

1 AN ACT relating to reorganization of the building trades.

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

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) The Housing, Buildings and Construction Advisory Committee is established*
6 *within the department and shall be composed of the following seventeen (17)*
7 *voting members:*

8 *(a) The commissioner of the department or the commissioner's designee;*

9 *(b) The state fire marshal or a representative of the state fire marshal's office;*

10 *(c) The director of the Building Code Enforcement Division within the*
11 *department; and*

12 *(d) Fourteen (14) members appointed by the Governor:*

13 *1. At least one (1) of whom shall be a licensed heating, ventilation, and*
14 *air conditioning contractor;*

15 *2. At least one (1) of whom shall be a licensed plumber;*

16 *3. At least one (1) of whom shall be a licensed elevator mechanic or*
17 *elevator contractor;*

18 *4. At least one (1) of whom shall be a licensed electrician;*

19 *5. At least one (1) of whom shall be a licensed engineer;*

20 *6. At least one (1) of whom shall be a licensed architect;*

21 *7. At least one (1) of whom shall be a manufactured or mobile home*
22 *retailer or certified installer; and*

23 *8. The remaining seven (7) of whom shall have experience in the*
24 *housing, building, or construction industries.*

25 *(2) Each committee member appointed under subsection (1)(d) of this section shall*
26 *serve a term of three (3) years, except that initial appointments shall be staggered*
27 *by the Governor. A member appointed to fill a vacancy occurring other than by*

- 1 expiration of a term shall be appointed for the remainder of the unexpired term.
- 2 (3) The commissioner or the commissioner's designee shall serve as chair of the
3 committee. The committee shall annually elect a member to serve as vice chair.
- 4 (4) The committee shall meet at least quarterly, and a majority of the members of the
5 committee shall constitute a quorum for the transaction of business. If a vote on
6 a matter before the committee results in a tie, the commissioner or the
7 commissioner's designee shall cast an additional deciding vote.
- 8 (5) Committee members who are not full-time state government employees shall be
9 compensated for their time when attending committee meetings or performing
10 official duties as directed by the committee at the rate of fifty dollars (\$50) per
11 day. Members of the committee shall be reimbursed for all expenses paid or
12 incurred in the discharge of official business consistent with the reimbursement
13 policy for state employees.
- 14 (6) The committee shall provide ongoing advice and input to the department, but
15 shall not become directly involved in the licensing or regulation of housing,
16 buildings, and construction matters by the department.
- 17 (7) The department shall give the committee thirty (30) days to review and comment
18 on a proposed administrative regulation before the regulation is promulgated,
19 amended, or repealed, except in the case of an emergency administrative
20 regulation.

21 ➔Section 2. KRS 198B.010 is amended to read as follows:

22 As used in this chapter, unless otherwise provided:

- 23 (1) "Assembly occupancy" means the occupancy or use of a building or structure or any
24 portion thereof by a gathering of persons for civic, political, travel, religious, social,
25 or recreational purposes, including among others:
- 26 (a) Armories;
- 27 (b) Assembly halls;

- 1 (c) Auditoriums;
- 2 (d) Bowling alleys;
- 3 (e) Broadcasting studios;
- 4 (f) Chapels;
- 5 (g) Churches;
- 6 (h) Clubrooms;
- 7 (i) Community buildings;
- 8 (j) Courthouses;
- 9 (k) Dance halls;
- 10 (l) Exhibition rooms;
- 11 (m) Gymnasiums;
- 12 (n) Hotels;
- 13 (o) Lecture rooms;
- 14 (p) Lodge rooms;
- 15 (q) Motels;
- 16 (r) Motion picture theaters;
- 17 (s) Museums;
- 18 (t) Night clubs;
- 19 (u) Opera houses;
- 20 (v) Passenger stations;
- 21 (w) Pool rooms;
- 22 (x) Recreation areas;
- 23 (y) Restaurants;
- 24 (z) Skating rinks;
- 25 (aa) Television studios;
- 26 (bb) Theaters.

27 (2) "Attic" means the space between the ceiling beams of the top habitable story and the

1 roof rafters.

2 (3) "Basement" means that portion of a building the average height of which is at least
3 half below grade, which is ordinarily used for purposes such as storage, laundry
4 facilities, household tool shops, and installation and operation of heating, cooling,
5 and ventilating facilities, but which is not ordinarily used for purposes of general
6 household habitation.

7 (4) "Building" means any combination of materials, whether portable or fixed, which
8 comprises a structure or nonmine underground area affording facilities or shelter for
9 any human occupancy, whether infrequent or regular, and also means single-family
10 dwellings, including those sold or constructed under a trade or brand name. The
11 word "building" shall be construed wherever used herein as if followed by the
12 words "or part or parts thereof and all equipment therein" unless the context clearly
13 requires a different meaning. "Building" shall also mean swimming pools
14 constructed below grade on site, but not swimming pools assembled above grade on
15 site. "Building" shall not mean a manufactured home governed by the National
16 Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.
17 secs. 5401 et seq., or a farm dwelling or other farm buildings and structures incident
18 to the operation and maintenance of the farm if the farm structures are located
19 outside the boundary of a municipality and are not used in the business of retail
20 trade or used as a place of regular employment for ten (10) or more people or
21 structures used in the storage or processing of timber products.

22 (5) "Business occupancy" means the occupancy or use of a building or structure or any
23 portion thereof for the transaction of business, the rendering or receiving of
24 professional services, or the displaying, selling, or buying of goods, wares, or
25 merchandise, or the housing of vehicles of transportation, except where occupancy
26 is of high hazard, including among others:

27 (a) Banks;

- 1 (b) Barber shops;
- 2 (c) Beauty parlors;
- 3 (d) Department stores;
- 4 (e) Garages;
- 5 (f) Markets;
- 6 (g) Service stations;
- 7 (h) Offices;
- 8 (i) Stores;
- 9 (j) Radio stations;
- 10 (k) Telephone exchanges; and
- 11 (l) Television stations.

12 (6) "Certified building inspector" means a person who has been certified by the
13 department as having successfully completed the test requirements provided by
14 KRS 198B.090 to practice as a city, county, or state building inspector within the
15 Commonwealth.

16 (7) "Certified plans and specifications inspector" means a person who has been certified
17 by the department as having successfully completed the test requirements provided
18 by KRS 198B.090 to practice as a city, county, or state plans and specifications
19 inspector within the Commonwealth.

20 (8) "Certified plumbing inspector" means a person who has been certified by the
21 department as having successfully completed the test requirements provided by
22 KRS 198B.090 and 318.140, or 318.090 to practice as a city, county, or state
23 plumbing inspector within the Commonwealth.

24 (9) "Commissioner" means the commissioner of the department ~~[housing, buildings and~~
25 ~~construction]~~.

26 (10) "Committee" means the Housing, Buildings and Construction Advisory
27 Committee established by Section 1 of this Act.

1 ~~(11)~~~~(10)~~ "Construction" means the erection, fabrication, reconstruction, substantial
2 alteration or conversion of a building, or the installation of equipment therein, but
3 shall not include the ordinary repair of a building or structure.

4 ~~(12)~~~~(11)~~ "Department" means the Department of Housing, Buildings and Construction.

5 ~~(13)~~~~(12)~~ "Educational occupancy" means the occupancy or use of a building or
6 structure or any portion thereof by persons assembled for the purpose of learning or
7 of receiving educational instruction. "Educational occupancy" shall not include a
8 building for occupancy or use by thirty-five (35) persons or less assembled to
9 receive religious and educational instruction. "Educational occupancy" includes but
10 is not limited to:

- 11 (a) Academies;
- 12 (b) Care centers;
- 13 (c) Colleges;
- 14 (d) Kindergartens;
- 15 (e) Libraries;
- 16 (f) Preschools;
- 17 (g) Relocatable classroom units;
- 18 (h) Schools;
- 19 (i) Seminaries; and
- 20 (j) Universities.

21 ~~(14)~~~~(13)~~ "Equipment" means facilities or installations, including but not limited to
22 heating, electrical, ventilating, air conditioning, and refrigerating facilities or
23 installations.

24 ~~(15)~~~~(14)~~ "High hazard occupancy" means the occupancy or use of a building or
25 structure or any portion thereof that involves highly combustible, highly flammable,
26 or explosive materials or which has inherent characteristics that constitute a special
27 fire hazard, including among others:

- 1 (a) Aluminum powder factories;
- 2 (b) Charging or filling stations;
- 3 (c) Distilleries;
- 4 (d) Dry cleaning plants;
- 5 (e) Dry dyeing plants;
- 6 (f) Explosive-manufacture, sale or storage;
- 7 (g) Flour and feed mills;
- 8 (h) Gasoline bulk plants;
- 9 (i) Grain elevators;
- 10 (j) Lacquer factories;
- 11 (k) Liquefied petroleum gas;
- 12 (l) Mattress factories;
- 13 (m) Paint factories;
- 14 (n) Pyroxylin-factories, or warehouses; and
- 15 (o) Rubber factories.

16 ~~(16)~~⁽¹⁵⁾ "Industrial occupancy" means the occupancy or use of a building structure or
17 any portion thereof for assembling, fabricating, finishing, manufacturing,
18 packaging, or processing operations, except for occupancies of high hazard,
19 including among others:

- 20 (a) Assembly plants;
- 21 (b) Creameries;
- 22 (c) Electrical substations;
- 23 (d) Factories;
- 24 (e) Ice plants;
- 25 (f) Laboratories;
- 26 (g) Laundries;
- 27 (h) Manufacturing plants;

- 1 (i) Mills;
- 2 (j) Power plants;
- 3 (k) Processing plants;
- 4 (l) Pumping stations;
- 5 (m) Repair garages;
- 6 (n) Smokehouses; and
- 7 (o) Workshops.

8 ~~(17)~~~~(16)~~ "Industrialized building system" means any structure or component thereof
9 which is wholly or in substantial part fabricated in an off-site manufacturing facility
10 for installation or assembly on a permanent foundation at the building site.

11 ~~(18)~~~~(17)~~ "Institutional occupancy" means the occupancy or use of a building or
12 structure or any portion thereof by persons harbored or detained to receive medical,
13 charitable, or other care or treatment, or by persons involuntarily detained, including
14 among others:

- 15 (a) Asylums;
- 16 (b) Homes for the aged;
- 17 (c) Hospitals;
- 18 (d) Houses of correction;
- 19 (e) Infirmaries;
- 20 (f) Jails;
- 21 (g) Nursing homes;
- 22 (h) Orphanages;
- 23 (i) Penal institutions;
- 24 (j) Reformatories;
- 25 (k) Sanitariums; and
- 26 (l) Nurseries.

27 ~~(19)~~~~(18)~~ "Mobile home" means mobile home as defined in KRS 227.550.

1 ~~(20)~~~~(19)~~ "Ordinary repair" means any nonstructural reconstruction or renewal of any
2 part of an existing building for the purpose of its maintenance, or decoration, and
3 shall include but not be limited to the replacement or installation of nonstructural
4 components of the building such as roofing, siding, windows, storm windows,
5 insulation, drywall or lath and plaster, or any other replacement, in kind, that does
6 not alter the structural integrity, alter the occupancy or use of the building, or affect,
7 by rearrangement, exitways and means of egress; but shall not include additions to,
8 or alteration of, or relocation of any standpipe, water supply, sewer, drainage, gas,
9 soil, waste, vent or similar piping, electric wiring, or mechanical equipment
10 including furnaces and hot water heaters or other work affecting public health or
11 safety.

12 ~~(21)~~~~(20)~~ "Story" means that part of a building comprised between a floor and the floor
13 or roof next above which is not a basement or an attic.

14 ~~(22)~~~~(21)~~ "Person with a physical disability" means a person confined to a wheelchair; a
15 person who uses braces or crutches; a person who because of the loss of a foot or
16 leg or because of an arthritic, spastic, pulmonary, or cardiac condition, walks with
17 difficulty or insecurity; a person who suffers from a faulty coordination or palsy; a
18 person who is blind or whose sight is so impaired that, functioning in a public area,
19 he or she is insecure or exposed to danger; a person whose hearing is so impaired
20 that he or she is unable to hear warning signals; and a person whose mobility,
21 flexibility, coordination, and perceptiveness are significantly reduced by aging.

22 ~~(23)~~~~(22)~~ "Facility for persons with physical disabilities" means any convenience or
23 device which facilitates the health, safety, or comfort of a person with a disability,
24 including, but not limited to, ramps, handrails, elevators, and doors.

25 ~~(24)~~~~(23)~~ "Manufactured home" is defined as in KRS 227.550.

26 ➔Section 3. KRS 198B.030 is amended to read as follows:

27 (1) There is hereby created the Kentucky Department of Housing, Buildings and

1 Construction within the Public Protection Cabinet. The Governor shall appoint a
2 commissioner to head the department. The commissioner shall receive for his or her
3 services such compensation as the Governor shall determine.

4 (2) The commissioner may employ sufficient staff to carry out the functions of the
5 commissioner's office. Neither the commissioner nor any member of his or her staff
6 shall be employed, either directly or indirectly, in any aspect of the building industry
7 as regulated by this chapter while employed by the Department of Housing,
8 Buildings and Construction.

9 (3) The department shall ~~serve as staff for the board of housing, buildings and~~
10 ~~construction as established by this chapter, and shall~~ perform all budgeting,
11 procurement, and other administrative activities necessary for the statewide
12 regulation and enforcement of building, construction, and inspection standards
13 and codes ~~to the functioning of this body. The board shall prescribe the duties of~~
14 ~~the commissioner in addition to those duties otherwise delegated to him or her by~~
15 ~~the Governor or secretary, or prescribed for the commissioner by law~~. The
16 department or commissioner shall submit any proposed administrative regulation to
17 the committee ~~board~~ and shall not promulgate the administrative regulation
18 without giving the committee ~~board~~ the opportunity to produce written comments,
19 as required by subsection (8) of this section. If the committee ~~board~~ chooses to
20 produce written comments, the ~~these~~ comments shall be attached to any public
21 submission of the administrative regulation, including any filing under KRS
22 Chapter 13A.

23 (4) The department may enter into contracts or agreements with the federal
24 government, its subdivisions and instrumentalities, other agencies of state
25 government or with its subdivisions and instrumentalities, or with private profit or
26 nonprofit organizations in order to effect the purposes of this chapter.

27 (5) ~~[Subject to the direction of the board of housing, buildings and construction,]~~The

1 commissioner shall cooperate with the agencies of the United States and with the
 2 governing bodies and housing authorities of counties, cities, and with not for profit
 3 organizations and area development districts in relation to matters set forth in this
 4 chapter, and in any reasonable manner that may be necessary for the state to qualify
 5 for, and to receive grants or aid from these~~[such]~~ agencies. ~~[To these ends and~~
 6 ~~subject to the direction of the board,]~~The commissioner shall have the power to
 7 comply with each condition and execute any agreement that~~[such agreements as]~~
 8 may be necessary, convenient, or desirable.

9 (6) Nothing in this chapter shall preclude any other agency, board, or officer of the state
 10 from being designated as the directing or allocating agency, board, or officer for the
 11 distribution of federal grants and aid, or the performance of other duties to the
 12 extent necessary to qualify for and to receive grants and aid for programs under the
 13 administration of the department.

14 (7) The commissioner is authorized to receive, for and on behalf of the state and~~[,]~~ the
 15 department~~[, and the board of housing, buildings and construction,]~~ from the United
 16 States and agencies thereof, and from any and all other sources, grants and aid and
 17 gifts made for the purpose of providing, or to assist in providing, any of the
 18 programs authorized by this chapter, including expenses of administration. All
 19 ~~[such]~~ funds received under this subsection shall be paid into the state treasury and
 20 credited to a trust and agency fund to be used by the department in carrying out the
 21 provisions of this chapter. No part of this fund shall revert to the general fund of the
 22 Commonwealth.

23 (8) (a) If the department has proposed a new or amended administrative regulation
 24 that directly and clearly relates to the work of a profession, class of workers,
 25 or industry that is under the authority of the~~[any board or advisory]~~
 26 committee~~[that is created by statute and is controlled, superseded,~~
 27 ~~administratively attached, or affiliated with the department],~~ the department

1 shall not promulgate the proposed administrative regulation without first
2 receiving comments from the ~~affected board or advisory~~ committee, subject
3 to the restrictions of paragraph (b) of this subsection.

4 (b) 1. ~~If a proposed administrative regulation affects a board or advisory~~
5 ~~committee that qualifies under paragraph (a) of this subsection, the~~
6 ~~department shall distribute the proposed administrative regulation to the~~
7 ~~board or advisory committee.~~

8 2]. The ~~affected board or advisory~~ committee shall be granted a maximum
9 of ***thirty (30)***~~sixty (60)~~ days to submit its comments on the proposed
10 regulatory change. ***This subparagraph does not apply to an***~~If the~~
11 administrative regulation ***that*** is a new emergency ***administrative***
12 ~~regulation~~, ~~the affected board or advisory committee shall be granted a~~
13 ~~maximum of thirty (30) days to submit its comments on the proposed~~
14 ~~regulatory change~~].

15 2~~3~~. The time limits in this paragraph shall begin from the day the
16 department submits the regulatory change and sets a date for a proposed
17 hearing for the comments of the ~~affected board or advisory~~ committee.
18 If the ~~board or advisory~~ committee is already scheduled to meet at a
19 time that will give it an adequate opportunity to review the
20 ***administrative*** regulation and respond, the hearing may be held at that
21 meeting.

22 3~~4~~. If ***the***~~a board or advisory~~ committee is not scheduled to meet or meets
23 only at the call of the department, the department shall arrange for the ~~board~~
24 ~~or advisory~~ committee to meet at a time that will allow the ~~board~~
25 ~~or advisory~~ committee an adequate opportunity to review and comment
26 on the regulation within the time limit. If the ~~affected board or~~
27 ~~advisory~~ committee fails to comment within the time limit, the

1 department may proceed with the administrative changes at its
2 discretion.

3 (c) To the extent that any other statute relating to the department's authority to
4 promulgate administrative regulations conflicts with this section, this section
5 shall take precedence.

6 (d) *The department may issue advisory opinions and declaratory rulings related*
7 *to KRS Chapters 198B, 227, 227A, 236, and 318 and the administrative*
8 *regulations promulgated under those chapters*~~[If a board or advisory~~
9 ~~committee chooses to produce written comments, those comments shall be~~
10 ~~attached to any public submission of the administrative regulation, including~~
11 ~~any filing under KRS Chapter 13A].~~

12 ~~(e) The rights and privileges enumerated in this subsection that apply to boards and~~
13 ~~advisory committees shall also be granted to the Kentucky Board of Housing,~~
14 ~~Buildings and Construction.~~

15 ~~(9) Any power or limitation relating to administrative regulations promulgated by the~~
16 ~~department that are subject to subsection (8) of this section shall also apply to~~
17 ~~administrative regulations promulgated by the commissioner of the department.]~~

18 ➔Section 4. KRS 198B.040 is amended to read as follows:

19 The *department*~~[Kentucky Board of Housing, Buildings and Construction]~~ shall have the
20 following general powers and duties:

21 (1) To conduct or cause to be conducted studies to determine the needs of the building
22 industry of Kentucky;

23 (2) To conduct or cause to be conducted or participate in studies of the costs of the
24 various factors of building construction and use of buildings and to recommend
25 programs and procedures which will minimize the cost of buildings, including the
26 use of energy, while maintaining safety, durability, and comfort;

27 (3) To administer regulatory legislation relating to buildings and construction;

- 1 (4) To assume administrative coordination of the various state construction review
2 programs and to cooperate with various federal, state, and local agencies in the
3 programs as they relate to buildings and construction;
- 4 (5) To assume administration and coordination of various state housing programs to
5 include:
- 6 (a) Devising and implementing procedures, in conjunction with the Department
7 for Local Government, for attaining and maintaining an accurate count of the
8 housing inventory in Kentucky, including information on the age, physical
9 condition, size, facilities, and amenities of this housing, and housing
10 constructed and demolished each year;
- 11 (b) Designing programs coordinating the elements of housing finance, production,
12 maintenance, and rehabilitation for the purpose of assuring the availability of
13 safe, adequate housing in a healthful environment for all Kentucky citizens;
- 14 (c) Establishing or causing to be established public information and educational
15 programs relating to housing, to include informing Kentucky citizens about
16 housing and housing related programs that are available on all levels of
17 government;
- 18 (d) Designing and administering, or participating in the design and administration
19 of educational programs to prepare low income families for home ownership,
20 and counseling them during their early years as homeowners;
- 21 (e) Promoting educational programs to assist sponsors in the development and
22 management of low and moderate income housing for sale or rental;
- 23 (f) Cooperating with various federal, state, and local agencies in their programs
24 as they relate to housing; and
- 25 (g) Conducting or causing to be conducted studies to determine the housing
26 preferences of Kentucky citizens and the present and future housing
27 requirements of the state;

- 1 (6) To recommend state building industry policies and goals to the Kentucky General
2 Assembly;
- 3 (7) To adopt and promulgate a mandatory uniform state building code, and parts
4 thereof, which shall establish standards for the construction of all buildings, as
5 defined in KRS 198B.010, in the state;
- 6 (8) To promulgate administrative regulations providing for the proper construction of
7 public water purification plants, other than the water treatment equipment and
8 systems in ~~those~~^[such] plants. Any administrative regulation promulgated under
9 this subsection shall~~;~~ ~~provided, however, that any such regulations must~~ require
10 that applications for permits to build public water purification plants ~~will~~ be
11 submitted by the department to the Energy and Environment Cabinet for that
12 cabinet's comments. Any submitted administrative^[such] regulations shall require
13 the Energy and Environment Cabinet's comments to be completed and
14 returned^[submitted] to the department within sixty (60) days;
- 15 (9) To promulgate administrative regulations providing for the proper construction of
16 sewage treatment plants, other than the sewage treatment equipment and systems in
17 such plants. Any administrative regulation promulgated under this subsection
18 shall~~;~~ ~~provided, however, that any such regulations must~~ require that applications
19 for permits to build public sewage treatment plants ~~will~~ be submitted by the
20 department to the Energy and Environment Cabinet for that cabinet's comments.
21 Any submitted administrative^[such] regulations shall require the Energy and
22 Environment Cabinet's comments to be completed and returned^[submitted] to the
23 department within sixty (60) days; and
- 24 (10) To promulgate administrative regulations for the safe installation and operation of
25 plumbing and plumbing fixtures.†
- 26 ~~(11) (a) As used in this subsection, "main board" means the Kentucky Board of~~
27 ~~Housing, Buildings and Construction.~~

- 1 ~~(b) If the main board has proposed a new or amended administrative regulation that~~
2 ~~directly and clearly relates to the work of a profession, class of workers, or industry~~
3 ~~that is under the authority of any board or advisory committee that is created by~~
4 ~~statute and is controlled, superseded, administratively attached, or affiliated with the~~
5 ~~main board, the main board shall not promulgate the proposed administrative~~
6 ~~regulation without first receiving comments from the affected board or advisory~~
7 ~~committee, subject to the restrictions of paragraph (c) of this subsection.~~
- 8 ~~(c) 1. If a proposed administrative regulation affects a board or advisory committee~~
9 ~~that qualifies under paragraph (b) of this subsection, the main board shall distribute~~
10 ~~the proposed administrative regulation to the board or advisory committee.~~
- 11 ~~2. The affected board or advisory committee shall be granted a maximum of sixty (60)~~
12 ~~days to submit its comments on the proposed regulatory change. If the~~
13 ~~administrative regulation is a new emergency regulation, the affected board or~~
14 ~~advisory committee shall be granted a maximum of thirty (30) days to submit its~~
15 ~~comments on the proposed regulatory change.~~
- 16 ~~3. The time limits in this paragraph shall begin from the day the main board submits~~
17 ~~the regulatory change and sets a date for a proposed hearing for the comments of the~~
18 ~~affected board or advisory committee. If the board or advisory committee is already~~
19 ~~scheduled to meet at a time that will give it an adequate opportunity to review the~~
20 ~~regulation and respond, the hearing may be held at that meeting.~~
- 21 ~~4. If a board or advisory committee is not scheduled to meet or meets only at the call~~
22 ~~of the main board, the main board shall arrange for the board or advisory committee~~
23 ~~to meet at a time that will allow the board or advisory committee an adequate~~
24 ~~opportunity to review and comment on the regulation within the time limit. If the~~
25 ~~affected board or advisory committee fails to comment within the time limit, the~~
26 ~~main board may proceed with the administrative changes at its discretion.~~
- 27 ~~(d) To the extent that any other statute relating to the main board's authority to~~

1 ~~promulgate administrative regulations conflicts with this section, this section shall~~
2 ~~take precedence.~~

3 ~~(e) If a board or advisory committee chooses to produce written comments, those~~
4 ~~comments shall be attached to any public submission of the administrative~~
5 ~~regulation, including any filing under KRS Chapter 13A.~~

6 ~~(12) Any power or limitation relating to administrative regulations promulgated by the~~
7 ~~Kentucky Board of Housing, Buildings and Construction that are subject to~~
8 ~~subsection (11) of this section shall also apply to the department and commissioner~~
9 ~~as described in KRS 198B.030(8) and (9).]~~

10 ➔Section 5. KRS 198B.050 is amended to read as follows:

11 (1) ~~[Within one (1) year from its initial meeting, after adequate notice in accordance~~
12 ~~with KRS Chapter 13A,]The department~~[board]~~ shall adopt and promulgate a~~
13 ~~mandatory Uniform State Building Code that establishes~~[which shall establish]~~~~
14 ~~standards for the construction of all buildings, as defined in KRS 198B.010, in the~~
15 ~~state. The code shall provide that the review and approval, as necessary, of building~~
16 ~~plans for conformance with the Uniform State Building Code prior to construction~~
17 ~~approval shall be conducted only by the department or a local government or~~
18 ~~governments delegated such responsibilities by this chapter, and any exceptions to~~
19 ~~this policy shall be explicitly stated in the code.~~

20 (2) The code shall be comprehensive and shall include but not be limited to provisions
21 for general construction; structural quality; mechanical systems to include heating,
22 cooling, and ventilation; electrical systems; and life safety from hazards of fire,
23 explosion, and other disasters, whether caused by acts of nature or man. The code
24 shall encompass the Kentucky State Plumbing Code promulgated pursuant to KRS
25 318.130, boiler rules and regulations issued pursuant to KRS 236.030, and the
26 national electrical code.

27 (3) This code shall be designed after and may be selected from the models offered by

- 1 such model code agencies as the *International Code Council, Inc., the National*
 2 *Fire Protection Association*~~[Building Officials and Code Administrators,~~
 3 ~~International, Inc.; the International Conference of Building Officials; the Southern~~
 4 ~~Building Code Congress]~~; and other nationally recognized organizations which may
 5 include governmental agencies. The code shall:
- 6 (a) Provide uniform standards and requirements for construction and construction
 7 materials;
- 8 (b) To the extent practicable, set forth standards, specifications, and requirements
 9 in terms of performance objectives, so as to facilitate the use of new
 10 technologies, techniques, and materials. The code shall not discriminate in
 11 favor of particular suppliers' materials, techniques, or technologies; *and*
- 12 (c) Protect the public health, safety, and welfare within the state.
- 13 (4) ~~The~~~~[Adoption of a]~~ code shall include provisions for the continuing review *and*
 14 *possible adoption* ~~of~~, ~~and the board shall adopt when deemed justified to fulfill the~~
 15 ~~purposes of this chapter,~~ new materials, technologies, and techniques in the
 16 building industry *when deemed justified by the department to fulfill the purposes*
 17 *of this chapter.* The *department*~~[board]~~ may adopt a model code promulgated by a
 18 model code agency only if that agency provides a method for democratic
 19 participation by the *department*~~[board]~~ and any local governments which may
 20 enforce the code, in a continuing review and possible adoption of new materials,
 21 technologies, and techniques in the building industry.
- 22 (5) The *department*~~[board]~~ shall *promulgate administrative*~~[issue]~~ regulations, after
 23 notice in accordance with KRS Chapter 13A, which are necessary to implement the
 24 Uniform State Building Code or to carry out any other responsibility assigned to *the*
 25 *department*~~[said board]~~ by this chapter.
- 26 (6) The *department*~~[board]~~ shall monitor the effectiveness of agencies designated by
 27 local governments to enforce the provisions of the Uniform State Building Code.

