raptor taken under a depredation (or special purpose) permit may be used for falconry by general and master falconers. All traps or other devices for taking raptors alive must be tagged with the owners name and address.

Section 7. Raptors Acquired Before 1977. (1) A person who possesses raptors legally acquired before January 1, 1977, and who fails to meet the permit requirements, shall be allowed to retain the raptors with a non-hunting raptor permit. These raptors cannot be replaced or used for hunting.

(2) A falconry permittee who legally possesses raptors before January 1, 1977, in excess of the number allowed under his or her class permit, shall be allowed to retain and hunt the extra raptors. No replacement can occur, nor may an additional raptor be obtained, until the number in possession is at least one (1) less than the total number authorized by the class of permit held by the permittee.

Section 8. Reports. By July 31 of each year, falconry and non-hunting raptor permittees shall report to the Department of Fish and Wildlife Resources:

(1) A listing of all raptors in possession on June 30th of the year in which the report is filed by species, marker number, sex (if known), age (if known), and date and where or from whom acquired;

(2) A listing of all raptors possessed or acquired since the previous annual report, but no longer possessed, by species, marker number, sex (if known), age (if known), date and where or from whom acquired or given to, whether escaped, died, or released, and when the event occurred; and

(3) An estimate of days hunted and wildlife taken by falconry.

Section 9. Trading, Temporary Care and Feathers. (1) Trading. A permittee may trade or transfer a native raptor to another permittee if the transaction occurs entirely within the State of Kentucky and no money or other consideration is involved. A permittee may trade or transfer a raptor to another permittee in an interstate transaction if the prior written approval of the Kentucky Department of Fish and Wildlife Resources is obtained and no money or other consideration is involved in the transaction. No raptor nor other wildlife may be imported into the State of Kentucky unless accompanied by a transportation permit from the Kentucky Department of Fish and Wildlife Resources and a veterinarian's certificate stating the wildlife is free of symptoms of communicable disease.

(2) Temporary relocation of raptors. Another person may care for the birds of a permittee if written authorization from the permittee accompanies the birds when they are relocated; provided, that if the period of care will exceed thirty (30) days, the Kentucky Department of Fish and Wildlife Resources shall be informed in writing by the permittee of this action within three (3) days of the relocation and informed where the birds are being held, the reason for the relocation, who is caring for them, and approximately how many days they will be in the care of the second person.

(3) Feathers. Feathers that are molted or those feathers from birds held in captivity that die, may be retained and exchanged by permittees only for imping purposes.

Section 10. Release of Raptors. No person shall intentionally release to the wild any species not native to Kentucky

without first obtaining written permission from the Commissioner of the Kentucky Department of Fish and Wildlife Resources. The marker from the released bird shall be removed and surrendered to the Kentucky Department of Fish and Wildlife Resources. The marker from an intentionally released bird which is indigenous shall also be removed and surrendered to the Kentucky Department of Fish and Wildlife Resources. A standard federal bird band shall be attached to such birds by the state or service-authorized federal bird bander whenever possible.

Section 11. Breeding Raptors in Captivity. Falconry and non-hunting raptor permittees may obtain a permit from the Department of Fish and Wildlife Resources to breed raptors in captivity, in compliance with federal regulations. Notwithstanding any federal regulation, no raptors may be sold except as specified in Section 1(2)(b) of this regulation.

Section 12. 301 KAR 2:070 is hereby repealed.

DR. ROBERT C. WEBB, Chairman
Department of Fish and Wildlife Resources Commission

ARNOLD L. MITCHELL, Commissioner

ADOPTED: December 14, 1976

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: December 14, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO:
The Commissioner, Department of Fish and Wildlife Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

CABINET FOR DEVELOPMENT Department of Fish and Wildlife

301 KAR 3:052. Wild turkey hunting.

RELATES TO: KRS 150.175, 150.176, 150.305, 150.310, 150.360, 150.390

PURSUANT TO: KRS 13.082

NECESSITY AND FUNCTION: This regulation pertains to the spring gun and archery season and limits for wild turkey. In accordance with KRS 150.015, this regulation is necessary for the continued protection and conservation of wild turkey populations and to insure a permanent and continued supply for present and future residents of the state. The function of this regulation is to provide for the prudent taking of wild turkeys within reasonable limits based upon an adequate supply.

