

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2022 REGULAR SESSION
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Amend printed copy of **HB 249/SCS 1**

On page 6, after line 14, insert the following:

"➔Section 4. KRS 198B.010 is amended to read as follows:

As used in this chapter, unless otherwise provided:

(1) "Assembly occupancy" means the occupancy or use of a building or structure or any portion thereof by a gathering of persons for civic, political, travel, religious, social, or recreational purposes, including among others:

- (a) Armories;
- (b) Assembly halls;
- (c) Auditoriums;
- (d) Bowling alleys;
- (e) Broadcasting studios;
- (f) Chapels;
- (g) Churches;
- (h) Clubrooms;
- (i) Community buildings;
- (j) Courthouses;
- (k) Dance halls;
- (l) Exhibition rooms;

Amendment No. SFA

Rep. Sen. Jared Carpenter

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRC Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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- (m) Gymnasiums;
 - (n) Hotels;
 - (o) Lecture rooms;
 - (p) Lodge rooms;
 - (q) Motels;
 - (r) Motion picture theaters;
 - (s) Museums;
 - (t) Night clubs;
 - (u) Opera houses;
 - (v) Passenger stations;
 - (w) Pool rooms;
 - (x) Recreation areas;
 - (y) Restaurants;
 - (z) Skating rinks;
 - (aa) Television studios; ***and***
 - (bb) Theaters.
- (2) "Attic" means the space between the ceiling beams of the top habitable story and the roof rafters.
- (3) "Basement" means that portion of a building the average height of which is at least half below grade, which is ordinarily used for purposes such as storage, laundry facilities, household tool shops, and installation and operation of heating, cooling, and ventilating facilities, but which is not ordinarily used for purposes of general household habitation.
- (4) "Building" means any combination of materials, whether portable or fixed, which comprises a structure or nonmine underground area affording facilities or shelter for any human occupancy, whether infrequent or regular, and also means single-family dwellings,

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including those sold or constructed under a trade or brand name. The word "building" shall be construed wherever used herein as if followed by the words "or part or parts thereof and all equipment therein" unless the context clearly requires a different meaning. "Building" shall also mean swimming pools constructed below grade on site, but not swimming pools assembled above grade on site. "Building" shall not mean a manufactured home governed by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. secs. 5401 et seq., or a farm dwelling or other farm buildings and structures incident to the operation and maintenance of the farm if the farm structures are located outside the boundary of a municipality and are not used in the business of retail trade or used as a place of regular employment for ten (10) or more people or structures used in the storage or processing of timber products.

- (5) "Business occupancy" means the occupancy or use of a building or structure or any portion thereof for the transaction of business, the rendering or receiving of professional services, or the displaying, selling, or buying of goods, wares, or merchandise, or the housing of vehicles of transportation, except where occupancy is of high hazard, including among others:
- (a) Banks;
 - (b) Barber shops;
 - (c) Beauty parlors;
 - (d) Department stores;
 - (e) Garages;
 - (f) Markets;
 - (g) Service stations;
 - (h) Offices;
 - (i) Stores;

Unofficial Document

- (j) Radio stations;
 - (k) Telephone exchanges; and
 - (l) Television stations.
- (6) "Certified building inspector" means a person who has been certified by the department as having successfully completed the test requirements provided by KRS 198B.090 to practice as a city, county, or state building inspector within the Commonwealth.
- (7) "Certified plans and specifications inspector" means a person who has been certified by the department as having successfully completed the test requirements provided by KRS 198B.090 to practice as a city, county, or state plans and specifications inspector within the Commonwealth.
- (8) "Certified plumbing inspector" means a person who has been certified by the department as having successfully completed the test requirements provided by KRS 198B.090 and 318.140, or 318.090 to practice as a city, county, or state plumbing inspector within the Commonwealth.
- (9) "Commissioner" means the commissioner of the department.
- (10) "Committee" means the Housing, Buildings and Construction Advisory Committee established by KRS 198B.032.
- (11) "Construction" means the erection, fabrication, reconstruction, substantial alteration or conversion of a building, or the installation of equipment therein, but shall not include the ordinary repair of a building or structure.
- (12) **"Controlled environment agriculture facility":**
- (a) Means a facility that utilizes a technologically advanced form of hydroponic or soilless-based production that includes a combination of engineering, plant science, and computer-managed greenhouse control technologies in growing spaces and all connected sorting, packing, and storage areas to allow complete and**

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stable control of the plant environment, including temperature, light, and carbon dioxide;

(b) Includes the immediate sorting, packing, and shipping of fresh, ready-to-consume produce; and

(c) Shall not be used for retail sales or allow open access to the public.