- 1 (7) If the department~~[board]~~ determines that an agency is not enforcing the provisions
2 of the Uniform State Building Code, it shall~~[direct the department to]~~ determine
3 where deficiencies exist. The department shall require the local government to
4 correct the deficiencies within sixty (60) days and report to the department its
5 method of correcting the deficiencies.
- 6 (8) If the local government fails to correct the deficiencies, the department may~~[shall
7 recommend to the board that the department be permitted to]~~ preempt the local
8 program as provided for in KRS 198B.060(4).
- 9 (9) The department~~[board]~~ shall provide for the supply, including amendments and
10 revisions thereto, of sufficient copies of the Uniform State Building Code for all
11 interested parties.

12 ➔Section 6. KRS 198B.060 is amended to read as follows:

- 13 (1) Each local government shall employ a building official or inspector and other code
14 enforcement personnel as necessary, or shall contract for inspection and code
15 enforcement services in accordance with subsections (8) and (11) of this section to
16 enforce the Uniform State Building Code within the boundaries of its jurisdiction,
17 except that permits, inspections, and certificates of occupancy shall not be
18 mandatory for single-family residences unless a local government passes an
19 ordinance requiring inspections of single-family residences.
- 20 (2) (a) Local governments shall be responsible for the examination and approval or
21 disapproval of plans and specifications for churches having a capacity of four
22 hundred (400) or less persons, and six thousand (6,000) or less square feet of
23 total floor area, and buildings of no more than three (3) stories in height,
24 exclusive of attic and basement, which do not contain more than twenty
25 thousand (20,000) square feet of floor area, and are not intended for
26 educational, institutional, or high hazard occupancy; or assembly, business, or
27 industrial occupancy in excess of one hundred (100) persons, except churches

1 as stated in this subsection, or for use as a frozen food locker plant as defined
2 in KRS 221.010.

3 **(b)** Local governments shall be responsible for the issuance and revocation of
4 building permits, licenses, certificates, and similar documents which cover
5 activities within their area of responsibility, and the inspection of all buildings
6 pursuant to ~~the provisions of~~ this chapter and the Uniform State Building
7 Code. Each local government issuing a building or demolition permit or an
8 initial certificate of occupancy on a new structure shall send a copy of the
9 permit or certificate to the commissioner for his or her use in maintaining an
10 accurate housing inventory for Kentucky.

11 (3) Urban-county governments may determine service districts within their boundaries
12 within which farm dwellings and other farm buildings, not used in the business of
13 retail trade or as a place of regular employment for ten (10) or more people, shall be
14 exempt from the requirements of the Uniform State Building Code. The
15 determination may be reviewed and altered by the department~~board~~.

16 (4) **(a)** With the exception of single-family dwellings, the department shall be
17 responsible for the examination and approval or disapproval of plans and
18 specifications for all buildings which are not the responsibility of local
19 governments. The department may issue and revoke permits, licenses,
20 certificates, and similar documents within its area of responsibility, and shall
21 have concurrent jurisdiction with local governments for the inspection of all
22 buildings pursuant to ~~the provisions of~~ this chapter and the Uniform State
23 Building Code.

24 **(b)** If the commissioner determines that the local jurisdiction is not adequately
25 performing any portion of its program, ~~he or she may recommend to the~~
26 ~~board that~~ the department may preempt that portion of a local program,
27 except that the department~~commissioner~~ shall not preempt or assert

1 jurisdiction for the enforcement of the code on single-family dwellings. The
2 commissioner shall explain his or her reasons for preemption in writing and
3 provide a copy to the ~~board and the~~ local jurisdiction.

4 **(c)** The local jurisdiction may appeal the ~~recommended~~ preemption directly to
5 the **commissioner**~~board~~, and the **department**~~board~~ shall review the appeal
6 according to the procedures found in subsections (8) to (10) of KRS
7 198B.070. No preemption by the **commissioner**~~department~~ shall take place
8 until ~~a~~ the final decision **has been issued in an appeal under this**
9 **subsection**~~of the board~~.

10 **(d)** If the department preempts any portion of a local program, it shall collect the
11 fees applicable to that portion of the program.

12 (5) **(a)** Any local government may petition the commissioner requesting that
13 additional plan review functions be allocated to that local government. The
14 petition shall include evidence of the local government's capability to perform
15 additional plan review functions.

16 **(b)** The commissioner, after review of the petition and supporting evidence, may
17 grant or deny to the local government any part of a request for additional
18 responsibility. If the commissioner denies any part of a petition, he or she
19 shall explain his or her reasons for denial in writing, and provide a copy to
20 the ~~board and the~~ local government.

21 **(c)** A local government may appeal the denial directly to the
22 **commissioner**~~board~~, and the **department**~~board~~ shall review the appeal
23 according to the procedures found in subsections (8) to (10) of KRS
24 198B.070.

25 **(d)** If the local government is granted additional responsibility by the
26 commissioner~~or the board~~, the department shall hold concurrent jurisdiction
27 over the additional responsibility, but the local government shall collect any

1 fees for functions it performs pursuant to the additional responsibility.

2 (6) Any local government may also petition the commissioner requesting that plans and
3 specifications inspection, building inspection, and approval responsibility relating to
4 the application of local plumbing permits for local installations be allocated to the
5 local government. The petition shall not be granted unless the local government has
6 demonstrated to the commissioner that it can perform these functions in accordance
7 with ~~the provisions of~~ KRS 198B.050 to 198B.090.

8 (7) The commissioner shall expedite the review of plans and specifications by assigning
9 responsibilities and coordinating review activities among the department's various
10 functional divisions so as to prevent unnecessary duplication in the review of plans
11 and specifications.

12 (8) No building shall be constructed in this state until a local building official and an
13 official representing the department, if the department has jurisdiction, issue a
14 permit for the construction. Nothing in this subsection shall require a single-family
15 dwelling to be permitted or inspected unless a local government has established a
16 building inspection program as set out in this section.

17 (9) The local building official or the representative of the department shall issue a
18 permit if the proposed building satisfies the requirements of the Uniform State
19 Building Code and if the party desiring to construct the building has complied with
20 all other legal requirements concerning the location and construction of the
21 building. The applicant for a building permit, by the act of applying for the permit,
22 shall be deemed to have consented to inspection by the local government or the
23 department, of the building during construction and upon the completion of
24 construction for the purpose of determining that the building is constructed in
25 compliance with the Uniform State Building Code.

26 (10) (a) No permit for building, construction, reconstruction, renovation, demolition,
27 or maintenance or for any activity related to building, construction,

1 reconstruction, renovation, demolition, or maintenance shall be issued by any
2 building department or by any political subdivision of the Commonwealth of
3 Kentucky to any person seeking the permit unless the person shall assure, by
4 affidavit, that all contractors and subcontractors employed, or that will be
5 employed, on activity covered by the permit shall be in compliance with
6 Kentucky requirements for workers' compensation insurance according to
7 KRS Chapter 342 and unemployment insurance according to KRS Chapter
8 341.

9 (b) Any person who fails to comply with the assurances required under paragraph
10 (a) of this subsection upon such finding by a court of competent jurisdiction,
11 shall be fined an amount not to exceed four thousand dollars (\$4,000) or an
12 amount equal to the sum of all uninsured and unsatisfied claims brought under
13 the provisions of KRS Chapter 342 and unemployment insurance claims for
14 which no wages were reported as required by KRS Chapter 341, whichever is
15 greater.

16 (c) The penalty imposed in paragraph (b) of this subsection shall be enforced by
17 the county attorney for the county in which the violation occurred.

18 (11) A certified electrical inspector shall be employed by, or contracted for, or contracted
19 with a local government having responsibility over buildings described~~[as set out]~~
20 in this section as part of its building inspection program. After a certified electrical
21 inspector has been provided for by the local government or the department, no
22 utility shall initiate permanent electrical service to any new building, or any building
23 which has been moved, until a final certificate of approval has been issued by a
24 certified electrical inspector. Unless the department shall notify the utility in writing
25 as to which buildings are subject to department approval, it shall be presumed by
26 the utility that the building is subject to the jurisdiction of the local government.
27 However, nothing in this section shall prohibit the supply or use of necessary

1 electrical services during the construction and testing process.

2 (12) This section shall apply to industrialized building systems, but destructive
3 disassembly of industrialized building systems which carry a seal of approval
4 pursuant to a manufactured building law in the state in which they were
5 manufactured, which seal of approval is accepted by the department~~Board of~~
6 ~~Housing, Buildings and Construction~~, shall not be performed in order to conduct
7 the tests or inspections.

8 (13) No building on which construction was begun nor any industrialized building
9 system on which site preparation and assembly were begun after the Uniform State
10 Building Code became effective shall be occupied until the local building official or
11 a representative of the department issues a certificate of occupancy certifying that
12 the building was constructed in conformance with the standards of the Uniform
13 State Building Code, or assembled or installed in conformance with applicable
14 instructions. Nothing in this subsection shall be construed to require a certificate of
15 occupancy to be issued for any single-family dwelling unless a local government
16 has established jurisdiction for the enforcement of the Uniform State Building Code
17 under this section.

18 (14) A local government may associate with other local governments, and may seek the
19 technical assistance of other agencies or area development districts in order to
20 provide for the local enforcement of the Uniform State Building Code.

21 (15) Local governments or associations of local governments may contract with a
22 person, firm, or company to perform the plans and specifications inspection or
23 building inspection functions required of the local government by the provisions of
24 this section if:

25 (a) The person performing the plans and specifications inspection is certified by
26 the department as having successfully completed the test requirements
27 provided by KRS 198B.090 to practice as a certified plans and specifications

- 1 inspector;
- 2 (b) The person performing the building inspection is certified by the department
3 as having successfully completed the test requirements provided in KRS
4 198B.090 to practice as a certified building inspector;
- 5 (c) The person, firm, or company does not have a conflict of interest between its
6 plan review or inspection functions and any other employment or business
7 activities;
- 8 (d) The person performing the plumbing inspection is certified by the department
9 as having successfully completed the requirements provided in KRS 318.140
10 to practice as a certified plumbing inspector; and
- 11 (e) The person, firm, or company does not have a conflict of interest between its
12 plan review or inspection functions and any other employment or business
13 activities.
- 14 (16) If the department has reason to believe that an inspector is not enforcing, or is
15 improperly enforcing, the provisions of the Kentucky building codes, it shall
16 conduct an informal hearing to review the inspector's procedures and return in
17 written form the required corrections resulting from the hearing to the inspector, or
18 may take action to suspend or revoke the inspector's certificate.
- 19 (17) If *the inspector fails to comply within sixty (60) days of a written notification*
20 *from the department that specifies the required corrections,*~~[after written~~
21 ~~notification from the department to the inspector of any corrections required, the~~
22 ~~inspector fails to comply within sixty (60) days,]~~ the department shall suspend the
23 inspector's certification until the inspector complies. Any action to suspend or
24 revoke an inspector's certificate may be appealed to the *department*~~[board]~~, and
25 upon appeal an administrative hearing shall be conducted in accordance with KRS
26 Chapter 13B.
- 27 (18) Each local government and the department may establish a schedule of fees for the

1 functions performed under~~[the provisions of]~~ this chapter. The fees shall be
2 designed to fully cover, **but shall not exceed,** the cost of the service performed~~[but~~
3 ~~shall not exceed the cost of the service performed]~~. Fees payable to the department
4 shall be paid into the State Treasury and credited to a trust and agency fund to be
5 used by the department in carrying out~~[the provisions of]~~ this chapter. No part of
6 this fund shall revert to the general fund of the Commonwealth.

7 ➔Section 7. KRS 198B.070 is amended to read as follows:

- 8 (1) The mayor or county judge/executive of a local government which is enforcing the
9 Uniform State Building Code may, upon the approval of the local legislative body,
10 appoint a local appeals board, consisting of five (5) technically qualified persons
11 with professional experience related to the building industry, to hear appeals from
12 the decisions of the local building official. At least three (3) members of the appeals
13 board **shall**~~[must]~~ not be employed by the local government hearing the appeal.
- 14 (2) Local governments **that**~~[which]~~ are enforcing the Uniform State Building Code may
15 cooperate with each other to provide a local appeals board and shall adhere to the
16 provisions of KRS Chapter 65 when entering **these**~~[such]~~ cooperative agreements.
17 ~~A~~~~[No]~~ local building official or employee of a local inspection department **shall**
18 **not**~~[may]~~ sit on a local appeals board if the board is hearing an appeal to a decision
19 rendered by his or her department. ~~A~~~~[No]~~ member of a local appeals board shall **not**
20 hear an appeal in a case in which he or she has a private interest.
- 21 (3) Any party to a decision by the local building official may appeal that decision to the
22 local appeals board. Upon receipt of an appeal from a qualified party, the local
23 appeals board shall convene a hearing to consider the appeal within fifteen (15)
24 days of receipt. All parties to the appeal shall be notified of the time and place of
25 the hearing by letter mailed by certified mail no later than ten (10) days prior to the
26 date of the hearing. The local appeals board shall render a decision within five (5)
27 working days after the hearing.

- 1 (4) A local appeals board may uphold, amend, or reverse the decision of a local
2 building official, and there shall be no appeal from the decision of a local appeals
3 board other than by appeal to the department~~[Board of Housing, Buildings and~~
4 ~~Construction]~~. Appeals to the department~~[Board of Housing, Buildings and~~
5 ~~Construction]~~ shall include citation of those provisions of the Uniform State
6 Building Code which are at issue, and an explanation of why the decision of the
7 local appeals board or the local building official relative to those provisions is being
8 contested.
- 9 (5) The department~~[Board of Housing, Buildings and Construction]~~ shall serve to hear
10 appeals from the decisions of local appeals boards, when these boards exist, or to
11 hear appeals directly from the decisions of local building officials in cases where no
12 local appeals board has jurisdiction. In no case shall the department~~[board]~~ hear an
13 appeal directly from a party aggrieved by the decision of a local building official
14 when there is a local appeals board with jurisdiction in the case.
- 15 (6) The department~~[board]~~ shall hear appeals directly from a party aggrieved by the
16 decision of an agent of the department. These appeals shall include citations of
17 those provisions of the Uniform State Building Code which are at issue, and an
18 explanation of why the decision of the agent of the department relative to those
19 provisions is being contested.
- 20 (7) Appeals to the department~~[Board of Housing, Buildings and Construction]~~ shall be
21 addressed to the commissioner, who shall immediately notify the
22 department~~[board]~~ when an appeal is received. The commissioner or a designated
23 employee of his or her department shall then investigate the evidence pertaining to
24 the appeal and, based upon the results of the investigation, make recommendations
25 to the department~~[board]~~ on the disposition of the case in question. No employee of
26 the department shall investigate or make recommendations on an appeal to his or
27 her own decision, but shall defer in such cases to employees who were not party to

1 the decision which led to the appeal. In conducting an investigation, the
 2 commissioner or his or her designated representatives, acting for the department,
 3 shall have the authority to administer oaths and affirmations, issue subpoenas
 4 authorized by law, rule upon offers of proof and receive relevant evidence, take or
 5 cause depositions to be taken, regulate the course of any informal or fact-finding
 6 hearings they may schedule, and hold conferences for the settlement or
 7 simplification of the issues by consent of the parties. The commissioner shall
 8 complete his or her investigations ~~and forward a written report to the board~~ within
 9 thirty (30) days after receiving an appeal.

10 (8) If the matter is not settled by agreement of the parties through the procedure
 11 established in subsection (7) of this section, the commissioner ~~board~~ shall
 12 schedule an administrative hearing that shall be conducted in accordance with KRS
 13 Chapter 13B.

14 (9) The commissioner ~~board~~ may appoint five (5) or more members of the
 15 department ~~of its members, excluding the chairman of the board,~~ to conduct the
 16 hearing, and those ~~so~~ appointed shall act in all matters concerning the appeal for
 17 the entire department ~~board~~.

18 (10) The department ~~board~~ may uphold, amend, or reverse the decision of a local
 19 appeals board, a local building official, or an agent of the department by final order.
 20 An appeal of the department's ~~and appeal from the board's~~ final order shall be to
 21 the Circuit Court within whose jurisdiction the property in question is located in
 22 accordance with KRS Chapter 13B.

23 ➔Section 8. KRS 198B.080 is amended to read as follows:

24 (1) Any interested party may suggest amendments to the Uniform State Building Code
 25 to the department ~~of Housing, Buildings and Construction~~. The department shall
 26 transmit all suggested amendments to the committee and receive comments from
 27 the committee ~~board with recommendations~~ on the advisability of the suggested

1 amendments.

2 (2) The department~~[board]~~ may amend the Uniform State Building Code at any time,
3 but only after notice in accordance with KRS Chapter 13A. Adopted~~[Such]~~
4 amendments shall be effective statewide.

5 (3) No amendment shall violate the performance orientation of the code, favor certain
6 materials or suppliers, or weaken the life safety features of the Uniform State
7 Building Code as specified in KRS 198B.050(3).

8 ➔Section 9. KRS 198B.090 is amended to read as follows:

9 (1) ~~{On or before July 1, 1983, }~~The department shall create and administer a
10 certification program with sufficient testing procedures to certify the following
11 professional classifications:

- 12 (a) Building inspector;
- 13 (b) Plans and specifications inspector; and
- 14 (c) Plumbing inspector.

15 (2) The testing procedures shall be sufficient to reflect the ability of the person applying
16 for certification to inspect in accordance with those local, state, and federal building
17 codes, fire codes, plumbing codes, or health and safety codes, that are applicable to
18 the inspection duties for which he or she requests certification.

19 (3) The department shall conduct or sponsor preentry and in-service education and
20 training programs on the technical, legal, and administrative aspects of building
21 code administration and enforcement. For this purpose it may cooperate and
22 contract with educational institutions, area development districts, local, regional,
23 state or national building officials' organizations, and any other appropriate
24 organization.

25 (4) ~~{On or before July 1, 1983, }~~The department shall create and administer an
26 educational program designed to prepare building officials, code enforcement
27 officers, and other persons interested in obtaining from the department a

1 certification as a building inspector, plans and specifications inspector, or plumbing
2 inspector. The program shall be~~[-so]~~ designed to ensure~~[as to insure]~~ uniform
3 statewide enforcement of the applicable state building and plumbing codes.
4 Training material coverage shall be adequate to prepare the participants with a
5 working knowledge of construction design, specification terms, and the state
6 building codes applicable to the particular field in which the applicant requests
7 certification.

8 (5) Plumbing inspectors who are in compliance with KRS 318.090 as state inspectors
9 and KRS 318.140 as city-county inspectors, shall be considered in
10 compliance~~[accordance]~~ with subsections (1)(c) and (2) of this section and shall not
11 be required to be retested by the department prior to consideration for certification
12 as a plumbing inspector. The department shall review the plumbing inspector's
13 qualifications and credentials for compliance with KRS 318.090 or 318.140 prior to
14 issuing a certification to the inspector's certificate applicant.

15 (6) Attendance at the training sessions shall not be mandatory prior to testing for
16 certification if the applicant's previous education or experience qualifies the
17 applicant to obtain a passing score on the required certification test.

18 (7) Training sessions shall be held as frequently as is felt necessary by the
19 commissioner to adequately provide for local and state building inspection needs.

20 (8) The department's plans and specifications review staff and the field inspection staff
21 shall attend the training and become certified in accordance with~~[the provisions of]~~
22 this section.

23 (9) All building inspectors, plans and specification inspectors, and plumbing inspectors
24 shall be certified or enrolled and actively pursuing department certification~~[by~~
25 ~~October 1, 1983, or]~~ within ninety (90) days after employment as an inspector~~;~~
26 ~~whichever comes later].~~

27 (10) The department~~[board]~~ shall establish a schedule of fees to cover the cost of the

1 education, testing, and certification programs to be paid by the applicants for
 2 certification. The fees shall not exceed the actual cost of the services performed by
 3 the department to administer the programs listed in this section.

4 (11) The department may reimburse building officials, code enforcement officers, and
 5 other employees of the state and its subdivisions for related expenses incurred by
 6 them for attendance at in-service training programs approved by the department.

7 ➔Section 10. KRS 198B.095 is amended to read as follows:

8 (1) The department~~[Board of Housing, Buildings and Construction]~~ may establish a
 9 building inspectors training program through the promulgation of administrative
 10 regulations in accordance with~~[the provisions of]~~ KRS Chapter 13A. The program
 11 shall provide training to encourage local governments to establish and improve
 12 building code enforcement programs and to encourage all building inspectors to
 13 upgrade their skills.

14 (2) If the department~~[board]~~ chooses to establish the program authorized in subsection
 15 (1) of this section, there shall be created in the department~~[of Housing, Buildings
 16 and Construction, under the Board of Housing, Buildings and Construction,]~~ a trust
 17 and agency fund to be known as the "Building Inspectors' Financial Incentive
 18 Training Program fund".

19 (3) If the department~~[board]~~ establishes the Building Inspectors' Financial Incentive
 20 Training Program fund:

21 (a) The fund shall be funded annually with a maximum of one hundred twenty-
 22 five thousand dollars (\$125,000) at a rate of one-half cent (\$.005) per
 23 calculated square foot from the department's plan review fees collected;

24 (b) Any funds annually resulting from plan review fees in excess of one hundred
 25 twenty-five thousand dollars (\$125,000) shall be used solely for the operating
 26 costs of the department's building inspection program;

27 (c) Moneys deposited annually into the Building Inspectors' Financial Incentive

1 Training Program fund shall be available for use by the ~~department~~~~board~~ to
 2 support the training program established pursuant to subsection (1) of this
 3 section; and

4 (d) No moneys shall be deposited into the Building Inspectors' Financial Incentive
 5 Training Program fund causing the balance to exceed one hundred twenty-five
 6 thousand dollars (\$125,000).

7 (4) **Notwithstanding KRS 45.229**, any unused fund balance at the close of the fiscal
 8 year shall not lapse but shall be carried forward to the next fiscal year. ~~and~~
 9 Moneys in the fund shall be available only for the purposes specified in subsection
 10 (1) of this section. ~~The established fund shall not be subject to the provisions of~~
 11 ~~KRS 45.229.~~

12 (5) Any interest earnings of the trust fund shall become part of the fund and shall not
 13 lapse.

14 ➔Section 11. KRS 198B.100 is amended to read as follows:

15 Unless explicitly stated, exemption of manufactured or mobile homes from the provisions
 16 of this chapter **shall not**~~is not intended to~~ exempt them from provisions of existing law
 17 regulating them for the purposes of health, safety, and welfare.

18 ➔Section 12. KRS 198B.120 is amended to read as follows:

19 The department or any local government agency enforcing the Uniform State Building
 20 Code may obtain injunctive relief from any court of competent jurisdiction to enjoin the
 21 offering for sale, delivery, use, occupancy or construction of any building on which
 22 construction was begun after the effective date of ~~the~~~~said~~ code, upon an affidavit of the
 23 department or the local government agency specifying the manner in which the
 24 construction, or if a building existing prior to the effective date of ~~the~~~~said~~ code, the
 25 reconstruction, alteration, repair or conversion does not conform to the requirements of
 26 this chapter or the Uniform State Building Code.

27 ➔Section 13. KRS 198B.250 is amended to read as follows:

- 1 (1) There is hereby created an Architectural Barriers Advisory Committee which shall
 2 be attached to the department~~[of Housing, Buildings and Construction]~~ for
 3 administrative purposes. The~~[committee]~~ members shall be appointed by the
 4 Governor to serve a term of two (2) years and shall be constituted as follows: three
 5 (3) persons having a physical disability, one (1) citizen at large, and the public
 6 advocate or his designee.
- 7 (2) The **Architectural Barriers Advisory** Committee shall meet at least quarterly or
 8 upon request of the **department**~~[board]~~ for the purposes of considering matters
 9 relating to accessibility and safety in facilities for persons with physical disabilities,
 10 **and**~~[. The committee]~~ shall make recommendations to and otherwise advise the
 11 department~~[and the board]~~ on these matters.
- 12 (3) ~~[The Committee]~~Members **of the Architectural Barriers Advisory Committee**
 13 **shall not receive**~~[will receive no]~~ compensation for their services, but **shall**~~[will]~~ be
 14 reimbursed for~~[their]~~ necessary travel expenses.
- 15 ➔Section 14. KRS 198B.260 is amended to read as follows:
- 16 (1) The **department**~~[Board of Housing, Buildings and Construction]~~ shall promulgate
 17 administrative regulations, pursuant to KRS Chapter 13A, applicable to all new and
 18 altered buildings which shall establish requirements for making all buildings
 19 accessible to and usable by persons with a disability. **These**~~[Such]~~ regulations shall
 20 require, as a minimum, that all buildings, with the exception of one (1) and two (2)
 21 family dwellings, multifamily projects consisting of twenty-four (24) living units or
 22 less, church buildings, and historical structures whose historic significance would
 23 be threatened or destroyed, be accessible to persons with a disability. If multifamily
 24 projects are not exempt **under this subsection**~~[hereunder]~~, only one (1) out of every
 25 twenty-five (25) units **shall**~~[must]~~ be accessible to persons with a disability. The
 26 administrative regulations shall be incorporated into the Kentucky Building Code.
- 27 (2) The administrative regulations promulgated by the **department**~~[board]~~ shall be

1 consistent with the Federal 1991 Americans with Disabilities Act and the American
2 Disabilities Act Guidelines.

3 (3) No building permit or other official authorization for construction of any building
4 shall be valid unless the plans and specifications are in compliance with the
5 accessibility requirements~~[as]~~ stated in the Kentucky Building Code.

6 ➔Section 15. KRS 198B.300 is amended to read as follows:

7 As used in KRS 198B.310 to 198B.330:

8 (1) "Safety glazing material" means any glazing material, such as tempered glass,
9 laminated glass, wire glass, or rigid plastic ~~that:~~~~[, which]~~

10 (a) Meets the test requirements of *the current* ANSI standard *or other generally*
11 *accepted industry standard as adopted by the department through the*
12 *promulgation of an administrative regulation;*~~[Z-97.1-1966]~~

13 (b) *Is so constructed, treated, or combined with other materials to minimize the*
14 *likelihood of cutting or piercing injuries resulting from human contact with*
15 *the glazing material; and*

16 (c) *Complies with any further requirements that may be adopted by the*
17 *department*~~[and such further requirements as may be adopted by the~~
18 ~~Department of Housing, Buildings and Construction and which is so~~
19 ~~constructed, treated, or combined with other materials as to minimize the~~
20 ~~likelihood of cutting and piercing injuries resulting from human contact with~~
21 ~~the glazing material]; and~~

22 (2) "Hazardous locations" means those installations, glazed or to be glazed, in
23 residential, commercial and public buildings known as sliding glass doors, framed
24 or unframed glass doors and adjacent fixed glazed panels which may be mistaken
25 for means of ingress or egress, storm doors, shower doors, and tub inclosures,
26 whether or not the glazing in such doors, panels or inclosures is transparent, and in
27 any other area wherein the use of other than safety glazing materials would

1 constitute a hazard.