Section 1. Counties and/or Areas Designated Open to Turkey Hunting and Season Dates. (1) Turkeys may be taken in the following counties or portions of counties: Jackson, Owsley, Bath, Rockcastle, Lee, Rowan; that portion of Menifee County north of U.S. Highway 460, that portion of Pike County located between State Highway 197 and the Kentucky-Virginia border, and that portion of Letcher County between U.S. Highway 119 and the Kentucky-Virginia border. Season: April 30 to May 1 and May 7 to 8, 1977.

(2) Fort Knox Wildlife Management Area located in Hardin, Bullitt and Meade Counties. Season: any or all of the following dates, depending upon training priorities: April 2 to 3, 9 to 10, 16 to 17 and 23 to 24, 1977.

(3) Land Between the Lakes Wildlife Management Area located in Lyon and Trigg Counties. Season: April 20 to 30, 1977.

(4) Pioneer Weapons Wildlife Management Area located in Bath and Menifee Counties. Season: April 30 to May 1 and May 7 to 8, 1977.

(5) All other counties, portions of counties and other wildlife management areas are closed to turkey hunting.

Section 2. Requirements and Restrictions for Gun and Archery Turkey Hunting in All Designated Counties and Special Areas. (1) Only one (1) turkey gobbler with visible beard per hunter for the season (either with gun, longbow, or crossbow) shall be taken. A successful hunter cannot assist any other hunter in taking turkey.

(2) The use of dogs in turkey hunting is prohibited.

(3) Any person hunting turkey must have in his or her possession a valid Kentucky hunting license.

(4) Residents of states that do not allow residents of Kentucky to hunt turkey during open seasons in those states are prohibited from hunting turkey in Kentucky.

(5) Turkey may be taken from daylight until 12 noon (prevailing time) except at Land Between the Lakes, where hunting is allowed during daylight hours (one-half (½) hour before sunrise to one-half (½) hour after sunset).

(6) Turkey may be taken with the aid of hand or mouth operated calls, or both. Electronic calls are prohibited.

(7) Permitted weapons. (See exceptions under special area regulations.)

(a) Guns. Turkey may be taken with breech-loading shotguns, muzzle-loading shotguns, breech-loading rifles and muzzle-loading rifles. Shotguns must be no larger than 12-gauge nor smaller than 20-gauge. Only shot shells of No. 2 shot or smaller are permitted. Shotgun slugs are prohibited. No sidearms are permitted for taking turkey except for muzzle-loading handguns on Pioneer Weapons Wildlife Management Area.

(b) Bows and arrows. Turkey may be taken with a longbow. Arrows must be barbless with broadhead points at least 7/8-inch wide.

(c) Crossbows. Crossbows are legal only on the Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties. Crossbows must be of eighty (80) pounds pull. Arrows must be barbless with broadhead points at least 7/8-inch wide.

Section 3. Special Area Regulations. (1) Land Between the Lakes Wildlife Management Area in Lyon and Trigg Counties. Turkey gobblers with visible beards may be taken on the Kentucky portion of Land Between the Lakes except closed areas as designated by signs. Permits for the hunt are required and may be obtained free of charge after March 1, 1977, at the Information Office at Golden Pond, Kentucky, 7 a.m. to 5 p.m. weekdays and 9 a.m. to 5 p.m. Saturday and Sunday; at Center Station and North Information Station from 9 a.m. to 5 p.m. daily. Firearms transported in vehicles during authorized hunts must be unloaded. Target practice is prohibited. Turkey may be taken with shotguns, including muzzle-loaders, not larger than 12-gauge nor smaller than 20-gauge; only No. 2 shot or smaller is permitted. Longbows and arrows are permitted if arrows are barbless with broadhead points at least 7/8-inch wide. Rifles, crossbows and sidearms are prohibited. Hunters are not required to check in or out, but all turkey taken must be checked out and must be tagged with area tags provided at the check station at no charge. Check stations will be located near the junction of

The Trace and U.S. Highway 68, and on The Trace about one (1) mile south of Barkley Canal.

