

1 AN ACT relating to construction projects.

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

3 ➔Section 1. KRS 323.033 is amended to read as follows:

- 4 (1) Except as otherwise provided in this section, the following buildings, or additions to
5 existing buildings, classified by use group shall require the services of an architect
6 licensed in the Commonwealth of Kentucky;
- 7 (a) Assembly use group having a capacity of one hundred (100) persons or more,
8 except church buildings having a capacity of four hundred (400) persons or
9 less or six thousand (6,000) square feet or less;
 - 10 (b) Business use group having a capacity of one hundred (100) persons or more;
 - 11 (c) Institutional use group, regardless of capacity;
 - 12 (d) Mercantile use group having a capacity of one hundred (100) persons or more;
 - 13 (e) Residential use group of more than twelve (12) dwelling units or having a
14 capacity of fifty (50) persons or more;
 - 15 (f) Educational use groups regardless of capacity; and
 - 16 (g) Mixed use group containing one (1) or more of the use group classifications
17 and capacities listed under paragraphs (a) through (f) of this subsection.
- 18 (2) Alterations or new construction requiring compliance with the Kentucky Building
19 Code for any building containing one (1) or more of the use group classifications
20 and capacities listed under subsection (1) of this section shall require the services of
21 an architect licensed in the Commonwealth of Kentucky; except that, when such
22 alterations or new construction predominantly involve primarily structural
23 components or mechanical or electrical systems, services may be performed by one
24 (1) or more licensed professional engineers.
- 25 (3) Buildings, or additions to existing buildings, containing one (1) or more of the use
26 group classifications and capacities listed under subsection (1) of this section shall
27 require, in addition to the services of an architect, the services of one (1) or more

1 licensed engineers.

2 (4) The following buildings and additions to existing buildings, classified by use group,
3 shall require the services of either an architect or a professional engineer registered
4 in the Commonwealth of Kentucky:

5 (a) Factory and industrial use group having a capacity of one hundred (100)
6 persons or more;

7 (b) High hazard use group, regardless of capacity;

8 (c) Storage use group having a capacity of one hundred (100) persons or more;
9 and

10 (d) Utility and miscellaneous use groups having a capacity of one hundred (100)
11 persons or more.

12 (5) Neither the state nor any of its political subdivisions shall engage in the
13 construction of any public work involving the practice of architecture or
14 engineering unless the plans, specifications, and estimates have been prepared and
15 the administration of construction contracts executed under the direct supervision of
16 a licensed architect or a professional engineer. This subsection shall not apply to:

17 (a) Any public work, including a building or capital project under KRS 56.491,
18 that involves only maintenance or repair of the facility. Maintenance or repair
19 shall not include any work which alters, modifies, or changes the original
20 characteristics of the design; ~~or~~

21 (b) Any residential dwelling that falls under the Kentucky Residential Code; or

22 (c) Facilities used in the furtherance of security or defense contracts, grants, or
23 agreements with the United States of America located on property owned by
24 the Commonwealth that are industrial or storage areas measuring twenty
25 thousand (20,000) square feet or less or a business area measuring ten
26 thousand (10,000) square feet or less, provided work is in compliance with
27 the United States Department of Defense Building Code.

1 (6) The services required in subsections (1) to (5) of this section shall include the
2 administration of construction contracts.

3 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO
4 READ AS FOLLOWS:

5 (1) As used in this section, unless the context otherwise requires:

6 (a) "Accredited testing facility" means a facility that tests and certifies welders
7 and welding inspectors, and which has been accredited by the AWS;

8 (b) "ASME" means the American Society of Mechanical Engineers;

9 (c) "AWS" means the American Welding Society;

10 (d) "Certified welding inspector" means a person who has been certified by the
11 AWS to inspect structural steel welding projects and is independent of a
12 Kentucky building program having jurisdiction;

13 (e) "D1.1" means the current version of the Structural Welding Code – Steel,
14 approved American National Standard from the AWS;

15 (f) "D1.5" means the current version of the Bridge Welding Code, approved
16 American National Standard from the AWS jointly with the American
17 Association of State Highway and Transportation Officials;

18 (g) "Structural steel welding" means structural welds, weld repair, the
19 structural system, and the welding of all primary steel members of a
20 structure per D1.1 and D1.5. Where ASME work is required, it shall be
21 done by ASME certified welders; and

22 (h) "Welding standards" means the specifications, guidelines, tests, and other
23 methods used to develop a system of quality control to ensure that welding is
24 conducted in such a manner that all welds must meet, at a minimum, D1.1
25 and D1.5 standards established by the AWS.

26 (2) To ensure the safety, quality, and integrity of structural steel welding and that all
27 welding standards are met, the following requirements shall be mandated by

1 general contractors, project managers, contractors, and subcontractors in all
2 projects involving structural steel welding where the design professional
3 responsible for the project includes the D1.1 or D1.5 in the job specifications:

4 (a) Welders performing structural steel welding on a project shall have been
5 tested and certified by:

6 1. An accredited testing facility; or

7 2. An individual who has been accredited by the American Welding
8 Society to test and certify welders and welding inspectors; and

9 (b) Structural steel welding performed on a project shall meet welding
10 standards.

11 ➔Section 3. Section 2 of this Act takes effect January 1, 2022.