AN ACT relating to reorganization of the building trades.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

***expiration of a term shall be appointed for the remainder of the unexpired term.***

***(3) The commissioner or the commissioner's designee shall serve as chair of the committee. The committee shall annually elect a member to serve as vice chair.***

***(4) The committee shall meet at least quarterly, and a majority of the members of the committee shall constitute a quorum for the transaction of business. If a vote on a matter before the committee results in a tie, the commissioner or the commissioner's designee shall cast an additional deciding vote.***

***(5) Committee members who are not full-time state government employees shall be compensated for their time when attending committee meetings or performing official duties as directed by the committee at the rate of fifty dollars ($50) per day. Members of the committee shall be reimbursed for all expenses paid or incurred in the discharge of official business consistent with the reimbursement policy for state employees.***

***(6) The committee shall provide ongoing advice and input to the department, but shall not become directly involved in the licensing or regulation of housing, buildings, and construction matters by the department.***

***(7) The department shall give the committee thirty (30) days to review and comment on a proposed administrative regulation before the regulation is promulgated, amended, or repealed, except in the case of an emergency administrative regulation.***

➔Section 2. 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;

(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;

(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, 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;

(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***[~~housing, buildings and construction~~].

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

***(11)***[~~(10)~~] "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)***[~~(11)~~] "Department" means the Department of Housing, Buildings and Construction.

***(13)***[~~(12)~~] "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.

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

***(15)***[~~(14)~~] "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 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.

***(16)***~~[(15)]~~ "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.

***(17)***[~~(16)~~] "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.

***(18)***[~~(17)~~] "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.

***(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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

department may proceed with the administrative changes at its discretion.

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

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

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

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

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

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

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

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

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

(4) To assume administrative coordination of the various state construction review programs and to cooperate with various federal, state, and local agencies in the programs as they relate to buildings and construction;

(5) To assume administration and coordination of various state housing programs to include:

(a) Devising and implementing procedures, in conjunction with the Department for Local Government, for attaining and maintaining an accurate count of the housing inventory in Kentucky, including information on the age, physical condition, size, facilities, and amenities of this housing, and housing constructed and demolished each year;

(b) Designing programs coordinating the elements of housing finance, production, maintenance, and rehabilitation for the purpose of assuring the availability of safe, adequate housing in a healthful environment for all Kentucky citizens;

(c) Establishing or causing to be established public information and educational programs relating to housing, to include informing Kentucky citizens about housing and housing related programs that are available on all levels of government;

(d) Designing and administering, or participating in the design and administration of educational programs to prepare low income families for home ownership, and counseling them during their early years as homeowners;

(e) Promoting educational programs to assist sponsors in the development and management of low and moderate income housing for sale or rental;

(f) Cooperating with various federal, state, and local agencies in their programs as they relate to housing; and

(g) Conducting or causing to be conducted studies to determine the housing preferences of Kentucky citizens and the present and future housing requirements of the state;

(6) To recommend state building industry policies and goals to the Kentucky General Assembly;

(7) To adopt and promulgate a mandatory uniform state building code, and parts thereof, which shall establish standards for the construction of all buildings, as defined in KRS 198B.010, in the state;

(8) To promulgate administrative regulations providing for the proper construction of public water purification plants, other than the water treatment equipment and systems in ***those***~~[such]~~ plants***. Any administrative regulation promulgated under this subsection shall***~~[; provided, however, that any such regulations must]~~ require that applications for permits to build public water purification plants~~[ will]~~ be submitted by the department to the Energy and Environment Cabinet for that cabinet's comments. Any ***submitted administrative***~~[such]~~ regulations shall require the Energy and Environment Cabinet's comments to be completed and ***returned***~~[submitted]~~ to the department within sixty (60) days;

(9) To promulgate administrative regulations providing for the proper construction of sewage treatment plants, other than the sewage treatment equipment and systems in such plants***. Any administrative regulation promulgated under this subsection shall***~~[; provided, however, that any such regulations must]~~ require that applications for permits to build public sewage treatment plants~~[ will]~~ be submitted by the department to the Energy and Environment Cabinet for that cabinet's comments. Any ***submitted administrative***~~[such]~~ regulations shall require the Energy and Environment Cabinet's comments to be completed and ***returned***~~[submitted]~~ to the department within sixty (60) days; and

(10) To promulgate administrative regulations for the safe installation and operation of plumbing and plumbing fixtures.

~~[(11) (a) As used in this subsection, "main board" means the Kentucky Board of Housing, Buildings and Construction.~~

~~(b) If the main board has proposed a new or amended administrative regulation that directly and clearly relates to the work of a profession, class of workers, or industry that is under the authority of any board or advisory committee that is created by statute and is controlled, superseded, administratively attached, or affiliated with the main board, the main board shall not promulgate the proposed administrative regulation without first receiving comments from the affected board or advisory committee, subject to the restrictions of paragraph (c) of this subsection.~~

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

~~2. The affected board or advisory committee shall be granted a maximum of sixty (60) days to submit its comments on the proposed regulatory change. If the administrative regulation is a new emergency regulation, the affected board or advisory committee shall be granted a maximum of thirty (30) days to submit its comments on the proposed regulatory change.~~

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

~~4. If a board or advisory committee is not scheduled to meet or meets only at the call of the main board, the main board shall arrange for the board or advisory committee to meet at a time that will allow the board or advisory committee an adequate opportunity to review and comment on~~

1 ~~the regulation within the time limit. If the affected board or advisory~~
2 ~~committee fails to comment within the time limit, the main board may~~
3 ~~proceed with the administrative changes at its discretion.~~
4 ~~(d) To the extent that any other statute relating to the main board's authority to~~
5 ~~promulgate administrative regulations conflicts with this section, this section~~
6 ~~shall take precedence.~~
7 ~~(e) If a board or advisory committee chooses to produce written comments, those~~
8 ~~comments shall be attached to any public submission of the administrative~~
9 ~~regulation, including any filing under KRS Chapter 13A.~~
10 ~~(12) Any power or limitation relating to administrative regulations promulgated by the~~
11 ~~Kentucky Board of Housing, Buildings and Construction that are subject to~~
12 ~~subsection (11) of this section shall also apply to the department and commissioner~~
13 ~~as described in KRS 198B.030(8) and (9).]~~
14 ➔Section 5. KRS 198B.050 is amended to read as follows:
15 (1) ~~[Within one (1) year from its initial meeting, after adequate notice in accordance~~
16 ~~with KRS Chapter 13A, ]~~The ***department***~~[board]~~ shall adopt and promulgate a
17 mandatory Uniform State Building Code ***that establishes***~~[which shall establish]~~
18 standards for the construction of all buildings, as defined in KRS 198B.010, in the
19 state. The code shall provide that the review and approval, as necessary, of building
20 plans for conformance with the Uniform State Building Code prior to construction
21 approval shall be conducted only by the department or a local government or
22 governments delegated such responsibilities by this chapter, and any exceptions to
23 this policy shall be explicitly stated in the code.
24 (2) The code shall be comprehensive and shall include but not be limited to provisions
25 for general construction; structural quality; mechanical systems to include heating,
26 cooling, and ventilation; electrical systems; and life safety from hazards of fire,
27 explosion, and other disasters, whether caused by acts of nature or man. The code

shall encompass the Kentucky State Plumbing Code promulgated pursuant to KRS 318.130, boiler rules and regulations issued pursuant to KRS 236.030, and the national electrical code.

(3) This code shall be designed after and may be selected from the models offered by such model code agencies as the ***International Code Council, Inc., the National Fire Protection Association***[~~Building Officials and Code Administrators, International, Inc.; the International Conference of Building Officials; the Southern Building Code Congress~~]; and other nationally recognized organizations which may include governmental agencies. The code shall:

(a) Provide uniform standards and requirements for construction and construction materials;

(b) To the extent practicable, set forth standards, specifications, and requirements in terms of performance objectives, so as to facilitate the use of new technologies, techniques, and materials. The code shall not discriminate in favor of particular suppliers' materials, techniques, or technologies; ***and***

(c) Protect the public health, safety, and welfare within the state.

(4) ***The***[~~Adoption of a~~] code shall include provisions for the continuing review ***and possible adoption*** of[~~, and the board shall adopt when deemed justified to fulfill the purposes of this chapter,~~] new materials, technologies, and techniques in the building industry ***when deemed justified by the department to fulfill the purposes of this chapter***. The ***department***[~~board~~] may adopt a model code promulgated by a model code agency only if that agency provides a method for democratic participation by the ***department***[~~board~~] and any local governments which may enforce the code, in a continuing review and possible adoption of new materials, technologies, and techniques in the building industry.

(5) The ***department***[~~board~~] shall ***promulgate administrative***[~~issue~~] regulations, after notice in accordance with KRS Chapter 13A, which are necessary to implement the

Uniform State Building Code or to carry out any other responsibility assigned to ***the department***[~~said board~~] by this chapter.

(6) The ***department***[~~board~~] shall monitor the effectiveness of agencies designated by local governments to enforce the provisions of the Uniform State Building Code.

(7) If the ***department***[~~board~~] determines that an agency is not enforcing the provisions of the Uniform State Building Code, it shall[~~ direct the department to~~] determine where deficiencies exist. The department shall require the local government to correct the deficiencies within sixty (60) days and report to the department its method of correcting the deficiencies.

(8) If the local government fails to correct the deficiencies, the department ***may***[~~shall recommend to the board that the department be permitted to~~] preempt the local program as provided for in KRS 198B.060(4).

(9) The ***department***[~~board~~] shall provide for the supply, including amendments and revisions thereto, of sufficient copies of the Uniform State Building Code for all interested parties.

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

(1) Each local government shall employ a building official or inspector and other code enforcement personnel as necessary, or shall contract for inspection and code enforcement services in accordance with subsections (8) and (11) of this section to enforce the Uniform State Building Code within the boundaries of its jurisdiction, except that permits, inspections, and certificates of occupancy shall not be mandatory for single-family residences unless a local government passes an ordinance requiring inspections of single-family residences.

(2) ***(a)*** Local governments shall be responsible for the examination and approval or disapproval of plans and specifications for churches having a capacity of four hundred (400) or less persons, and six thousand (6,000) or less square feet of total floor area, and buildings of no more than three (3) stories in height,

exclusive of attic and basement, which do not contain more than twenty thousand (20,000) square feet of floor area, and are not intended for educational, institutional, or high hazard occupancy; or assembly, business, or industrial occupancy in excess of one hundred (100) persons, except churches as stated in this subsection, or for use as a frozen food locker plant as defined in KRS 221.010.

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

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

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

***(b)*** If the commissioner determines that the local jurisdiction is not adequately performing any portion of its program,~~[ he or she may recommend to the board that]~~ the department ***may*** preempt that portion of a local program, except that the ***department***~~[commissioner]~~ shall not preempt or assert jurisdiction for the enforcement of the code on single-family dwellings. The commissioner shall explain his or her reasons for preemption in writing and provide a copy to the~~[ board and the]~~ local jurisdiction.

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

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

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

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

***(c)*** A local government may appeal the denial directly to the ***commissioner***~~[board]~~, and the ***department***~~[board]~~ shall review the appeal according to the procedures found in subsections (8) to (10) of KRS

198B.070.

***(d)*** If the local government is granted additional responsibility by the commissioner~~[ or the board]~~, the department shall hold concurrent jurisdiction over the additional responsibility, but the local government shall collect any fees for functions it performs pursuant to the additional responsibility.

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

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

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

(9) The local building official or the representative of the department shall issue a permit if the proposed building satisfies the requirements of the Uniform State Building Code and if the party desiring to construct the building has complied with all other legal requirements concerning the location and construction of the building. The applicant for a building permit, by the act of applying for the permit, shall be deemed to have consented to inspection by the local government or the department, of the building during construction and upon the completion of

construction for the purpose of determining that the building is constructed in compliance with the Uniform State Building Code.