(2) Fort Knox Wildlife Management Area in Hardin, Bullitt and Meade Counties. Turkey hunting is restricted to military and civilian personnel assigned to or working on the post, except a limited number of off post civilians will be allowed to hunt. Mailed applications will be accepted starting March 1, 1977, on a first-come first-served basis until all allocated spaces are filled. Hunting dates will be assigned and cannot be selected. Mail applications no earlier than March 1, 1977, to Turkey Hunt, Recreation Services, Directorate of Personnel and Community Activities, P.O. Box 1052, Fort Knox, Kentucky 40121. Turkey may be taken with shotgun only, no larger than 12-gauge nor smaller than 20-gauge. Only shot shells of No. 2 shot or smaller are permitted.

(3) Pioneer Weapons Wildlife Management Area in Bath and Menifee Counties. Turkey may be taken with all legal weapons listed under Section 2(7) permitted weapons, with the exception of breech-loading rifles and breech-loading shotguns. Crossbows are permitted.

Section 4. This regulation will not be valid after May 8, 1977.

DR. ROBERT C. WEBB, Chairman

Department of Fish and Wildlife Resources Commission

ARNOLD R. MITCHELL, Commissioner

ADOPTED: December 14, 1976

APPROVED: WILLIAM L. SHORT, Secretary

RECEIVED BY LRC: December 14, 1976 at 11 a.m.

SUBMIT COMMENT OR REQUEST FOR HEARING TO:
The Commissioner, Department of Fish and Wildlife
Resources, Capital Plaza Tower, Frankfort, Kentucky 40601.

**DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION
Bureau of Environmental Protection
Division of Plumbing**

401 KAR 1:105. Subsurface sewerage disposal systems.

RELATES TO : KRS Chapter 318

PURSUANT TO : KRS 13.082, 224.033, 318.130

NECESSITY AND FUNCTION : The Department is directed by KRS 318.134(2) and through the state Plumbing Code Committee to adopt and put into effect a state plumbing code. This regulation relates to subsurface disposal systems. This regulation is needed to evaluate soil conditions prior to the time subsurface disposal systems are approved as well as to designate the type and size of system that is necessary for any particular project. KRS 318.134 provides that all applications for plumbing installation permits shall be accompanied by plans and specifications of the proposed plumbing installation, location and construction of water supply system, type of sewerage disposal system, location of septic tank, drain field to be used, and further provides that no plumbing installation permit shall be issued until plans of the sewerage disposal system have been submitted to and approved by the Department for Natural Resources and Environmental Protection together with the results of an approved percolation test. The purpose of this regulation is to establish uniform standards for subsurface sewerage disposal systems where a public sewerage system is not available.

Section 1. Citation of Regulation. This regulation may be cited as the "Kentucky Subsurface Sewerage Disposal Regulation."

Section 2. Subsurface Sewerage Disposal System, When Permitted. The permit may be obtained from the department. The installation of a subsurface sewerage disposal system is prohibited where a public sewerage system is available. In the event a public sewerage system is not available, disposal may be made into a subsurface sewerage disposal system designed, constructed and operated in accordance with the requirements of this regulation; provided, however, if a public sewerage system subsequently becomes available, connections shall be made thereto and the subsurface sewerage disposal system shall be discontinued. Connection to a public sewer shall be made within ninety (90) days after its construction and acceptance by the Division of Water Quality.

Section 3. Definitions. As used in this regulation the following terms shall have the meanings set forth below:

(1) "Approved percolation test" means a test conducted on a parcel of property in the following manner:

(a) Four (4) test holes four (4) inches to twelve (12) inches in diameter shall be dug to the depth where the drain field is proposed to be installed;

(b) The sides and bottom of the holes, shall be scarified to remove any smeared surfaces;

(c) All loose materials shall be removed from the holes;

(d) The holes shall be presoaked by filling with water for at least fourteen (14) hours prior to the test;

(e) Prior to the commencement of readings the water in the test holes shall be adjusted to a six (6) inch depth to begin the test;

(f) A reading shall be taken each hour over a four (4) hour period and the depth shall be readjusted to the six (6) inch level after each hourly reading;