2 ➔Section 16. KRS 198B.310 is amended to read as follows:

3 (1) Each light of safety glazing material manufactured, distributed, imported, or sold
 4 for use in hazardous locations or installed in a similar~~[such a]~~ location within the
 5 Commonwealth of Kentucky shall be permanently labeled by such means as
 6 etching, sandblasting or firing ceramic material on the safety glazing material. The
 7 label shall identify the labeler, whether manufacturer, fabricator, or installer, and the
 8 nominal thickness and the type of safety glazing material and the fact that the~~[said]~~
 9 material meets the test requirements of the current ANSI standard~~[Z 97.1-1966]~~ or
 10 other generally accepted industry standard as adopted by the department through
 11 the promulgation of an administrative regulation; and any~~[such]~~ further
 12 requirements that~~[as]~~ may be adopted by the department~~[of Housing, Buildings and~~
 13 ~~Construction]~~. The label shall~~[must]~~ be legible and visible after installation.

14 (2) ~~[Such]~~ Safety glazing labeling shall not be used on other than safety glazing
 15 materials.

16 ➔Section 17. KRS 198B.400 is amended to read as follows:

17 As used in KRS 198B.400 to 198B.540, unless the context otherwise requires:

18 (1) "Elevator" means all the machinery, construction, apparatus, and equipment used in
 19 raising and lowering a car, cage, or platform vertically between permanent rails or
 20 guides, and includes all elevators, power dumbwaiters, escalators, gravity elevators,
 21 and other lifting or lowering apparatus permanently installed between rails or
 22 guides, but does not include hand operated dumbwaiters, manlifts of the platform
 23 type with a platform area not exceeding nine hundred square inches, construction
 24 hoists, or other similar temporary lifting or lowering apparatus;

25 (2) "Passenger elevator" means an elevator that is designed to carry persons to its
 26 contract capacity;

27 (3) "Freight elevator" means an elevator used for carrying freight and on which only the

- 1 operator, by the permission of the employer, is allowed to ride;
- 2 (4) "General inspector" means a state inspector examined and hired to inspect elevators
3 for the department~~[of Housing, Buildings and Construction]~~;
- 4 (5) "Special inspector" means an inspector examined and certified by the department to
5 inspect elevators in the state;
- 6 (6) "Inspector" means either a general or special inspector;
- 7 (7) "Department" means the Department of Housing, Buildings and Construction;
- 8 (8) "Certificate of operation" means~~[is]~~ a certificate issued by the department
9 authorizing the operation of an elevator which shall be conspicuously posted on the
10 elevator at all times;
- 11 (9) "Escalator" means a moving stairway consisting of steps attached to a continuously
12 circulating belt that is used to move persons from one (1) level to another;
- 13 (10) "Moving sidewalk" means horizontal flat panels attached to a continuously
14 circulating belt used to move people;
- 15 (11) "Fixed guideway system" means any nonrail system, funicular, or automated people
16 mover, either air-suspended or wheeled, that is not regulated by the Federal Transit
17 Administration;
- 18 (12) "Mine elevator" means an elevator permanently installed in a mine shaft to provide
19 vertical transportation of mine personnel, their tools, equipment, and mine supplies;
- 20 (13) "Stage elevator" means a section of a stage arranged to be raised and lowered above
21 and below the stage in a vertical direction;
- 22 (14) "Orchestra elevator" means a platform used for raising and lowering musicians in an
23 orchestra in a vertical direction;
- 24 (15) "Organ console elevator" means a mechanism used for raising and lowering an
25 organ console, including the organist, in a vertical direction;
- 26 (16) "Material lift" means a hoisting and lowering mechanism equipped with a car that
27 moves within a guide system installed at an angle of greater than seventy (70)

1 degrees from the horizontal, serving two (2) or more landings, for the purpose of
2 transporting materials that are manually or automatically loaded or unloaded. A
3 person shall not ride on a material lift;

4 ~~(17) ["Committee" means the Elevator Advisory Committee;~~

5 ~~(18)]~~ "Elevator contractor" means any sole proprietor, partnership, or corporation
6 possessing an elevator contractor license issued by the department and who is
7 engaged in the business of erecting, constructing, installing, altering, servicing,
8 repairing, or maintaining elevators or fixed guideway systems;

9 ~~(18)~~~~(19)]~~ "Elevator mechanic" means any person who:

- 10 (a) Possesses an elevator mechanic license issued by the department;
11 (b) Is employed by an elevator contractor; and
12 (c) Is engaged in erecting, constructing, installing, altering, servicing, repairing,
13 or maintaining elevators or fixed guideway systems;

14 ~~(19)~~~~(20)]~~ "Elevator helper" or "elevator apprentice" means any person who works under
15 the general supervision of a licensed elevator mechanic. An elevator helper or
16 elevator apprentice is not subject to licensure;

17 ~~(20)~~(21) "Commissioner" means the commissioner of the Department of Housing,
18 Buildings and Construction;

19 ~~(21)~~~~(22)]~~ "Direct and immediate supervision" means that the licensed supervising
20 authority is on site. The supervisor is not required to have actual or direct sight of
21 the person being directly supervised;

22 ~~(22)~~~~(23)]~~ "General supervision" means that the supervising authority oversees the work
23 performed overall but is not required to be on-site at all times during work relating
24 to elevators or fixed guideway systems;

25 ~~(23)~~~~(24)]~~ "Accessibility and residential elevator mechanic" means any person who:

- 26 (a) Possesses an accessibility and residential elevator mechanic license issued by
27 the department;

- 1 (b) Is employed by an elevator contractor; and
- 2 (c) Is engaged in erecting, constructing, installing, altering, servicing, repairing,
- 3 or maintaining accessibility lifts and private residential elevators;

4 ~~(24)~~~~(25)~~ "Accessibility lift" means a hoisting and lowering mechanism, that moves

5 within a guide system, serving two (2) or more landings, for the purpose of

6 transporting a person; and

7 ~~(25)~~~~(26)~~ "Private residential elevator" means a passenger elevator installed within a

8 structure subject to the Kentucky Residential Code as established in 815 KAR

9 7:125, but shall not be shared by units if installed in a multifamily dwelling.

10 ➔Section 18. KRS 198B.4003 is amended to read as follows:

11 (1) Only a licensed elevator mechanic working under the general supervision of an

12 elevator contractor may:

- 13 (a) Erect, construct, alter, replace, maintain, remove, or dismantle any elevator or
- 14 fixed guideway system contained within buildings or structures; or
- 15 (b) Wire any elevator or fixed guideway system from the mainline feeder
- 16 terminals on the controller.

17 (2) A licensed elevator contractor shall not be~~is not~~ required for removing or

18 dismantling elevators or fixed guideway systems:

- 19 (a) That are destroyed as a result of a complete demolition of a secured building
- 20 or structure; or
- 21 (b) Where the hoistway or wellway is demolished back to the basic support
- 22 structure and does not allow access that could endanger the safety and welfare
- 23 of a person.

24 ➔Section 19. KRS 198B.4009 is amended to read as follows:

25 (1) A person shall not work as an elevator contractor or elevator mechanic unless

26 licensed by the department. A person may work as an elevator helper or apprentice

27 without a license while under the general supervision of a licensed elevator

1 mechanic.

2 (2) A person who is a regular and bona fide full-time employee of a public university
3 and who performs only routine maintenance on elevators for the public university
4 shall be licensed as an elevator mechanic. The public university shall not be
5 required to become licensed as an elevator contractor to employ a licensed elevator
6 mechanic performing elevator maintenance for the public university under this
7 subsection. An elevator mechanic who qualifies under this subsection shall only be
8 authorized to conduct routine maintenance on any elevators for the public
9 university, and shall be prohibited from performing any of the other activities
10 authorized by KRS 198B.4003(1).

11 (3) The department, with input and comments from the committee if required by KRS
12 198B.030(8), may promulgate administrative regulations necessary to implement
13 KRS 198B.400 to 198B.540.

14 ➔Section 20. KRS 198B.4023 is amended to read as follows:

15 (1) ~~Each~~ person licensed under ~~the provisions of~~ KRS 198B.400 to 198B.540 shall
16 annually, on or before the last day of the licensee's birth month, renew his or her
17 license.

18 (2) A sixty (60) day grace period shall be allowed after the anniversary date of the
19 license, during which time a licensee may continue to practice and may renew his or
20 her license upon meeting the requirements promulgated through administrative
21 regulations by the department.

22 (3) A license not renewed before the end of the sixty (60) day grace period shall
23 terminate based on the failure of the licensee to renew in a timely manner. Upon
24 termination of a license, the licensee shall be ineligible to practice in the
25 Commonwealth.

26 (4) After the sixty (60) day grace period, a former licensee with a terminated license
27 may have the license reinstated upon meeting the requirements promulgated through

1 administrative regulations by the department. An applicant for reinstatement after
2 termination of the license shall not be required to submit to any examination as a
3 condition for reinstatement, if the reinstatement application is made within three (3)
4 years from the date of termination.

5 (5) A suspended license shall be~~is~~ subject to expiration and termination and shall be
6 renewed as provided in this section. Renewal shall not entitle the licensee to engage
7 in the practice until the suspension has ended or is otherwise removed by the
8 department and the right to practice is restored by the department.

9 (6) A revoked license shall be~~is~~ subject to reinstatement, expiration, or termination
10 but shall~~may~~ not be renewed.

11 (7) An applicant for renewal or reinstatement of a license shall show evidence of
12 completing at least eight (8) hours of continuing education provided by the National
13 Elevator Industry Educational Program, National Association of Elevator
14 Contractors, or another provider approved by the department. The department shall
15 promulgate administrative regulations establishing the permissible content of
16 continuing education programs and the qualifications of the providers.

17 (8) When applicable, an applicant for renewal or reinstatement of an elevator contractor
18 license shall submit proof that the applicant has complied with workers'
19 compensation and unemployment insurance laws and administrative regulations and
20 has obtained general liability coverage of at least one million dollars (\$1,000,000)
21 for injury or death of any number of persons in any one (1) occurrence, with
22 coverage of at least five hundred thousand dollars (\$500,000) for property damage
23 in any one (1) occurrence.

24 (9) The department may, through the promulgation of administrative regulations:

25 (a) Establish an inactive license for licensees who are not actively engaging in the
26 elevator or fixed guideway system business, but who wish to maintain their
27 license;

- 1 (b) Determine continuing education requirements for reactivation;
- 2 (c) Waive the insurance requirements established in subsection (8) of this section
- 3 for inactive licensees; and
- 4 (d) Establish reactivation procedures.

5 ➔Section 21. KRS 198B.4025 is amended to read as follows:

- 6 (1) ***An applicant for*** the renewal of ~~*an*~~^{*all*} elevator contractor ***license or***~~*and*~~ elevator
- 7 mechanic ***license***~~*licenses*~~ shall ***submit***~~*be conditioned upon the submission of*~~ a
- 8 certificate of completion ***from***~~*of*~~ a continuing education course or courses that
- 9 instruct licensees on new and existing applicable administrative regulations of the
- 10 department.
- 11 (2) Licensed elevator contractors and licensed elevator mechanics shall complete at
- 12 least eight (8) hours of continuing education annually. Continuing education for a
- 13 renewal year shall be attended and completed during that renewal year.
- 14 (3) Continuing education courses shall be taught by instructors employed by continuing
- 15 education providers that may include but shall not be limited to association
- 16 seminars and labor training programs. Continuing education programs provided by
- 17 the National Elevator Industry Educational Program or the National Association of
- 18 Elevator Contractors shall be approved to meet the requirements for continuing
- 19 education. The department may approve other education programs that meet its
- 20 requirements established through administrative regulation under KRS
- 21 198B.4023(7).
- 22 (4) A licensee who is unable to complete the continuing education requirements for
- 23 renewal under this section prior to the expiration of his or her license due to
- 24 temporary disability may apply for a waiver from the department. The waiver shall
- 25 be on a form provided by the department, with a notarized signature of the licensee,
- 26 and accompanied by a certified statement from a physician attesting to the
- 27 temporary disability. Application for medical waiver ***shall***~~*must*~~ be received by the

1 department prior to the final day of the licensee's birth month. Upon termination of
 2 the temporary disability, the licensee shall submit a supplementary certified
 3 statement attesting to the termination of the temporary disability and proof of
 4 attendance of at least eight (8) hours of continuing education.

5 (5) Falsifying or knowingly allowing another to falsify continuing education attendance
 6 records or certificates of completion shall constitute grounds for revocation of
 7 program approval required under this section.

8 ➔Section 22. KRS 198B.4037 is amended to read as follows:

9 (1) The elevator safety program trust fund is created in the State Treasury as a separate
 10 revolving fund to be administered by the department~~[of Housing, Buildings and~~
 11 ~~Construction]~~. The trust fund shall consist of amounts deposited in the fund as
 12 provided in KRS 198B.530 and any other proceeds from grants, contributions,
 13 appropriations, or other money made available for the purposes of the trust fund.

14 (2) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the
 15 fiscal year shall not lapse but shall be carried forward to the next fiscal year to be
 16 used for the purposes set forth in this section.

17 (3) Any interest earnings of the trust fund shall become a part of the trust fund and shall
 18 not lapse.

19 (4) Trust fund moneys shall be used and are hereby appropriated for reasonable
 20 administrative expenses associated with the elevator safety~~[program and other~~
 21 ~~purposes as specified in KRS 198B.4005(7)]~~.

22 ➔Section 23. KRS 198B.410 is amended to read as follows:

23 (1) **A person shall not act**~~[No person may act]~~ either as a general inspector or as a
 24 special inspector of elevators or fixed guideway systems unless he or she holds a
 25 certificate of competency from the department.

26 (2) Application for examination as an inspector of elevators shall be in writing,
 27 accompanied by a fee of ten dollars (\$10), upon a **form**~~[blank to be]~~ furnished by

1 the department, stating the school education of the applicant, a list of his or her
 2 employers, his or her period of employment, and the position held with each. An
 3 applicant shall also submit a letter from one (1) or more of his or her previous
 4 employers attesting~~[certifying as]~~ to his or her character and experience.

5 (3) Applications that~~[shall be rejected which]~~ contain any willful falsification or
 6 untruthful statements shall be rejected. The applicant, if the department deems his
 7 or her history and experience sufficient, shall be tested by means of a written
 8 examination dealing with the construction, installation, operation, maintenance, and
 9 repair of elevators, fixed guideway systems, and their appurtenances,~~[, and]~~ The
 10 applicant shall be accepted or rejected on the merits of his or her application and
 11 examination.

12 (4) The department shall promulgate administrative regulations establishing the training
 13 and certification requirements for inspectors of fixed guideway systems.

14 (5) The department shall issue a certificate of competency in the inspection of elevators
 15 to any applicant found competent upon examination. A rejected applicant shall be
 16 entitled, after the expiration of ninety (90) days, and upon payment of an
 17 examination fee of ten dollars (\$10), to another examination. ~~If~~Should an
 18 applicant fails~~[fail]~~ to pass the prescribed examination on a second attempt~~[trial]~~,
 19 he or she shall~~[will]~~ not be permitted to apply~~[be an applicant]~~ for another
 20 examination for a period of one (1) year after the second failure.

21 ➔Section 24. KRS 198B.420 is amended to read as follows:

22 (1) The department shall administer all aspects of the State Elevator and Fixed
 23 Guideway System Inspection Program.

24 (2) The program shall be directed by a person with at least five (5) years' experience in
 25 the inspection or construction, installation, maintenance, and repair of elevators,
 26 fixed guideway systems, and their appurtenances.

27 (3) The commissioner~~[of housing, buildings and construction]~~ may appoint and hire,

1 from the holders of certificates of competency, general inspectors of elevators.

2 (4) Any person may request an investigation into an alleged violation of KRS 198B.400
3 to 198B.540 by giving notice to the department of the violation or danger. This
4 notice shall be:

5 (a) In writing;

6 (b) Set forth with particularity regarding the grounds for the notice; and

7 (c) Signed by the person making the request.

8 (5) If, upon receipt of the request for investigation, the department determines that there
9 is evidence that a violation or danger exists, the department shall conduct an
10 investigation in accordance with KRS 198B.400 to 198B.540 as soon as practicable.
11 If the department finds no grounds to substantiate that a violation or danger exists,
12 the department shall notify the requesting party in writing of the findings within
13 fourteen (14) calendar days of the determination.

14 ➔Section 25. KRS 198B.430 is amended to read as follows:

15 From the holders of certificates of competency in the inspection of elevators, any
16 company which is authorized to insure elevators in the state may designate persons to
17 inspect elevators covered by ~~that~~^{such} company's policies, and the municipal
18 government of any city may designate ~~such~~ persons to inspect elevators in ~~that~~^{such}
19 city.

20 ➔Section 26. KRS 198B.490 is amended to read as follows:

21 (1) The department shall make, alter, amend, ~~or~~^{and} repeal rules and administrative
22 regulations exclusively for the safety and inspection of passenger elevators and
23 fixed guideway systems. The department shall have the authority to prescribe, by
24 administrative regulation, a reasonable fee to be charged for each inspection. All
25 fees established and regulated by this section shall be paid to the department, made
26 payable to the Kentucky State Treasurer, except as may be provided in a specific
27 written agreement between the commissioner and any agency authorized to inspect

- 1 elevators or fixed guideway systems by ~~the provisions of~~ this chapter.
- 2 (2) The department shall consult with ~~the Elevator Advisory Committee,~~ engineering
3 authorities~~,~~ and organizations concerned with standard safety codes, rules, and
4 administrative regulations governing the operation, maintenance, servicing,
5 construction, alteration, installation, and inspection of elevators and fixed guideway
6 systems, and the qualifications that are necessary for an elevator mechanic,
7 contractor, and inspector.
- 8 (3) The department shall promulgate administrative regulations establishing the
9 approved equipment regulated by KRS 198B.400 to 198B.540. These
10 administrative regulations shall include the following, except as modified under
11 subsection (4) of this section:
- 12 (a) Safety Code for Elevators and Escalators, ASME A17.1/CSA B44;
13 (b) Safety Code for Existing Elevators and Escalators, ASME A17.3;
14 (c) Performance-Based Safety Code for Elevators and Escalators, ASME
15 17.7/CSA B44.7;
16 (d) Safety Standards for Platform Lifts and Stairway Chairlifts, ASME A18.1;
17 (e) Standard for the Qualification of Elevator Inspectors, ASME OEI-1; and
18 (f) Automated People Mover Standards, ASCE 21.
- 19 (4) The department and the committee shall review the latest editions of any standard
20 listed in subsection (3) of this section within twelve (12) months of that standard's
21 effective date. Upon completion of reviews, the committee shall give the
22 department its recommendations, **after which the department may adopt or modify**
23 **the** ~~for or against adoption or modification of a~~ standard.
- 24 (5) All administrative regulations issued by the department relating to KRS 198B.400
25 to 198B.540 shall be consistent with the standards of safety as established in 815
26 KAR 10:060 and the Uniform State Building Code established in KRS 198B.050.
- 27 ➔Section 27. KRS 198B.540 is amended to read as follows:

- 1 (1) If the department's inspector of elevators and fixed guideway systems or a general
2 inspector of elevators or fixed guideway systems finds that a passenger elevator,
3 fixed guideway system, or a part thereof does not afford reasonable safety, the
4 department or the general inspector ~~shall~~may post a notice upon the elevator or
5 fixed guideway system prohibiting further use of the elevator or fixed guideway
6 system until the changes or alterations set forth in the notice have been made to the
7 satisfaction of the department or the inspector. ~~The~~Said notice shall contain a
8 statement that operators or passengers are subject to injury by its continued use, a
9 description of the alteration or other change necessary to be made in order to secure
10 safety of operation, date of the notice, and name and signature of the department or
11 inspector issuing the notice.
- 12 (2) If any inspector of elevators or fixed guideway systems finds a passenger elevator or
13 fixed guideway system to be so unsafe as can be reasonably expected to offer
14 imminent danger of death or physical injury, that unit shall be sealed out of service,
15 a hazard notice posted thereon, and the department shall be notified immediately of
16 the exact~~as to the~~ location and condition of the unit.
- 17 (3) ~~A~~Any passenger elevator or fixed guideway system, once sealed, shall not be
18 operated except for the purpose of effecting repairs and in the manner prescribed by
19 the department, until all defects are corrected and the unit has been inspected and
20 certified as safe by the department.
- 21 (4) Sealing shall consist of rendering a passenger elevator unit or fixed guideway
22 system inoperable by disconnecting power ~~or~~and/or by placing a sealing device on
23 the operation switch and ordering additional measures to be effected by the owner,
24 such as erection of barricades, as may be required to prevent use of or public access
25 to the unit.
- 26 (5) No seal, notice, or barricade placed on or around an elevator or fixed guideway
27 system in accordance with~~the provisions of~~ this chapter shall be removed,

1 obstructed or in any way altered without the written consent of the department.

2 ➔Section 28. KRS 198B.550 is amended to read as follows:

3 As used in KRS 198B.555 to 198B.630, unless the context requires otherwise:

- 4 (1) "Department" means the Department of Housing, Buildings and Construction;[-]
- 5 (2) "Commissioner" means the commissioner of the department;[-]
- 6 (3) [-]"Fire protection sprinkler contractor" means[is] a person engaged in the
7 preparation of technical drawings, installation, repair, alteration, extension,
8 maintenance, or inspection of fire protection sprinkler systems and has in his or her
9 employment a certificate holder;[-]
- 10 (4) [-]"Fire protection sprinkler contractor's license" means[is] the license issued by
11 the commissioner to a fire protection sprinkler contractor upon application being
12 approved, fee paid and the satisfactory completion of the requirements of KRS
13 198B.580. The license shall be issued in the name of the fire protection sprinkler
14 contractor with the name or names of the certificate holder noted thereon;[-]
- 15 (5) [-]"Certificate holder" means[is] an individual who has satisfactorily met and the
16 requirements established in KRS 198B.570 and has received a certificate from the
17 commissioner; and~~under the provisions of KRS 198B.570.~~
- 18 (6) [-]"Fire protection sprinkler system" means[is] a system of piping for which
19 technical drawings have been prepared by or preparation supervised by a certificate
20 holder in accordance with fire protection engineering standards. The system is
21 supplied from a reliable, constant, and sufficient water, gas, or chemical supply,
22 such as a gravity tank, fire pump, reservoir, or pressure tank, or connection by
23 underground piping to a city, county, municipal water district, authorized water
24 main, or both. The sprinkler system is considered the fire protection sprinkler
25 system for purposes of KRS 198B.550 to 198B.630, and is a network of specially
26 sized or hydraulically designed piping and includes installations overhead and
27 underground in a building, structure, or area, and to which sprinklers are connected

1 in systematic pattern. The system includes a controlling valve and a device for
 2 actuating an alarm when a system is in operation. The system is usually activated by
 3 heat from a fire and causes the discharge of water, gas, or chemical over the fire
 4 area. Fire protection sprinkler systems shall include the following types: wet-pipe
 5 systems, dry-pipe systems, pre-action systems, deluge systems, combined dry-pipe
 6 and pre-action systems, antifreeze systems and circulating closed loop systems,
 7 systems utilizing gasses or chemicals, and any other fire suppression system
 8 approved by the state fire marshal or the chief building code official of the
 9 department.

10 ➔Section 29. KRS 198B.555 is amended to read as follows:

11 (1) The administration of KRS 198B.550 to 198B.630 is vested in the Department of
 12 Housing, Buildings and Construction.

13 (2) The commissioner shall:

14 (a) Promulgate reasonable administrative regulations necessary for the
 15 administration of KRS 198B.550 to 198B.630;

16 (b) Set or make reasonable changes in the fees charged for permits, testing, and
 17 other aspects of the administration of KRS 198B.550 to 198B.630;

18 (c) Enforce the provisions of KRS 198B.550 to 198B.630; and

19 (d) Conduct investigations of complaints and conduct administrative hearings as
 20 are required by KRS 198B.620 and 198B.625 and in accordance with~~the~~
 21 ~~provisions of~~ KRS Chapter 13B.

22 (3) The commissioner may:

23 (a) Secure the advice of the ~~Board of Housing, Buildings and Construction~~
 24 committee with regard to administrative regulations if required by KRS
 25 198B.030(8);

26 (b) Have the competency test prepared by a source other than the commissioner.

27 ➔Section 30. KRS 198B.565 is amended to read as follows:

- 1 (1) The design for any fire protection sprinkler system for buildings and structures shall
2 be prepared by a licensed professional engineer or, if the licensed, professional
3 engineer chooses not to prepare the design, a licensed fire protection sprinkler
4 contractor whose certificate holder is a certified engineering technician, NICET
5 Level III or Level IV, may prepare the design.
- 6 (2) When a fire protection sprinkler system is designed by a professional engineer in
7 accordance with subsection (1) of this section, the licensed fire protection sprinkler
8 contractor shall submit to the professional engineer, for his approval, technical
9 drawings and, when required, hydraulic calculations for the installation of the fire
10 protection sprinkler system. Such technical drawings, after approved by the
11 professional engineer, shall be submitted by the professional engineer to the
12 department~~[of Housing, Buildings and Construction]~~, the insurance authority
13 having jurisdiction, if any, and other authority when required by Kentucky law.
- 14 (3) When a fire protection sprinkler system is designed by a licensed fire protection
15 sprinkler contractor in accordance with subsection (1) of this section, the licensed
16 fire protection sprinkler contractor shall submit ~~the~~such design and detailed plans
17 to the department~~[of Housing, Buildings and Construction]~~, the insurance authority
18 having jurisdiction, if any, and other authority when required by Kentucky law.

19 ➔Section 31. KRS 198B.570 is amended to read as follows:

20 To become a certificate holder under KRS 198B.560, an applicant ~~shall~~must
21 satisfactorily pass a current examination prescribed and administered by the National
22 Institute for Certification in Engineering Technologies entitled Fire Protection
23 Engineering Technology Automatic Sprinkler System Design Level III, or the equivalent
24 thereof, approved by the commissioner.

25 ➔Section 32. KRS 198B.580 is amended to read as follows:

26 To become a licensed fire protection sprinkler contractor under KRS 198B.560, a person
27 ~~shall~~must comply with the following:

- 1 (1) ~~Must~~ Have in his or her employ a certificate holder;
- 2 (2) Comply with the minimum insurance requirements established by~~of~~ KRS
3 198B.595; and
- 4 (3) Make application to the commissioner for a license and pay the fees required.

5 ➔Section 33. KRS 198B.585 is amended to read as follows:

- 6 (1) Each certificate holder engaged in the activity described in~~under~~ KRS 198B.560
7 shall secure a seal with the design prescribed by regulation of the commissioner.
- 8 (2) All working drawings, specifications, and plans prepared by, or under the
9 supervision of the certificate holder, shall~~must~~ bear the imprint of this seal and
10 shall bear the imprint of the seal of the licensed fire protection contractor.
- 11 (3) No certificate holder shall assign or affix his or her seal to any drawings,
12 specifications or plans which have not been prepared under his or her immediate
13 supervision, and no licensed fire protection contractor shall affix his or her seal to
14 any~~such~~ drawings, specifications, or plans unless the drawings, specifications, or
15 plans~~same~~ were prepared by an employee certificate holder~~employee~~ as
16 required by~~provided for in~~ KRS 198B.560 and 198B.580.