(10) (a) No permit for building, construction, reconstruction, renovation, demolition, or maintenance or for any activity related to building, construction, reconstruction, renovation, demolition, or maintenance shall be issued by any building department or by any political subdivision of the Commonwealth of Kentucky to any person seeking the permit unless the person shall assure, by affidavit, that all contractors and subcontractors employed, or that will be employed, on activity covered by the permit shall be in compliance with Kentucky requirements for workers' compensation insurance according to KRS Chapter 342 and unemployment insurance according to KRS Chapter 341.

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

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

(11) A certified electrical inspector shall be employed by, or contracted for, or contracted with a local government having responsibility over buildings ***described***~~[as set out]~~ in this section as part of its building inspection program. After a certified electrical inspector has been provided for by the local government or the department, no utility shall initiate permanent electrical service to any new building, or any building which has been moved, until a final certificate of approval has been issued by a

certified electrical inspector. Unless the department shall notify the utility in writing as to which buildings are subject to department approval, it shall be presumed by the utility that the building is subject to the jurisdiction of the local government. However, nothing in this section shall prohibit the supply or use of necessary electrical services during the construction and testing process.

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

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

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

(15) Local governments or associations of local governments may contract with a person, firm, or company to perform the plans and specifications inspection or building inspection functions required of the local government by the provisions of

this section if:

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

(b) The person performing the building inspection is certified by the department as having successfully completed the test requirements provided in KRS 198B.090 to practice as a certified building inspector;

(c) The person, firm, or company does not have a conflict of interest between its plan review or inspection functions and any other employment or business activities;

(d) The person performing the plumbing inspection is certified by the department as having successfully completed the requirements provided in KRS 318.140 to practice as a certified plumbing inspector; and

(e) The person, firm, or company does not have a conflict of interest between its plan review or inspection functions and any other employment or business activities.

(16) If the department has reason to believe that an inspector is not enforcing, or is improperly enforcing, the provisions of the Kentucky building codes, it shall conduct an informal hearing to review the inspector's procedures and return in written form the required corrections resulting from the hearing to the inspector, or may take action to suspend or revoke the inspector's certificate.

(17) If ***the inspector fails to comply within sixty (60) days of a written notification from the department that specifies the required corrections***,~~[ after written notification from the department to the inspector of any corrections required, the inspector fails to comply within sixty (60) days,]~~ the department shall suspend the inspector's certification until the inspector complies. Any action to suspend or

revoke an inspector's certificate may be appealed to the ***department***[~~board~~], and upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.

(18) Each local government and the department may establish a schedule of fees for the functions performed under[~~ the provisions of~~] this chapter. The fees shall be designed to fully cover***, but shall not exceed,*** the cost of the service performed[~~ but shall not exceed the cost of the service performed~~]. Fees payable to the department shall be paid into the State Treasury and credited to a trust and agency fund to be used by the department in carrying out[~~ the provisions of~~] this chapter. No part of this fund shall revert to the general fund of the Commonwealth.

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

(1) The mayor or county judge/executive of a local government which is enforcing the Uniform State Building Code may, upon the approval of the local legislative body, appoint a local appeals board, consisting of five (5) technically qualified persons with professional experience related to the building industry, to hear appeals from the decisions of the local building official. At least three (3) members of the appeals board ***shall***[~~must~~] not be employed by the local government hearing the appeal.

(2) Local governments ***that***[~~which~~] are enforcing the Uniform State Building Code may cooperate with each other to provide a local appeals board and shall adhere to the provisions of KRS Chapter 65 when entering ***these***[~~such~~] cooperative agreements. ***A***[~~No~~] local building official or employee of a local inspection department ***shall not***[~~may~~] sit on a local appeals board if the board is hearing an appeal to a decision rendered by his or her department. ***A***[~~No~~] member of a local appeals board shall ***not*** hear an appeal in a case in which he or she has a private interest.

(3) Any party to a decision by the local building official may appeal that decision to the local appeals board. Upon receipt of an appeal from a qualified party, the local appeals board shall convene a hearing to consider the appeal within fifteen (15)

days of receipt. All parties to the appeal shall be notified of the time and place of the hearing by letter mailed by certified mail no later than ten (10) days prior to the date of the hearing. The local appeals board shall render a decision within five (5) working days after the hearing.

(4) A local appeals board may uphold, amend, or reverse the decision of a local building official, and there shall be no appeal from the decision of a local appeals board other than by appeal to the ***department***~~[Board of Housing, Buildings and Construction]~~. Appeals to the ***department***~~[Board of Housing, Buildings and Construction]~~ shall include citation of those provisions of the Uniform State Building Code which are at issue, and an explanation of why the decision of the local appeals board or the local building official relative to those provisions is being contested.

(5) The ***department***~~[Board of Housing, Buildings and Construction]~~ shall serve to hear appeals from the decisions of local appeals boards, when these boards exist, or to hear appeals directly from the decisions of local building officials in cases where no local appeals board has jurisdiction. In no case shall the ***department***~~[board]~~ hear an appeal directly from a party aggrieved by the decision of a local building official when there is a local appeals board with jurisdiction in the case.

(6) The ***department***~~[board]~~ shall hear appeals directly from a party aggrieved by the decision of an agent of the department. These appeals shall include citations of those provisions of the Uniform State Building Code which are at issue, and an explanation of why the decision of the agent of the department relative to those provisions is being contested.

(7) Appeals to the ***department***~~[Board of Housing, Buildings and Construction]~~ shall be addressed to the commissioner, who shall immediately notify the ***department***~~[board]~~ when an appeal is received. The commissioner or a designated employee of his or her department shall then investigate the evidence pertaining to

the appeal and, based upon the results of the investigation, make recommendations to the ***department***[~~board~~] on the disposition of the case in question. No employee of the department shall investigate or make recommendations on an appeal to his or her own decision, but shall defer in such cases to employees who were not party to the decision which led to the appeal. In conducting an investigation, the commissioner or his or her designated representatives, acting for the department, shall have the authority to administer oaths and affirmations, issue subpoenas authorized by law, rule upon offers of proof and receive relevant evidence, take or cause depositions to be taken, regulate the course of any informal or fact-finding hearings they may schedule, and hold conferences for the settlement or simplification of the issues by consent of the parties. The commissioner shall complete his or her investigations[~~ and forward a written report to the board ~~]within thirty (30) days after receiving an appeal.

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

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

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

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

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

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

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

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

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

(a) Building inspector;

(b) Plans and specifications inspector; and

(c) Plumbing inspector.

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

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

organization.

(4) ~~[On or before July 1, 1983, ]~~The department shall create and administer an educational program designed to prepare building officials, code enforcement officers**,** and other persons interested in obtaining from the department a certification as a building inspector, plans and specifications inspector, or plumbing inspector. The program shall be~~[ so]~~ designed ***to ensure***~~[as to insure]~~ uniform statewide enforcement of the applicable state building and plumbing codes. Training material coverage shall be adequate to prepare the participants with a working knowledge of construction design, specification terms, and the state building codes applicable to the particular field in which the applicant requests certification.

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

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

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

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

(9) All building inspectors, plans and specification inspectors, and plumbing inspectors

shall be certified or enrolled and actively pursuing department certification~~[ by October 1, 1983, or]~~ within ninety (90) days after employment as an inspector~~[, whichever comes later]~~.

(10) The ***department***~~[board]~~ shall establish a schedule of fees to cover the cost of the education, testing, and certification programs to be paid by the applicants for certification. The fees shall not exceed the actual cost of the services performed by the department to administer the programs listed in this section.

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

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

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

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

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

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

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

(c) Moneys deposited annually into the Building Inspectors' Financial Incentive Training Program fund shall be available for use by the ***department***[~~board~~] to support the training program established pursuant to subsection (1) of this section; and

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

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

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

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

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

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

The department or any local government agency enforcing the Uniform State Building Code may obtain injunctive relief from any court of competent jurisdiction to enjoin the offering for sale, delivery, use, occupancy or construction of any building on which construction was begun after the effective date of ***the***[~~said~~] code, upon an affidavit of the department or the local government agency specifying the manner in which the

construction, or if a building existing prior to the effective date of ***the***[~~said~~] code, the reconstruction, alteration, repair or conversion does not conform to the requirements of this chapter or the Uniform State Building Code.

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

(1) There is hereby created an Architectural Barriers Advisory Committee which shall be attached to the department[~~ of Housing, Buildings and Construction~~] for administrative purposes. The[~~ committee~~] members shall be appointed by the Governor to serve a term of two (2) years and shall be constituted as follows: three (3) persons having a physical disability, one (1) citizen at large, and the public advocate or his designee.

(2) The ***Architectural Barriers Advisory*** Committee shall meet at least quarterly or upon request of the ***department***[~~board~~] for the purposes of considering matters relating to accessibility and safety in facilities for persons with physical disabilities***, and***[~~. The committee~~] shall make recommendations to and otherwise advise the department[~~ and the board~~] on these matters.

(3) [~~The Committee~~ ]Members ***of the Architectural Barriers Advisory Committee shall not receive***[~~will receive no~~] compensation for their services, but ***shall***[~~will~~] be reimbursed for[~~ their~~] necessary travel expenses.

➔Section 14. KRS 198B.260 is amended to read as follows:

(1) The ***department***[~~Board of Housing, Buildings and Construction~~] shall promulgate administrative regulations, pursuant to KRS Chapter 13A, applicable to all new and altered buildings which shall establish requirements for making all buildings accessible to and usable by persons with a disability. ***These***[~~Such~~] regulations shall require, as a minimum, that all buildings, with the exception of one (1) and two (2) family dwellings, multifamily projects consisting of twenty-four (24) living units or less, church buildings, and historical structures whose historic significance would be threatened or destroyed, be accessible to persons with a disability. If multifamily

projects are not exempt ***under this subsection***~~[hereunder]~~, only one (1) out of every twenty-five (25) units ***shall***~~[must]~~ be accessible to persons with a disability. The administrative regulations shall be incorporated into the Kentucky Building Code.

(2) The administrative regulations promulgated by the ***department***~~[board]~~ shall be consistent with the Federal 1991 Americans with Disabilities Act and the American Disabilities Act Guidelines.

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

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

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

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

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

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

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

(2) "Hazardous locations" means those installations, glazed or to be glazed, in residential, commercial and public buildings known as sliding glass doors, framed

or unframed glass doors and adjacent fixed glazed panels which may be mistaken for means of ingress or egress, storm doors, shower doors, and tub inclosures, whether or not the glazing in such doors, panels or inclosures is transparent, and in any other area wherein the use of other than safety glazing materials would constitute a hazard.

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

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

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

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

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

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

hoists, or other similar temporary lifting or lowering apparatus;

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

(3) "Freight elevator" means an elevator used for carrying freight and on which only the operator, by the permission of the employer, is allowed to ride;

(4) "General inspector" means a state inspector examined and hired to inspect elevators for the department~~[ of Housing, Buildings and Construction]~~;

(5) "Special inspector" means an inspector examined and certified by the department to inspect elevators in the state;

(6) "Inspector" means either a general or special inspector;

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

(8) "Certificate of operation" ***means***~~[is]~~ a certificate issued by the department authorizing the operation of an elevator which shall be conspicuously posted on the elevator at all times;

(9) "Escalator" means a moving stairway consisting of steps attached to a continuously circulating belt that is used to move persons from one (1) level to another;

(10) "Moving sidewalk" means horizontal flat panels attached to a continuously circulating belt used to move people;

(11) "Fixed guideway system" means any nonrail system, funicular, or automated people mover, either air-suspended or wheeled, that is not regulated by the Federal Transit Administration;

(12) "Mine elevator" means an elevator permanently installed in a mine shaft to provide vertical transportation of mine personnel, their tools, equipment, and mine supplies;

(13) "Stage elevator" means a section of a stage arranged to be raised and lowered above and below the stage in a vertical direction;

(14) "Orchestra elevator" means a platform used for raising and lowering musicians in an orchestra in a vertical direction;

(15) "Organ console elevator" means a mechanism used for raising and lowering an organ console, including the organist, in a vertical direction;

(16) "Material lift" means a hoisting and lowering mechanism equipped with a car that moves within a guide system installed at an angle of greater than seventy (70) degrees from the horizontal, serving two (2) or more landings, for the purpose of transporting materials that are manually or automatically loaded or unloaded. A person shall not ride on a material lift;

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

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

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

(a) Possesses an elevator mechanic license issued by the department;

(b) Is employed by an elevator contractor; and

(c) Is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining elevators or fixed guideway systems;

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

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

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

***(22)***~~[(23)]~~ "General supervision" means that the supervising authority oversees the work performed overall but is not required to be on-site at all times during work relating

to elevators or fixed guideway systems;

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

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

(b) Is employed by an elevator contractor; and

(c) Is engaged in erecting, constructing, installing, altering, servicing, repairing, or maintaining accessibility lifts and private residential elevators;

***(24)***[~~(25)~~] "Accessibility lift" means a hoisting and lowering mechanism, that moves within a guide system, serving two (2) or more landings, for the purpose of transporting a person; and

***(25)***[~~(26)~~] "Private residential elevator" means a passenger elevator installed within a structure subject to the Kentucky Residential Code as established in 815 KAR 7:125, but shall not be shared by units if installed in a multifamily dwelling.

