

**198B.400 Definitions for KRS 198B.410 to 198B.540. (Effective until July 1, 2011)**

As used in KRS 198B.410 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" is a certificate issued by the department authorizing the operation of an elevator which must 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; and
- (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.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 261, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 157, sec. 1, effective July 12, 2006. -- Amended 1980 Ky. Acts ch. 295, sec. 85, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 232, sec. 3; and ch. 299, sec. 77. -- Created 1974 Ky. Acts ch. 239, sec. 1.

**Formerly codified as** KRS 336.510.

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

**Effective:** July 1, 2011

**History:** Amended 2010 Ky. Acts ch. 24, sec. 261, effective July 15, 2010; and ch. 116, sec. 19, effective July 1, 2011. -- Amended 2006 Ky. Acts ch. 157, sec. 1, effective July 12, 2006. -- Amended 1980 Ky. Acts ch. 295, sec. 85, effective July 15, 1980. -- Amended 1976 Ky. Acts ch. 232, sec. 3; and ch. 299, sec. 77. -- Created 1974 Ky. Acts ch. 239, sec. 1.

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**Legislative Research Commission Note (7/1/2011).** This section was amended by 2010 Ky. Acts chs. 24 and 116, which do not appear to be in conflict and have been codified together.

**Legislative Research Commission Note (7/1/2011).** 2010 Ky. Acts ch. 116, sec. 39, provides that "KRS 198B.400 to 198B.540 shall be known and may be cited as the Kentucky Elevator Safety Act."

**Legislative Research Commission Note (7/1/2011).** References to the "Office of Housing, Buildings and Construction" and the "executive director" of housing, buildings and construction in this section, as amended by 2010 Ky. Acts ch. 116, sec. 19, have been changed in codification to the "Department of Housing, Buildings and Construction" and the "commissioner" of housing, buildings and construction, respectively, to reflect the reorganization of certain parts of the Executive Branch, as set forth in Executive Order 2009-535 and confirmed by the General Assembly in 2010 Ky. Acts ch. 24. These changes were made by the Reviser of Statutes pursuant to 2010 Ky. Acts ch. 24, sec. 1938.