(13) "Department" means the Department of Housing, Buildings and Construction.

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

- (a) Academies;
- (b) Care centers;
- (c) Colleges;
- (d) Kindergartens;
- (e) Libraries;
- (f) Preschools;
- (g) Relocatable classroom units;
- (h) Schools;
- (i) Seminaries; and
- (j) Universities.

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

(16)~~(15)~~ "High hazard occupancy" means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, highly flammable, or explosive

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materials or which has inherent characteristics that constitute a special fire hazard, including among others:

- (a) Aluminum powder factories;
- (b) Charging or filling stations;
- (c) Distilleries;
- (d) Dry cleaning plants;
- (e) Dry dyeing plants;
- (f) Explosive-manufacture, sale or storage;
- (g) Flour and feed mills;
- (h) Gasoline bulk plants;
- (i) Grain elevators;
- (j) Lacquer factories;
- (k) Liquefied petroleum gas;
- (l) Mattress factories;
- (m) Paint factories;
- (n) Pyroxylin-factories, or warehouses; and
- (o) Rubber factories.

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

- (a) Assembly plants;
- (b) Creameries;
- (c) Electrical substations;
- (d) Factories;
- (e) Ice plants;

- (f) Laboratories;
- (g) Laundries;
- (h) Manufacturing plants;
- (i) Mills;
- (j) Power plants;
- (k) Processing plants;
- (l) Pumping stations;
- (m) Repair garages;
- (n) Smokehouses; and
- (o) Workshops.

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

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

- (a) Asylums;
- (b) Homes for the aged;
- (c) Hospitals;
- (d) Houses of correction;
- (e) Infirmaries;
- (f) Jails;
- (g) Nursing homes;
- (h) Orphanages;
- (i) Penal institutions;

- (j) Reformatories;
- (k) Sanitariums; and
- (l) Nurseries.

~~(20)~~~~(19)~~ "Mobile home" means mobile home as defined in KRS 227.550.

~~(21)~~~~(20)~~ "Ordinary repair" means any nonstructural reconstruction or renewal of any part of an existing building for the purpose of its maintenance, or decoration, and shall include but not be limited to the replacement or installation of nonstructural components of the building such as roofing, siding, windows, storm windows, insulation, drywall or lath and plaster, or any other replacement, in kind, that does not alter the structural integrity, alter the occupancy or use of the building, or affect, by rearrangement, exitways and means of egress; but shall not include additions to, or alteration of, or relocation of any standpipe, water supply, sewer, drainage, gas, soil, waste, vent or similar piping, electric wiring, or mechanical equipment including furnaces and hot water heaters or other work affecting public health or safety.

~~(22)~~~~(21)~~ "Story" means that part of a building comprised between a floor and the floor or roof next above which is not a basement or an attic.

~~(23)~~~~(22)~~ "Person with a physical disability" means a person confined to a wheelchair; a person who uses braces or crutches; a person who because of the loss of a foot or leg or because of an arthritic, spastic, pulmonary, or cardiac condition, walks with difficulty or insecurity; a person who suffers from a faulty coordination or palsy; a person who is blind or whose sight is so impaired that, functioning in a public area, he or she is insecure or exposed to danger; a person whose hearing is so impaired that he or she is unable to hear warning signals; and a person whose mobility, flexibility, coordination, and perceptiveness are significantly reduced by aging.

~~(24)~~~~(23)~~ "Facility for persons with physical disabilities" means any convenience or device

Unofficial Document

which facilitates the health, safety, or comfort of a person with a disability, including, but not limited to, ramps, handrails, elevators, and doors.

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

→Section 5. Whereas, the safety and well-being of the citizens of our great Commonwealth are a vital part of our communities, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law."