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

(1) Only a licensed elevator mechanic working under the general supervision of an elevator contractor may:

(a) Erect, construct, alter, replace, maintain, remove, or dismantle any elevator or fixed guideway system contained within buildings or structures; or

(b) Wire any elevator or fixed guideway system from the mainline feeder terminals on the controller.

(2) A licensed elevator contractor ***shall not be***[~~is not~~] required for removing or dismantling elevators or fixed guideway systems:

(a) That are destroyed as a result of a complete demolition of a secured building or structure; or

(b) Where the hoistway or wellway is demolished back to the basic support structure and does not allow access that could endanger the safety and welfare of a person.

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

(1) A person shall not work as an elevator contractor or elevator mechanic unless licensed by the department. A person may work as an elevator helper or apprentice without a license while under the general supervision of a licensed elevator mechanic.

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

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

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

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

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

(3) A license not renewed before the end of the sixty (60) day grace period shall terminate based on the failure of the licensee to renew in a timely manner. Upon

termination ***of a license***, the licensee shall be ineligible to practice in the Commonwealth.

(4) After the sixty (60) day grace period, a former licensee with a terminated license may have the license reinstated upon meeting the requirements promulgated through administrative regulations by the department. An applicant for reinstatement after termination of the license shall not be required to submit to any examination as a condition for reinstatement, if the reinstatement application is made within three (3) years from the date of termination.

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

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

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

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

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

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

(b) Determine continuing education requirements for reactivation;

(c) Waive the insurance requirements established in subsection (8) of this section for inactive licensees; and

(d) Establish reactivation procedures.

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

(1) ***An applicant for*** the renewal of ***an***~~[all]~~ elevator contractor ***license or***~~[and]~~ elevator mechanic ***license***~~[licenses]~~ shall ***submit***~~[be conditioned upon the submission of]~~ a certificate of completion ***from***~~[of]~~ a continuing education course or courses that instruct licensees on new and existing applicable administrative regulations of the department.

(2) Licensed elevator contractors and licensed elevator mechanics shall complete at least eight (8) hours of continuing education annually. Continuing education for a renewal year shall be attended and completed during that renewal year.

(3) Continuing education courses shall be taught by instructors employed by continuing education providers that may include but shall not be limited to association seminars and labor training programs. Continuing education programs provided by the National Elevator Industry Educational Program or the National Association of Elevator Contractors shall be approved to meet the requirements for continuing education. The department may approve other education programs that meet its requirements established through administrative regulation under KRS 198B.4023(7).

(4) A licensee who is unable to complete the continuing education requirements for renewal under this section prior to the expiration of his or her license due to

temporary disability may apply for a waiver from the department. The waiver shall be on a form provided by the department, with a notarized signature of the licensee, and accompanied by a certified statement from a physician attesting to the temporary disability. Application for medical waiver ***shall***[~~must~~] be received by the department prior to the final day of the licensee's birth month. Upon termination of the temporary disability, the licensee shall submit a supplementary certified statement attesting to the termination of the temporary disability and proof of attendance of at least eight (8) hours of continuing education.

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

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

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

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

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

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

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

(1) ***A person shall not act***[~~No person may act~~] either as a general inspector or as a

special inspector of elevators or fixed guideway systems unless he or she holds a certificate of competency from the department.

(2) Application for examination as an inspector of elevators shall be in writing, accompanied by a fee of ten dollars ($10), upon a ***form***~~[blank to be]~~ furnished by the department, stating the school education of the applicant, a list of his or her employers, his or her period of employment, and the position held with each. An applicant shall also submit a letter from one (1) or more of his or her previous employers ***attesting***~~[certifying as]~~ to his or her character and experience.

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

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

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

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

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

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

(3) The commissioner~~[ of housing, buildings and construction]~~ may appoint and hire, from the holders of certificates of competency, general inspectors of elevators.

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

(a) In writing;

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

(c) Signed by the person making the request.

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

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

From the holders of certificates of competency in the inspection of elevators, any company which is authorized to insure elevators in the state may designate persons to inspect elevators covered by ***that***~~[such]~~ company's policies, and the municipal government of any city may designate~~[ such]~~ persons to inspect elevators in ***that***~~[such]~~ city.

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

(1) The department shall make, alter, amend, ***or***~~[and]~~ repeal rules and administrative regulations exclusively for the safety and inspection of passenger elevators and fixed guideway systems. The department shall have the authority to prescribe, by

administrative regulation, a reasonable fee to be charged for each inspection. All fees established and regulated by this section shall be paid to the department, made payable to the Kentucky State Treasurer, except as may be provided in a specific written agreement between the commissioner and any agency authorized to inspect elevators or fixed guideway systems by~~[ the provisions of]~~ this chapter.

(2) The department shall consult with~~[ the Elevator Advisory Committee,]~~ engineering authorities~~[,]~~ and organizations concerned with standard safety codes, rules, and administrative regulations governing the operation, maintenance, servicing, construction, alteration, installation, and inspection of elevators and fixed guideway systems, and the qualifications that are necessary for an elevator mechanic, contractor, and inspector.

(3) The department shall promulgate administrative regulations establishing the approved equipment regulated by KRS 198B.400 to 198B.540. These administrative regulations shall include the following, except as modified under subsection (4) of this section:

(a) Safety Code for Elevators and Escalators, ASME A17.1/CSA B44;

(b) Safety Code for Existing Elevators and Escalators, ASME A17.3;

(c) Performance-Based Safety Code for Elevators and Escalators, ASME 17.7/CSA B44.7;

(d) Safety Standards for Platform Lifts and Stairway Chairlifts, ASME A18.1;

(e) Standard for the Qualification of Elevator Inspectors, ASME OEI-1; and

(f) Automated People Mover Standards, ASCE 21.

(4) The department and the committee shall review the latest editions of any standard listed in subsection (3) of this section within twelve (12) months of that standard's effective date. Upon completion of reviews, the committee shall give the department its recommendations***, after which the department may adopt or modify the***~~[ for or against adoption or modification of a]~~ standard.

(5) All administrative regulations issued by the department relating to KRS 198B.400 to 198B.540 shall be consistent with the standards of safety as established in 815 KAR 10:060 and the Uniform State Building Code established in KRS 198B.050.

➔Section 27. KRS 198B.540 is amended to read as follows:

(1) If the department's inspector of elevators and fixed guideway systems or a general inspector of elevators or fixed guideway systems finds that a passenger elevator, fixed guideway system, or a part thereof does not afford reasonable safety, the department or the general inspector ***shall***[~~may~~] post a notice upon the elevator or fixed guideway system prohibiting further use of the elevator or fixed guideway system until the changes or alterations set forth in the notice have been made to the satisfaction of the department or the inspector. ***The***[~~Said~~] notice shall contain a statement that operators or passengers are subject to injury by its continued use, a description of the alteration or other change necessary to be made in order to secure safety of operation, date of the notice, and name and signature of the department or inspector issuing the notice.

(2) If any inspector of elevators or fixed guideway systems finds a passenger elevator or fixed guideway system to be so unsafe as can be reasonably expected to offer imminent danger of death or physical injury, that unit shall be sealed out of service, a hazard notice posted thereon, and the department shall be notified immediately ***of the exact***[~~as to the~~] location and condition of the unit.

(3) ***A***[~~Any~~] passenger elevator or fixed guideway system, once sealed, shall not be operated except for the purpose of effecting repairs and in the manner prescribed by the department, until all defects are corrected and the unit has been inspected and certified as safe by the department.

(4) Sealing shall consist of rendering a passenger elevator unit or fixed guideway system inoperable by disconnecting power ***or***[~~and/or~~] by placing a sealing device on the operation switch and ordering additional measures to be effected by the owner,

such as erection of barricades, as may be required to prevent use of or public access to the unit.

(5) No seal, notice, or barricade placed on or around an elevator or fixed guideway system in accordance with~~[ the provisions of]~~ this chapter shall be removed, obstructed or in any way altered without the written consent of the department.

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

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

(1) "Department" means the Department of Housing, Buildings and Construction***;***~~[.]~~

(2) "Commissioner" means the commissioner of the department***;***~~[.]~~

(3) ~~[A ]~~"Fire protection sprinkler contractor" ***means***~~[is]~~ a person engaged in the preparation of technical drawings, installation, repair, alteration, extension, maintenance***,*** or inspection of fire protection sprinkler systems and has in his or her employment a certificate holder***;***~~[.]~~

(4) ~~[A ]~~"Fire protection sprinkler contractor's license" ***means***~~[is]~~ the license issued by the commissioner to a fire protection sprinkler contractor upon application being approved, fee paid and the satisfactory completion of the requirements of KRS 198B.580. The license shall be issued in the name of the fire protection sprinkler contractor with the name or names of the certificate holder noted thereon***;***~~[.]~~

(5) ~~[A ]~~"Certificate holder" ***means***~~[is]~~ an individual who has satisfactorily met and ***the requirements established in KRS 198B.570 and*** has received a certificate from the commissioner***; and***~~[under the provisions of KRS 198B.570.]~~

(6) ~~[A ]~~"Fire protection sprinkler system" ***means***~~[is]~~ a system of piping for which technical drawings have been prepared by or preparation supervised by a certificate holder in accordance with fire protection engineering standards. The system is supplied from a reliable, constant, and sufficient water, gas, or chemical supply, such as a gravity tank, fire pump, reservoir, or pressure tank, or connection by underground piping to a city, county, municipal water district, authorized water

main, or both. The sprinkler system is considered the fire protection sprinkler system for purposes of KRS 198B.550 to 198B.630, and is a network of specially sized or hydraulically designed piping and includes installations overhead and underground in a building, structure, or area, and to which sprinklers are connected in systematic pattern. The system includes a controlling valve and a device for actuating an alarm when a system is in operation. The system is usually activated by heat from a fire and causes the discharge of water, gas, or chemical over the fire area. Fire protection sprinkler systems shall include the following types: wet-pipe systems, dry-pipe systems, pre-action systems, deluge systems, combined dry-pipe and pre-action systems, antifreeze systems and circulating closed loop systems, systems utilizing gasses or chemicals, and any other fire suppression system approved by the state fire marshal or the chief building code official of the department.

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

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

(2) The commissioner shall:

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

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

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

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

(3) The commissioner may:

(a) Secure the advice of the~~[ Board of Housing, Buildings and Construction]~~

***committee*** with regard to administrative regulations ***if required by KRS 198B.030(8)***;

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

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

(1) The design for any fire protection sprinkler system for buildings and structures shall be prepared by a licensed professional engineer or, if the licensed, professional engineer chooses not to prepare the design, a licensed fire protection sprinkler contractor whose certificate holder is a certified engineering technician, NICET Level III or Level IV, may prepare the design.

(2) When a fire protection sprinkler system is designed by a professional engineer in accordance with subsection (1) of this section, the licensed fire protection sprinkler contractor shall submit to the professional engineer, for his approval, technical drawings and, when required, hydraulic calculations for the installation of the fire protection sprinkler system. Such technical drawings, after approved by the professional engineer, shall be submitted by the professional engineer to the department~~[ of Housing, Buildings and Construction]~~, the insurance authority having jurisdiction, if any, and other authority when required by Kentucky law.