17 ➔Section 34. KRS 198B.595 is amended to read as follows:

- 18 (1) The commissioner shall not issue a license under KRS 198B.560 and 198B.580,
19 unless the fire protection sprinkler contractor applicant files with the commissioner
20 proof of liability insurance coverage of not less than two hundred and fifty thousand
21 dollars (\$250,000) one person/maximum and five hundred thousand dollars
22 (\$500,000) one accident/maximum and workers' compensation insurance as
23 provided for in KRS Chapter 342.
- 24 (2) The workers' compensation insurance required by this section shall~~must~~ be in the
25 form of certificate of insurance executed by an insurer authorized to do business in
26 this state. The liability insurance required by this section shall be liability insurance
27 that covers the legal liability of the licensed person as the result of erroneous acts or

1 failure to act in his or her capacity as a fire protection sprinkler contractor or system
 2 designer and shall be in the form of certificate of insurance executed by an insurer
 3 authorized to do business in this state or exported by a licensed surplus lines broker
 4 to an eligible carrier pursuant to KRS 304.10-020 to 304.10-210. Insurance
 5 certificates filed with the commissioner under this section shall remain in force until
 6 the insurer has terminated future liability by a thirty (30) day notice to the
 7 commissioner.

8 (3) Failure to maintain the insurance required hereunder ***shall constitute***~~[constitutes]~~
 9 grounds for denial, suspension, or revocation of a license under KRS 198B.620 by
 10 the commissioner.

11 ➔Section 35. KRS 198B.600 is amended to read as follows:

12 ***A certificate holder shall not***~~[In no case shall a certificate holder be allowed to]~~ obtain a
 13 fire protection sprinkler contractor's license for more than one (1) fire protection sprinkler
 14 contractor at a time. If the certificate holder ***leaves***~~[should leave]~~ the employment of the
 15 fire protection sprinkler contractor, he or she ***shall***~~[must]~~ notify the commissioner within
 16 thirty (30) days. The certificate holder shall not be eligible to obtain a fire protection
 17 sprinkler contractor's license for more than one (1) other fire protection sprinkler
 18 contractor for a period of twelve (12) months thereafter. If the certificate holder
 19 ***leaves***~~[should leave]~~ the employment of the fire protection sprinkler contractor, or
 20 ***dies***~~[die]~~, the contractor shall have six (6) months or until the expiration of the current
 21 license, whichever shall last occur, to submit a new application on another certificate
 22 holder and be issued a new license. If ***the***~~[such]~~ application is not received and a new
 23 license issued within the allotted time, the commissioner shall revoke the license of the
 24 fire protection sprinkler contractor.

25 ➔Section 36. KRS 198B.605 is amended to read as follows:

26 (1) (a) All certificates issued under KRS 198B.570 shall expire on the last day of the
 27 certificate holder's birth month in the following year. The department may

1 reduce the license fee on a pro rata basis for initial certificates issued for less
2 than twelve (12) months. Renewed certificates shall expire on the last day of
3 the certificate holder's birth month of each year after the date of issuance of
4 the renewed certificate. Application for a renewal shall be upon a form~~[such~~
5 ~~form as is]~~ prescribed by the commissioner, and the certificate holder shall
6 furnish the information required by the~~[such]~~ form.

7 (b) Failure of any certificate holder to secure his or her renewal certificate within
8 sixty (60) days after the last day of the certificate holder's birth month shall
9 constitute sufficient cause for the commissioner to revoke his or her license.

10 (c) The commissioner may restore a certificate that has been revoked for failure to
11 pay the renewal fee, upon the receipt of payment of all delinquent fees.

12 (2) A certificate holder may voluntarily surrender his or her certificate to the
13 commissioner and thereby be relieved of the annual renewal fee. After surrendering
14 a~~[of]~~ certificate, he or she shall not be known as a certificate holder and shall desist
15 from the practice thereof. Within five (5) years from the time of surrender of the
16 certificate, he or she may again qualify for a certificate without examination by the
17 payment of the required fee. If five (5) years thereafter have lapsed, he or she shall
18 return to the status of a new applicant.

19 (3) (a) The initial license for a fire protection sprinkler contractor shall expire on the
20 last day of the licensee's birth month in the following year. The department
21 may reduce the license fee on a pro rata basis for initial licenses issued for less
22 than twelve (12) months. Renewed licenses shall expire on the last day of the
23 licensee's birth month of each year after the date of issuance of the renewed
24 license. Application for a renewal shall be upon a form~~[such form as is]~~
25 prescribed by the commissioner and the license holder shall furnish the
26 information required by the~~[such]~~ form.

27 (b) Failure of any certificate holder to secure a~~[his]~~ renewal certificate within

1 sixty (60) days after the last day of the certificate holder's birth month shall
2 constitute sufficient cause for the commissioner to revoke ~~the~~~~[his or her]~~
3 license.

4 (c) The commissioner may restore a license that has been revoked for failure to
5 pay the renewal fee, upon the receipt of payment of all delinquent fees.

6 ➔Section 37. KRS 198B.610 is amended to read as follows:

- 7 (1) If a licensed fire protection sprinkler contractor desires to do business in any part of
8 the state, he ~~or she~~ shall ***deliver to the local building official a copy of his or her***
9 ***fire protection sprinkler contractor's license and comply with KRS 198B.560 and***
10 ***198B.565***~~[be required by KRS 198B.560 and 198B.565 to deliver to the local~~
11 ~~building official a copy of his fire protection sprinkler contractor's license].~~ The
12 local building official shall require a copy of the license before issuing a license or
13 building license, and no local official shall impose any other competency
14 requirements on the licensed fire protection sprinkler contractor.
- 15 (2) Nothing in KRS 198B.560 and 198B.565 ~~shall limit~~~~[limits]~~ the power of a city,
16 urban-county ***government***, county, or state to regulate the quality and character of
17 work performed by contractors, through a system of permits, fees and inspections
18 which are designed to assure compliance with, and aid in the implementation of
19 state and local building laws or to enforce other local laws for the protection of the
20 public health and safety. Nothing in KRS 198B.560 and 198B.565 ***shall***
21 ***limit***~~[limits]~~ the power of a city, urban-county ***government***, county, or the state to
22 adopt any system of permits requiring submission to and approval by the city,
23 urban-county ***government***, county, or the state of plans and specifications for work
24 to be performed by contractors before commencement of the work. The official
25 authorized to issue building or other related permits shall ascertain that the fire
26 protection sprinkler contractor is duly licensed by requiring evidence of a valid fire
27 protection sprinkler contractor's license as a prerequisite to that contractor

1 beginning design, installation, repair, alteration, extension, maintenance, or
2 inspection of fire protection sprinkler systems.

3 (3) KRS 198B.560 and 198B.565 shall apply to any fire protection sprinkler contractor
4 performing work for any city, urban-county government, special district, county, or
5 the state. Officials of any city, urban-county government, special district, county, or
6 the state ~~shall~~~~are required to~~ determine compliance with KRS 198B.560 and
7 198B.565 before awarding any contracts for the installation, repair, alteration,
8 addition, or inspection of a fire protection sprinkler system. Bids for such work
9 shall be accompanied by a copy of a valid fire protection sprinkler contractor's
10 license.

11 ➔Section 38. KRS 198B.620 is amended to read as follows:

12 (1) Subject to a hearing conducted in accordance with KRS Chapter 13B, the
13 commissioner may refuse to renew or may suspend or revoke the license of a
14 licensed fire protection sprinkler contractor or the certificate of a certificate holder
15 to engage in the business of fire protection sprinkler systems or in lieu thereof
16 ~~assess~~~~establish~~ an administrative fine not to exceed two thousand dollars (\$2,000)
17 for any of the following reasons:

- 18 (a) Gross incompetency or gross negligence in the installation, repair, alteration,
19 maintenance, inspection, or addition to fire protection sprinkler systems, as
20 determined by the commissioner;
- 21 (b) Conviction of a felony;
- 22 (c) Fraudulent or dishonest practices while engaging in the business of fire
23 protection sprinkler systems;
- 24 (d) Use of false evidence or misrepresentation in an application for a license or
25 certificate;
- 26 (e) Signing or affixing his or her seal to any plans, prints, specifications or
27 reports, which have not been prepared by him or her personally or under his or

1 her immediate supervision, or in violation of KRS 198B.585;

2 (f) Knowingly violating any provisions of KRS 198B.550 to 198B.630 or the
3 regulations issued thereunder.

4 (2) The commissioner shall revoke, subject to a hearing in accordance with KRS
5 Chapter 13B, the license of a ~~licensed~~ fire protection sprinkler contractor or a
6 certificate holder who engages in the fire protection sprinkler system business
7 **during a suspension of the license** ~~[while his or her or its license is suspended].~~

8 (3) Any person who engages in the drawings, installation, repair, alteration, extension,
9 maintenance, or inspection of fire protection sprinkler systems or uses any title,
10 sign, card, or device indicating or intending to indicate that he or she is a certified
11 fire sprinkler contractor without having first obtained the requisite license or
12 certificate shall be guilty of a Class A misdemeanor. Each violation shall be
13 regarded as a separate offense.

14 (4) Any license or certificate holder who is aggrieved by a final order of the
15 commissioner suspending or revoking a license may appeal to the Franklin Circuit
16 Court or the Circuit Court of the county of the license or certificate holder's place of
17 business in accordance with KRS Chapter 13B.

18 ➔Section 39. KRS 198B.6401 is amended to read as follows:

19 (1) The department shall issue a fire sprinkler inspector certification to an applicant
20 who ~~[meets the following requirements]~~:

21 (a) Is at least eighteen (18) years of age;

22 (b) Submits a completed fire sprinkler inspector's written or electronic application
23 form as provided by the department;

24 (c) Provides a certificate of insurance that:

25 1. a. Is issued by an insurance company or other legal entity permitted
26 to transact insurance business in Kentucky;

27 b. Insures for general liability coverage of at least five hundred

1 thousand dollars (\$500,000); and

2 c. Includes liability insurance that shall cover the legal liability of the
3 certified fire sprinkler inspector as the result of erroneous acts or
4 failure to act in his or her capacity as a fire sprinkler inspector and
5 shall be in the form of a certificate of insurance executed by an
6 insurer permitted to do business in this state or exported by a
7 licensed surplus lines broker to an eligible carrier pursuant to KRS
8 304.10-020 to 304.10-210; or

9 2. Submits an affidavit completed by a sprinkler contractor that the
10 applicant is and will be an employee of a currently licensed sprinkler
11 contractor in good standing with the department;

12 (d) 1. Provides proof of passing scores on all portions of a standardized
13 examination approved by the commissioner; or

14 2. **Holds a current**~~[Is a current holder of]~~ certification from the National
15 Institute for Certification in Engineering Technologies (NICET) for
16 "Inspection and Testing of Water-Based Systems" Level 2 or higher; and

17 (e) Upon request by the department, **provides** supplemental documentation of
18 information as required under this subsection.

19 (2) All certification cards issued by the department shall remain the property of the
20 department.

21 ➔Section 40. KRS 198B.6405 is amended to read as follows:

22 (1) The initial annual certification for a fire sprinkler inspector shall be for not less than
23 seven (7) months nor more than eighteen (18) months.

24 (2) ~~A~~~~[Any certification for a]~~ fire sprinkler inspector **certification** issued in accordance
25 with this chapter shall expire on the last day of the inspector's birth month in the
26 year following certification.

27 (3) Renewal notices shall be sent to each certified inspector at least sixty (60) days prior

- 1 to the expiration of his or her certification. The notice shall:
- 2 (a) Inform the certified inspector of the need to renew the certification; and
- 3 (b) Describe the materials to be submitted with a request for renewal.
- 4 (4) An **applicant for renewal of**~~individual who applies to renew~~ a ~~certification as a~~
5 ~~certified~~ fire sprinkler inspector **certification** shall:
- 6 (a) Complete and submit the fire sprinkler inspector's written or electronic
7 renewal form as provided by the department;
- 8 (b) Show proof of general liability insurance in the amount required by this
9 chapter; and
- 10 (c) 1. Provide proof of completion of six (6) hours of continuing education
11 prior to certification renewal. The required continuing education shall be
12 **accrued**~~received~~ within the twelve (12) months prior to renewal; or
- 13 2. Submit proof that the inspector is a current and valid holder of NICET
14 certification in the testing of water-based systems.
- 15 (5) A thirty (30) day grace period shall be allowed after the renewal deadline of the
16 certification. ~~A during which time a~~ fire sprinkler inspector may continue to
17 practice **during this grace period** and may renew his or her certification upon
18 meeting the requirements promulgated through administrative regulation by the
19 department.
- 20 (6) Any certification not renewed on or before the last day of the thirty (30) day grace
21 period shall terminate based upon failure to timely renew **the** certification. Upon
22 termination **of a certification**, the individual shall **not**~~no longer be eligible to~~
23 inspect within the Commonwealth.
- 24 (7) After expiration of the thirty (30) day grace period, a formerly certified fire
25 sprinkler inspector with a terminated certification shall have the certification
26 reinstated upon meeting the requirements promulgated through administrative
27 regulation by the department. An applicant for reinstatement after termination of his

1 or her certification shall not be required to submit to any examination as condition
2 for reinstatement, if the reinstatement application is made within two (2) years from
3 the date of certification termination.

4 (8) After termination and two (2) years, the applicant shall retest and comply with the
5 application requirements set forth in KRS 198B.6401.

6 ➔Section 41. KRS 198B.6407 is amended to read as follows:

7 (1) The certification requirements established within this chapter may be waived for a
8 person moving into the Commonwealth from another jurisdiction, and a fire
9 sprinkler inspector's certification granted, if ~~the person meets the following~~
10 ~~requirements~~]:

11 (a) The other jurisdiction grants the same privileges to certified fire sprinkler
12 inspectors of Kentucky as Kentucky grants to certified or licensed fire
13 sprinkler inspectors of that other jurisdiction;

14 (b) The individual is certified or licensed in the other jurisdiction;

15 (c) The certification or licensing requirements of the other jurisdiction are
16 substantially similar to the requirements in this chapter; and

17 (d) The individual submits a notarized letter stating that he or she has read, is
18 familiar with, and will abide by this chapter and the administrative regulations
19 promulgated by the department.

20 (2) An individual seeking a fire sprinkler inspector's certification under this section
21 shall:

22 (a) Submit a completed fire sprinkler inspector's written or electronic application
23 form as provided by the department; and

24 (b) 1. Provide a certificate of insurance ~~that is~~ issued by an insurance
25 company or other legal entity permitted to transact business in Kentucky
26 with a general liability coverage of at least five hundred thousand dollars
27 (\$500,000). Liability insurance shall cover the legal liability of the

1 certified fire sprinkler inspector as the result of erroneous acts or failure
2 to act in his or her capacity as a fire sprinkler inspector and shall be in
3 the form of a certificate of insurance executed by an insurer permitted to
4 do business in this state or exported by a licensed surplus lines broker to
5 an eligible carrier pursuant to KRS 304.10-020 to 304.10-210; or

6 2. Submit an affidavit from a sprinkler contractor that he or she is covered
7 as an employee of a sprinkler contractor that is in good standing and
8 currently licensed by the department.

9 ➔Section 42. KRS 198B.6411 is amended to read as follows:

10 The standards to be utilized in the inspection of sprinkler systems shall be the standards
11 set forth in the National Fire Protection Association's Article 25: Standard for the
12 Inspection, Testing and Maintenance of Water-Based Fire Protection Systems and **shall**
13 **be**~~is~~ the edition prescribed by the commissioner or other national standard as approved
14 by the commissioner.

15 ➔Section 43. KRS 198B.6413 is amended to read as follows:

16 (1) The procedures set forth in KRS Chapter 13B shall govern the department's conduct
17 of disciplinary hearings.

18 (2) The commissioner may summarily suspend a certification for up to ninety (90) days
19 before a final adjudication or during an appeal of the commissioner's determination
20 if he or she believes that the certification would represent a clear and immediate
21 danger to the public's health, safety, or property if the inspector is allowed to
22 perform sprinkler system inspections.

23 (3) The commissioner shall issue a letter to cease and desist with notice of opportunity
24 to be heard in accordance with KRS Chapter 13B, to any individual if the
25 commissioner:

26 (a) Determines that an individual is not certified under~~the provisions of~~ this
27 chapter; and

1 (b) Determines that the individual is engaged in, or believed to be engaged in,
 2 activities for which a fire sprinkler inspector's certification is required under
 3 this chapter.

4 (4) After completion of the hearing, if it is determined that the activities in which the
 5 individual is engaged are subject to certification under this chapter, the
 6 commissioner shall issue a cease-and-desist order that identifies the individual and
 7 specifically states the activities which are subject to the order.

8 (5) A cease-and-desist order issued under this section shall be enforceable in the Circuit
 9 Court of the county of the individual's~~certified inspector's~~ place of business in
 10 accordance with KRS Chapter 13B.

11 ➔Section 44. KRS 198B.650 is amended to read as follows:

12 As used in KRS 198B.650 to 198B.689, unless the context requires otherwise:

13 (1) "Air conditioning or cooling system" means a system in which heat is removed from
 14 air, surrounding surfaces, or both;

15 (2) "Apprentice heating, ventilation, and air conditioning mechanic" means an
 16 individual in the process of learning the heating, ventilation, and air conditioning
 17 trade who assists and is under the supervision of a master heating, ventilation, and
 18 air conditioning contractor and a journeyman heating, ventilation, and air
 19 conditioning mechanic;

20 (3) ~~["Board" means the Kentucky Board of Heating, Ventilation, and Air Conditioning~~
 21 ~~Contractors;~~

22 (4) "Burner service" means the servicing of oil or gas burners used for heating air or
 23 water for purposes other than the transmission of heat;

24 (4)(5) "Certificate" means a document issued by the department~~board~~ to an
 25 apprentice heating, ventilation, and air conditioning mechanic to assist a master
 26 heating, ventilation, and air conditioning contractor or a journeyman heating,
 27 ventilation, or air conditioning mechanic;

1 ~~(5)~~~~(6)~~ "Commissioner" means the commissioner of the Department of Housing,
2 Buildings and Construction;

3 ~~(6)~~~~(7)~~ "Department" means the Department of Housing, Buildings and Construction;

4 ~~(7)~~~~(8)~~ "Heating system" means a system in which heat is transmitted by radiation,
5 conduction, convection, or a combination of any of these methods to air,
6 surrounding surfaces, or both. "Heating system" does not include fireplaces and
7 free-standing stoves not incorporated into a primary heating system, electric thermal
8 storage units, electric ceiling cable heating systems, or electric baseboard heating
9 units;

10 ~~(8)~~~~(9)~~ "Hydronic system" means a heating and cooling system using liquids to
11 transmit or remove heat;

12 ~~(9)~~~~(10)~~ "Initial heating, ventilation, or air conditioning system" means the first or
13 original heating, ventilation, or air conditioning system installed in a building;

14 ~~(10)~~~~(11)~~ "Journeyman heating, ventilation, and air conditioning mechanic" means an
15 individual who is licensed by the department~~board~~ to perform heating,
16 ventilation, and air conditioning work under the supervision, direction, and
17 responsibility of a master heating, ventilation, and air conditioning contractor;

18 ~~(11)~~~~(12)~~ "Maintenance person or maintenance engineer" means a person who is a
19 regular and bona fide full-time employee or agent of a property owner, property
20 lessor, property management company, or firm, not in the heating, ventilating, and
21 air conditioning business that has jurisdiction of property where the routine
22 maintenance of heating, ventilating, and air conditioning is being performed,
23 provided the maintenance shall not include replacement of heating, ventilation, or
24 air conditioning systems;

25 ~~(12)~~~~(13)~~ "Major repair" means the complete replacement of any of the following
26 heating, ventilation, or air conditioning equipment:

27 (a) Furnaces;

- 1 (b) Condensing units;
- 2 (c) Heat pumps;
- 3 (d) Fan coil units;
- 4 (e) Chiller systems; or
- 5 (f) Heating boiler systems not covered by KRS Chapter 236;

6 ~~(13)~~~~(14)~~ "Master heating, ventilation, and air conditioning contractor" means a heating,
 7 ventilation, and air conditioning contractor who is licensed by the
 8 department~~board~~ to advertise and practice heating, ventilation, and air
 9 conditioning contracting in this Commonwealth;

10 ~~(14)~~(15) "Permit" means a document issued by the department or its authorized agent
 11 allowing the installation of an original heating, ventilation, or air conditioning
 12 system;

13 ~~(15)~~~~(16)~~ "Practice of heating, ventilation, and air conditioning contracting" means the
 14 installation, maintenance, altering, remodeling, or repair of heating systems,
 15 ventilation systems, hydronic systems, burner service, or cooling systems;

16 ~~(16)~~~~(17)~~ "Routine maintenance of heating, ventilation, or air conditioning" means the
 17 routine and periodic servicing of heating, ventilation, and air conditioning systems,
 18 including cleaning, inspection, and adjustments to ensure the proper operation, and
 19 the removal and replacement of component parts. "Routine maintenance of heating,
 20 ventilation, or air conditioning" shall not include the installation of complete new
 21 heating, ventilation, or air conditioning systems; and

22 ~~(17)~~~~(18)~~ "Ventilation system" means a natural or mechanical system of supplying air to
 23 or removing air from any space.

24 ➔Section 45. KRS 198B.654 is amended to read as follows:

25 (1) The department~~board~~ shall promulgate administrative regulations in accordance
 26 with KRS Chapter 13A to:

27 (a) Administer, coordinate, and enforce~~the provisions of~~ KRS 198B.650 to

1 198B.689;

2 (b) Conduct examinations;

3 (c) Maintain a list of all licensees and certificate holders;

4 (d) Keep minutes of ~~[board]~~ meetings and a record of its proceedings; and

5 (e) Register and keep records of all apprentices.

6 (2) The department~~[board]~~, or its designee, may issue subpoenas, administer oaths,
7 examine witnesses, conduct disciplinary proceedings, investigate allegations of
8 wrongdoing under KRS 198B.650 to 198B.689, issue licenses and certificates, and
9 seek injunctive relief to enforce~~[the provisions of]~~ KRS 198B.650 to 198B.689. In
10 seeking injunctive relief, the department~~[board]~~ shall not be required to post any
11 bond.

12 ➔Section 46. KRS 198B.656 is amended to read as follows:

13 Except as otherwise provided in KRS 198B.650 to 198B.689:

14 (1) A~~[No]~~ person shall *not claim to be or advertise as being*~~[hold himself out as]~~ a
15 master heating, ventilation, and air conditioning contractor or assume or use any
16 title, designation, or abbreviation likely to create the impression of this licensure,
17 unless *that person*~~[he]~~ is the holder of a valid master heating, ventilation, and air
18 conditioning contractor's license issued in accordance with~~[the provisions of]~~ KRS
19 198B.650 to 198B.689. The holder of a valid master heating, ventilation, and air
20 conditioning contractor's license shall be entitled to practice heating, ventilation,
21 and air conditioning contracting, including the obtaining of any necessary permits in
22 connection with the practice of heating, ventilation, and air conditioning
23 contracting, and shall be primarily responsible for the heating, ventilation, and air
24 conditioning work performed;

25 (2) A~~[No]~~ person shall *not claim to be or advertise as being*~~[hold himself out as]~~ a
26 journeyman heating, ventilation, and air conditioning mechanic or assume or use
27 any title, designation, or abbreviation likely to create the impression of this

1 licensure, unless ***that person***~~[he]~~ is the holder of a valid journeyman heating,
 2 ventilation, and air conditioning mechanic's license issued in accordance with~~[the~~
 3 ~~provisions of]~~ KRS 198B.650 to 198B.689;

4 (3) ~~A~~~~[No]~~ person shall ***not claim to be or advertise as being***~~[hold himself out as]~~ an
 5 apprentice heating, ventilation, and air conditioning mechanic or assume or use any
 6 title, designation, or abbreviation likely to create the impression of certification,
 7 unless ***that person***~~[he]~~ is the holder of a valid apprentice heating, ventilation, and
 8 air conditioning mechanic's certificate issued in accordance with~~[the provisions of]~~
 9 KRS 198B.650 to 198B.689; and

10 (4) ~~A~~~~[No]~~ person shall ***not*** practice heating, ventilation, and air conditioning
 11 contracting, unless ***that person has met the requirements***~~[he is otherwise qualified~~
 12 ~~according to the provisions]~~ of KRS 198B.650 to 198B.689.

13 ➔Section 47. KRS 198B.658 is amended to read as follows:

14 (1) An applicant for a master heating, ventilation, and air conditioning contractor's
 15 license shall:

16 (a) Be at least eighteen (18) years of age;

17 (b) Be a citizen of the United States or be a resident alien who is authorized to do
 18 work in the United States;

19 (c) 1. Have been regularly and principally employed or engaged in heating,
 20 ventilation, and air conditioning trades as a journeyman heating,
 21 ventilation, and air conditioning mechanic for not less than two (2) years
 22 under the direction and supervision of a master heating, ventilation, and
 23 air conditioning contractor; or

24 2. Have been regularly and principally employed or engaged in the practice
 25 of heating, ventilation, and air conditioning contracting as a master
 26 heating, ventilation, and air conditioning contractor, or equivalent
 27 thereof, for not less than five (5) years in a jurisdiction other than

- 1 Kentucky, as demonstrated by verifiable documentation;
- 2 (d) Have passed an examination prescribed by the department~~[board]~~ to
3 determine the applicant's competency to practice heating, ventilation, and air
4 conditioning contracting; and
- 5 (e) Have paid a fee as established in administrative regulations promulgated by
6 the department~~[board]~~.
- 7 (2) An applicant for a journeyman heating, ventilation, and air conditioning mechanic's
8 license shall:
- 9 (a) Be at least eighteen (18) years of age;
- 10 (b) Be a citizen of the United States or be a resident alien who is authorized to do
11 work in the United States;
- 12 (c) 1. Have been regularly and principally employed or engaged in heating,
13 ventilation, and air conditioning trades for not less than two (2) years
14 under the direction and supervision of a master heating, ventilation, and
15 air conditioning contractor; or
- 16 2. Have been regularly and principally employed or engaged in the
17 performance of heating, ventilation, and air conditioning work for not
18 less than four (4) years in a jurisdiction other than Kentucky, as
19 demonstrated by verifiable documentation;
- 20 (d) Have passed an examination prescribed by the department~~[board]~~ to
21 determine the applicant's competency to install, maintain, and repair heating
22 and cooling systems, heating and cooling service, burner service, and hydronic
23 systems; and
- 24 (e) Have paid a fee as established in administrative regulations promulgated by
25 the department~~[board]~~.
- 26 (3) If an applicant has obtained, while exempt from licensure under 198B.674(2), (7),
27 (8), (10), (13), or (14), work experience that the department~~[board]~~ determines to

1 be equivalent to the requirements of subsection (1)(c) or (2)(c) of this section,
2 ~~that~~^{such} experience may be considered as equivalent to one (1) year of
3 employment toward the licensure requirements for a master heating, ventilation, and
4 air conditioning contractor or journeyman heating, ventilation, and air conditioning
5 mechanic, as applicable, not to exceed one (1) year.

6 (4) (a) The ~~department~~^{board} shall issue an apprentice heating, ventilation, and air
7 conditioning mechanic's certificate to any person who registers as an
8 apprentice~~is registered~~ with the ~~department~~^{board}.

9 (b) The ~~department~~^{board} shall establish by administrative regulation the
10 minimum number of hours of experience required by apprentices and shall
11 maintain an apprentice register to credit an apprentice for hours worked under
12 the supervision of a master heating, ventilation, and air conditioning
13 contractor and journeyman heating, ventilation, and air conditioning
14 mechanic. Experience gained under the supervision of a Kentucky licensed
15 master heating, ventilation, and air conditioning contractor while registered as
16 an apprentice with the Kentucky Labor Cabinet, Department of Workplace
17 Standards, in cooperation with the United States Department of Labor, Bureau
18 of Apprenticeship and Training shall be accepted toward the two (2) year
19 experience requirement for a journeyman heating, ventilation, and air
20 conditioning mechanic license.