(g) A fixed point shall be established for evaluating each test hole;

(h) The hourly rate of absorption shall be recorded and the average fourth hour rate may be considered the equilibrium rate;

(i) Rock sounding tests shall be conducted to detect the presence of rock formation at a depth of six (6) feet or less;

(j) Seasonal high water table within six (6) feet of the surface shall be ascertained and reported;

(k) The percolation test results shall be reported on a form approved by the department and shall be certified by a professional engineer or land surveyor, registered sanitarian or other person authorized by law or approved by the department to conduct such test;

(2) "Drain field" means a system of piping in a two (2) foot wide trench approximately thirty (30) inches deep. Piping shall be either four (4) inch open joint or four (4) inch perforated pipe. Six (6) inches of number three (3) rock shall be placed below the pipe, six (6) inches of rock shall be placed above the crown of the pipe, to a total depth of sixteen (16) inches.

(3) "Subsurface disposal system" means an installation intended for the treatment and disposal of sewage by means of a septic tank, or other approved device, and includes the drain field into which the effluent will disperse.

(4) "Equilibrium rate" means the average fourth hour absorption rate of the test holes. However, if review of the data indicates that the rate of fall is not consistent, tests shall be continued until such time as a consistent absorption rate is

obtained. This consistent absorption rate is the equilibrium rate.

Section 4. Standards for Issuing Subsurface Sewerage Disposal Permits. No sewage disposal permit shall be issued for a subsurface disposal system unless:

(1) The rock sounding test indicated the absence of rock formation at a depth of at least four (4) feet; and

(2) The seasonal high water table was not within four (4) feet of the surface; and

(3) The septic tank and drain field are sized in accordance with Sections 5 and 6 of this regulation; and

(4) An approved percolation test was conducted and the results thereof indicate that the equilibrium rate was at least one (1) inch per hour; however, in the event the equilibrium rate is greater than one half ($\frac{1}{2}$) inch per hour the site may be approved provided:

(a) The parcel of property is of sufficient size to reconstruct the drain field in an alternate location should the initial installation malfunction; and

(b) That additional treatment is given the waste water before disposal to the drain field.

Section 5. Table I. Size of Septic Tank.
Minimum Capacity For Septic Tank

Number of Bedrooms	2 or less	3	4	each additional
Tank size in gallons	750	900	1,000	250

Section 6. Table II. Length of Drain Field.
Footage of Drainage Lines Required

Equilibrium Rate (Greater than inches per hour)	2 Bedrooms (feet)	3 Bedrooms (feet)	4 Bedrooms (feet)	5 Bedrooms (feet)
1/2	495	660	825	990
1	330	495	660	825
1 1/8	320	480	640	800
1 1/4	315	475	630	790
1 3/8	310	465	620	775
1 1/2	300	450	600	750
1 5/8	290	435	580	725
1 3/4	275	415	550	690
1 7/8	260	390	520	650
2	250	375	500	625

Section 7. Variance: Any person who wishes may petition the department for a variance to this regulation. Such request should be made in writing to the department at Frankfort, Kentucky. The petition among other things must be accompanied with the following:

(1) A site plan not less the fourteen (14) inches by twenty-two (22) inches indicating the proposed building or buildings as well as the location of the proposed sewerage system.

(2) Where a mechanical system is planned the petition must be accompanied by a service contract that will be in effect until a connection is made to a sanitary sewer system.

(3) Applicants must agree that any and all responsibility that is accepted by the granting of a variance shall be made part of the deed of the property and shall be transferred to all succeeding owners.

Section 8. The secretary of the department may delegate concurrent jurisdiction to administer this regulation to a local board of health. Requirements for this delegation shall be:

(1) Written request from that board of health.

(2) Adequate staffing at the local level to administer this regulation.

Section 9. Effect on Local Regulations. This regulation shall not supersede more stringent regulations of any local government body.

ROBERT D. BELL, Secretary

ADOPTED: November 24, 1976

RECEIVED BY LRC: November 24, 1976 at 1:35 p.m.