(3) When a fire protection sprinkler system is designed by a licensed fire protection sprinkler contractor in accordance with subsection (1) of this section, the licensed fire protection sprinkler contractor shall submit ***the***~~[ such]~~ design and detailed plans to the department~~[ of Housing, Buildings and Construction]~~, the insurance authority having jurisdiction, if any, and other authority when required by Kentucky law.

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

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

thereof, approved by the commissioner.

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

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

(1) ~~[Must ]~~Have in his ***or her*** employ a certificate holder;

(2) Comply with the minimum insurance requirements ***established by***~~[of]~~ KRS 198B.595; and

(3) Make application to the commissioner for a license and pay the fees required.

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

(1) Each certificate holder engaged in the activity described ***in***~~[under]~~ KRS 198B.560 shall secure a seal with the design prescribed by regulation of the commissioner.

(2) All working drawings, specifications, and plans prepared by, or under the supervision of the certificate holder, ***shall***~~[must]~~ bear the imprint of this seal and shall bear the imprint of the seal of the licensed fire protection contractor.

(3) No certificate holder shall assign or affix his or her seal to any drawings, specifications or plans which have not been prepared under his or her immediate supervision, and no licensed fire protection contractor shall affix his or her seal to ***any***~~[such]~~ drawings, specifications, or plans unless ***the drawings, specifications, or plans***~~[same]~~ were prepared by ***an employee*** certificate holder~~[ employee]~~ as ***required by***~~[provided for in]~~ KRS 198B.560 and 198B.580.

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

(1) The commissioner shall not issue a license under KRS 198B.560 and 198B.580, unless the fire protection sprinkler contractor applicant files with the commissioner proof of liability insurance coverage of not less than two hundred and fifty thousand dollars ($250,000) one person/maximum and five hundred thousand dollars ($500,000) one accident/maximum and workers' compensation insurance as provided for in KRS Chapter 342.

(2) The workers' compensation insurance required by this section ***shall***[~~must~~] be in the form of certificate of insurance executed by an insurer authorized to do business in this state. The liability insurance required by this section shall be liability insurance that covers the legal liability of the licensed person as the result of erroneous acts or failure to act in his or her capacity as a fire protection sprinkler contractor or system designer and shall be in the form of certificate of insurance executed by an insurer authorized to do business in this state or exported by a licensed surplus lines broker to an eligible carrier pursuant to KRS 304.10-020 to 304.10-210. Insurance certificates filed with the commissioner under this section shall remain in force until the insurer has terminated future liability by a thirty (30) day notice to the commissioner.

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

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

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

fire protection sprinkler contractor.

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

(1) (a) All certificates issued under KRS 198B.570 shall expire on the last day of the certificate holder's birth month in the following year. The department may reduce the license fee on a pro rata basis for initial certificates issued for less than twelve (12) months. Renewed certificates shall expire on the last day of the certificate holder's birth month of each year after the date of issuance of the renewed certificate. Application for a renewal shall be upon ***a form***[~~such form as is~~] prescribed by the commissioner, and the certificate holder shall furnish the information required by ***the***[~~such~~] form.

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

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

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

(3) (a) The initial license for a fire protection sprinkler contractor shall expire on the last day of the licensee's birth month in the following year. The department may reduce the license fee on a pro rata basis for initial licenses issued for less than twelve (12) months. Renewed licenses shall expire on the last day of the licensee's birth month of each year after the date of issuance of the renewed

license. Application for a renewal shall be upon ***a form***[~~such form as is~~] prescribed by the commissioner and ***the*** license holder shall furnish the information required by ***the***[~~such~~] form.

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

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

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

(1) If a licensed fire protection sprinkler contractor desires to do business in any part of the state, he ***or she*** shall ***deliver to the local building official a copy of his or her fire protection sprinkler contractor's license and comply with KRS 198B.560 and 198B.565***[~~be required by KRS 198B.560 and 198B.565 to deliver to the local building official a copy of his fire protection sprinkler contractor's license~~]. The local building official shall require a copy of the license before issuing a license or building license***,*** and no local official shall impose any other competency requirements on the licensed fire protection sprinkler contractor.

(2) Nothing in KRS 198B.560 and 198B.565 ***shall limit***[~~limits~~] the power of a city, urban-county ***government***, county***,*** or state to regulate the quality and character of work performed by contractors, through a system of permits, fees and inspections which are designed to assure compliance with, and aid in the implementation of state and local building laws or to enforce other local laws for the protection of the public health and safety. Nothing in KRS 198B.560 and 198B.565 ***shall limit***[~~limits~~] the power of a city, urban-county ***government***, county***,*** or the state to adopt any system of permits requiring submission to and approval by the city, urban-county ***government***, county***,*** or the state of plans and specifications for work

to be performed by contractors before commencement of the work. The official authorized to issue building or other related permits shall ascertain that the fire protection sprinkler contractor is duly licensed by requiring evidence of a valid fire protection sprinkler contractor's license as a prerequisite to that contractor beginning design, installation, repair, alteration, extension, maintenance, or inspection of fire protection sprinkler systems.

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

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

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

(a) Gross incompetency or gross negligence in the installation, repair, alteration, maintenance, inspection, or addition to fire protection sprinkler systems, as determined by the commissioner;

(b) Conviction of a felony;

(c) Fraudulent or dishonest practices while engaging in the business of fire protection sprinkler systems;

(d) Use of false evidence or misrepresentation in an application for a license or certificate;

(e) Signing or affixing his or her seal to any plans, prints, specifications or reports, which have not been prepared by him or her personally or under his or her immediate supervision, or in violation of KRS 198B.585;

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

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

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

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

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

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

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

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

(c) Provides a certificate of insurance that:

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

b. Insures for general liability coverage of at least five hundred thousand dollars ($500,000); and

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

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

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

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

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

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

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

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

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

(3) Renewal notices shall be sent to each certified inspector at least sixty (60) days prior to the expiration of his or her certification. The notice shall:

(a) Inform the certified inspector of the need to renew the certification; and

(b) Describe the materials to be submitted with a request for renewal.

(4) An ***applicant for renewal of***[~~individual who applies to renew~~] a[~~ certification as a certified~~] fire sprinkler inspector ***certification*** shall:

(a) Complete and submit the fire sprinkler inspector's written or electronic renewal form as provided by the department;

(b) Show proof of general liability insurance in the amount required by this chapter; and

(c) 1. Provide proof of completion of six (6) hours of continuing education prior to certification renewal. The required continuing education shall be ***accrued***[~~received~~] within the twelve (12) months prior to renewal; or

2. Submit proof that the inspector is a current and valid holder of NICET certification in the testing of water-based systems.

(5) A thirty (30) day grace period shall be allowed after the renewal deadline of the certification***. A***[~~ during which time a~~] fire sprinkler inspector may continue to practice ***during this grace period*** and may renew his or her certification upon meeting the requirements promulgated through administrative regulation by the department.

(6) Any certification not renewed on or before the last day of the thirty (30) day grace period shall terminate based upon failure to timely renew ***the*** certification. Upon termination ***of a certification***, the individual shall ***not***[~~no longer be eligible to~~] inspect within the Commonwealth.

(7) After expiration of the thirty (30) day grace period, a formerly certified fire sprinkler inspector with a terminated certification shall have the certification reinstated upon meeting the requirements promulgated through administrative regulation by the department. An applicant for reinstatement after termination of his or her certification shall not be required to submit to any examination as condition for reinstatement, if the reinstatement application is made within two (2) years from the date of certification termination.

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

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

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

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

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

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

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

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

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

(b) 1. Provide a certificate of insurance~~[ that is]~~ issued by an insurance company or other legal entity permitted to transact business in Kentucky with a general liability coverage of at least five hundred thousand dollars ($500,000). Liability insurance shall cover the legal liability of the certified fire sprinkler inspector as the result of erroneous acts or failure to act in his or her capacity as a fire sprinkler inspector and shall be in the form of a certificate of insurance executed by an insurer permitted to do business in this state or exported by a licensed surplus lines broker to an eligible carrier pursuant to KRS 304.10-020 to 304.10-210; or

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

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

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

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

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

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

(3) The commissioner shall issue a letter to cease and desist with notice of opportunity

to be heard in accordance with KRS Chapter 13B, to any individual if the commissioner:

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

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

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

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

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

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

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

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

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

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

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

***(5)***[~~(6)~~] "Commissioner" means the commissioner of the Department of Housing, Buildings and Construction;

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

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

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

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

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

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

air conditioning systems;

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

(a) Furnaces;

(b) Condensing units;

(c) Heat pumps;

(d) Fan coil units;

(e) Chiller systems; or

(f) Heating boiler systems not covered by KRS Chapter 236;

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

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

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

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

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

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

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

***(a)*** Administer, coordinate, and enforce[~~ the provisions of~~] KRS 198B.650 to 198B.689;

***(b)*** Conduct examinations;

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

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

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

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

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

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

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

conditioning work performed;

(2) ***A***[~~No~~] person shall ***not claim to be or advertise as being***[~~hold himself out as~~] a journeyman heating, ventilation, and air conditioning mechanic or assume or use any title, designation, or abbreviation likely to create the impression of this licensure, unless ***that person***[~~he~~] is the holder of a valid journeyman heating, ventilation, and air conditioning mechanic's license issued in accordance with[~~ the provisions of~~] KRS 198B.650 to 198B.689;

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

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

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

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

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

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

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

2. Have been regularly and principally employed or engaged in the practice of heating, ventilation, and air conditioning contracting as a master heating, ventilation, and air conditioning contractor, or equivalent thereof, for not less than five (5) years in a jurisdiction other than Kentucky, as demonstrated by verifiable documentation;

(d) Have passed an examination prescribed by the ***department***~~[board]~~ to determine the applicant's competency to practice heating, ventilation, and air conditioning contracting; and

(e) Have paid a fee as established in administrative regulations promulgated by the ***department***~~[board]~~.

(2) An applicant for a journeyman heating, ventilation, and air conditioning mechanic's license shall:

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

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

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

2. Have been regularly and principally employed or engaged in the performance of heating, ventilation, and air conditioning work for not less than four (4) years in a jurisdiction other than Kentucky, as demonstrated by verifiable documentation;

(d) Have passed an examination prescribed by the ***department***~~[board]~~ to determine the applicant's competency to install, maintain, and repair heating and cooling systems, heating and cooling service, burner service, and hydronic systems; and

(e) Have paid a fee as established in administrative regulations promulgated by the ***department***~~[board]~~.

(3) If an applicant has obtained, while exempt from licensure under 198B.674(2), (7), (8), (10), (13), or (14), work experience that the ***department***~~[board]~~ determines to be equivalent to the requirements of subsection (1)(c) or (2)(c) of this section, ***that***~~[such]~~ experience may be considered as equivalent to one (1) year of employment toward the licensure requirements for a master heating, ventilation, and air conditioning contractor or journeyman heating, ventilation, and air conditioning mechanic, as applicable, not to exceed one (1) year.

(4) (a) The ***department***~~[board]~~ shall issue an apprentice heating, ventilation, and air conditioning mechanic's certificate to any person who ***registers as an apprentice***~~[is registered]~~ with the ***department***~~[board]~~.

(b) The ***department***~~[board]~~ shall establish by administrative regulation the minimum number of hours of experience required by apprentices and shall maintain an apprentice register to credit an apprentice for hours worked under the supervision of a master heating, ventilation, and air conditioning contractor and journeyman heating, ventilation, and air conditioning mechanic. Experience gained under the supervision of a Kentucky licensed master heating, ventilation, and air conditioning contractor while registered as an apprentice with the Kentucky Labor Cabinet, Department of Workplace Standards, in cooperation with the United States Department of Labor, Bureau of Apprenticeship and Training shall be accepted toward the two (2) year experience requirement for a journeyman heating, ventilation, and air conditioning mechanic license.

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

(d) The apprentice shall notify the ***department***~~[board]~~ in writing of any change in

address or employer.

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

(5) The satisfactory completion of one (1) academic year of a ***department***[~~board~~]-approved curriculum or one (1) year of professional training in heating, ventilation, and air conditioning work may be considered as equivalent to one (1) year of employment toward the licensure requirements for a journeyman heating, ventilation, and air conditioning mechanic, not to exceed one (1) year.