21 (c) The apprentice register shall include the name, address, Social Security
22 number, employer, and dates of employment of the apprentice.

23 (d) The apprentice shall notify the ~~department~~^{board} in writing of any change in
24 address or employer.

25 (e) Apprentices and pre-apprentices shall not be required to pay a fee to
26 obtain~~fees for~~ a certificate of registration or to renew a registration~~renewal~~
27 ~~fee~~.

- 1 (5) The satisfactory completion of one (1) academic year of a department~~board~~-
2 approved curriculum or one (1) year of professional training in heating, ventilation,
3 and air conditioning work may be considered as equivalent to one (1) year of
4 employment toward the licensure requirements for a journeyman heating,
5 ventilation, and air conditioning mechanic, not to exceed one (1) year.
- 6 (6) The satisfactory completion of one (1) academic year of teaching experience in a
7 department~~board~~-approved or state-approved technical education program in
8 heating, ventilation, and air conditioning shall be considered as equivalent to one
9 (1) year of employment, as required by subsection (1)(c) or (2)(c) of this section. No
10 more than one (1) year of approved teaching experience may be used in meeting the
11 requirements of subsection (1)(c) or (2)(c) of this section.

12 ➔Section 48. KRS 198B.659 is amended to read as follows:

13 If an applicant for a master heating, ventilation, and air conditioning contractor's license
14 or journeyman heating, ventilation, and air conditioning mechanic's license presents the
15 department~~board~~ with proof of training and experience equivalent to the training and
16 experience requirements of KRS 198B.658(1) or (2), whichever is applicable, acquired
17 while serving as a member of the United States Armed Forces, Reserves, or National
18 Guard, and actively engaged in that occupation as part of his or her military duties for not
19 less than two (2) years as annotated on the Department of Defense Form DD 214, the
20 department~~board~~ shall accept that training and experience. The applicant shall meet the
21 remaining applicable qualification requirements set forth in KRS 198B.658(1) or (2).

22 ➔Section 49. KRS 198B.660 is amended to read as follows:

23 (1) (a) Applications for examination shall be in writing and shall contain all
24 information required by the department~~board~~. Applications shall be filed not
25 less than forty-five (45) days prior to the examination date.

26 (b)~~(a)~~ Not less than ten (10) days prior to an examination date, the
27 department~~board~~ shall send written notice of the date, hour, and place of the

1 examination to each applicant for licensure or certification.

2 ~~(c)(b)~~ Each application for licensure or certification shall be accompanied by a
3 nonrefundable application fee.

4 (2) Examinations shall be given at least two (2) times during each calendar year at
5 those times and places within the Commonwealth prescribed by the
6 ~~department~~~~board~~. ***An applicant shall not***~~[No applicant may]~~ take an examination
7 until the examination fee is paid.

8 (3) Notice of passing or failing an examination shall be provided to each applicant as
9 soon as practicable.

10 ➔Section 50. KRS 198B.664 is amended to read as follows:

11 (1) Every license issued by the ~~department~~~~board~~ may be renewed annually, on or
12 before the last day of the licensee's birth month, upon payment of a renewal fee as
13 established in administrative regulations promulgated by the ~~department~~~~board~~.
14 Failure to renew shall cause the license to expire.

15 (2) A sixty (60) day grace period shall be allowed after the expiration of the license,
16 during which time the licensee may continue to practice and may apply to restore
17 ~~the~~~~his or her~~ license upon payment of the renewal fee plus a restoration fee as
18 established in administrative regulations promulgated by the ~~department~~~~board~~,
19 and upon the provision of applicable proof of insurance~~[-as]~~ required by KRS
20 198B.668.

21 (3) A license that is not restored before the end of the sixty (60) day grace period shall
22 immediately terminate. Upon termination of the license, the former licensee shall be
23 ineligible to practice in the Commonwealth until he or she thereafter satisfies all
24 applicable licensing requirements in accordance with this chapter.

25 (4) After the sixty (60) day grace period, a former licensee with a terminated license
26 may apply to have the license reinstated upon payment of the renewal fee plus a
27 reinstatement fee~~[-as]~~ established in administrative regulations promulgated by the

1 department~~[board]~~. An applicant for reinstatement shall not be required to submit
2 to any examination as a condition of reinstatement if the reinstatement application is
3 made within three (3) years from the date of termination.

4 (5) Notwithstanding the requirements of this section, an applicant for renewal,
5 restoration, or reinstatement shall satisfy all other applicable qualifications for
6 licensure as required by this chapter and the administrative regulations promulgated
7 hereunder.

8 (6) Those persons licensed by the department~~[board]~~ and not engaged in the practice of
9 heating, ventilating, and air conditioning in the Commonwealth may apply for and
10 be granted inactive status by the department~~[board]~~ in accordance with
11 administrative regulations promulgated by the department~~[board]~~. A licensee
12 granted inactive status shall not engage in the~~[retain the right to statewide]~~ practice
13 of heating, ventilation, and air conditioning. An inactive license shall not be a valid
14 license. A licensee on inactive status may petition the department~~[board]~~ for
15 restoration of a license to practice~~[actively]~~. The petitioner shall pay a reactivation
16 fee, satisfy all other requirements as established in administrative regulations
17 promulgated by the department~~[board]~~, and, if applicable, obtain the insurance as
18 required by KRS 198B.668.

19 ➔Section 51. KRS 198B.666 is amended to read as follows:

20 Any person who has been issued a license in another state which has licensing,
21 educational, and experience requirements substantially equal to or greater than those of
22 this state and which grants equal licensing privileges to persons licensed in this state, may
23 be issued an equivalent license in this state upon terms and conditions determined by the
24 department~~[board]~~.

25 ➔Section 52. KRS 198B.6671 is amended to read as follows:

26 (1) Notwithstanding KRS 198B.030 to the contrary, any person who installs an initial
27 heating, ventilation, or air conditioning system shall apply for a permit prior to

- 1 beginning the installation. No installation shall begin before the application for the
2 permit has been filed. In no event, however, shall a person exempt under KRS
3 198B.674 be required to possess or show proof of a heating, ventilation, or air
4 conditioning license in order to obtain the permit required by this section.
- 5 (2) The applicant for a heating, ventilation, and air conditioning permit, by the act of
6 applying for the permit, shall be deemed to consent to inspection of the installation
7 by authorized inspectors of the Commonwealth of Kentucky and of the relevant
8 city, county, urban-county ***government***, charter county, unified local government, or
9 consolidated local government.
- 10 (3) The permit shall ***contain and display***~~[give]~~:
- 11 (a) The name of the person performing the work;
- 12 (b) The full extent of the work to be performed;
- 13 (c) The name of the owner or owners of the property where the work is to be
14 performed;
- 15 (d) The location of the property where the work is to be performed, including
16 county and street address; and
- 17 (e) The master license number, if the work is required to be performed by a
18 master heating, ventilation, and air conditioning contractor.
- 19 (4) No permit shall be required for any installation performed on a manufactured home
20 as defined ***in***~~[by]~~ KRS 227.550~~[(7)]~~, by a manufactured home retailer licensed
21 pursuant to KRS 227.610, or by a manufacturer as defined ***in***~~[by]~~ KRS
22 227.550~~[(9)]~~.
- 23 (5) No permit or inspection shall be required for the installation of window unit air
24 conditioners or space heaters.
- 25 (6) No permit or inspection shall be required for the installation of a heating,
26 ventilation, or air conditioning system, except in buildings designed for human
27 occupancy.

1 ➔Section 53. KRS 198B.6673 is amended to read as follows:

- 2 (1) The department~~[board]~~ shall promulgate administrative regulations to establish a
3 reasonable schedule of fees to implement the program. The fees shall not exceed the
4 actual costs for the administration of the program. The department~~[board]~~ shall also
5 establish heating, ventilation, and air conditioning inspection protocols that ensure
6 timely inspections and minimal interruption to the construction process.
- 7 (2) The department,~~[with the approval of the board,]~~ upon the request of any individual
8 local governing entity or combination of entities with existing heating, ventilation,
9 and air conditioning permitting and inspection programs as of January 1, 2007, shall
10 authorize them to administer, carry out, and enforce the administrative~~[rules and]~~
11 regulations of the department relating to heating, ventilation, and air conditioning
12 installations, issue permits, and make inspections within their respective
13 boundaries, or perform any portion of these functions. Nothing in KRS 198B.6671
14 to 198B.6678 shall prohibit these entities from continuing to include major repairs
15 or substantial alterations to a heating, ventilation, or air conditioning system within
16 their permitting and inspection program in the absence of a state requirement, if
17 major repairs or substantial alterations were included in the entities' inspection
18 program prior to January 1, 2007. The department,~~[with the approval of the board,]~~
19 may authorize any other individual local government entities or combination of
20 entities to administer, carry out, and enforce the administrative~~[rules and]~~
21 regulations of the department relating to heating, ventilation, and air conditioning
22 installations, issue permits, and make inspections within their respective
23 boundaries, or perform any portion of those functions. When authorization is
24 granted, the department shall enter into contractual arrangements with the local
25 governing entities, which shall remain in effect as long as the local entity continues
26 to operate its program pursuant to guidelines adopted by the department~~[board]~~. A
27 heating, ventilation, and air conditioning permit issued by an authorized local

1 governing entity shall be considered a permit issued by the department, and all fees
2 collected by the authorized local government related to the same shall be retained
3 by that local government.

4 (3) Any local governing entity enforcing the permitting and inspection requirements of
5 KRS 198B.650 to 198B.689 pursuant to subsection (2) of this section may appoint
6 and fix the compensation of the local governing entity's heating, ventilation, and air
7 conditioning inspectors. No person shall perform the duties of a heating, ventilation,
8 and air conditioning inspector unless he or she has at least six (6) years' experience
9 as a licensed heating, ventilation, and air conditioning journeyman mechanic or a
10 licensed master heating, ventilation, and air conditioning contractor, unless he or
11 she is a certified building inspector who has successfully passed the examinations
12 relating to heating, ventilation, and air conditioning systems. At the time of
13 employment, the heating, ventilation, and air conditioning inspector shall be
14 licensed or certified in accordance with ~~the provisions of~~ KRS 198B.650 to
15 198B.689.

16 (4) No local governing entity ~~shall~~may impose any other additional heating,
17 ventilation, and air conditioning inspection or permit requirements, or establish any
18 local inspection or permitting program, unless those provisions were in place before
19 January 1, 2007.

20 ➔Section 54. KRS 198B.668 is amended to read as follows:

21 (1) No person, firm, or corporation shall practice heating, ventilation, and air
22 conditioning contracting unless that person, firm, or corporation maintains general
23 liability insurance in an amount not less than five hundred thousand dollars
24 (\$500,000) and property damage insurance in an amount not less than three hundred
25 thousand dollars (\$300,000) underwritten by an insurance carrier licensed and
26 approved by the Kentucky Department of Insurance.

27 (2) Proof of insurance shall be submitted to the ~~department~~board prior to issuance or

1 renewal of a license.

2 (3) Proof of insurance, as required by subsection (1) of this section, shall exempt
3 licensees from the requirement of obtaining separate insurance in local jurisdictions
4 under any local licensing laws.

5 (4) No license shall be valid without the insurance required by~~insurance as provided~~
6 ~~in~~ this section. Insurance carriers shall notify the department~~board~~ upon
7 cancellation of the insurance of any licensee required to maintain insurance.

8 ➔Section 55. KRS 198B.670 is amended to read as follows:

9 No person shall advertise as or claim to be~~or hold himself out as~~ a master heating,
10 ventilation, and air conditioning contractor, unless that person~~he~~ is licensed~~as such~~
11 by the department~~board~~ according to~~the provisions of~~ KRS 198B.650 to 198B.689.
12 The license number shall appear in all advertising and on all vehicles used by the licensee
13 for heating, ventilation, and air conditioning contracting work.

14 ➔Section 56. KRS 198B.672 is amended to read as follows:

15 Subject to a hearing conducted in accordance with KRS Chapter 13B, the
16 department~~board~~ may revoke, suspend, place on probation, or restrict the license or
17 certificate of any licensee or certificate holder; refuse to issue or renew a license or
18 certificate; or reprimand, censure, or fine a licensee or certificate holder for any of the
19 following reasons:

- 20 (1) Fraud or deceit in obtaining licensure or certification;
- 21 (2) Transfer of the authority granted by the license or certificate to another person;
- 22 (3) Unfair or deceptive trade practices;
- 23 (4) Willful or deliberate disregard and violation of building codes, electrical codes, or
24 related laws and ordinances of this Commonwealth or any city, county, or urban-
25 county government;
- 26 (5) Aiding or abetting any person attempting to evade the provisions of KRS 198B.650
27 to 198B.689;

- 1 (6) Conspiracy or knowingly combining with any person, to allow a license or
2 certificate to be used by an unlicensed or uncertified person, firm, or corporation
3 with intent to evade the provisions of KRS 198B.650 to 198B.689. Allowing a
4 license or certificate to be used by more than one (1) person shall be prima facie
5 evidence of intent to evade the provisions of KRS 198B.650 to 198B.689;
- 6 (7) Willful or deliberate disregard of disciplinary actions taken by the
7 department~~board~~, or of a city, county, or urban-county government;
- 8 (8) Negligence or incompetence in compliance with applicable codes and standards of
9 practice;
- 10 (9) Violation of any of the provisions of KRS 198B.650 to 198B.689 or any
11 administrative regulation promulgated by the department~~board~~; or
- 12 (10) Conviction of a felony or of any crime an element of which is dishonesty or fraud,
13 under the laws of any state or of the United States.

14 ➔Section 57. KRS 198B.676 is amended to read as follows:

- 15 (1) The department~~board~~ shall establish by administrative regulation and collect the
16 following fees, not to exceed the cost of the licensing program:
- 17 (a) Initial application fee for:
- 18 1. Master heating, ventilation, and air conditioning contractor; and
19 2. Journeyman heating, ventilation, and air conditioning mechanic.
- 20 (b) Examination fee for:
- 21 1. Master heating, ventilation, and air conditioning contractor;
22 2. Journeyman heating, ventilation, and air conditioning mechanic; and
23 3. Apprentice heating, ventilation, and air conditioning mechanic.
- 24 (c) License renewal fee.
25 (d) Certificate renewal fee.
26 (e) Duplicate license or certificate fee.
27 (f) Inactive status fee.

- 1 (g) Restoration fee.
2 (h) Reactivation fee.
3 (i) Change of information fee.

4 (2) All fees and charges collected by the department~~[board]~~ under the provisions of this
5 section shall be paid into a trust and agency account in the State Treasury. All
6 expenses incurred by the department~~[board]~~ under the provisions of KRS 198B.650
7 to 198B.689~~[, including compensation to the board members,]~~ shall be paid out of
8 this account, subject to approval of the department~~[board]~~.

9 ➔Section 58. KRS 198B.678 is amended to read as follows:

10 (1) No firm, company, or corporation may engage in the practice of heating, ventilation,
11 and air conditioning contracting in any county of the Commonwealth, unless the
12 person in responsible charge of the heating, ventilation, and air conditioning work is
13 a master heating, ventilation, and air conditioning contractor and is an employee or
14 subcontractor of the firm, company, or corporation.

15 (2) Each master heating, ventilation, and air conditioning contractor who is employed
16 by a firm, company, or corporation engaged in the practice of heating, ventilation,
17 and air conditioning contracting shall notify the department~~[board]~~ of that
18 employment and upon termination of the employment.

19 (3) No master heating, ventilation, and air conditioning contractor shall represent more
20 than one (1) firm, company, or corporation.

21 ➔Section 59. KRS 198B.680 is amended to read as follows:

22 (1) ~~A[With the exception of those persons appointed to the board pursuant to KRS~~
23 ~~198B.652, no]~~ person appointed or employed by the Commonwealth, a county, city,
24 or other jurisdiction to administer, regulate, or inspect heating, ventilation, and air
25 conditioning work shall **not** have any pecuniary interest in any heating, ventilation,
26 and air conditioning business during the person's employment with the government
27 or other jurisdiction.

1 (2) Upon the holder's appointment or employment as an inspector, that person's license
2 or certificate shall become inactive. Upon termination of the appointment or
3 employment as an inspector, the person's license or certificate may be reactivated
4 without examination, by written request to the department~~[board]~~ and payment of a
5 reactivation fee.

6 ➔Section 60. KRS 198B.682 is amended to read as follows:

7 (1) The revocation, suspension, restriction, lapse, or voluntary surrender of a license or
8 certificate issued by the department~~[board]~~ shall not deprive the department~~[board]~~
9 of jurisdiction to investigate allegations of wrongdoing under KRS 198B.650 to
10 198B.689 or conduct disciplinary proceedings against a licensee or certificate
11 holder.

12 (2) The department~~[board]~~ shall, within thirty (30) days of the action, notify all
13 appropriate local building officials, permit offices, or other authorized persons of
14 license and certificate revocations, suspensions, probations, restrictions, and
15 restorations.

16 ➔Section 61. KRS 198B.684 is amended to read as follows:

17 The department~~[board]~~ may adopt by administrative regulation standards for continuing
18 education for licensees and certificate holders.

19 ➔Section 62. KRS 198B.686 is amended to read as follows:

20 (1) Effective July 1, 1995, any person for whom licensure or certification is required
21 who is not licensed or certified by the department~~[board]~~ and practices heating,
22 ventilation, and air conditioning contracting services shall be guilty of a Class A
23 misdemeanor. Each violation shall be regarded as a separate offense.

24 (2) Any person who advertises or otherwise holds himself out as being a licensed
25 master or journeyman heating, ventilation, or air conditioning contractor and is not
26 so licensed shall be guilty of a Class A misdemeanor. Each violation shall be
27 regarded as a separate offense.

1 ➔Section 63. KRS 219.410 is amended to read as follows:

- 2 (1) Nothing in KRS 219.310 to 219.410 shall be construed to include manufactured
3 homes, mobile homes, or recreational vehicles maintained by any persons on their
4 own premises and used exclusively to house their own farm labor.
- 5 (2) (a) Nothing in KRS 219.310 to 219.410 shall be construed to apply to
6 manufactured home parks, mobile home parks, or recreational vehicle parks
7 owned and operated on a temporary or seasonal basis by a city, county, charter
8 county, urban-county ***government***, or consolidated local government or its
9 agencies.
- 10 (b) Nothing in KRS 219.310 to 219.410 shall be construed to apply to festivals
11 lasting not more than thirty (30) days that are organized and operated by a
12 city, county, charter county, urban-county ***government***, or consolidated local
13 government or its agencies.
- 14 (c) Nothing in KRS 219.310 to 219.410 shall be construed to apply to the
15 temporary parking of recreational vehicles on public or private property, for
16 not more than thirty (30) days, associated with festivals, fairs, sporting events,
17 yard sales, or other publicly announced events.
- 18 (3) All installations of manufactured homes and mobile homes shall be performed by
19 an installer certified under~~the provisions of~~ KRS ***227.550 to 227.660***~~[227.560]~~ in
20 accordance with the manufacturer's instructions, if available, or ***the current*** ANSI
21 ***or other generally accepted industry standard as adopted by the department by***
22 ***promulgation of an administrative regulation***~~[225.1—Manufactured—Home~~
23 ***Installations*].**

24 ➔Section 64. KRS 227.205 is amended to read as follows:

25 The Department of Housing, Buildings and Construction~~(hereinafter referred to as the~~
26 ~~department of housing)~~ is hereby created within the Public Protection Cabinet. The
27 department shall be headed by a commissioner appointed by the Governor in accordance

1 with KRS 12.040, and who shall report to the secretary of the Public Protection Cabinet.
2 The office of the commissioner shall also include a deputy commissioner and an
3 executive assistant to the commissioner, who shall be the policy making assistants to the
4 commissioner and shall be appointed pursuant to KRS 12.050. The department shall
5 consist of the Division of Fire Prevention, the Division of Building Codes Enforcement,
6 the Division of Plumbing, the Electrical Division, and the Division of Heating,
7 Ventilation, and Air Conditioning (HVAC).

8 ➔Section 65. KRS 227.300 is amended to read as follows:

9 (1) The commissioner shall promulgate reasonable administrative~~[rules—and]~~
10 regulations based on good engineering practice and principles as embodied in
11 recognized standards of fire prevention and protection, providing for a reasonable
12 degree of safety for human life against the exigencies of fire and panic, and insuring
13 as far as is practicable against fire loss. Such rules and regulations shall be known
14 as the standards of safety. After promulgation of the Uniform State Building Code,
15 no part of the standards of safety shall establish, in whole or in part, any building
16 code other than the Uniform State Building Code, but the commissioner may
17 supplement the Uniform State Building Code with fire safety regulations designed
18 to operate in conjunction with the code.

19 (2) In making such administrative~~[rules—and]~~ regulations the commissioner shall
20 establish minimum fire prevention and protection requirements, including but not
21 limited to requirements for design, construction, installation, operation, storage,
22 handling, maintenance, or use of the following: structural requirements for the
23 various types of construction; building restrictions within congested districts; exit
24 facilities from structures; fire alarm systems and fire extinguishing systems; fire
25 emergency drills; maximum occupancy loads and other requirements for buildings
26 of public assembly; flue and chimney construction; heating devices; boilers and
27 pressure vessels; electrical wiring and equipment; air conditioning, ventilating and

1 other duct systems; refrigeration systems; flammable liquids, oil and gas wells;
2 garages, repair, and service shops; application of flammable finishes, acetylene,
3 liquefied petroleum gas, and similar products; calcium carbide and acetylene
4 generators; dry cleaning and dyeing plants; flammable motion picture film;
5 combustible fibers; airports and airport buildings; hazardous chemicals; rubbish;
6 open flame devices; parking of vehicles; dust explosions; lightning protection; and
7 other special fire hazards.

8 (3) For the purpose of integrating the need for safety from hazards of fire with the other
9 safety needs of infants or preschool children under institutional care, the
10 commissioner shall allow persons who own, manage, or are employed by
11 institutions which provide care or education for infants or preschool children to
12 participate in drafting the standards of safety as they apply to such institutions. Such
13 participation shall be by representation of professional associations relating to infant
14 and preschool care, and by representation from other individuals licensed to provide
15 infant and preschool care, on a committee chaired by the state fire marshal or his or
16 her designate. Such participation shall occur prior to the publication of proposed
17 regulations in the administrative register pursuant to KRS 13A.050 but shall not
18 limit any individual's right to use those procedures set forth in KRS Chapter 13A
19 concerning comment on or protest of proposed regulations. All professional
20 associations relating to infant and preschool care shall be notified by the
21 commissioner when the drafting of standards of safety relating to such institutions is
22 commenced and all such professional associations shall be regularly notified of the
23 time and place of any meetings conducted by authorized employees of the
24 department for the purpose of drafting such standards.

25 (4) The commissioner shall publish guidelines relating to the standards of safety as they
26 apply to day care and preschool child care centers and nurseries which shall indicate
27 the items inspectors from the Division of Fire Prevention will be looking for when

1 they conduct inspections pursuant to the standards of safety. Such guidelines shall
 2 be made available to persons who own, operate, or manage such centers or nurseries
 3 and shall be designed to enable said persons to anticipate and comply with the
 4 requirements of the standards of safety.

5 (5) The commissioner shall issue supplemental regulations addressing the temporary
 6 change of use in buildings as authorized by KRS Chapter 198B. These regulations
 7 shall establish specific standards for such use and shall be designed to operate in
 8 conjunction with the Kentucky Building Code.

9 (6) Any standards of safety or other regulations promulgated under this section shall be
 10 subject to the requirements of KRS 198B.030(8)~~and (9) and 198B.040(11)~~.

11 ➔Section 66. KRS 227.450 is amended to read as follows:

12 As used in KRS 227.450 to 227.500 unless the context otherwise requires:

13 (1) "Alteration" means any change, modification, or adjustment to an existing electrical
 14 system or conduit;

15 (2) "Commissioner" means the commissioner of the Department of Housing, Buildings
 16 and Construction;

17 (3) **"Department" means the Department of Housing, Buildings and Construction;**

18 **(4)** "Division" means the Electrical Division within the **department**~~Department of~~
 19 ~~Housing, Buildings and Construction~~;

20 **(5)**~~(4)~~ "Electrical contractor" means any licensed individual, partnership, or
 21 corporation that is licensed to engage in, offers to engage in, or advertises or holds
 22 itself out to be qualified to engage in designing, planning, superintending,
 23 contracting of, or assuming responsibility for the installation, alteration, or repair of
 24 any electrical system used for the purpose of furnishing heat, light, or power, and
 25 employs electrical workers to engage in this practice. If the electrical contractor is
 26 not a master electrician, the electrical contractor shall employ at least one (1) full-
 27 time master electrician;

1 ~~(6)~~~~(5)~~ "Electrical system" means any electrical work subject to standards provided
 2 within the National Electrical Code as adopted in the Uniform State Building Code,
 3 as promulgated by the department~~Board of Housing, Buildings and Construction~~;

4 ~~(7)~~~~(6)~~ "Electrician" means any person licensed by the department who is employed
 5 by an electrical contractor and is engaged in the construction, alteration, or repair of
 6 any electrical system used for the purpose of furnishing heat, light, or power;

7 ~~(8)~~~~(7)~~ "Electrical" pertains to the installation, alteration, or repair of wires and
 8 conduits for the purpose of transmitting electricity, and the installation of fixtures
 9 and equipment in connection therewith;

10 ~~(9)~~~~(8)~~ "Electrical inspector" means any person certified by the commissioner~~of~~
 11 ~~housing, buildings and construction~~ pursuant to KRS 227.489 who, for
 12 compensation, inspects the construction and installation of electrical conductors,
 13 fittings, devices, and fixtures for light, heat, or power service equipment to ascertain
 14 the compliance with the National Electrical Code incorporated in the Uniform State
 15 Building Code promulgated pursuant to KRS 198B.050 or the standards of safety of
 16 the Commonwealth of Kentucky; and

17 ~~(10)~~~~(9)~~ ~~"Department" means the Department of Housing, Buildings and Construction;~~
 18 ~~and~~

19 ~~(10)~~ "Repair" means the reconstruction or renewal of any part of an existing building for
 20 the purpose of its maintenance.

21 ➔Section 67. KRS 227.480 is amended to read as follows:

22 (1) (a) A city, county, urban-county government, charter county, or consolidated
 23 local government or the state shall, according to the Uniform State Building
 24 Code as it pertains to the plan review and inspection responsibilities of local
 25 governments or the state, require any person to obtain a permit before
 26 commencing construction, alteration, or repairs of any electrical system.

27 (b) The city, county, urban-county government, charter county, or consolidated

1 local government or the state shall require all inspections that are deemed
2 necessary by the department for the safety of life and property. The
3 department shall promulgate administrative regulations to describe the
4 circumstances where inspections are required.

5 (2) A city, county, urban-county **government**, charter county, or consolidated local
6 government or the state shall not issue a permit unless the applicant submits proof
7 of being licensed as an electrical contractor under KRS Chapter 227A or of acting
8 on behalf of a licensed electrical contractor. However, the provisions of this
9 subsection shall not apply to a homeowner or farmer who does construction,
10 alteration, or repairs of any electrical system on his or her own premises or any
11 other person exempt from licensing under KRS 227A.030 or 227A.150. This
12 subsection shall not apply to electrical work performed by the Commonwealth of
13 Kentucky, a city, county, urban-county **government**, charter county, or consolidated
14 local government, or any subdivision thereof.