PUBLIC HEARING: A public hearing on this proposed regulation is scheduled for 10 a.m. EST February 2, 1977 in the Auditorium of Capital Plaza Tower, Frankfort, Kentucky 40601. For additional information or submission of comments, please contact Arthur S. Curtis, Jr., P.E., Bureau of Environmental Protection, Department for Natural Resources and Environmental Protection, 5th Floor, Capital Plaza Tower, Frankfort, Kentucky 40601.

PUBLIC PROTECTION AND REGULATION CABINET
Department of Mines and Minerals
Division of Explosives and Blasting

805 KAR 4:087. Explosives.

RELATES TO: KRS 351.350, 351.990

PURSUANT TO: KRS 13.082, 351.335

NECESSITY AND FUNCTION: KRS 351.335 requires the Department of Mines and Minerals to promulgate rules and regulations concerning the manufacture, transportation, sale, storage, or use of explosives and unassembled components of explosives, and the maintenance of such explosives which has a direct bearing on safety to life and property. This regulation effects the provisions of that law.

Section 1. Surface Mining Regulations. (1) Explosive magazines shall be posted with suitable danger signs so located that a bullet passing through the face of a sign will not strike the magazine.

(2) Detonator-storage magazines shall be separated by at least twenty-five (25) feet from explosive-storage magazines.

(3) Cases or boxes containing explosives shall not be stored in magazines on their ends or sides nor stacked more than six (6) feet high.

(4) Ammonium-nitrate fuel oil blasting agents shall be physically separated from other explosives, safety fuse, or detonating cord stored in the same magazine and in such a manner that oil does not contaminate the other explosives, safety fuse or detonating cord.

(5) For the protection of underground workers, special precautions shall be taken when blasting in close proximity to underground operations, and no blasting shall be done which would be hazardous to persons working underground.

(6) Only wooden or other non-sparking implements shall be used to punch holes in an explosive cartridge.

(7) Delay connectors for firing detonating cord shall be treated and handled with the same safety precautions as blasting caps and electric detonators.

(8) A capped primer shall be prepared so that the detonator is contained securely and is completely imbedded within the explosive charge.

(9) Explosives shall be kept separate from detonators until charging is started.

(10) Completely wired rounds shall be tested before connections are made to the blasting line.

(11) At least a five (5) foot airgap shall be provided between the blasting circuit and the power circuit.

(12) Safety switches and blasting switches shall be labeled, encased in boxes, and arranged so that the covers of the boxes cannot be closed with the switches in through-circuit or firing position.

(13) If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.

(14) Sensitized ammonium nitrate blasting agents, and the components thereof prior to mixing, shall be mixed and stored in accordance with the recommendations in Bureau of Mines Information Circular 8179, "Safety Recommendations for Sensitized Ammonium Nitrate Blasting Agents," or subsequent revisions.

(15) When pneumatic loading is employed, before any type of blasting operation using blasting agents is put into effect, an evaluation of the potential hazard of static electricity shall be made. Adequate steps including the grounding and bonding of the conductive parts of the pneumatic loading equipment, shall be taken to eliminate the hazard of static electricity before the blasting agent is used.

(16) Pneumatic loading equipment shall not be grounded to waterlines, airlines, rails, or the permanent electrical grounding systems.

(17) Hoses used in connection with pneumatic loading machines shall be of the semiconductive type, having a total resistance low enough to permit the dissipation of static electricity and high enough to limit the flow of stray electric currents to a safe level. Wire-covered hose shall not be used because of the potential hazard from stray electric currents.

Section 2. 805 KAR 3:050 is hereby repealed.

H. N. KIRKPATRICK, Commissioner

ADOPTED: December 15, 1976

APPROVED: JAMES E. GRAY, Secretary

RECEIVED BY LRC: December 15, 1976 at 2 p.m.

PUBLIC HEARING: There will be a public hearing on this proposed regulation at 10 a.m. EST January 20, 1977 at the University of Kentucky, College of Law Courtroom, Lexington, Kentucky.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

December 1, 1976

(Subject to Subcommittee approval at its next meeting on January 5, 1977.)

The Administrative Regulation Review Subcommittee held its regularly scheduled meeting on Wednesday, December 1, 1976, at 10 a.m., in Room 327 of the Capitol. Present were:

Members: Representative William T. Brinkley, Chairman and Representative David G. Mason.