(6) The satisfactory completion of one (1) academic year of teaching experience in a ***department***[~~board~~]-approved or state-approved technical education program in heating, ventilation, and air conditioning shall be considered as equivalent to one (1) year of employment, as required by subsection (1)(c) or (2)(c) of this section. No more than one (1) year of approved teaching experience may be used in meeting the requirements of subsection (1)(c) or (2)(c) of this section.

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

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

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

(1) ***(a)*** Applications for examination shall be in writing and shall contain all

information required by the ***department***[~~board~~]. Applications shall be filed not less than forty-five (45) days prior to the examination date.

***(b)***[~~(a)~~] Not less than ten (10) days prior to an examination date, the ***department***[~~board~~] shall send written notice of the date, hour, and place of the examination to each applicant for licensure or certification.

***(c)***[~~(b)~~] Each application for licensure or certification shall be accompanied by a nonrefundable application fee.

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

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

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

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

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

(3) A license that is not restored before the end of the sixty (60) day grace period shall immediately terminate. Upon termination of the license, the former licensee shall be ineligible to practice in the Commonwealth until he or she thereafter satisfies all

applicable licensing requirements in accordance with this chapter.

(4) After the sixty (60) day grace period, a former licensee with a terminated license may apply to have the license reinstated upon payment of the renewal fee plus a reinstatement fee~~[ as]~~ established in administrative regulations promulgated by the ***department***~~[board]~~. An applicant for reinstatement shall not be required to submit to any examination as a condition of reinstatement if the reinstatement application is made within three (3) years from the date of termination.

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

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

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

Any person who has been issued a license in another state which has licensing, educational, and experience requirements substantially equal to or greater than those of this state and which grants equal licensing privileges to persons licensed in this state, may be issued an equivalent license in this state upon terms and conditions determined by the

***department***[~~board~~].

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

(1) Notwithstanding KRS 198B.030 to the contrary, any person who installs an initial heating, ventilation, or air conditioning system shall apply for a permit prior to beginning the installation. No installation shall begin before the application for the permit has been filed. In no event, however, shall a person exempt under KRS 198B.674 be required to possess or show proof of a heating, ventilation, or air conditioning license in order to obtain the permit required by this section.

(2) The applicant for a heating, ventilation, and air conditioning permit, by the act of applying for the permit, shall be deemed to consent to inspection of the installation by authorized inspectors of the Commonwealth of Kentucky and of the relevant city, county, urban-county ***government***, charter county, unified local government, or consolidated local government.

(3) The permit shall ***contain and display***[~~give~~]:

(a) The name of the person performing the work;

(b) The full extent of the work to be performed;

(c) The name of the owner or owners of the property where the work is to be performed;

(d) The location of the property where the work is to be performed, including county and street address; and

(e) The master license number, if the work is required to be performed by a master heating, ventilation, and air conditioning contractor.

(4) No permit shall be required for any installation performed on a manufactured home as defined ***in***[~~by~~] KRS 227.550[~~(7)~~], by a manufactured home retailer licensed pursuant to KRS 227.610, or by a manufacturer as defined ***in***[~~by~~] KRS 227.550[~~(9)~~].

(5) No permit or inspection shall be required for the installation of window unit air

conditioners or space heaters.

(6) No permit or inspection shall be required for the installation of a heating, ventilation, or air conditioning system**,** except in buildings designed for human occupancy.

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

(1) The ***department***~~[board]~~ shall promulgate administrative regulations to establish a reasonable schedule of fees to implement the program. The fees shall not exceed the actual costs for the administration of the program. The ***department***~~[board]~~ shall also establish heating, ventilation, and air conditioning inspection protocols that ensure timely inspections and minimal interruption to the construction process.

(2) The department,~~[ with the approval of the board,]~~ upon the request of any individual local governing entity or combination of entities with existing heating, ventilation, and air conditioning permitting and inspection programs as of January 1, 2007, shall authorize them to administer, carry out, and enforce the ***administrative***~~[rules and]~~ regulations of the department relating to heating, ventilation, and air conditioning installations, issue permits, and make inspections within their respective boundaries, or perform any portion of these functions. Nothing in KRS 198B.6671 to 198B.6678 shall prohibit these entities from continuing to include major repairs or substantial alterations to a heating, ventilation, or air conditioning system within their permitting and inspection program in the absence of a state requirement, if major repairs or substantial alterations were included in the entities' inspection program prior to January 1, 2007. The department~~[, with the approval of the board,]~~ may authorize any other individual local government entities or combination of entities to administer, carry out, and enforce the ***administrative***~~[rules and]~~ regulations of the department relating to heating, ventilation, and air conditioning installations, issue permits, and make inspections within their respective boundaries, or perform any portion of those functions. When authorization is

granted, the department shall enter into contractual arrangements with the local governing entities, which shall remain in effect as long as the local entity continues to operate its program pursuant to guidelines adopted by the ***department***[~~board~~]. A heating, ventilation, and air conditioning permit issued by an authorized local governing entity shall be considered a permit issued by the department, and all fees collected by the authorized local government related to the same shall be retained by that local government.

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

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

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

(1) No person, firm, or corporation shall practice heating, ventilation, and air conditioning contracting unless that person, firm, or corporation maintains general liability insurance in an amount not less than five hundred thousand dollars

($500,000) and property damage insurance in an amount not less than three hundred thousand dollars ($300,000) underwritten by an insurance carrier licensed and approved by the Kentucky Department of Insurance.

(2) Proof of insurance shall be submitted to the ***department***[~~board~~] prior to issuance or renewal of a license.

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

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

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

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

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

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

(1) Fraud or deceit in obtaining licensure or certification;

(2) Transfer of the authority granted by the license or certificate to another person;

(3) Unfair or deceptive trade practices;

(4) Willful or deliberate disregard and violation of building codes, electrical codes, or

related laws and ordinances of this Commonwealth or any city, county, or urban-county government;

(5) Aiding or abetting any person attempting to evade the provisions of KRS 198B.650 to 198B.689;

(6) Conspiracy or knowingly combining with any person, to allow a license or certificate to be used by an unlicensed or uncertified person, firm, or corporation with intent to evade the provisions of KRS 198B.650 to 198B.689. Allowing a license or certificate to be used by more than one (1) person shall be prima facie evidence of intent to evade the provisions of KRS 198B.650 to 198B.689;

(7) Willful or deliberate disregard of disciplinary actions taken by the ***department***~~[board]~~, or of a city, county, or urban-county government;

(8) Negligence or incompetence in compliance with applicable codes and standards of practice;

(9) Violation of any of the provisions of KRS 198B.650 to 198B.689 or any administrative regulation promulgated by the ***department***~~[board]~~; or

(10) Conviction of a felony or of any crime an element of which is dishonesty or fraud, under the laws of any state or of the United States.

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

(1) The ***department***~~[board]~~ shall establish by administrative regulation and collect the following fees, not to exceed the cost of the licensing program:

(a) Initial application fee for:

1. Master heating, ventilation, and air conditioning contractor; and

2. Journeyman heating, ventilation, and air conditioning mechanic.

(b) Examination fee for:

1. Master heating, ventilation, and air conditioning contractor;

2. Journeyman heating, ventilation, and air conditioning mechanic; and

3. Apprentice heating, ventilation, and air conditioning mechanic.

(c) License renewal fee.

(d) Certificate renewal fee.

(e) Duplicate license or certificate fee.

(f) Inactive status fee.

(g) Restoration fee.

(h) Reactivation fee.

(i) Change of information fee.

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

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

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

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

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

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

(1) ***A***~~[With the exception of those persons appointed to the board pursuant to KRS 198B.652, no]~~ person appointed or employed by the Commonwealth, a county, city,

or other jurisdiction to administer, regulate, or inspect heating, ventilation, and air conditioning work shall ***not*** have any pecuniary interest in any heating, ventilation, and air conditioning business during the person's employment with the government or other jurisdiction.

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

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

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

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

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

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

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

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

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

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

(1) Nothing in KRS 219.310 to 219.410 shall be construed to include manufactured homes, mobile homes, or recreational vehicles maintained by any persons on their own premises and used exclusively to house their own farm labor.

(2) (a) Nothing in KRS 219.310 to 219.410 shall be construed to apply to manufactured home parks, mobile home parks, or recreational vehicle parks owned and operated on a temporary or seasonal basis by a city, county, charter county, urban-county ***government***, or consolidated local government or its agencies.

(b) Nothing in KRS 219.310 to 219.410 shall be construed to apply to festivals lasting not more than thirty (30) days that are organized and operated by a city, county, charter county, urban-county ***government***, or consolidated local government or its agencies.

(c) Nothing in KRS 219.310 to 219.410 shall be construed to apply to the temporary parking of recreational vehicles on public or private property, for not more than thirty (30) days, associated with festivals, fairs, sporting events, yard sales, or other publicly announced events.

(3) All installations of manufactured homes and mobile homes shall be performed by an installer certified under~~[ the provisions of]~~ KRS ***227.550 to 227.660***~~[227.560]~~ in accordance with the manufacturer's instructions, if available, or ***the current*** ANSI ***or other generally accepted industry standard as adopted by the department by promulgation of an administrative regulation***~~[225.1 Manufactured Home Installations]~~.

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

The Department of Housing, Buildings and Construction~~[ (hereinafter referred to as the department of housing)]~~ is hereby created within the Public Protection Cabinet. The department shall be headed by a commissioner appointed by the Governor in accordance with KRS 12.040, and who shall report to the secretary of the Public Protection Cabinet. The office of the commissioner shall also include a deputy commissioner and an executive assistant to the commissioner, who shall be the policy making assistants to the commissioner and shall be appointed pursuant to KRS 12.050. The department shall consist of the Division of Fire Prevention, the Division of Building Codes Enforcement, the Division of Plumbing, the Electrical Division, and the Division of Heating, Ventilation, and Air Conditioning (HVAC).

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

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

(2) In making such ***administrative***~~[rules and]~~ regulations the commissioner shall establish minimum fire prevention and protection requirements, including but not limited to requirements for design, construction, installation, operation, storage, handling, maintenance, or use of the following: structural requirements for the various types of construction; building restrictions within congested districts; exit

facilities from structures; fire alarm systems and fire extinguishing systems; fire emergency drills; maximum occupancy loads and other requirements for buildings of public assembly; flue and chimney construction; heating devices; boilers and pressure vessels; electrical wiring and equipment; air conditioning, ventilating and other duct systems; refrigeration systems; flammable liquids, oil and gas wells; garages, repair, and service shops; application of flammable finishes, acetylene, liquefied petroleum gas, and similar products; calcium carbide and acetylene generators; dry cleaning and dyeing plants; flammable motion picture film; combustible fibers; airports and airport buildings; hazardous chemicals; rubbish; open flame devices; parking of vehicles; dust explosions; lightning protection; and other special fire hazards.

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

department for the purpose of drafting such standards.

(4) The commissioner shall publish guidelines relating to the standards of safety as they apply to day care and preschool child care centers and nurseries which shall indicate the items inspectors from the Division of Fire Prevention will be looking for when they conduct inspections pursuant to the standards of safety. Such guidelines shall be made available to persons who own, operate, or manage such centers or nurseries and shall be designed to enable said persons to anticipate and comply with the requirements of the standards of safety.

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

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

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

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

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

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

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

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

***(5)***[~~(4)~~] "Electrical contractor" means any licensed individual, partnership, or corporation that is licensed to engage in, offers to engage in, or advertises or holds itself out to be qualified to engage in designing, planning, superintending, contracting of, or assuming responsibility for the installation, alteration, or repair of

any electrical system used for the purpose of furnishing heat, light, or power, and employs electrical workers to engage in this practice. If the electrical contractor is not a master electrician, the electrical contractor shall employ at least one (1) full-time master electrician;

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

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

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

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

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

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

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

(1) (a) A city, county, urban-county ***government***, charter county, or consolidated local government or the state shall, according to the Uniform State Building

Code as it pertains to the plan review and inspection responsibilities of local governments or the state, require any person to obtain a permit before commencing construction, alteration, or repairs of any electrical system.