15 (3) A city, county, urban-county **government**, charter county, or consolidated local
16 government shall appoint and may fix the compensation of city, county, urban-
17 county, charter county, or consolidated local government electrical inspectors, and
18 may by ordinance fix reasonable fees and establish other requirements for the
19 conduct of electrical inspections within its boundaries. All electrical inspectors
20 **shall**~~must~~ be certified under KRS 227.489.

21 (4) Reasonable standards for the construction, alteration, and repair of any electrical
22 system shall be those adopted in the Uniform State Building Code, as promulgated
23 by the **department**~~Board of Housing, Buildings and Construction~~, and shall have
24 as a minimum standard the requirements of the National Electrical Code. These
25 standards shall be used by the electrical inspector in making his inspections.

26 ➔Section 68. KRS 227.487 is amended to read as follows:

27 Except where other rules are adopted by a city or county, the following reporting and fee

1 requirements shall apply to electrical inspections of residential buildings and single-
2 family dwellings:

- 3 (1) The inspector shall complete a report for each inspection. One (1) copy of the report
4 shall be given to the owner of the electrical installation or his ***or her*** representative
5 at the time the inspection fees are paid. A second copy of the report shall be sent to
6 the department~~[of Housing, Buildings and Construction]~~ no later than one (1) week
7 after the inspection is completed. The report shall include, but is not limited to, the
8 following:
- 9 (a) The address of the dwelling inspected;
 - 10 (b) The number of rooms, number of receptacles and number of switch boxes
11 inspected;
 - 12 (c) Number of code violations, if any;
 - 13 (d) A description of each code violation, and recommended change to correct the
14 violation;
 - 15 (e) The date and time of day the inspection commenced;
 - 16 (f) The time, in hours and minutes, required for the inspection;
 - 17 (g) The number of miles and hours and minutes of travel time incurred by the
18 inspector for that inspection, if mileage and travel charges are added to the
19 inspection fee;
 - 20 (h) The amount charged for the inspection, separated into an amount for mileage,
21 if any, and the amount for travel time, if any, and the amount charged for the
22 actual inspection.
- 23 (2) The maximum inspection fee shall be an amount equal to the prevailing wage for a
24 master electrician in the region in which the inspection is made, multiplied by the
25 time required to conduct the inspection. This rate shall not be applied to travel time
26 to and from the inspection.
- 27 (3) An inspector may charge, in addition to the inspection fee, an amount for necessary

1 travel to and from the inspection site. The mileage rate charged shall not exceed the
2 amount per mile allowed to state employees, and the inspector shall charge no more
3 than ten dollars (\$10) per hour for travel time. If two (2) or more inspections are
4 made during one (1) trip, then the cost of travel shall be divided between the
5 inspections made. In no case shall an inspector charge more than once for the same
6 trip, or charge for mileage or time not actually expended.

7 (4) Each inspector shall furnish bond of five thousand dollars (\$5,000) with surety
8 satisfactory to the department~~[of Housing, Buildings and Construction]~~.

9 (5) The department~~[of Housing, Buildings and Construction]~~ shall design reporting
10 forms which meet the requirements of subsection (1) of this section, and provide
11 these forms to electrical inspectors. The department shall **promulgate**
12 **administrative**~~[adopt]~~ regulations to administer the requirements of this section.

13 (6) Nothing in this section is intended to limit the right of cities or counties to set fees
14 or adopt rules for electrical inspections which are different from those specified in
15 subsections (1), (2), (3) or (4) of this section.

16 ➔Section 69. KRS 227.489 is amended to read as follows:

17 The commissioner~~[of housing, buildings and construction]~~ shall require electrical
18 inspectors to be certified. Examinations shall be based on the National Electrical Code
19 incorporated in the Uniform State Building Code and the standards of safety prescribed
20 by the department. Electrical inspectors who have been engaged in the inspection of
21 electrical light and power wiring installations, based on the requirements of the National
22 Electrical Code, for a period of three (3) years, may be certified on the basis of knowledge
23 of this subject and experience. No certificate shall be denied, suspended, or revoked
24 unless the applicant or certificate holder is afforded the opportunity for a hearing in
25 accordance with KRS Chapter 13B.

26 ➔Section 70. KRS 227.491 is amended to read as follows:

27 (1) An electrical inspector who certifies an electrical installation shall furnish and

1 attach an approval sticker, bearing his or her signature and certification number in a
2 conspicuous place on the main service entrance equipment. He or she shall also
3 provide the owner of the electrical installation or his or her authorized agent with a
4 certificate of approval if the same is requested. A complete record of each
5 inspection shall be kept by the inspector, and these records shall be made available
6 to the department~~Department of Housing, Buildings and Construction~~ upon its
7 request.

8 (2) An electrical inspector shall:

9 (a) Not attempt to supplant, overrule, or otherwise invalidate the judgment of
10 another electrical inspector whose services for a particular building, structure,
11 or other project have been solicited by an owner, contractor, municipality, or
12 other person without first obtaining express written consent from the
13 designated inspector's office supervising the original inspector;

14 (b) Not certify unlicensed or unlawful electrical installations;

15 (c) Not certify or inspect an electrical installation in a manufactured home or
16 mobile home where the certified installer seal is not present pursuant to KRS
17 227.570;

18 (d) Not certify or inspect an electrical installation in a previously owned
19 manufactured home or a previously owned mobile home when a Class B1 seal
20 is not present as required by KRS 227.605; and

21 (e) Verify required electrical licensure on projects within the inspector's
22 jurisdiction. The electrical inspector shall report all electrical licensure
23 violations to the department within ten (10) days of discovery.

24 (3) Failure of an electrical inspector to comply with any provision of this chapter or the
25 administrative regulations promulgated thereunder shall subject that inspector to
26 review by the commissioner~~of housing, buildings and construction~~ with possible
27 suspension of certification for a period not to exceed one (1) year from the date of

1 the commissioner's ruling.

2 ➔Section 71. KRS 227.492 is amended to read as follows:

3 It shall be the duty of the commissioner~~[of housing, buildings and construction]~~ to
 4 investigate alleged misconduct of any electrical inspector certified under KRS 227.489
 5 when, in the opinion of the commissioner, there is sufficient evidence to suggest that~~[~~
 6 ~~such]~~ misconduct exists. Any party may seek redress from the commissioner when
 7 alleged misconduct of an electrical inspector is deemed to have worked an undue
 8 hardship on the party.

9 ➔Section 72. KRS 227.550 is amended to read as follows:

10 As used in~~[this section to]~~ KRS 227.550 to 227.660, 227.990, and 227.992, unless the
 11 context requires a different definition:

12 (1) ~~["Board" means the Manufactured Home Certification and Licensure Board.~~

13 ~~(2)]~~"Seal" means the United States Department of Housing and Urban Development
 14 seal for manufactured homes;~~[.]~~

15 ~~(2)~~~~(3)~~ "Class B1 Seal" and "Class B2 Seal" mean seals issued pursuant to subsection
 16 (1) of KRS 227.600;~~[.]~~

17 ~~(3)~~~~(4)~~ "Retailer" means any person, firm, or corporation, who sells or offers for sale
 18 two (2) or more manufactured homes, mobile homes, or recreational vehicles in any
 19 consecutive twelve (12) month period. The term "retailer" shall not include:

20 (a) A manufacturer, as defined in this section;

21 (b) Any bank, trust company, or lending institution that is subject to state or
 22 federal regulation, with regard to the disposition of its own repossessed
 23 manufactured housing; or

24 (c) A licensed real estate agent who acts as a negotiator between an owner and a
 25 prospective purchaser and does not acquire ownership or possession of
 26 manufactured homes for resale purposes;~~[.]~~

27 ~~(4)~~~~(5)~~ "Established place of business" means a fixed and permanent place of

1 business in this state, including an office building and hard surface lot of suitable
2 character and adequate facilities and qualified personnel, for the purpose of
3 performing the functional business and duties of a retailer, which shall include the
4 books, records, files, and equipment necessary to properly conduct such business, or
5 a building having sufficient space therein in which the functional duties of a retailer
6 may be performed. The place of business shall not consist of a residence, tent,
7 temporary stand, or open lot. It shall display a suitable sign identifying the retailer
8 and his business;[-]

9 ~~(5)~~~~(6)~~ "Federal act" means the National Manufactured Housing Construction and
10 Safety Standards Act of 1974, 42 U.S.C. secs. 5401 et seq., as amended, and rules
11 and regulations issued thereunder;[-]

12 ~~(6)~~~~(7)~~ "Manufactured home" means a single-family residential dwelling constructed
13 in accordance with the federal act, manufactured after June 15, 1976, and designed
14 to be used as a single-family residential dwelling with or without a permanent
15 foundation when connected to the required utilities, and includes the plumbing,
16 heating, air conditioning, and electrical systems contained therein. The
17 manufactured home may also be used as a place of business, profession, or trade by
18 the owner, the lessee, or the assigns of the owner or lessee and may comprise an
19 integral unit or condominium structure. Buildings the construction of which is not
20 preempted by the federal act are subject to building code requirements of KRS
21 Chapter 198B;[-]

22 ~~(7)~~~~(8)~~ "Factory-built housing" means manufactured homes, mobile homes, or mobile
23 office units;[-]

24 ~~(8)~~~~(9)~~ "Manufacturer" means any person who manufactures manufactured homes
25 and sells to Kentucky retailers;[-]

26 ~~(9)~~~~(10)~~ "Mobile home" means a factory-built structure manufactured prior to June 15,
27 1976, which was not required to be constructed in accordance with the federal

1 act;[-]

2 ~~(10)~~~~(11)~~ "Department" means the Department of Housing, Buildings, and Construction
3 in the Public Protection Cabinet;[-]

4 ~~(11)~~~~(12)~~ "Recreational vehicle" means a vehicular type unit primarily designed as
5 temporary living quarters for recreational, camping, or travel use, which either has
6 its own motive power or is mounted on or drawn by another vehicle not requiring a
7 special permit for movement on Kentucky highways. The basic entities are: travel
8 trailer, camping trailer, truck camper, motor home, and park vehicle;[-]

9 (a) Travel trailer: A vehicular unit, mounted on wheels, designed to provide
10 temporary living quarters for recreational, camping, or travel use, and of such
11 size or weight as not to require special highway movement permits when
12 drawn by a motorized vehicle, and with a living area of less than two hundred
13 twenty (220) square feet, excluding built-in equipment (such as wardrobes,
14 closets, cabinets, kitchen units, or fixtures) and bath and toilet rooms.

15 (b) Camping trailer: A vehicular portable unit mounted on wheels and constructed
16 with collapsible partial side walls which fold for towing by another vehicle
17 and unfold at the camp site to provide temporary living quarters for
18 recreational, camping, or travel use.

19 (c) Truck campers: A portable unit constructed to provide temporary living
20 quarters for recreational, travel, or camping use, consisting of a roof, floor,
21 and sides, designed to be loaded onto and unloaded from the bed of a pickup
22 truck.

23 (d) Park vehicle: A vehicle which:

- 24 1. Is built on a single chassis mounted on wheels;
- 25 2. Is primarily designed as temporary living quarters for seasonal or
26 destination camping and which may be connected to utilities necessary
27 for operation of installed fixtures and appliances;

- 1 3. Has a gross trailer area not exceeding four hundred (400) square feet in
2 the set-up mode; ***and***
- 3 4. Has a gross trailer area not less than two hundred forty (240) square feet
4 and is certified by the manufacturer as complying with ***the current***
5 ***ANSI standard or the generally accepted industry standard as adopted***
6 ***by the department through the promulgation of an administrative***
7 ***regulation***~~[A119.5, Park Vehicles].~~

8 (e) Motor home: A vehicular unit designed to provide temporary living quarters
9 for recreational, camping, or travel use built on or permanently attached to a
10 self-propelled motor vehicle chassis or on a chassis cab or van which is an
11 integral part of the completed vehicle;~~[-]~~

12 ~~(12)~~~~(13)~~ "Secretary" means the Secretary of the Federal Department of Housing and
13 Urban Development; ***and***~~[-]~~

14 ~~(13)~~~~(14)~~ "ANSI" means the American National Standards Institute.

15 ➔Section 73. KRS 227.555 is amended to read as follows:

- 16 (1) Every manufactured or mobile home as defined in KRS 227.550 shall have:
- 17 (a) At least one (1) working smoke detector located inside the home near the
18 bedroom areas on each floor level; and
- 19 (b) At least two (2) operable means of egress, if the home was originally equipped
20 with at least two (2) means.
- 21 (2) The department~~[of Housing, Buildings and Construction]~~, through the
22 promulgation of administrative regulations in accordance with KRS Chapter 13A,
23 shall design and cause to be placed:
- 24 (a) At each vehicle entrance to a manufactured home park or community as
25 defined in KRS 219.320, a notice stating the requirements set out in
26 subsection (1) of this section, the penalty for noncompliance set out in
27 subsection (5) of this section, and any other information it deems necessary to

1 effect the purposes of this section; and

2 (b) In each county clerk's office, a notice stating the requirements set out in
3 subsection (1) of this section, the penalty for noncompliance set out in
4 subsection (5) of this section, and any other information it deems necessary to
5 effect the purposes of this section.

6 (3) No public servant with the authority to issue a citation shall enter a manufactured or
7 mobile home solely for the purpose of determining whether or not the manufactured
8 or mobile home is in compliance with this section.

9 (4) No ordinance contrary to subsections (1) and (3) of this section may be enacted by
10 any unit of local government, and the provisions of subsections (1) and (3) shall
11 supersede any local ordinance to the contrary. The provisions of this subsection
12 shall not apply to any city which has adopted or may in the future adopt the
13 Uniform Residential Landlord and Tenant Act under KRS Chapter 383.

14 (5) The owners of manufactured homes and mobile homes located within a
15 manufactured home park or community which do not comply with subsection (1) of
16 this section shall be responsible for the correction of any violation.

17 (6) Any person who violates subsection (1) of this section shall be guilty of a violation.

18 ➔Section 74. KRS 227.570 is amended to read as follows:

19 (1) The department shall **promulgate administrative regulations in accordance with**
20 **KRS Chapter 13A to:**

21 **(a) Establish a process for certifying installers, licensing retailers, and issuing**
22 **certificates of acceptability to qualifying manufacturers pursuant to KRS**
23 **227.550 to 227.660;**

24 **(b) Establish and** enforce ~~such~~ standards and requirements for the installation
25 of plumbing, heating, and electrical systems in manufactured homes and
26 mobile homes and for previously owned recreational vehicles as it determines
27 are reasonably necessary in order to protect the health and safety of the

1 occupants and the public; and. ~~These standards and requirements shall be~~
 2 ~~those adopted by the Manufactured Home Certification and Licensure Board.~~

3 ~~(c)(2)~~ **Establish and** ~~The department shall~~ enforce ~~[such]~~standards and
 4 requirements for the body and frame design, construction, and installation of
 5 manufactured homes and mobile homes as it determines are reasonably
 6 necessary in order to protect the health and safety of the occupants and the
 7 public. ~~[These standards and requirements shall be those adopted by the~~
 8 ~~Manufactured Home Certification and Licensure Board. If any part of 1976~~
 9 ~~Ky. Acts ch. 136 conflicts with Title 6 of the Federal Housing and Community~~
 10 ~~Development Act of 1974, the federal act shall take precedence.]~~

11 ~~(2)(3)~~ All installations of manufactured homes and mobile homes shall be
 12 performed:

13 ~~(a)~~ By an installer certified **by the department; and** ~~under the provisions of KRS~~
 14 ~~227.560]~~

15 ~~(b)~~ In accordance with the manufacturer's instructions, if available, or **the current**
 16 **ANSI standard or the generally accepted industry standard as adopted by**
 17 **the department through the promulgation of an administrative**
 18 **regulation** ~~[A225.1, Manufactured Home Installations].~~

19 ~~(3)(4)~~ A certified installer shall apply for a certified installer seal prior to installing a
 20 manufactured home or a mobile home. The **department** ~~board~~ shall promulgate
 21 administrative regulations in accordance with KRS Chapter 13A **to establish a**
 22 **schedule of fees and the requirements for** ~~[The administrative regulations shall~~
 23 ~~provide for the fees,] purchase and application of the seal, report procedures, and~~
 24 attachment of the certified installer seal.

25 ~~(4)(5)~~ The installation of a new manufactured home shall be inspected under
 26 subsection (3) of this section. The retailer of the inspected property shall pay a new
 27 manufactured home installation inspection fee in an amount not to exceed one

1 hundred fifty dollars (\$150).

2 ~~(5)~~~~(6)~~ The department~~[board]~~ shall specify the new manufactured home installation
3 fee established in subsection (5) of this section through the promulgation of an
4 administrative regulation. The department~~[board]~~ may increase the fee, but by no
5 more than ten percent (10%) per year, and at no time shall the fee exceed one
6 hundred fifty dollars (\$150).

7 ~~(6)~~~~(7)~~ All fees received by the department under this section shall be deposited in the
8 trust and agency fund specified in KRS 227.620(5).

9 ➔Section 75. KRS 227.580 is amended to read as follows:

10 (1) It is unlawful for any manufacturer to manufacture, import, or sell manufactured
11 homes within this state unless that~~[such]~~ manufacturer has been issued a certificate
12 of acceptability for such manufactured homes from the department~~[board]~~ or its
13 designee. This subsection~~[provision]~~ shall not~~[-, however,]~~ apply to manufactured
14 homes manufactured in this state and designated for delivery to and sale in another
15 state.

16 (2) The department shall require that the manufacturer establish and submit to the
17 department for approval systems for quality control for recreational vehicles prior to
18 the issuance of a certificate of acceptability. Certificates of acceptability shall be
19 numbered and a record shall be kept by the department, by number, of the
20 certificates issued to manufacturers.

21 (3) ~~A~~~~[No]~~ manufacturer to which a certificate of acceptability has been issued shall not
22 modify in any way its manufacturing specifications without prior written approval
23 of the department.

24 ➔Section 76. KRS 227.590 is amended to read as follows:

25 (1) The department, subject to any applicable requirements of KRS
26 198B.030(8)~~[board]~~ shall establish and~~[make and the department shall]~~ enforce
27 administrative~~[rules and]~~ regulations reasonably required to effectuate the

- 1 provisions of KRS 227.550 to 227.660 and to carry out the department's
2 responsibilities as a state administrative agency for the enforcement and
3 administration of the federal act.
- 4 (2) At least thirty (30) days before the adoption or promulgation of any change in or
5 addition to the administrative~~[rules and]~~ regulations authorized in subsection (5) of
6 this section, the department shall mail to all manufacturers possessing valid
7 certificates of acceptability and retailers possessing valid licenses a notice including
8 a copy of the proposed changes and additions and the time and place that the
9 department~~[board]~~ will consider any objections to the proposed changes and
10 additions. After giving the notice required by this section, the department~~[board]~~
11 shall afford interested persons an opportunity to participate~~[in the rule making]~~
12 through submission of written data, views, or arguments with or without
13 opportunity to present the same orally in any manner.
- 14 (3) Every administrative~~[rule or]~~ regulation or modification, amendment, or repeal of
15 an administrative~~[a rule or]~~ regulation promulgated~~[adopted]~~ by the
16 department~~[board]~~ shall state the date it shall take effect.
- 17 (4) Notwithstanding~~[the provisions of]~~ KRS 227.550 to 227.660, the
18 department~~[board]~~ shall have the authority to promulgate administrative~~[rules and]~~
19 regulations exempting manufacturers and retailers from the provisions of KRS
20 227.550 to 227.660 when manufactured homes or mobile homes are brought into
21 this state for exhibition only.
- 22 (5) All administrative~~[rules,]~~ regulations, including codes, fees, and charges,
23 promulgated or adopted by the department~~[board]~~ pursuant to KRS 227.550 to
24 227.660 shall be prepared and filed in accordance with KRS Chapter 13A.
- 25 (6) The department~~[board]~~ shall have the authority to promulgate administrative~~[rules~~
26 ~~and]~~ regulations to issue temporary licenses, not to exceed thirty (30) days, to out-
27 of-state retailers for the purpose of participating in manufactured home shows in the

1 Commonwealth of Kentucky.

2 ➔Section 77. KRS 227.600 is amended to read as follows:

3 (1) Any retailer who has acquired a previously owned manufactured home, mobile
4 home, or recreational vehicle without a seal shall apply to the department for the
5 appropriate seal by submitting an affidavit that the unit has been brought up to or
6 meets reasonable standards established by the department~~board~~ for previously
7 owned manufactured homes, mobile homes, or recreational vehicles. Those
8 manufactured homes or mobile homes taken in trade shall~~must~~ be reinspected and
9 certified. A numbered Class B1 Seal shall be affixed by the retailer to the unit prior
10 to sale. A seal shall~~will~~ not be required if the~~such~~ retailer submits an affidavit
11 that the unit will not be resold for use~~as such~~ by the public. A retailer shall not
12 transport or install a manufactured or mobile home which is to be used for
13 residential purposes which does not have a Class B1 Seal.

14 (2) The owner of any manufactured home or mobile home that~~which~~ is not covered
15 by the federal act~~and which~~ was purchased in another state, and does not
16 bear~~not bearing~~ a seal of approval shall purchase a seal from the department.
17 Application to purchase a seal of approval shall be made to the department.

18 (3) The department shall make available suitable forms for application for seals of
19 approval for previously owned manufactured homes or mobile homes which are not
20 covered by the federal act and for previously owned recreational vehicles.

21 (4) The clerk of the county in which a manufactured home, mobile home, or previously
22 owned recreational vehicle is sought to be registered~~after June 1, 1976~~, which
23 was purchased out of Kentucky, shall require production of proof of purchase of a
24 seal of approval as provided in subsection (2) of this section before registering or
25 issuing a license for any manufactured home, mobile home, or previously owned
26 recreational vehicle.

27 ➔Section 78. KRS 227.605 is amended to read as follows:

1 (1) No person shall transport into the Commonwealth of Kentucky any previously
2 owned manufactured or mobile home for the purpose of resale or use as a dwelling
3 in the Commonwealth of Kentucky, unless the previously owned manufactured or
4 mobile home has a B1 Seal attached to it prior to resale or use as a dwelling. The
5 application and certification procedures for the attachment of the B1 Seal prior to
6 the resale or occupancy of the manufactured or mobile home shall be **established by**
7 **the department**~~[set out by the board]~~ through the promulgation of administrative
8 regulations in accordance with~~[the provisions of]~~ KRS Chapter 13A. Nothing in
9 this section shall require a person who owns a manufactured or mobile home in
10 another state and who transports that manufactured or mobile home into the
11 Commonwealth of Kentucky to use as that person's dwelling to obtain a Class B
12 seal.

13 (2) Except for manufactured or mobile homes installed within the Commonwealth of
14 Kentucky before July 13, 2004, no person shall sell, lease, rent, or furnish for use as
15 a dwelling in the Commonwealth of Kentucky any previously owned manufactured
16 or mobile home that does not bear a B1 Seal and which is not installed in
17 compliance with the manufacturer's instructions, if available, or **the current** ANSI
18 **standard or the generally accepted industry standard as adopted by the**
19 **department through the promulgation of an administrative regulation**~~[225.1,~~
20 ~~Manufactured Home Installations].~~

21 ➔Section 79. KRS 227.610 is amended to read as follows:

22 The **department**~~[board]~~ or its designee shall license retailers under~~[the provisions of]~~
23 KRS 227.550 to 227.660. The issuance of a license shall be contingent upon the
24 applicant's chief managing officer passing a test administered by the department. Before
25 issuing a license, the department shall require proof of liability insurance which shall
26 name the department in the certificate of insurance, and the license shall be null and void
27 if there is a lapse of coverage in insurance.

1 ➔Section 80. KRS 227.620 is amended to read as follows:

- 2 (1) ~~A~~~~[No]~~ retailer shall ***not*** engage in business~~[as such]~~ in this state without a license
3 ***issued by the department pursuant to***~~[therefor as provided in]~~ KRS 227.550 to
4 227.660.
- 5 (2) Application for license shall be made to the ***department***~~[board]~~ or its designee at
6 such time, in such form and contain such information as the ***department***~~[board]~~
7 shall require and shall be accompanied by the required fee. The ***department***~~[board]~~
8 may require in ***the***~~[such]~~ application, or otherwise, ***any***~~[such]~~ information~~[as]~~ it
9 deems ***essential to***~~[commensurate with the]~~ safeguarding~~[of]~~ the public interest in
10 the locality in which ***the***~~[said]~~ applicant proposes to engage in business, all of which
11 may be considered by the ***department***~~[board]~~ in determining the fitness of ***the***~~[said]~~
12 applicant to engage in business as set forth in KRS 227.550 to 227.660.
- 13 (3) All licenses shall be granted or refused within thirty (30) days after ***the*** application
14 ***is received***. The initial license for a retailer shall expire on the last day of the
15 licensee's birth month in the following year. The ***department***~~[board]~~ may reduce the
16 license fee on a pro rata basis for initial licenses issued for less than twelve (12)
17 months. Renewed licenses shall expire on the last day of the licensee's birth month
18 of each year after the date of issuance of the renewed license.
- 19 (4) The license fee for ***a***~~[such]~~ calendar year or part thereof shall be established by the
20 ***department***~~[board]~~, subject to the following maximums:
- 21 (a) For manufacturers, a "certificate of acceptability" shall be subject to a
22 maximum of five hundred dollars (\$500).
- 23 (b) For retailers, the maximum license fee shall be two hundred fifty dollars
24 (\$250) for each established place of business.
- 25 (c) The fee for a "Class B Seal" for recreational vehicles shall be twenty-five
26 dollars (\$25) per seal and the application form and seal shall be made
27 available from the department.

- 1 (d) The fee for a "Class B1 Seal" and "Class B2 Seal" for manufactured and
 2 mobile homes shall be established by the department~~[board]~~ subject to a
 3 maximum of twenty-five dollars (\$25) per seal.
- 4 (e) The department may establish a monitoring inspection fee in an amount
 5 established by the secretary. This monitoring inspection fee shall be an
 6 amount paid by each manufactured home manufacturer in this state for each
 7 manufactured home produced by the manufacturer in this state. The
 8 monitoring inspection fee shall be paid by the manufacturer to the secretary or
 9 the secretary's agent, who shall distribute the fees collected from all
 10 manufactured home manufacturers among the states approved and
 11 conditionally approved by the secretary based on the number of new
 12 manufactured homes whose first location after leaving the manufacturing
 13 plant is on the premises of a distributor, retailer, or purchaser in that state, and
 14 the extent of participation of the state in the joint team monitoring program
 15 established under the National Manufactured Housing Construction and
 16 Safety Standards Act of 1974, as amended.
- 17 (5) All revenues raised under subsection~~[through the provisions of subsections]~~ (4)(a),
 18 (b), and (c) of this section, and funds paid to the state by the secretary under~~[the~~
 19 ~~provisions of]~~ subsection (4)(d) of this section shall be deposited in a trust and
 20 agency fund and shall be used solely for the purpose of carrying out~~[the provisions~~
 21 ~~of]~~ KRS 227.550 to 227.660 and other departmental responsibilities. No amount of
 22 the~~[such]~~ trust and agency fund shall lapse at the end of any fiscal year.
- 23 (6) The licenses of retailers shall specify the location of the established place of
 24 business and shall~~[must]~~ be conspicuously displayed there. If the location denoted
 25 on the license changes~~[In case such location be changed]~~, the retailer shall notify
 26 the department of the change~~[any change of location]~~, and the department shall
 27 update~~[endorse]~~ the change of location on the license without charge if it be within

1 the same municipality. A change of location to another municipality or to a county
 2 which is not adjacent to the county where the business is located shall require a new
 3 license.