Guests: Representative Johnny Boatwright; Joseph R. Johnson and Joe Hudson, Department of Insurance; Warren Southworth and Chandler Robinson, Office of the Fire Marshal; Ben B. Fowler, William S. Howard, Charles D. Weaver, Jr., and Ansel L. Davis, Board of Registration for Professional Engineers and Land Surveyors and Board of Examiners and Registration of Architects; Mary D. Shahan, Kentucky Association of Regional Programs; Clarkson Beard, State Racing Commission; John S. Hoffman, Board of Tax Appeals; Randall L. Oliver, Anna Grace Day, James C. Rogers, Verna Fairchild, Ked R. Fitzpatrick, Roy Butler, D. Joe Whitlock, H. Doyle Mills, Charles Patrick Lawrence, Stephen R. Fox, Ron Camic, Charles W. Bonta and W. O. Hubbard, Department for Human Resources; John R. Mirlisena and Edwin C. Jackson, Kentucky Plumbing, Heating and Cooling Contractors; John T. Smither, Eugene D. Attkisson, Eugene F. Perkins, Joshua E. Santana, Carl Van Cleve, Roger Blair, Roy Hogg and Gene Brandenburg, Department for Natural Resources and Environmental Protection; Charles D. Wickliffe and Joyce A. Morse, Executive Department for Finance and Administration; Ray Kring and William L. Mayes, Department of Revenue; Kenneth E. Hollis and Fred Huggins, Department of Labor; R. Coleman Endicott, Alcoholic Beverage Control Board; Carl Miller, Office of Attorney General; Carroll Roberts, Board of Hairdressers and Cosmetologists; J. Rick Jones, Office of the Governor; Pat Miller, Teachers' Retirement System.

LRC Staff: William H. Raines, Mabel D. Robertson, Ollie Fint, Garnett Evins, Pat Howell and Bruce Simpson.

The minutes of the November 3 meeting were approved.

The following regulations were withdrawn at the request of the issuing agency:

DEPARTMENT OF TRANSPORTATION

Bureau of Highways

Maintenance

603 KAR 3:010. Advertising devices on interstates. A public hearing has been requested.

603 KAR 3:020. Advertising devices on federal aid primary system. A public hearing has been requested.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor

Administration

803 KAR 5:010. Access to public records of Department of Labor.

The following regulations were deferred until the January meeting:

DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION

Bureau of Environmental Protection

Division of Water Resources

400 KAR 1:010. Wild Rivers boundaries. (Not amended after hearing)

EDUCATION AND ARTS CABINET

Kentucky Historical Society

730 KAR 1:005. Family cemetery information.

PUBLIC PROTECTION AND REGULATION CABINET

Department of Labor

(State Labor Relations Board)

Fire Fighters Collective Bargaining

803 KAR 3:010. General rules of procedure.

803 KAR 3:020. Election and certification of unit representatives.

803 KAR 3:030. Unfair labor practice complaints.

803 KAR 3:040. Deadlocked negotiations petition.

DEPARTMENT FOR HUMAN RESOURCES

Bureau for Social Insurance

Medical Assistance

904 KAR 1:044. Mental health center services. (Amended after hearing)

Public Assistance

904 KAR 2:060. Delegation of power for oaths and affirmations.

The following regulations were approved and ordered filed:

GOVERNOR

Legal Actions

10 KAR 1:010. Defense of employees.

AGRICULTURAL EXPERIMENT STATION

Seed

12 KAR 1:035. Germination test date.

12 KAR 1:080. Use of own tags; permit, report.

12 KAR 1:110. Seed not required to be labeled by variety name.

SECRETARY OF THE CABINET

Teachers' Retirement System

General Rules

102 KAR 1:030. Substitute teachers.

102 KAR 1:045. Transfer to other systems.

102 KAR 1:050. Out-of-state service interest rate.

102 KAR 1:055. Military service credit.

102 KAR 1:060. Refunds.

102 KAR 1:110. Leave of absence.

102 KAR 1:120. Voluntary contributions.

102 KAR 1:130. Additional contributions.

102 KAR 1:185. Reciprocal program between CERS, KERS, SPRS and TRS.

Board of Trustees

102 KAR 2:010. Election of chairperson; vice-chairperson.

Department of Revenue**General Administration**

103 KAR 1:010. Protests and appeals.

Income Tax; General Administration

103 KAR 15:040. Statute of limitations; assessments and refunds.

Income Tax; Corporations

103 KAR 16:060. Income classification; business and nonbusiness.

103 KAR 16:070. Apportionment; sales factor.

**EXECUTIVE DEPARTMENT FOR FINANCE
AND ADMINISTRATION****Travel Expense and Reimbursement**

200 KAR 2:065. Per diem expense allowance. (Amended)

Purchasing

200 KAR 5:075. Small businesses; classifications and definitions. (Amended)

Division of Occupations and Professions**Hairdressers and Cosmetologists**

201 KAR 12:031. Posting of license.

201 KAR 12:082. Schools' course of instruction.

201 KAR 12:083. Educational requirements.

201 KAR 12:101. Equipment sanitation.

201 KAR 12:125. Schools' student regulation.

**DEPARTMENT FOR NATURAL RESOURCES
AND ENVIRONMENTAL PROTECTION****Bureau of Environmental Quality****Division of Plumbing**

401 KAR 1:011. Parts or materials list.

Bureau of Environmental Protection**Division of Air Pollution**

401 KAR 3:080. Emission standards for liquified petroleum gas carburetion systems.

**DEPARTMENT OF EDUCATION
Bureau of Instruction****Teacher Certification**

704 KAR 20:221. Repeals 704 KAR 20:220.

**PUBLIC PROTECTION AND REGULATION CABINET
Kentucky Board of Tax Appeals****Tax Appeals**

802 KAR 1:010. Rules of practice and procedure.

Department of Alcoholic Beverage Control**Licensing**

804 KAR 4:015. Interlocking interest between licensees prohibited.

Department of Insurance**Fire Marshal**

806 KAR 50:010. Standards of safety. (Amended after hearing)

806 KAR 50:205. Recreational vehicles. (Amended after hearing)

Kentucky State Racing Commission**Thoroughbred Racing Rules**

810 KAR 1:002. Racing Commission.

Kentucky Harness Racing Commission**Harness Racing Rules**

811 KAR 1:032. Eligibility standards; enforcement.

811 KAR 1:090. Stimulants and drugs.

811 KAR 1:125. Pari-mutuel rules.

811 KAR 1:200. Administration of purses and payments.

DEPARTMENT FOR HUMAN RESOURCES**Bureau for Health Services****Drug Formulary**

902 KAR 1:015. Tripeleennamine Hydrochloride.

902 KAR 1:025. Pentaerythritol Tetranitrate.

902 KAR 1:035. Chlorpheniramine Maleate.

902 KAR 1:080. Acetaminophen.

902 KAR 1:085. Isosorbide Dinitrate.

902 KAR 1:140. Sulfisoxazole Tablet.

902 KAR 1:150. Hydrochlorothiazide Tablet.

902 KAR 1:160. Oxytetracycline Hydrochloride Capsule.

902 KAR 1:230. Dimenhydrinate Tablet.

902 KAR 1:270. Pseudoephedrine Hydrochloride.

902 KAR 1:280. Chloral Hydrate Capsules and Syrup.

902 KAR 1:290. Ferrous Sulfate Tablet.

902 KAR 1:300. Dioctyl Sodium Sulfosuccinate Capsule.

902 KAR 1:324. Hyoscyamine and Atropine Sulfates, Hyoscine Hydrobromide and Phenobarbital Tablets.

902 KAR 1:326. Glutethimide Tablet.

902 KAR 1:328. Chlordiazepoxide Hydrochloride Capsule.

Radiology

902 KAR 100:040. General provisions for specific licenses.

Bureau for Social Services**Child Welfare**

905 KAR 1:015. Supervised placement revocation procedures.

The meeting adjourned at 12:10 p.m. to meet again on January 5, 1977 in Room 327 if available.

Administrative Register ^{of} *kentucky*

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