(b) The city, county, urban-county ***government***, charter county, or consolidated local government or the state shall require all inspections that are deemed necessary by the department for the safety of life and property. The department shall promulgate administrative regulations to describe the circumstances where inspections are required.

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

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

(4) Reasonable standards for the construction, alteration, and repair of any electrical system shall be those adopted in the Uniform State Building Code, as promulgated by the ***department***~~[Board of Housing, Buildings and Construction]~~, and shall have

as a minimum standard the requirements of the National Electrical Code. These standards shall be used by the electrical inspector in making his inspections.

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

Except where other rules are adopted by a city or county, the following reporting and fee requirements shall apply to electrical inspections of residential buildings and single-family dwellings:

(1) The inspector shall complete a report for each inspection. One (1) copy of the report shall be given to the owner of the electrical installation or his ***or her*** representative at the time the inspection fees are paid. A second copy of the report shall be sent to the department~~[ of Housing, Buildings and Construction]~~ no later than one (1) week after the inspection is completed. The report shall include, but is not limited to, the following:

(a) The address of the dwelling inspected;

(b) The number of rooms, number of receptacles and number of switch boxes inspected;

(c) Number of code violations, if any;

(d) A description of each code violation, and recommended change to correct the violation;

(e) The date and time of day the inspection commenced;

(f) The time, in hours and minutes, required for the inspection;

(g) The number of miles and hours and minutes of travel time incurred by the inspector for that inspection, if mileage and travel charges are added to the inspection fee;

(h) The amount charged for the inspection, separated into an amount for mileage, if any, and the amount for travel time, if any, and the amount charged for the actual inspection.

(2) The maximum inspection fee shall be an amount equal to the prevailing wage for a

master electrician in the region in which the inspection is made, multiplied by the time required to conduct the inspection. This rate shall not be applied to travel time to and from the inspection.

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

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

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

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

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

The commissioner~~[ of housing, buildings and construction]~~ shall require electrical inspectors to be certified. Examinations shall be based on the National Electrical Code incorporated in the Uniform State Building Code and the standards of safety prescribed by the department. Electrical inspectors who have been engaged in the inspection of electrical light and power wiring installations, based on the requirements of the National Electrical Code, for a period of three (3) years, may be certified on the basis of knowledge of this subject and experience. No certificate shall be denied, suspended, or revoked

unless the applicant or certificate holder is afforded the opportunity for a hearing in accordance with KRS Chapter 13B.

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

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

(2) An electrical inspector shall:

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

(b) Not certify unlicensed or unlawful electrical installations;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Park vehicle: A vehicle which:

1. Is built on a single chassis mounted on wheels;
2. Is primarily designed as temporary living quarters for seasonal or destination camping and which may be connected to utilities necessary for operation of installed fixtures and appliances;
3. Has a gross trailer area not exceeding four hundred (400) square feet in the set-up mode;***and***
4. Has a gross trailer area not less than two hundred forty (240) square feet and is certified by the manufacturer as complying with ***the current*** ANSI ***standard or the generally accepted industry standard as adopted by the department through the promulgation of an administrative regulation***[A119.5, Park Vehicles].

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

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

***(13)***[(14)] "ANSI" means the American National Standards Institute.

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

(1) Every manufactured or mobile home as defined in KRS 227.550 shall have:

(a) At least one (1) working smoke detector located inside the home near the bedroom areas on each floor level; and

(b) At least two (2) operable means of egress, if the home was originally equipped with at least two (2) means.

(2) The department[ of Housing, Buildings and Construction], through the promulgation of administrative regulations in accordance with KRS Chapter 13A, shall design and cause to be placed:

(a) At each vehicle entrance to a manufactured home park or community as defined in KRS 219.320, a notice stating the requirements set out in subsection (1) of this section, the penalty for noncompliance set out in subsection (5) of this section, and any other information it deems necessary to effect the purposes of this section; and

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

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

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

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

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

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

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

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

***(b) Establish and*** enforce [~~such~~ ]standards and requirements for the installation of plumbing, heating, and electrical systems in manufactured homes and mobile homes and for previously owned recreational vehicles as it determines are reasonably necessary in order to protect the health and safety of the occupants and the public***; and***[~~. These standards and requirements shall be those adopted by the Manufactured Home Certification and Licensure Board.~~]

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

***(2)***[~~(3)~~] All installations of manufactured homes and mobile homes shall be performed***:***

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

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

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

attachment of the certified installer seal.

***(4)***[~~(5)~~] The installation of a new manufactured home shall be inspected under subsection (3) of this section. The retailer of the inspected property shall pay a new manufactured home installation inspection fee in an amount not to exceed one hundred fifty dollars ($150).

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

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

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

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

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

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

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

(1) The ***department, subject to any applicable requirements of KRS 198B.030(8),***~~[board]~~ shall ***establish and***~~[make and the department shall]~~ enforce ***administrative***~~[rules and]~~ regulations reasonably required to effectuate the provisions of KRS 227.550 to 227.660 and to carry out the department's responsibilities as a state administrative agency for the enforcement and administration of the federal act.

(2) At least thirty (30) days before the adoption or promulgation of any change in or addition to the ***administrative***~~[rules and]~~ regulations authorized in subsection (5) of this section**,** the department shall mail to all manufacturers possessing valid certificates of acceptability and retailers possessing valid licenses a notice including a copy of the proposed changes and additions and the time and place that the ***department***~~[board]~~ will consider any objections to the proposed changes and additions. After giving the notice required by this section, the ***department***~~[board]~~ shall afford interested persons an opportunity to participate~~[ in the rule making]~~ through submission of written data, views, or arguments with or without opportunity to present the same orally in any manner.

(3) Every ***administrative***~~[rule or]~~ regulation or modification, amendment, or repeal of ***an administrative***~~[a rule or]~~ regulation ***promulgated***~~[adopted]~~ by the ***department***~~[board]~~ shall state the date it shall take effect.

(4) Notwithstanding~~[ the provisions of]~~ KRS 227.550 to 227.660, the ***department***~~[board]~~ shall have the authority to promulgate ***administrative***~~[rules and]~~ regulations exempting manufacturers and retailers from the provisions of KRS 227.550 to 227.660 when manufactured homes or mobile homes are brought into this state for exhibition only.

(5) All ***administrative***~~[rules,]~~ regulations, ***including*** codes, fees, and charges**,** ***promulgated or*** adopted by the ***department***~~[board]~~ pursuant to KRS 227.550 to

227.660 shall be prepared and filed in accordance with KRS Chapter 13A.

(6) The ***department***[~~board~~] shall have the authority to promulgate ***administrative***[~~rules and~~] regulations to issue temporary licenses, not to exceed thirty (30) days, to out-of-state retailers for the purpose of participating in manufactured home shows in the Commonwealth of Kentucky.

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

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

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

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

(4) The clerk of the county in which a manufactured home, mobile home, or previously owned recreational vehicle is sought to be registered[~~ after June 1, 1976~~], which was purchased out of Kentucky, shall require production of proof of purchase of a

seal of approval as provided in subsection (2) of this section before registering or issuing a license for any manufactured home, mobile home, or previously owned recreational vehicle.

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

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

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

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

The ***department***[~~board~~] or its designee shall license retailers under[~~ the provisions of~~] KRS 227.550 to 227.660. The issuance of a license shall be contingent upon the

applicant's chief managing officer passing a test administered by the department. Before issuing a license, the department shall require proof of liability insurance which shall name the department in the certificate of insurance, and the license shall be null and void if there is a lapse of coverage in insurance.

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

(1) ***A***[~~No~~] retailer shall ***not*** engage in business[~~ as such~~] in this state without a license ***issued by the department pursuant to***[~~therefor as provided in~~] KRS 227.550 to 227.660.

(2) Application for license shall be made to the ***department***[~~board~~] or its designee at such time, in such form and contain such information as the ***department***[~~board~~] shall require and shall be accompanied by the required fee. The ***department***[~~board~~] may require in ***the***[~~such~~] application, or otherwise, ***any***[~~such~~] information[~~ as~~] it deems ***essential to***[~~commensurate with the~~] safeguarding[~~ of~~] the public interest in the locality in which ***the***[~~said~~] applicant proposes to engage in business, all of which may be considered by the ***department***[~~board~~] in determining the fitness of ***the***[~~said~~] applicant to engage in business as set forth in KRS 227.550 to 227.660.

(3) All licenses shall be granted or refused within thirty (30) days after ***the*** application ***is received***. The initial license for a retailer shall expire on the last day of the licensee's birth month in the following year. The ***department***[~~board~~] may reduce the license fee on a pro rata basis for initial licenses issued for less than twelve (12) months. Renewed licenses shall expire on the last day of the licensee's birth month of each year after the date of issuance of the renewed license.

(4) The license fee for ***a***[~~such~~] calendar year or part thereof shall be established by the ***department***[~~board~~], subject to the following maximums:

(a) For manufacturers***,*** a "certificate of acceptability" shall be subject to a maximum of five hundred dollars ($500).

(b) For retailers***,*** the maximum license fee shall be two hundred fifty dollars

($250) for each established place of business.

(c) The fee for a "Class B Seal" for recreational vehicles shall be twenty-five dollars ($25) per seal and the application form and seal shall be made available from the department.

(d) The fee for a "Class B1 Seal" and "Class B2 Seal" for manufactured and mobile homes shall be established by the ***department***[~~board~~] subject to a maximum of twenty-five dollars ($25) per seal.

(e) The department may establish a monitoring inspection fee in an amount established by the secretary. This monitoring inspection fee shall be an amount paid by each manufactured home manufacturer in this state for each manufactured home produced by the manufacturer in this state. The monitoring inspection fee shall be paid by the manufacturer to the secretary or the secretary's agent, who shall distribute the fees collected from all manufactured home manufacturers among the states approved and conditionally approved by the secretary based on the number of new manufactured homes whose first location after leaving the manufacturing plant is on the premises of a distributor, retailer, or purchaser in that state, and the extent of participation of the state in the joint team monitoring program established under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended.

(5) All revenues raised ***under subsection***[~~through the provisions of subsections~~] (4)(a), (b), and (c) ***of this section***, and funds paid to the state by the secretary under[~~ the provisions of~~] subsection (4)(d) of this section shall be deposited in a trust and agency fund and shall be used solely for the purpose of carrying out[~~ the provisions of~~] KRS 227.550 to 227.660 and other departmental responsibilities. No amount of ***the***[~~such~~] trust and agency fund shall lapse at the end of any fiscal year.

(6) The licenses of retailers shall specify the location of the established place of

business and ***shall***[~~must~~] be conspicuously displayed there. ***If the location denoted on the license changes***[~~In case such location be changed~~], the retailer shall notify the department of ***the change***[~~any change of location~~], and the department shall ***update***[~~endorse~~] the change of location on the license without charge if it be within the same municipality. A change of location to another municipality or to a county which is not adjacent to the county where the business is located shall require a new license.

(7) Every retailer licensed in accordance with[~~ the provisions of~~] this section shall make reports to the department at ***times specified by the department and containing any***[~~such intervals and showing such~~] information[~~ as~~] the department may require.

(8) Each manufacturer, distributor of manufactured homes or mobile homes, and retailer of manufactured or mobile homes shall establish and maintain[~~ such~~] records, make[~~ such~~] reports, and provide ***any***[~~such~~] information[~~ as~~] the department or the secretary may reasonably require to[~~ be able to~~] determine whether ***the***[~~such~~] manufacturer, distributor, or retailer has acted or is acting in compliance with KRS 227.550 to 227.660 or the federal act***. A manufacturer, distributor of manufactured homes or mobile homes, and retailer of manufactured or mobile homes***[~~ and~~] shall, upon request of a person duly designated by the department or secretary, permit ***that***[~~such~~] person to inspect appropriate books, papers, records, and documents relevant to determining whether ***the***[~~such~~] manufacturer, distributor, or retailer has acted or is acting in compliance with KRS 227.550 to 227.660 or the federal act.