- 4 (7) Every retailer licensed in accordance with ~~the provisions of~~ this section shall make
 5 reports to the department at **times specified by the department and containing**
 6 **any**~~such intervals and showing such~~ information ~~as~~ the department may require.
- 7 (8) Each manufacturer, distributor of manufactured homes or mobile homes, and
 8 retailer of manufactured or mobile homes shall establish and maintain ~~such~~
 9 records, make ~~such~~ reports, and provide **any**~~such~~ information ~~as~~ the
 10 department or the secretary may reasonably require to ~~be able to~~ determine
 11 whether **the**~~such~~ manufacturer, distributor, or retailer has acted or is acting in
 12 compliance with KRS 227.550 to 227.660 or the federal act. **A manufacturer,**
 13 **distributor of manufactured homes or mobile homes, and retailer of**
 14 **manufactured or mobile homes** ~~and~~ shall, upon request of a person duly
 15 designated by the department or secretary, permit **that**~~such~~ person to inspect
 16 appropriate books, papers, records, and documents relevant to determining whether
 17 **the**~~such~~ manufacturer, distributor, or retailer has acted or is acting in compliance
 18 with KRS 227.550 to 227.660 or the federal act.

19 ➔Section 81. KRS 227.625 is amended to read as follows:

- 20 (1) Before any license ~~is~~ ~~will be~~ issued or renewed, the applicant shall file or have on
 21 file with the department a liability insurance policy issued by an insurance carrier
 22 authorized to transact insurance business within the Commonwealth of Kentucky.
 23 The policy of insurance ~~shall~~ ~~must~~ be issued in the name of the applicant licensee.
- 24 (2) The ~~department~~ ~~board~~ shall by **administrative** regulation establish the minimum
 25 amount of liability insurance **coverage** required **under this section** ~~herein~~.
- 26 (3) ~~An~~ ~~No~~ insurance carrier issuing any policy filed with the department shall **not** be
 27 relieved from liability under the policy until after the expiration of fifteen (15) days'

1 notice to the department of an intention to cancel the policy, provided, however,
 2 that a prior cancellation may be allowed in cases where one (1) policy is substituted
 3 for another policy when the substituted policy is in force and effect prior to the
 4 expiration of fifteen (15) days' notice to the department of an intention to cancel the
 5 policy which is being substituted.

6 (4) Upon cancellation of any policy of insurance required by this section, all operating
 7 rights granted by the license for which the ~~the~~ policy was filed~~;~~ shall
 8 immediately cease, and the department shall have the authority to immediately
 9 require the cessation of all operations conducted under the authority of ~~that~~
 10 ~~said~~ license and to require the surrender of all licenses, certificates, and seals
 11 previously issued hereunder.

12 ➔Section 82. KRS 227.630 is amended to read as follows:

13 (1) A license, certification, or certificate of acceptability may be denied, suspended, or
 14 revoked on the following grounds:

- 15 (a) A showing of insolvency in a court of competent jurisdiction;
- 16 (b) Material misstatement in application for license, certification, or certificate of
 17 acceptability;
- 18 (c) Willful failure to comply with any provisions of KRS 227.550 to 227.660 or
 19 any administrative ~~rule or~~ regulation promulgated by the department ~~board~~
 20 under KRS 227.550 to 227.660;
- 21 (d) Willfully defrauding any buyer;
- 22 (e) Willful failure to perform any written agreement with any buyer or retailer;
- 23 (f) Failure to have or to maintain an established place of business;
- 24 (g) Failure to furnish or maintain the required insurance;
- 25 (h) Making a fraudulent sale, transaction, or repossession;
- 26 (i) Employment of fraudulent devices, methods, or practices in connection with
 27 the requirements under the statutes of this state with respect to the retaking of

1 goods under retail installment contracts and the redemption and resale of such
2 goods;

3 (j) Failure by a retailer to put the title to a manufactured home, mobile home, or
4 recreational vehicle in his name after said retailer has acquired ownership of
5 the manufactured home, mobile home, or recreational vehicle by trade or
6 otherwise;

7 (k) Violation of any law relating to the sale or financing of manufactured homes,
8 mobile homes, or recreational vehicles.

9 (2) If a licensee is a firm or corporation, it shall be sufficient cause for the denial,
10 suspension, or revocation of a license ~~if that~~ any officer, director, or trustee of the
11 firm or corporation, or any member in case of a partnership, has been guilty of any
12 act or omission which would be cause for refusing, suspending, or revoking a
13 license to ~~that such~~ party as an individual. Each licensee shall be responsible for
14 any or all of his or her salespersons while they are acting as agents of the licensee
15 ~~and his agent while the said agent is acting~~ within the scope of their ~~his~~ authority.

16 (3) Upon proceedings for the suspension of a license, certification, or certificate of
17 acceptability for any of the violations enumerated in KRS 227.550 to 227.660, the
18 licensee or holder of a certificate of acceptability may have the alternative, subject
19 to the approval of the department ~~board~~, to pay in lieu of part or all of the days of
20 any suspension the sum of fifty dollars (\$50) per day. Payments in lieu of
21 suspension collected by the department ~~board~~ shall be deposited in the State
22 Treasury and credited to the general expenditure fund.

23 ➔Section 83. KRS 227.640 is amended to read as follows:

24 (1) The department ~~board~~ or its designee may deny the application for a license,
25 certification, or certificate of acceptability within thirty (30) days after receipt
26 thereof by written notice to the applicant, stating the grounds for the ~~such~~ denial.

27 (2) No license, certification, or certificate of acceptability shall be suspended or

1 revoked by the department~~[board]~~ unless the licensee or certificate holder is
 2 afforded the opportunity for a hearing to be conducted in accordance with KRS
 3 Chapter 13B.

4 (3) Any manufacturer, certified installer, or licensed retailer who violates or fails to
 5 comply with KRS 227.550 to 227.660 or any administrative regulations
 6 promulgated thereunder shall be notified in writing setting forth facts describing the
 7 alleged violation and instructed to correct the violation, if it is correctable, within
 8 twenty (20) days. ~~If~~~~Should~~ the manufacturer, certified installer, or retailer
 9 fails~~[fail]~~ to make the necessary corrections within the specified time or if the
 10 violation is not correctable, the department~~[board]~~ may, after notice and hearing in
 11 accordance with KRS Chapter 13B, suspend or revoke any certificate of
 12 acceptability, certification, or license if it finds that:

13 (a) The manufacturer, certified installer, or retailer has failed to pay the fees
 14 authorized by KRS 227.550 to 227.660;~~[or that]~~

15 (b) The manufacturer, certified installer, or retailer, either knowingly or without
 16 the exercise of due care to prevent the same, has violated any provision of
 17 KRS 227.550 to 227.660 or any administrative regulation or order lawfully
 18 made pursuant to and within the authority of KRS 227.550 to 227.660; or~~[~~
 19 ~~that]~~

20 (c) The manufacturer has shipped or imported into this state a manufactured
 21 home or mobile home to any person other than to a duly licensed retailer.

22 **(4)** The department shall establish~~[board shall set out]~~, through the promulgation of
 23 administrative regulations in accordance with~~[the provisions of]~~ KRS Chapter 13A,
 24 ~~[and shall provide for]~~ a dispute resolution process which may be used prior to a
 25 formal hearing under KRS Chapter 13B. The dispute resolution process shall be
 26 nonbinding on the licensee, certified installer, or manufacturer and shall be
 27 conducted after application for a KRS Chapter 13B hearing, but prior to the

1 convening of the KRS Chapter 13B hearing.

2 ~~(5)~~~~(4)~~ Any person aggrieved by any final order of the department may appeal to the
3 Franklin Circuit Court in accordance with KRS Chapter 13B.

4 ➔Section 84. KRS 227.650 is amended to read as follows:

5 (1) The department is empowered to inspect all mobile homes which are not covered by
6 the federal act and previously owned recreational vehicles for which it has issued a
7 seal of approval.

8 (2) The department~~board~~ may establish and require~~such~~ training programs in the
9 concept, techniques, and inspection of manufactured homes, mobile homes, and
10 previously owned recreational vehicles for the personnel of local governments, as
11 the department~~board~~ considers necessary.

12 (3) The staff of the department, upon showing proper credentials and in the discharge
13 of their duties pursuant to KRS 227.550 to 227.660 or the federal act, shall be
14 permitted~~is authorized~~ with the consent of the manufacturer or by proper warrant
15 to enter and inspect all factories, warehouses, or establishments in this state in
16 which manufactured homes are manufactured or stored.

17 ➔Section 85. KRS 227.660 is amended to read as follows:

18 ~~[The department,]~~Subject to KRS Chapters~~[the provisions of Chapter]~~ 18A and~~[~~
19 ~~Chapter]~~ 64~~[of the Kentucky Revised Statutes]~~, the department may set qualifications
20 for, employ, and fix the compensation of~~such~~ state inspectors as the department deems
21 necessary to carry out the functions of KRS 227.550 to 227.650. To carry out~~the~~
22 ~~provisions of]~~ KRS 227.550 to 227.650, the department may authorize the state
23 inspectors to travel within or outside~~[without]~~ the state for the purposes of inspecting the
24 manufacturing facilities for manufactured homes or for any other purpose in connection
25 with KRS 227.550 to 227.650.

26 ➔Section 86. KRS 227.992 is amended to read as follows:

27 Any person who willfully manufactures a manufactured home, sells, or offers for sale a

1 manufactured home, mobile home, or recreational vehicle in this state in violation of ~~the~~
 2 ~~provisions of~~ KRS 227.550~~[227.560]~~ to 227.660 shall be guilty of a misdemeanor and
 3 upon conviction thereof shall be punishable by a fine of not more than one thousand
 4 dollars (\$1,000) or by confinement in the county jail for a period of not more than thirty
 5 (30) days, or both.

6 ➔Section 87. KRS 227A.010 is amended to read as follows:

7 As used in KRS 227A.010 to 227A.140, unless the context otherwise requires:

8 (1) "Authorized local licensing program" means any city, county, urban-county
 9 government, charter county, or consolidated local government electrician and
 10 electrical contractor licensing program established by local ordinance for the
 11 purpose of licensing electrical workers. "Authorized local licensing program" shall
 12 include a licensing program established through a cooperative agreement between
 13 two (2) or more counties;

14 (2) ~~["Committee" means the Electrical Advisory Committee as described in KRS~~
 15 ~~227.530;~~

16 (3) ~~]~~"Department" means the Department of Housing, Buildings and Construction;

17 (3)(4) "Electrical" pertains to the installation, alteration, or repair of wires and
 18 conduits for the purpose of transmitting electricity, and the installation of fixtures
 19 and equipment in connection therewith;

20 (4)~~(5)~~ "Electrical contractor" means any licensed individual, partnership, or
 21 corporation that is licensed to engage in, offers to engage in, or advertises or holds
 22 itself out to be qualified to engage in designing, planning, superintending,
 23 contracting of, or assuming responsibility for the installation, alteration, or repair of
 24 any electrical system used for the purpose of furnishing heat, light, or power, and
 25 employs electrical workers to engage in this practice. If the electrical contractor is
 26 not a master electrician, the electrical contractor shall employ at least one (1) full-
 27 time master electrician; however, no master electrician shall act in this capacity for

1 more than one (1) electrical contractor;

2 ~~(5)~~(6) "Electrical system" means any electrical work subject to standards provided
3 within the National Electrical Code as adopted in the Uniform State Building Code,
4 as promulgated by the department~~Board of Housing, Buildings and Construction~~;

5 ~~(6)~~~~(7)~~ "Electrician" means any person licensed by the department who is employed
6 by an electrical contractor and is engaged in the construction, alteration, or repair of
7 any electrical system used for the purpose of furnishing heat, light, or power;

8 ~~(7)~~~~(8)~~ "Maintenance worker or maintenance engineer" means a person who is a
9 regular, bona fide employee or agent of a property owner, property lessor, property
10 management company, or firm that is not in the electrical business but has
11 jurisdiction over the property where the routine maintenance of electrical systems is
12 being performed;

13 ~~(8)~~~~(9)~~ "Master electrician" means any individual licensed to engage in, and assume
14 responsible charge, supervision, or direction of an electrician engaged in the
15 construction, installation, alteration, or repair of any electrical system used to
16 furnish heat, light, or power;

17 ~~(9)~~~~(10)~~ "Repair" means the reconstruction or renewal of any part of an existing
18 building for the purpose of its maintenance; and

19 ~~(10)~~~~(11)~~ "Routine maintenance of electrical systems" means the routine and periodic
20 servicing of electrical systems, including cleaning, inspecting, and making
21 adjustments to ensure the proper operation and the removal or replacement of
22 component parts. "Routine maintenance of electrical systems" does not include the
23 installation of complete electrical systems.

24 ➔Section 88. KRS 227A.040 is amended to read as follows:

25 (1) The department,~~with assistance from the Electrical Advisory committee,~~ shall
26 administer and enforce~~the provisions of~~ KRS 227A.010 to 227A.140 and shall
27 evaluate the qualifications of applicants for licensure.

- 1 (2) The department may issue subpoenas, examine witnesses, pay appropriate witness
2 fees, administer oaths, and investigate allegations of practices violating~~the~~
3 ~~provisions of~~ KRS 227A.010 to 227A.140 or the administrative regulations
4 promulgated under KRS 227A.010 to 227A.140 and KRS Chapter 13A.
- 5 (3) The department shall conduct hearings under KRS Chapter 13B and keep records
6 and minutes necessary to carry out the functions of KRS 227A.010 to 227A.140.
- 7 (4) The department, ~~[with assistance from the Electrical Advisory committee,]~~ shall
8 evaluate the qualifications of applicants and issue licenses to qualified candidates.
- 9 (5) The department shall renew licenses.
- 10 (6) The department may:
- 11 (a) Refuse to issue or renew a license;
- 12 (b) Suspend or revoke a license;
- 13 (c) Impose supervisory or probationary conditions upon a licensee;
- 14 (d) Impose administrative disciplinary fines;
- 15 (e) Issue written reprimands or admonishments; and
- 16 (f) Take any combination of the actions permitted in this subsection.
- 17 (7) The department may seek injunctive relief in the Circuit Court of Franklin County,
18 in the county in which the violation occurred, or in the county where the business of
19 the accused is located to stop any unlawful practice in KRS 227A.010 to 227A.140
20 and administrative regulations promulgated thereunder. The department may also
21 seek injunctive relief for unlicensed persons who inappropriately use the title
22 "electrical contractor," "electrician," or "master electrician."
- 23 (8) The department, with comments~~[and advice]~~ from the **Housing, Buildings and**
24 **Construction**~~[Electrical]~~ Advisory Committee if required by KRS 198B.030(8)~~[~~
25 ~~and (9)]~~, may promulgate administrative regulations to create a code of ethics and
26 procedures governing the licensure of electrical contractors, electricians, and master
27 electricians.

1 (9) The department may enter into reciprocal agreements with other states having
2 licensure, certification, or registration qualifications and requirements substantially
3 equal to those of this state.

4 ➔Section 89. KRS 227A.090 is amended to read as follows:

5 (1) The department~~[, with advice from the Electrical Advisory committee,]~~ shall select
6 and approve an examination to be used in determining the competency of persons to
7 be licensed under KRS 227A.010 to 227A.140. Examinations selected and
8 approved for each level of licensing shall be nationally recognized examinations
9 which have been determined through proper validation techniques to measure
10 successfully an individual's competency to perform the licensed practice.

11 (2) The department shall offer the examinations on a regularly scheduled basis in
12 localities around the state~~[determined by the committee]~~. The department shall
13 offer the examinations through any authorized local licensing program.

14 (3) The department may contract with an outside entity or testing service for the
15 administration of examinations required for licensure.

16 ➔Section 90. KRS 236.010 is amended to read as follows:

17 As used in this chapter:

18 (1) "Boiler" or "boilers" means and includes a closed vessel in which water or other
19 liquid is heated, steam or vapor is generated, steam is superheated, or in which any
20 combination of these functions is accomplished, under pressure or vacuum, for use
21 externally to itself, by the direct application of energy from the combustion of fuels,
22 or from electricity, solar or nuclear energy. The term "boiler" shall include fired
23 units for heating or vaporizing liquids other than water where these units are
24 separate from processing systems and are complete within themselves:

25 (a) "Power boiler" means a boiler in which steam or other vapor is generated at a
26 pressure of more than fifteen (15) pounds per square inch gauge;

27 (b) "High pressure, high temperature water boiler" means a water boiler operating

- 1 at pressures exceeding one hundred sixty (160) pounds per square inch gauge
 2 or temperatures exceeding two hundred fifty (250) degrees Fahrenheit;
- 3 (c) "Heating boiler" means a steam or vapor boiler operating at pressures not
 4 exceeding fifteen (15) pounds per square inch gauge or a hot water boiler
 5 operating at pressures not exceeding one hundred sixty (160) pounds per
 6 square inch gauge or temperatures not exceeding two hundred fifty (250)
 7 degrees Fahrenheit; and
- 8 (d) "Portable boiler" means a boiler which is primarily intended for a temporary
 9 location, construction and usage of which allows the boiler to be readily
 10 removed from one (1) location to another;
- 11 (2) "Pressure vessel" means a vessel in which the pressure is obtained from an external
 12 source or by the application of heat other than those vessels defined in subsection
 13 (1) of this section;
- 14 (3) "Commissioner" means the commissioner of Department of Housing, Buildings
 15 and Construction~~[housing, buildings and construction]~~;
- 16 (4) "Department" means the Department of Housing, Buildings and Construction;
- 17 (5) "ASME" means American Society of Mechanical Engineers;
- 18 (6) "Committee" means the Housing, Buildings and Construction Advisory
 19 Committee created by Section 1 of this Act~~["Board" means Board of Boiler and~~
 20 ~~Pressure Vessel Rules]~~;
- 21 (7) "Certificate inspection" means an inspection, the report of which is used by the
 22 chief boiler inspector to determine whether or not a certificate, as provided by
 23 subsection (1) of KRS 236.120, may be issued;
- 24 (8) "Administrative ~~[Rule" or "]~~regulation" means an administrative~~[a general]~~
 25 regulation adopted by the department~~[commissioner upon advisement of the board]~~
 26 and filed and approved in accordance with KRS Chapter 13A that is designed to
 27 ensure~~[insure]~~ the safety of boilers and pressure vessels that affects or may affect

- 1 property rights of a designated class of owners, or designed for the prevention of
2 loss or damage to property, loss of life, or personal injury from boiler or pressure
3 vessel explosion or from certain indicated hazards related thereto;
- 4 (9) "Order" or "emergency order" means an order of the department, chief boiler
5 inspector, or boiler inspector issued in accordance with this chapter for the
6 prevention of:
- 7 (a) Loss or damage to property;
- 8 (b) Loss of life from boiler or pressure vessel malfunction or explosion; or
- 9 (c) Personal injury from boiler or pressure vessel malfunction or explosion;
- 10 (10) "Division" means the Division of Plumbing in the department;
- 11 (11) "Qualified welder" means a welder or welding machine operator who has
12 successfully passed the tests required by the appropriate ASME boiler, pressure
13 vessel, or piping code;
- 14 (12) "Person" or "firm" means any individual, firm, partnership, or corporation;
- 15 (13) "Chief boiler inspector" means the person employed by the department who shall
16 serve as the boiler section supervisor within the Division of Plumbing;
- 17 (14) "Boiler inspector" means a duly authorized employee of the department ~~of~~
18 ~~Housing, Buildings and Construction~~ who is charged with the responsibility of
19 inspecting boilers and pressure vessels and with the enforcement of the state boiler
20 laws;
- 21 (15) "Special boiler inspector" means any person employed by an insurance company
22 authorized to insure boilers and pressure vessels in the Commonwealth and who
23 holds a commission as provided in KRS 236.080. This term shall apply to both in-
24 service inspectors and authorized inspectors of repairs, alterations, and shop work;
- 25 (16) "Domestic water" means potable water delivered by a piping system for personal
26 use or consumption;
- 27 (17) "Potable water" means water free from impurities present in amounts sufficient to

1 cause disease or harmful physiological effects and conforming in its bacteriological
2 and chemical quality to the requirements of the Division of Water or the
3 administrative regulations of the department~~[of Housing, Buildings and~~
4 ~~Construction]~~;

5 (18) "Cryogenic service" means a fluid held under pressure and having a boiling point
6 below one hundred degrees below zero (-100) Fahrenheit at one (1) atmospheric
7 pressure, which upon release results in auto-refrigeration or cooling effect;

8 (19) "Oil refinery" means a facility used primarily for the refinement of petroleum
9 products;

10 (20) "Qualified welding procedure" means a welding procedure that has passed tests
11 required by the applicable ASME boiler, pressure vessel, or piping code;

12 (21) "Boiler external piping" means boiler piping as defined ~~by~~ⁱⁿ ASME~~[Section I,~~
13 ~~which shall conform to ASME B31.1 and ASME Section I]~~;

14 (22) "Non-boiler external piping" means boiler piping and boiler proper connections as
15 defined in ASME Section I and applicable figures, and shall conform to either
16 ASME B31.1 or ASME B31.3, including steam, boiler feedwater, blowdown, vents
17 and drains, and chemical injection piping outside the boiler boundary;

18 (23) "MAWP" means the maximum allowable working pressure for a boiler, pressure
19 vessel, or piping system;

20 (24) "Owner facility" means any facility licensed pursuant to KRS 236.097(1);

21 (25) "Owner's piping inspector" means any person licensed pursuant to KRS 236.097(2);

22 (26) "Independent inspection agency" means a person or company licensed under KRS
23 236.097(3) who is retained by an owner facility to conduct inspections under KRS
24 236.097(1); and

25 (27) "Owner-user facility" means any facility that operates pressure vessels and is
26 accredited as an owner-user inspection organization by the national board.

27 ➔Section 91. KRS 236.030 is amended to read as follows:

- 1 (1) After reasonable notice and opportunity to be heard in accordance with KRS
2 Chapter 13A, the commissioner~~[of housing, buildings and construction]~~, upon
3 advisement and subject to comment by the committee~~[board]~~ under the
4 requirements of KRS 198B.030(8)~~[and (9) and 198B.040(11)]~~, shall, by
5 administrative regulation, fix reasonable standards for the safe construction,
6 installation, inspection, and repair of boilers, pressure vessels, and associated
7 pressure piping in this state. ~~[Such]~~ Administrative regulations shall be enforced by
8 the Department of Housing, Buildings and Construction, Division of Plumbing.
- 9 (2) The department may adopt any other administrative regulation necessary to
10 administer this chapter if the regulation has been subject to review and comment by
11 the committee~~[board]~~ under the requirements of KRS 198B.030(8)~~[and (9) and~~
12 ~~198B.040(11)]~~. ~~No administrative regulations so approved by the board shall~~
13 ~~become effective except upon adoption by the department, in conformance with~~
14 ~~KRS Chapter 13A.~~
- 15 ~~(3) The department shall furnish to the board proposed amendments to administrative~~
16 ~~regulations for the board's review and comment prior to their adoption by the~~
17 ~~department. The department shall not promulgate any administrative regulations~~
18 ~~related to this chapter without granting the board the opportunity to comment on the~~
19 ~~administrative regulation].~~

20 ➔Section 92. KRS 236.070 is amended to read as follows:

21 The department shall employ boiler inspectors who~~[shall]~~ have~~[had]~~ at the time of
22 appointment not less than five (5) years of practical experience in the construction,
23 maintenance, repair, or operation of high pressure boilers and pressure vessels as a
24 mechanical engineer, practical steam operating engineer, boilermaker, pressure vessel
25 inspector or boiler inspector, and who shall have passed the examination required
26 by~~[provided for in]~~ KRS 236.090.

27 ➔Section 93. KRS 236.095 is amended to read as follows:

- 1 (1) In addition to boiler inspectors authorized by KRS 236.070, the department shall
2 issue an owner-user inspector commission to any inspector commissioned by a
3 company operating a pressure vessel within the Commonwealth ~~if, provided that~~:
- 4 (a) The company has an established and regular inspection program;
- 5 (b) The company is listed as an accredited Owner-User Inspection Organization in
6 compliance with the National Board of Boiler and Pressure Vessel Inspectors
7 Accreditation of Owner-User Inspection Organizations;
- 8 (c) The inspection program, personnel, equipment, and supervision meet the
9 requirements established by the department ~~after recommendation by the~~
10 ~~board~~; and
- 11 (d) 1. The owner-user inspector applicant has successfully passed the
12 examination required by ~~provided for in~~ KRS 236.090; or
- 13 2. The owner-user inspector applicant holds a commission as an inspector
14 of boilers and pressure vessels issued by the National Board of Boiler
15 and Pressure Vessel Inspectors.
- 16 (2) A commission as an owner-user inspector shall be issued only if, in addition to
17 meeting the requirements of this section, the inspector is continuously employed by
18 the company for the purpose of making inspections of pressure vessels used or to be
19 used by the company, not of pressure vessels to be resold.
- 20 (3) A licensed owner-user inspector may not ~~is not authorized to~~ inspect boilers within
21 the Commonwealth.
- 22 (4) A licensed owner-user inspector may inspect only ~~all~~ pressure vessels insured by
23 the inspector's employing company. When the vessels are inspected and reported as
24 required, the owners and users of insured pressure vessels shall be exempt from
25 payment to the state of inspection fees as provided in KRS 236.130.
- 26 (5) Each company employing a licensed owner-user inspector shall, within thirty (30)
27 days following each certificate of inspection, file a report of inspection with the

1 department. Reports ~~shall be~~ submitted upon forms prescribed by the
2 department.

3 (6) No reporting of inspections other than the certificate of inspection reports shall be
4 required unless an inspection reveals that the pressure vessel is in a dangerous
5 condition.

6 (7) A licensed owner-user inspector shall receive no salary from, nor shall any expenses
7 be paid by, the Commonwealth.

8 (8) Continuance of an owner-user inspector's commission shall be conditioned upon the
9 inspector continuing employment for an owner-user company meeting requirements
10 of subsection (1) of this section.

11 ➔Section 94. KRS 236.110 is amended to read as follows:

12 (1) Each boiler or pressure vessel used or proposed to be used within this state, except
13 boilers or pressure vessels exempt under KRS 236.060, shall be thoroughly
14 inspected as to their construction, installation, and condition as follows:

15 (a) Power boilers shall receive a certificate of inspection annually which shall be
16 an internal inspection where construction permits; otherwise it shall be as
17 complete an inspection as possible. Such boilers shall also be externally
18 inspected while under pressure if possible.

19 (b) Low pressure steam or vapor heating boilers, hot water heating boilers, and
20 hot water supply boilers shall receive a certificate of inspection biennially;
21 said inspection shall include internal inspection where construction permits.
22 External inspections ~~shall be~~ required where construction does not permit
23 internal inspection.

24 (c) Pressure vessels shall be inspected at time of installation to ascertain that they
25 are in conformance with KRS 236.040. Subsequent reinspections, if any, shall
26 be set by administrative regulation of the department.