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

(1) Before any license ***is***[~~will be~~] issued or renewed, the applicant shall file or have on file with the department a liability insurance policy issued by an insurance carrier authorized to transact insurance business within the Commonwealth of Kentucky. The policy of insurance ***shall***[~~must~~] be issued in the name of the applicant licensee.

(2) The ***department***[~~board~~] shall by ***administrative*** regulation establish the minimum amount of liability insurance ***coverage*** required ***under this section***[~~herein~~].

(3) ***An***[~~No~~] insurance carrier issuing any policy filed with the department shall ***not*** be relieved from liability under the policy until after the expiration of fifteen (15) days' notice to the department of an intention to cancel the policy, provided, however, that a prior cancellation may be allowed in cases where one (1) policy is substituted for another policy when the substituted policy is in force and effect prior to the expiration of fifteen (15) days' notice to the department of an intention to cancel the policy which is being substituted.

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

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

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

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

(b) Material misstatement in application for license, certification, or certificate of acceptability;

(c) Willful failure to comply with any provisions of KRS 227.550 to 227.660 or any ***administrative***[~~rule or~~] regulation promulgated by the ***department***[~~board~~] under KRS 227.550 to 227.660;

(d) Willfully defrauding any buyer;

(e) Willful failure to perform any written agreement with any buyer or retailer;

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

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

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

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

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

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

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

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

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

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

(2) No license, certification, or certificate of acceptability shall be suspended or revoked by the ***department***[~~board~~] unless the licensee or certificate holder is afforded the opportunity for a hearing to be conducted in accordance with KRS Chapter 13B.

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

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

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

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

***(4)*** The ***department shall establish***[~~board shall set out~~], through the promulgation of administrative regulations in accordance with[~~ the provisions of~~] KRS Chapter 13A,

1 ~~[and shall provide for ]~~a dispute resolution process which may be used prior to a
2 formal hearing under KRS Chapter 13B. The dispute resolution process shall be
3 nonbinding on the licensee, certified installer, or manufacturer and shall be
4 conducted after application for a KRS Chapter 13B hearing, but prior to the
5 convening of the KRS Chapter 13B hearing.
6 ***(5)***~~[(4)]~~ Any person aggrieved by any final order of the department may appeal to the
7 Franklin Circuit Court in accordance with KRS Chapter 13B.
8 ➔Section 84. KRS 227.650 is amended to read as follows:
9 (1) The department is empowered to inspect all mobile homes which are not covered by
10 the federal act and previously owned recreational vehicles for which it has issued a
11 seal of approval.
12 (2) The ***department***~~[board]~~ may establish and require~~[ such]~~ training programs in the
13 concept, techniques, and inspection of manufactured homes, mobile homes, and
14 previously owned recreational vehicles for the personnel of local governments, as
15 the ***department***~~[board]~~ considers necessary.
16 (3) The staff of the department, upon showing proper credentials and in the discharge
17 of their duties pursuant to KRS 227.550 to 227.660 or the federal act, ***shall be***
18 ***permitted***~~[is authorized]~~ with the consent of the manufacturer or by proper warrant
19 to enter and inspect all factories, warehouses, or establishments in this state in
20 which manufactured homes are manufactured or stored.
21 ➔Section 85. KRS 227.660 is amended to read as follows:
22 ~~[The department, ]~~Subject to ***KRS Chapters***~~[the provisions of Chapter]~~ 18A and~~[
23 Chapter]~~ 64~~[ of the Kentucky Revised Statutes]~~, ***the department*** may set qualifications
24 ***for***, employ, and fix the compensation of~~[ such]~~ state inspectors as the department deems
25 necessary to carry out the functions of KRS 227.550 to 227.650. To carry out~~[ the
26 provisions of]~~ KRS 227.550 to 227.650, the department may authorize the state
27 inspectors to travel within or ***outside***~~[without]~~ the state for the purposes of inspecting the

manufacturing facilities for manufactured homes or for any other purpose in connection with KRS 227.550 to 227.650.

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

Any person who willfully manufactures a manufactured home, sells, or offers for sale a manufactured home, mobile home, or recreational vehicle in this state in violation of~~[ the provisions of]~~ KRS ***227.550***~~[227.560]~~ to 227.660 shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars ($1,000) or by confinement in the county jail for a period of not more than thirty (30) days, or both.

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

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

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

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

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

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

***(4)***~~[(5)]~~ "Electrical contractor" means any licensed individual, partnership, or corporation that is licensed to engage in, offers to engage in, or advertises or holds itself out to be qualified to engage in designing, planning, superintending, contracting of, or assuming responsibility for the installation, alteration, or repair of

any electrical system used for the purpose of furnishing heat, light, or power, and employs electrical workers to engage in this practice. If the electrical contractor is not a master electrician, the electrical contractor shall employ at least one (1) full-time master electrician; however, no master electrician shall act in this capacity for more than one (1) electrical contractor;

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

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

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

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

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

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

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

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

(2) The department may issue subpoenas, examine witnesses, pay appropriate witness fees, administer oaths, and investigate allegations of practices violating~~[ the provisions of]~~ KRS 227A.010 to 227A.140 or the administrative regulations promulgated under KRS 227A.010 to 227A.140 and KRS Chapter 13A.

(3) The department shall conduct hearings under KRS Chapter 13B and keep records and minutes necessary to carry out the functions of KRS 227A.010 to 227A.140.

(4) The department, ~~[with assistance from the Electrical Advisory committee,]~~ shall evaluate the qualifications of applicants and issue licenses to qualified candidates.

(5) The department shall renew licenses.

(6) The department may:

(a) Refuse to issue or renew a license;

(b) Suspend or revoke a license;

(c) Impose supervisory or probationary conditions upon a licensee;

(d) Impose administrative disciplinary fines;

(e) Issue written reprimands or admonishments; and

(f) Take any combination of the actions permitted in this subsection.

(7) The department may seek injunctive relief in the Circuit Court of Franklin County, in the county in which the violation occurred, or in the county where the business of the accused is located to stop any unlawful practice in KRS 227A.010 to 227A.140 and administrative regulations promulgated thereunder. The department may also seek injunctive relief for unlicensed persons who inappropriately use the title "electrical contractor," "electrician," or "master electrician."

(8) The department, with comments~~[ and advice]~~ from the ***Housing, Buildings and***

***Construction***~~[ Electrical]~~ Advisory Committee if required by KRS 198B.030(8)~~[ and (9)]~~, may promulgate administrative regulations to create a code of ethics and procedures governing the licensure of electrical contractors, electricians, and master electricians.

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

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

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

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

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

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

As used in this chapter:

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

separate from processing systems and are complete within themselves:

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

(b) "High pressure, high temperature water boiler" means a water boiler operating at pressures exceeding one hundred sixty (160) pounds per square inch gauge or temperatures exceeding two hundred fifty (250) degrees Fahrenheit;

(c) "Heating boiler" means a steam or vapor boiler operating at pressures not exceeding fifteen (15) pounds per square inch gauge or a hot water boiler operating at pressures not exceeding one hundred sixty (160) pounds per square inch gauge or temperatures not exceeding two hundred fifty (250) degrees Fahrenheit; and

(d) "Portable boiler" means a boiler which is primarily intended for a temporary location, construction and usage of which allows the boiler to be readily removed from one (1) location to another;

(2) "Pressure vessel" means a vessel in which the pressure is obtained from an external source or by the application of heat other than those vessels defined in subsection (1) of this section;

(3) "Commissioner" means the commissioner of ***Department of Housing, Buildings and Construction***~~[housing, buildings and construction]~~;

(4) "Department" means the Department of Housing, Buildings and Construction;

(5) "ASME" means American Society of Mechanical Engineers;

(6) ***"Committee" means the Housing, Buildings and Construction Advisory Committee created by Section 1 of this Act***~~["Board" means Board of Boiler and Pressure Vessel Rules]~~;

(7) "Certificate inspection" means an inspection, the report of which is used by the chief boiler inspector to determine whether or not a certificate, as provided by subsection (1) of KRS 236.120, may be issued;

(8) "***Administrative*** ~~[Rule" or "]~~regulation" means ***an administrative***~~[a general]~~ regulation adopted by the ***department***~~[commissioner upon advisement of the board]~~ and filed and approved in accordance with KRS Chapter 13A ***that is*** designed to ***ensure***~~[insure]~~ the safety of boilers and pressure vessels that affects or may affect property rights of a designated class of owners, or designed for the prevention of loss or damage to property, loss of life, or personal injury from boiler or pressure vessel explosion or from certain indicated hazards related thereto;

(9) "Order" or "emergency order" means an order of the department, chief boiler inspector, or boiler inspector issued in accordance with this chapter for the prevention of:

(a) Loss or damage to property;

(b) Loss of life from boiler or pressure vessel malfunction or explosion; or

(c) Personal injury from boiler or pressure vessel malfunction or explosion;

(10) "Division" means the Division of Plumbing in the department;

(11) "Qualified welder" means a welder or welding machine operator who has successfully passed the tests required by the appropriate ASME boiler, pressure vessel, or piping code;

(12) "Person" or "firm" means any individual, firm, partnership, or corporation;

(13) "Chief boiler inspector" means the person employed by the department who shall serve as the boiler section supervisor within the Division of Plumbing;

(14) "Boiler inspector" means a duly authorized employee of the department~~[ of Housing, Buildings and Construction]~~ who is charged with the responsibility of inspecting boilers and pressure vessels and with the enforcement of the state boiler laws;

(15) "Special boiler inspector" means any person employed by an insurance company authorized to insure boilers and pressure vessels in the Commonwealth and who holds a commission as provided in KRS 236.080. This term shall apply to both in-

service inspectors and authorized inspectors of repairs, alterations, and shop work;

(16) "Domestic water" means potable water delivered by a piping system for personal use or consumption;

(17) "Potable water" means water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming in its bacteriological and chemical quality to the requirements of the Division of Water or the administrative regulations of the department~~[ of Housing, Buildings and Construction]~~;

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

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

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

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

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

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

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

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

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

236.097(1); and

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

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

(1) After reasonable notice and opportunity to be heard in accordance with KRS Chapter 13A, the commissioner~~[ of housing, buildings and construction]~~, upon advisement and subject to comment by the ***committee***~~[board]~~ under the requirements of KRS 198B.030(8)~~[ and (9) and 198B.040(11),]~~ shall, by administrative regulation, fix reasonable standards for the safe construction, installation, inspection, and repair of boilers, pressure vessels, and associated pressure piping in this state. ~~[Such ]~~Administrative regulations shall be enforced by the Department of Housing, Buildings and Construction, Division of Plumbing.

(2) The department may adopt any other administrative regulation necessary to administer this chapter if the regulation has been subject to review and comment by the ***committee***~~[board]~~ under the requirements of KRS 198B.030(8)~~[ and (9) and 198B.040(11). No administrative regulations so approved by the board shall become effective except upon adoption by the department, in conformance with KRS Chapter 13A.~~

~~(3) The department shall furnish to the board proposed amendments to administrative regulations for the board's review and comment prior to their adoption by the department. The department shall not promulgate any administrative regulations related to this chapter without granting the board the opportunity to comment on the administrative regulation]~~.

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

The department shall employ boiler inspectors who~~[ shall]~~ have~~[ had]~~ at the time of appointment not less than five (5) years ***of*** practical experience in the construction, maintenance, repair, or operation of high pressure boilers and pressure vessels as a

mechanical engineer, practical steam operating engineer, boilermaker, pressure vessel inspector or boiler inspector, and who shall have passed the examination ***required by***~~[provided for in]~~ KRS 236.090.

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

(1) In addition to boiler inspectors authorized by KRS 236.070, the department shall issue an owner-user inspector commission to any inspector commissioned by a company operating a pressure vessel within the Commonwealth ***if***~~[, provided that]~~:

(a) The company has an established and regular inspection program;

(b) The company is listed as an accredited Owner-User Inspection Organization in compliance with the National Board of Boiler and Pressure Vessel Inspectors Accreditation of Owner-User Inspection Organizations;

(c) The inspection program, personnel, equipment, and supervision meet the requirements established by the department~~[ after recommendation by the board]~~; and

(d) 1. The owner-user inspector applicant has successfully passed the examination ***required by***~~[provided for in]~~ KRS 236.090; or

2. The owner-user inspector applicant holds a commission as an inspector of boilers and pressure vessels issued by the National Board of Boiler and Pressure Vessel Inspectors.

(2) A commission as an owner-user inspector shall be issued only if, in addition to meeting the requirements of this section, the inspector is continuously employed by the company for the purpose of making inspections of pressure vessels used or to be used by the company, not of pressure vessels to be resold.

(3) A licensed owner-user inspector ***may not***~~[is not authorized to]~~ inspect boilers within the Commonwealth.

(4) A licensed owner-user inspector may inspect ***only***~~[all]~~ pressure vessels insured by the inspector's employing company. When the vessels are inspected and reported as

required, the owners and users of insured pressure vessels shall be exempt from payment to the state of inspection fees as provided in KRS 236.130.

(5) Each company employing a licensed owner-user inspector shall, within thirty (30) days following each certificate of inspection, file a report of inspection with the department. Reports ***shall***~~[are to]~~ be submitted upon forms prescribed by the department.

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

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

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

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

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

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

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

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

(d) A grace period of two (2) months beyond the periods specified in paragraphs (a), (b), and (c) of this subsection may elapse between inspections.

(e) The department may at its discretion permit longer periods between inspections.

(f) All new boiler or pressure vessel installations to be used within this state, excepting boilers or pressure vessels exempted under KRS 236.060, shall be inspected during the installation period to ascertain that all pressure piping conforms to the requirements of KRS 236.040. A certificate of inspection may not be issued on any new installation until these requirements are fulfilled.

(g) It shall be the responsibility of the installing contractor to request the above inspection by notifying the boiler inspection section that the installation is ready for~~[ such]~~ inspection. Notification ***shall***~~[must]~~ be accomplished prior to covering of any welded or mechanical joints on pressure piping or valves by insulation, paint, or structural materials. The contractor shall provide ready access for the inspector to all parts of the piping system.

(h) Inspection of pressure piping ***shall apply***~~[applies]~~ only to new boiler, pressure vessel, or new pressure piping system installations, or reinstallations, or installation of secondhand boilers (as defined under "Boiler Rules and Regulations"). No annual or biennial reinspection ***shall be***~~[is]~~ required once the system has been approved.

(i) "Existing installations," as applied to inspection of piping systems is defined as any boiler and piping system completed and approved for operation prior to July 1, 1970, or pressure vessels and associated piping systems completed and approved for operation prior to July 15, 1980. ***These***~~[Such]~~ existing

installations ***shall***~~[will]~~ not be subject to the foregoing piping inspection unless adjudged patently unsafe for operation by a boiler inspector holding a commission issued by the National Board of Boiler and Pressure Vessel Inspectors, or by an owner's piping inspector, when authorized. If an existing installation is so adjudged, the owner or user ***shall***~~[will]~~ be granted full rights of appeal as set forth under KRS 236.150.

(j) ***If***~~[At such time as]~~ an existing installation undergoes extensive overhaul or more than fifty (50) linear feet of pressure piping requires renewal or is added to the existing system, the entire system of piping carrying pressure emanating from the boilers shall be subject to inspection and ***shall***~~[will]~~ be brought up to standards required by KRS 236.040.

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

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

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

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

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

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

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

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

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

the boiler inspected or, in the case of a portable boiler, shall be kept in a tool box accompanying the boiler. The most recently issued certificate of inspection for each pressure vessel shall be kept in the owner's files.

(2) No certificate of inspection issued for an insured boiler, inspected by a special inspector, shall be valid after the insurance on the boiler for which it was issued terminates. Boilers shall be insured by a company duly authorized by this state to carry the insurance.

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

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

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

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

(2) All other inspections, including shop inspections and inspection of secondhand or

used boilers made by the boiler inspector shall be charged for at the rate set by ***administrative*** regulation promulgated by the commissioner ***in accordance with***[~~upon advice of the board pursuant to~~] KRS Chapter 13A.

(3) All fees received by the department shall be held in a trust and agency fund from which the expenses of administering this chapter and other department responsibilities may be paid**,** and no portion of ***the***[~~said~~] fund shall lapse into the general fund at the end of each fiscal year.

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

(1) ***A***[~~No~~] person shall ***not*** engage in the business of installing, erecting, or repairing boilers or pressure vessels unless ***that person***[~~he or she~~] first obtains a license from the commissioner[~~ on recommendation of the board~~].

(2) Each person, firm**,** or corporation ***shall***[~~must~~] pass an examination prepared[~~ by the board~~] and administered by the department.

(3) A license shall be issued by the commissioner or the chief boiler inspector ***to qualified applicants*** upon[~~ recommendation of the board and~~] payment of a reasonable fee not to exceed the cost of examination and other expenses involved as established by the commissioner ***in an administrative regulation promulgated in accordance with***[~~upon advice of the board pursuant to~~] KRS Chapter 13A.

(4) The license shall be renewable annually, not later than the first of the month following the expiration date, upon payment of a reasonable fee not to exceed the costs involved in such renewal as established by the commissioner ***in an administrative regulation promulgated in accordance with***[~~ upon advice of the board pursuant to~~] KRS Chapter 13A.

(5) All individuals in the employ of a licensee shall not be required to be licensed.

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

(1) A license issued under KRS 236.210 to 236.260 may be suspended or revoked for falsification of any information contained in the application. Written notice of a

suspension shall be given to the licensee by the chief boiler inspector within ten (10) days of the first notification of the violation. A person whose license has been suspended may appeal to the ***department***~~[board]~~, and a hearing shall be conducted in accordance with KRS Chapter 13B.

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

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

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

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

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

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

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

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

(1) ***A***~~[No]~~ person shall ***not*** make repairs affecting the strength or safety of boilers or pressure vessels without first securing a permit from the department unless repairs have been authorized by a boiler inspector or special boiler inspector pending

issuance of the permit or unless such repairs are emergency repairs authorized by the department, a special boiler inspector or a boiler inspector pending issuance of the permit. ***A***[~~No~~] permit ***shall not***[~~will~~] be required for emergency items not affecting the strength of the boiler or pressure vessel, when performed by qualified welders regularly employed by firms utilizing properly qualified welding procedures. Permits shall only be issued to persons licensed under [~~the provisions of~~] this chapter. A permit fee shall be paid directly to the department, and shall accompany the repair application.

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

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

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

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

(2) Any person who violates ***any provision***[~~the provisions~~] of KRS 236.040(1); 236.080(4); 236.110(1), (4) and (5); 236.210(1); 236.220(1); 236.240(1) and (2); 236.250(1); or any proper order or administrative regulation made or promulgated thereunder; or who hinders or obstructs an authorized inspector in the performance

of his or her duties under this chapter, shall be subject to the penalties in subsection (1) ***of this section***~~[above]~~.

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

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

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

(1) This chapter ***shall apply to***~~[applies]~~ and shall be in full force and effect in all counties of the Commonwealth.

(2) The state plumbing code promulgated by the department under the provisions of this chapter ***shall apply to***~~[applies]~~ and shall be in full force and effect for all public buildings regardless of location in the Commonwealth.

(3) This chapter shall not apply to farmsteads.

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

(1) An applicant for a master or journeyman plumber's license shall:

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

(b) Be of good moral character;

(c) Be a citizen of the United States or be a resident alien who is authorized to work in the United States; and

(d) Possess all the other qualifications that may be prescribed by administrative regulations of the commissioner.

(2) Except as otherwise provided in this chapter, no master or journeyman plumber's license shall be issued except upon a successful passage of an examination as prescribed by the department.

(3) Examinations for a license as a master plumber or journeyman plumber shall be conducted at times and places fixed by the regulations of the commissioner. Applicants for an examination shall furnish the information required by the commissioner and shall receive from the department due notice of the time and place of the examination.

(4) The department shall prepare or cause to be prepared under its supervision examinations consisting of written and practical tests with such questions and tests by which the department will determine:

(a) With respect to master plumber's license applicants, that applicants are qualified in view of the definitions, provisions, and purposes of this chapter to carry on responsibly, reasonably, and competently, the activities which a licensed master plumber is authorized to engage in by this chapter; and

(b) With respect to journeyman plumber's license applicants, their knowledge and competency to carry on the activities which a licensed journeyman plumber is authorized to engage in by this chapter.

(5) The examination papers shall be preserved by the department for a period of one (1) year.

(6) The department may issue a license to any person who holds a valid license in another state if that state has a statewide plumbing code**,**~~[ and, in the opinion of the Plumbing Code Committee,]~~ the other state's examination is at least equal to that of Kentucky**,** and the other state agrees to reciprocate with Kentucky.

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

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

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

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

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

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

(4) ***A***~~[Any]~~ master or journeyman plumber who fails to renew ***a***~~[his]~~ license prior to expiration may have ***the***~~[his]~~ license renewed upon payment of the required renewal fee, a revival fee, and upon showing the completion of continuing education

requirements. The revival fee for a master plumber shall be five dollars ($5) and for a journeyman plumber three dollars ($3). If the renewal and revival fees are not paid ***within*** one hundred eighty (180) days after the license expires, ***the license***~~[such licenses]~~ shall be automatically canceled by operation of law for nonpayment***. A license***~~[; provided, however, that such licenses]~~ may be reinstated upon payment of all delinquent renewal fees plus a revival fee of ten dollars ($10) for a master plumber and six dollars ($6) for a journeyman plumber. Upon presentation of proper evidence, the department may waive payment of any renewal or revival fee~~[ specified herein]~~ for ***a person***~~[persons]~~ serving on active duty in the Armed Forces of the United States.

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

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

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

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

(1) ***Has*** knowingly violated~~[ the provisions of]~~ this chapter**,**~~[ or]~~ the Kentucky State Plumbing Code, or the rules and regulations of the department;

(2) ***Has*** practiced fraud or deception in applying for or obtaining a license;

(3) Is incompetent to perform services as a licensed master plumber or a licensed journeyman plumber;

(4) ***Has*** permitted his or her license to be used directly or indirectly by another to obtain or perform plumbing work or services; or

(5) Is guilty of~~[ such]~~ other unprofessional or dishonorable conduct of a character likely to deceive or defraud the public.

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

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

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

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

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

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

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

(1) In order to conduct examinations for persons to qualify as licensed master plumbers or journeyman plumbers, the department shall appoint as examiners the following

persons to a State Plumbers Examining Committee: An employee of the department and three (3) other persons who shall be licensed either as master or journeyman plumbers. The commissioner shall be an ex officio examiner and permanent commissioner of the ***examining*** committee. With the exception of the issuance of any order involving the revocation, suspension or cancellation of a master or journeyman plumber's license, the commissioner may delegate to a subordinate employee in the department the power to be present and participate, including the right to vote, as his or her representative at any meeting, hearing or other proceeding of the State Plumbers Examining Committee. Plumber examiners shall serve at the pleasure of the department.

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

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

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

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

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

A company or individual principal may engage in the business of plumbing within any county of the Commonwealth if ***a***~~[some]~~ person connected with ***that***~~[such a]~~ company or individual principal in responsible charge of the plumbing work is a licensed master plumber. Any master plumber, in responsible charge of plumbing work for a company or individual engaged in the plumbing business, shall notify the department at any time he or

she commences or severs his or her connection with the company or individual principal.

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

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

➔Section 114. The following KRS sections are repealed:

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

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

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

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

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

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

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

236.020 Board of Boiler and Pressure Vessel Rules.

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

318.074 Officers of committee -- Meetings.

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

➔Section 116. All administrative regulations promulgated under the authority of

the Kentucky Board of Housing, Buildings and Construction; Kentucky Board of Heating, Ventilation, and Air Conditioning Contractors; the Board of Boiler and Pressure Vessel Rules; the Manufactured Home Certification and Licensure Board; the Kentucky Single Family Dwellings Advisory Committee; the State Plumbing Code Committee; the Elevator Advisory Committee; and the Electrical Advisory Committee prior to the effective date of this Act shall remain in full force and effect, shall be deemed promulgated by the Department of Housing, Buildings and Construction, and shall be administered by the department.

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