27 (d) A grace period of two (2) months beyond the periods specified in paragraphs

- 1 (a), (b), and (c) of this subsection may elapse between inspections.
- 2 (e) The department may at its discretion permit longer periods between
3 inspections.
- 4 (f) All new boiler or pressure vessel installations to be used within this state,
5 excepting boilers or pressure vessels exempted under KRS 236.060, shall be
6 inspected during the installation period to ascertain that all pressure piping
7 conforms to the requirements of KRS 236.040. A certificate of inspection may
8 not be issued on any new installation until these requirements are fulfilled.
- 9 (g) It shall be the responsibility of the installing contractor to request the above
10 inspection by notifying the boiler inspection section that the installation is
11 ready for ~~such~~ inspection. Notification ~~shall~~must be accomplished prior to
12 covering of any welded or mechanical joints on pressure piping or valves by
13 insulation, paint, or structural materials. The contractor shall provide ready
14 access for the inspector to all parts of the piping system.
- 15 (h) Inspection of pressure piping ~~shall apply~~applies only to new boiler, pressure
16 vessel, or new pressure piping system installations, or reinstallations, or
17 installation of secondhand boilers (as defined under "Boiler Rules and
18 Regulations"). No annual or biennial reinspection ~~shall be~~is required once
19 the system has been approved.
- 20 (i) "Existing installations," as applied to inspection of piping systems is defined
21 as any boiler and piping system completed and approved for operation prior to
22 July 1, 1970, or pressure vessels and associated piping systems completed and
23 approved for operation prior to July 15, 1980. ~~These~~Such existing
24 installations ~~shall~~will not be subject to the foregoing piping inspection
25 unless adjudged patently unsafe for operation by a boiler inspector holding a
26 commission issued by the National Board of Boiler and Pressure Vessel
27 Inspectors, or by an owner's piping inspector, when authorized. If an existing

1 installation is so adjudged, the owner or user ~~shall~~^{will} be granted full rights
2 of appeal as set forth under KRS 236.150.

3 (j) ~~If at such time as~~ an existing installation undergoes extensive overhaul or
4 more than fifty (50) linear feet of pressure piping requires renewal or is added
5 to the existing system, the entire system of piping carrying pressure emanating
6 from the boilers shall be subject to inspection and ~~shall~~^{will} be brought up to
7 standards required by KRS 236.040.

8 (k) The installing contractor of a piping system carrying pressure emanating from
9 a boiler or pressure vessel subject to inspection under provisions of this
10 chapter, shall pay to the department, upon completion of inspection, fees in
11 accordance with a schedule established by the department~~[set up by the board~~
12 ~~and approved by the commissioner]~~.

13 (l) Operation of a pressure piping system in conjunction with a boiler or pressure
14 vessel, either of which has not been inspected and approved as set forth above,
15 shall be subject to fines and penalties as set forth in KRS 236.990.

16 (m) For any boiler or pressure vessel used by a utility to generate power, and
17 operating under a certificate issued pursuant to KRS 278.020, if the boiler or
18 pressure vessel is inspected by a special boiler inspector pursuant to this
19 section, the inspection interval shall be extended to eighteen (18) months.

20 (2) The inspections required in this section shall be made by a boiler inspector or by a
21 special boiler inspector, except that all new installations shall be inspected by a
22 boiler inspector employed by the department. However, an owner's piping inspector
23 may inspect new, repaired, and replaced ASME standard~~[B31.3]~~ process piping.

24 (3) If at any time a hydrostatic, pneumatic, or any other nondestructive test shall be
25 deemed necessary for ascertaining acceptability of a boiler, pressure vessel, or
26 associated piping, the same shall be made by the contractor or owner-user, whoever
27 is responsible for the condition, and be witnessed by a boiler inspector, special

1 boiler inspector, or owner's piping inspector in authorized locations.

2 (4) All boilers to be installed in this state after July 1, 1970, and all pressure vessels
3 installed in this state after July 15, 1980, shall be inspected during construction as
4 required by the applicable rules and regulations of the department by a boiler
5 inspector authorized to inspect boilers and pressure vessels in this state, or, if
6 constructed outside of the state, by an inspector holding a commission from the
7 national board as an inspector of boilers and pressure vessels.

8 (5) No person shall willfully falsify any statement designed to secure the issuance,
9 renewal or reinstatement of a certificate of inspection. Violation of this subsection
10 shall subject such a person to the penalties stated in KRS 236.990.

11 ➔Section 95. KRS 236.120 is amended to read as follows:

12 (1) If, upon inspection, a boiler or pressure vessel is found to comply with the
13 administrative regulations of the department, the owner, user, or insurance company
14 of it shall pay to the department the sum of fifteen dollars (\$15). When the
15 inspection is made by a special inspector, the inspector shall attach the certificate
16 fee to his or her report. The chief boiler inspector, or his or her duly authorized
17 representative, shall issue to the owner or user a certificate of inspection for the
18 boiler or pressure vessel bearing the date of inspection and specifying the maximum
19 pressure under which the boiler or pressure vessel may be operated. An inspection
20 certificate shall be valid for not more than fourteen (14) months from its date in the
21 case of power boilers, and twenty-six (26) months in the case of low pressure steam
22 or vapor heating boilers, hot water heating boilers, or hot water supply boilers. The
23 most recently issued certificate of inspection shall be posted in the room containing
24 the boiler inspected or, in the case of a portable boiler, shall be kept in a tool box
25 accompanying the boiler. The most recently issued certificate of inspection for each
26 pressure vessel shall be kept in the owner's files.

27 (2) No certificate of inspection issued for an insured boiler, inspected by a special

1 inspector, shall be valid after the insurance on the boiler for which it was issued
 2 terminates. Boilers shall be insured by a company duly authorized by this state to
 3 carry the insurance.

4 (3) The commissioner or his or her authorized representative may at any time suspend a
 5 certificate of inspection if, in his or her opinion, the boiler or pressure vessel for
 6 which it was issued cannot be operated without menace to the public safety, or if the
 7 boiler or pressure vessel is found not in compliance with this chapter or the
 8 administrative regulations of the department. A special boiler inspector shall have
 9 corresponding powers with respect to suspending certificates of inspection for
 10 boilers or pressure vessels insured by the company employing him or her. The
 11 suspension of a certificate of inspection shall continue in effect until the boiler or
 12 pressure vessel conforms to this chapter and administrative regulations of the
 13 department~~board~~, and until the inspection certificate is reinstated.

14 (4) A suspended certificate of inspection shall be reissued on the recommendation of
 15 the boiler inspector or special boiler inspector who first caused the suspension or at
 16 the discretion of the chief boiler inspector.

17 ➔Section 96. KRS 236.130 is amended to read as follows:

18 (1) The owner or user of a boiler or pressure vessel required by this chapter to be
 19 inspected shall pay to the department, upon completion of inspection, reasonable
 20 fees not to exceed the cost of inspection as established by the commissioner in an
 21 administrative regulation promulgated in accordance with~~upon advice of the~~
 22 ~~board pursuant to~~ KRS Chapter 13A.

23 (2) All other inspections, including shop inspections and inspection of secondhand or
 24 used boilers made by the boiler inspector shall be charged for at the rate set by
 25 administrative regulation promulgated by the commissioner in accordance
 26 with~~upon advice of the board pursuant to~~ KRS Chapter 13A.

27 (3) All fees received by the department shall be held in a trust and agency fund from

1 which the expenses of administering this chapter and other department
 2 responsibilities may be paid, and no portion of ~~the~~^{the} fund shall lapse into the
 3 general fund at the end of each fiscal year.

4 ➔Section 97. KRS 236.210 is amended to read as follows:

- 5 (1) ~~A~~^{No} person shall **not** engage in the business of installing, erecting, or repairing
 6 boilers or pressure vessels unless **that person**~~he or she~~ first obtains a license from
 7 the commissioner~~on recommendation of the board~~.
- 8 (2) Each person, firm, or corporation ~~shall~~^{must} pass an examination prepared~~by the~~
 9 ~~board~~ and administered by the department.
- 10 (3) A license shall be issued by the commissioner or the chief boiler inspector **to**
 11 **qualified applicants** upon ~~recommendation of the board and~~ payment of a
 12 reasonable fee not to exceed the cost of examination and other expenses involved as
 13 established by the commissioner **in an administrative regulation promulgated in**
 14 **accordance with**~~upon advice of the board pursuant to~~ KRS Chapter 13A.
- 15 (4) The license shall be renewable annually, not later than the first of the month
 16 following the expiration date, upon payment of a reasonable fee not to exceed the
 17 costs involved in such renewal as established by the commissioner **in an**
 18 **administrative regulation promulgated in accordance with**~~upon advice of the~~
 19 ~~board pursuant to~~ KRS Chapter 13A.
- 20 (5) All individuals in the employ of a licensee shall not be required to be licensed.

21 ➔Section 98. KRS 236.220 is amended to read as follows:

- 22 (1) A license issued under KRS 236.210 to 236.260 may be suspended or revoked for
 23 falsification of any information contained in the application. Written notice of a
 24 suspension shall be given to the licensee by the chief boiler inspector within ten
 25 (10) days of the first notification of the violation. A person whose license has been
 26 suspended may appeal to the **department**~~board~~, and a hearing shall be conducted
 27 in accordance with KRS Chapter 13B.

1 (2) If the ~~department~~~~[board]~~ has reason to believe that a licensee is no longer qualified
 2 to hold ~~a~~~~[his]~~ license, the ~~department~~~~[board]~~ shall hold a hearing to be conducted in
 3 accordance with KRS Chapter 13B. If, as a result of the hearing, the
 4 ~~department~~~~[board]~~ finds that the licensee is no longer qualified to hold ~~a~~~~[his]~~
 5 license, the ~~department~~~~[board]~~ shall state in a final order that the license is revoked
 6 or suspended.

7 (3) A person whose license has been suspended may apply for reinstatement of the
 8 license after ninety (90) days from the date of the suspension.

9 →Section 99. KRS 236.240 is amended to read as follows:

10 (1) ~~A~~~~[No]~~ person shall **not** install, erect, or make repairs affecting the strength of a
 11 boiler or pressure vessel without first securing a permit from the department.
 12 Permits shall be issued only to **a person**~~[persons]~~ licensed under KRS 236.210 to
 13 236.260.

14 (2) No work shall be performed except by or under the supervision of ~~a~~~~[such]~~ licensed
 15 person. The permit fees shall be set by the ~~department~~~~[board]~~.

16 (3) The permit fees ~~shall~~~~[will]~~ include one (1) interim inspection and one (1) final
 17 inspection for issuance of a boiler or pressure vessel certificate of inspection.

18 (4) Special inspections and more than two (2) inspections requested by the licensee for
 19 each permit ~~shall~~~~[will]~~ be charged fees in accordance with KRS 236.130.

20 →Section 100. KRS 236.250 is amended to read as follows:

21 (1) ~~A~~~~[No]~~ person shall **not** make repairs affecting the strength or safety of boilers or
 22 pressure vessels without first securing a permit from the department unless repairs
 23 have been authorized by a boiler inspector or special boiler inspector pending
 24 issuance of the permit or unless such repairs are emergency repairs authorized by
 25 the department, a special boiler inspector or a boiler inspector pending issuance of
 26 the permit. ~~A~~~~[No]~~ permit **shall not**~~[will]~~ be required for emergency items not
 27 affecting the strength of the boiler or pressure vessel, when performed by qualified

1 welders regularly employed by firms utilizing properly qualified welding
2 procedures. Permits shall only be issued to persons licensed under ~~the provisions~~
3 ~~of~~ this chapter. A permit fee shall be paid directly to the department, and shall
4 accompany the repair application.

5 (2) Payment of permit to repair fees shall be required from operating companies
6 performing pressure vessel repairs in accordance with the National Board of Boiler
7 and Pressure Vessel Inspectors inspection code and utilizing properly qualified
8 welding procedures and regularly employing qualified welders to weld on boilers
9 owned and operated by such firm.

10 (3) For emergency repairs authorized by a boiler inspector or special boiler inspector, a
11 repair permit shall be obtained and filed with the department within thirty (30) days
12 of repair completion.

13 ➔Section 101. KRS 236.990 is amended to read as follows:

14 (1) It shall be unlawful for any person, firm, partnership, or corporation to operate in
15 this state a boiler or pressure vessel without a valid certificate of inspection. The
16 operation of a boiler or pressure vessel without a valid certificate, or at a pressure
17 exceeding that specified in an inspection certificate, shall constitute a Class B
18 misdemeanor on the part of the owner, user, or operator. Each day of unlawful
19 operation shall constitute a separate offense.

20 (2) Any person who violates any provision~~the provisions~~ of KRS 236.040(1);
21 236.080(4); 236.110(1), (4) and (5); 236.210(1); 236.220(1); 236.240(1) and (2);
22 236.250(1); or any proper order or administrative regulation made or promulgated
23 thereunder; or who hinders or obstructs an authorized inspector in the performance
24 of his or her duties under this chapter, shall be subject to the penalties in subsection
25 (1) of this section~~above~~.

26 (3) Any person who willfully violates any provision of this chapter, or any
27 administrative regulation, emergency order, order of the state fire marshal, order of

1 an authorized deputy state fire marshal, order of the chief boiler inspector, or order
 2 of any authorized boiler inspector, promulgated or made pursuant to this chapter,
 3 shall be subject to suspension or revocation of any appointment, commission,
 4 certification, registration, license, or permit made or issued by the department and
 5 held by that person, in accordance with the procedures specified in KRS 236.220, or
 6 in lieu of a suspension or revocation, shall be subject to an administrative fine of
 7 not less than ten dollars (\$10) and not exceeding five hundred dollars (\$500) after
 8 notice and hearing by the department~~board~~ in accordance with KRS 236.220.
 9 Each day these violations exist shall, in the discretion of the department~~board~~, be
 10 considered as a separate violation.

- 11 (4) As an aid to enforcement of ~~the provisions of~~ this chapter, or of any administrative
 12 regulation or order relating thereto, the department or chief boiler inspector may
 13 take any administrative action or bring any authorized legal action designed to
 14 prevent or correct any condition constituting or threatening to constitute a violation
 15 of any provision of this chapter.

16 ➔Section 102. KRS 318.015 is amended to read as follows:

- 17 (1) This chapter shall apply to~~applies~~ and shall be in full force and effect in all
 18 counties of the Commonwealth.
- 19 (2) The state plumbing code promulgated by the department under the provisions of
 20 this chapter shall apply to~~applies~~ and shall be in full force and effect for all public
 21 buildings regardless of location in the Commonwealth.
- 22 (3) This chapter shall not apply to farmsteads.

23 ➔Section 103. KRS 318.040 is amended to read as follows:

- 24 (1) An applicant for a master or journeyman plumber's license shall:
- 25 (a) Be at least eighteen (18) years of age;
- 26 (b) Be of good moral character;
- 27 (c) Be a citizen of the United States or be a resident alien who is authorized to

- 1 work in the United States; and
- 2 (d) Possess all the other qualifications that may be prescribed by administrative
3 regulations of the commissioner.
- 4 (2) Except as otherwise provided in this chapter, no master or journeyman plumber's
5 license shall be issued except upon a successful passage of an examination as
6 prescribed by the department.
- 7 (3) Examinations for a license as a master plumber or journeyman plumber shall be
8 conducted at times and places fixed by the regulations of the commissioner.
9 Applicants for an examination shall furnish the information required by the
10 commissioner and shall receive from the department due notice of the time and
11 place of the examination.
- 12 (4) The department shall prepare or cause to be prepared under its supervision
13 examinations consisting of written and practical tests with such questions and tests
14 by which the department will determine:
- 15 (a) With respect to master plumber's license applicants, that applicants are
16 qualified in view of the definitions, provisions, and purposes of this chapter to
17 carry on responsibly, reasonably, and competently, the activities which a
18 licensed master plumber is authorized to engage in by this chapter; and
- 19 (b) With respect to journeyman plumber's license applicants, their knowledge and
20 competency to carry on the activities which a licensed journeyman plumber is
21 authorized to engage in by this chapter.
- 22 (5) The examination papers shall be preserved by the department for a period of one (1)
23 year.
- 24 (6) The department may issue a license to any person who holds a valid license in
25 another state if that state has a statewide plumbing code, ~~and, in the opinion of the~~
26 ~~Plumbing Code Committee,~~ the other state's examination is at least equal to that of
27 Kentucky, and the other state agrees to reciprocate with Kentucky.

1 ➔Section 104. KRS 318.050 is amended to read as follows:

2 Each application for a license as a master or journeyman plumber shall be accompanied
3 by a reasonable fee as established by the department **in an administrative regulation**
4 **promulgated in accordance with KRS Chapter 13A.**

5 ➔Section 105. KRS 318.054 is amended to read as follows:

6 (1) The initial license for a master or journeyman plumber shall expire on the last day
7 of the licensee's birth month in the following year. The department may reduce the
8 license fee on a pro rata basis for initial licenses issued for less than twelve (12)
9 months. Renewed licenses shall expire on the last day of the licensee's birth month
10 of each year after the date of issuance of the renewed license.

11 (2) The department shall require an applicant for renewal of a license to show evidence
12 of completing the continuing education requirements **established**~~[set forth]~~ by the
13 department~~[, with advice from the State Plumbing Code committee,]~~ in~~[its]~~
14 administrative regulations **promulgated**~~[issued]~~ under KRS 318.130.

15 (3) The department shall send each licensed master and journeyman plumber a notice
16 advising them that the annual license renewal fee is due. The notice shall be sent to
17 the licensee's last known address no later than thirty (30) days prior to the expiration
18 of the license. The annual license renewal fee shall be a reasonable fee set by
19 regulation of the department. The fee for the renewal of a master plumber's license
20 shall exceed the fee charged for a journeyman plumber's license.

21 (4) ~~A~~~~[Any]~~ master or journeyman plumber who fails to renew ~~a~~~~[his]~~ license prior to
22 expiration may have ~~the~~~~[his]~~ license renewed upon payment of the required renewal
23 fee, a revival fee, and upon showing the completion of continuing education
24 requirements. The revival fee for a master plumber shall be five dollars (\$5) and for
25 a journeyman plumber three dollars (\$3). If the renewal and revival fees are not paid
26 **within** one hundred eighty (180) days after the license expires, **the license**~~[such~~
27 ~~licenses]~~ shall be automatically canceled by operation of law for nonpayment. **A**

1 ~~license~~~~[- provided, however, that such licenses]~~ may be reinstated upon payment of
 2 all delinquent renewal fees plus a revival fee of ten dollars (\$10) for a master
 3 plumber and six dollars (\$6) for a journeyman plumber. Upon presentation of
 4 proper evidence, the department may waive payment of any renewal or revival fee
 5 ~~specified herein~~ for a person~~[persons]~~ serving on active duty in the Armed Forces
 6 of the United States.

7 ➔Section 106. KRS 318.060 is amended to read as follows:

8 An applicant who fails an examination shall be eligible to take~~[upon reapplication for]~~
 9 the next regular examination upon submitting a new application and paying~~[the~~
 10 ~~payment of]~~ an additional application fee. Applications shall be canceled one (1) year
 11 after receipt thereof if~~[, in the event]~~ the applicant fails to appear for examination.

12 ➔Section 107. KRS 318.064 is amended to read as follows:

13 The department may revoke or suspend any plumber's license~~[issued by it]~~ upon proof
 14 that the licensee~~[has]~~:

- 15 (1) Has knowingly violated~~[the provisions of]~~ this chapter,~~[or]~~ the Kentucky State
 16 Plumbing Code, or the rules and regulations of the department;
- 17 (2) Has practiced fraud or deception in applying for or obtaining a license;
- 18 (3) Is incompetent to perform services as a licensed master plumber or a licensed
 19 journeyman plumber;
- 20 (4) Has permitted his or her license to be used directly or indirectly by another to
 21 obtain or perform plumbing work or services; or
- 22 (5) Is guilty of~~[such]~~ other unprofessional or dishonorable conduct of a character likely
 23 to deceive or defraud the public.

24 ➔Section 108. KRS 318.066 is amended to read as follows:

- 25 (1) ~~A~~~~[No]~~ license shall not be suspended or revoked by the department unless a hearing
 26 has been conducted or an opportunity afforded therefor in accordance with KRS
 27 Chapter 13B.

1 (2) A licensee aggrieved by a final order of the department suspending or revoking a
 2 license may appeal ~~therefrom~~ to the Circuit Court of the county in which the
 3 appellant's principal office ~~of the office~~ is located in accordance with KRS
 4 Chapter 13B.

5 ➔Section 109. KRS 318.077 is amended to read as follows:

6 (1) ~~[The committee shall hold hearings, upon adequate notice to affected parties~~
 7 ~~specifying the matters to be considered before the submission to the commissioner~~
 8 ~~of its suggested amendments to the code.]~~ No amendment of the code or any other
 9 related administrative regulation shall be ~~issued or~~ promulgated by the department
 10 without the prior review and comment of the Housing, Buildings and Construction
 11 Advisory Committee under the requirements of KRS 198B.030(8) ~~and (9) and~~
 12 ~~198B.040(11)].~~

13 (2) Any person aggrieved by any administrative ~~rule,~~ regulation~~,~~ or amendment
 14 thereto promulgated ~~approved~~ by the department, within thirty (30)~~30~~ days after
 15 the ~~such~~ action has become final, may appeal ~~therefrom~~ to the Circuit Court. For
 16 the purposes of this subsection ~~section~~, "persons aggrieved" shall include any
 17 person directly or indirectly injured or threatened with injury on account of any ~~such~~
 18 ~~such~~ administrative regulation~~, rule,~~ or amendment thereto promulgated by the
 19 department, whether or not that ~~such~~ person was a party to the proceedings out of
 20 which the order~~, rule,~~ administrative regulation, or amendment arose.

21 ➔Section 110. KRS 318.080 is amended to read as follows:

22 (1) In order to conduct examinations for persons to qualify as licensed master plumbers
 23 or journeyman plumbers, the department shall appoint as examiners the following
 24 persons to a State Plumbers Examining Committee: An employee of the department
 25 and three (3) other persons who shall be licensed either as master or journeyman
 26 plumbers. The commissioner shall be an ex officio examiner and permanent
 27 commissioner of the examining committee. With the exception of the issuance of

1 any order involving the revocation, suspension or cancellation of a master or
 2 journeyman plumber's license, the commissioner may delegate to a subordinate
 3 employee in the department the power to be present and participate, including the
 4 right to vote, as his or her representative at any meeting, hearing or other proceeding
 5 of the State Plumbers Examining Committee. Plumber examiners shall serve at the
 6 pleasure of the department.

7 (2) The department shall appoint assistant plumber examiners who are~~[shall be]~~
 8 qualified licensed master or journeyman plumbers, who shall serve at the pleasure
 9 of the department. Assistant plumber examiners shall perform~~[such]~~ duties as are
 10 delegated to them by the State Plumbers Examining Committee.

11 (3) Plumber examiners and assistant plumber examiners shall receive no compensation
 12 for their services, but shall be reimbursed for their necessary traveling expenses.

13 ➔Section 111. KRS 318.100 is amended to read as follows:

14 No person shall advertise as or claim to be~~[or hold himself or herself out as]~~ a licensed
 15 master or licensed journeyman plumber within the Commonwealth of Kentucky unless
 16 that person holds a master or journeyman plumber~~[he or she is a holder of a]~~ license
 17 from the department in accordance with~~[the provisions of]~~ this chapter.

18 ➔Section 112. KRS 318.110 is amended to read as follows:

19 A company or individual principal may engage in the business of plumbing within any
 20 county of the Commonwealth if a~~[some]~~ person connected with that~~[such a]~~ company or
 21 individual principal in responsible charge of the plumbing work is a licensed master
 22 plumber. Any master plumber, in responsible charge of plumbing work for a company or
 23 individual engaged in the plumbing business, shall notify the department at any time he or
 24 she commences or severs his or her connection with the company or individual principal.

25 ➔Section 113. KRS 318.130 is amended to read as follows:

26 In order to administer this chapter, the department shall promulgate and thereafter from
 27 time to time may amend a code to be known as the Kentucky State Plumbing Code,

1 regulating the construction, installation, and alteration of plumbing and plumbing fixtures
 2 and appliances, house sewers and private water supplies, and methods and materials to be
 3 used therein within this state, using as a minimum standard the basic principles of the
 4 National Plumbing Code Coordinating Committee, as evidenced by that committee's final
 5 report of 1951 with variations thereof or additions thereto as the committee considers are
 6 warranted by local, climatic, or other conditions. The code may also designate the number
 7 of plumbing fixtures for public buildings. The department may adopt any other
 8 reasonable administrative~~[rule or]~~ regulation to administer this chapter if the
 9 administrative~~[rule or]~~ regulation has been subject to review and comment by the
 10 Housing, Buildings and Construction Advisory Committee under the requirements of
 11 KRS 198B.030(8)~~[and (9) and 198B.040(11)]~~. No rules or regulations so approved by
 12 the Housing, Buildings and Construction Advisory Committee shall become effective
 13 except upon adoption by the department, in satisfaction of the requirements of KRS
 14 Chapter 13A. The department shall furnish to the Housing, Buildings and Construction
 15 Advisory Committee proposed amendments to the code for the committee's review and
 16 comment prior to their adoption by the department. The department shall not promulgate
 17 any administrative~~[rules or]~~ regulations related to this chapter without granting the
 18 Housing, Buildings and Construction Advisory Committee the opportunity to comment
 19 on the administrative regulation.

20 ➔Section 114. The following KRS sections are repealed:

21 198B.020 Board of Housing, Buildings and Construction.

22 198B.200 Kentucky Single Family Dwellings Advisory Committee -- Membership --
 23 Duties.

24 198B.4005 Elevator Advisory Committee -- Members -- Terms -- Vacancies -- Removal
 25 -- Review of administrative regulations -- Voting.

26 198B.4007 Committee to meet at least quarterly -- Special meetings.

27 198B.652 Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors.

1 227.530 Electrical Advisory Committee created -- Members -- Meetings -- Purpose --
2 Compensation.

3 227.560 Manufactured Home Certification and Licensure Board -- Membership --
4 Compensation -- Meetings.

5 236.020 Board of Boiler and Pressure Vessel Rules.

6 318.071 State Plumbing Code Committee -- Members -- Compensation -- Terms --
7 Vacancies.

8 318.074 Officers of committee -- Meetings.

9 ➔Section 115. All duties, functions, rights, responsibilities, powers, obligations,
10 records, equipment, staff, and supporting budgets of the Kentucky Board of Housing,
11 Buildings and Construction; the Kentucky Board of Heating, Ventilation, and Air
12 Conditioning Contractors; the Board of Boiler and Pressure Vessel Rules; the
13 Manufactured Home Certification and Licensure Board; the Kentucky Single Family
14 Dwellings Advisory Committee; the State Plumbing Code Committee; the Elevator
15 Advisory Committee; and the Electrical Advisory Committee, as these boards and
16 committees existed prior to the effective date of this Act and including the right to
17 promulgate regulations, to determine whether to issue, suspend, or revoke a license, and
18 to determine whether to issue a penalty to a licensee, shall be transferred to the
19 Department of Housing, Buildings and Construction on the effective date of this Act.
20 This shall include all duties, functions, rights, responsibilities, powers, and obligations of
21 these boards and committees as found in KRS Chapters 198B, 227, 236, and 318, and any
22 other law.

23 ➔Section 116. All administrative regulations promulgated under the authority of
24 the Kentucky Board of Housing, Buildings and Construction; Kentucky Board of Heating,
25 Ventilation, and Air Conditioning Contractors; the Board of Boiler and Pressure Vessel
26 Rules; the Manufactured Home Certification and Licensure Board; the Kentucky Single
27 Family Dwellings Advisory Committee; the State Plumbing Code Committee; the

1 Elevator Advisory Committee; and the Electrical Advisory Committee prior to the
2 effective date of this Act shall remain in full force and effect, shall be deemed
3 promulgated by the Department of Housing, Buildings and Construction, and shall be
4 administered by the department.

5 ➔Section 117. The General Assembly hereby confirms Executive Order 2016-
6 849, dated November 29, 2016, to the extent it is not otherwise confirmed or superseded
7 by this Act.