

**198B.480 Report of inspection -- Hearing on construction plans and specifications -
- Findings and orders of department. (Effective until July 1, 2011)**

- (1) Every inspector shall forward to the department a full report of each inspection made of any passenger elevator or fixed guideway system, showing the exact condition of the elevator or fixed guideway system, and the inspector shall leave a copy of the report at the elevator or fixed guideway system on the day the inspection is completed.
- (2) If any passenger elevator or fixed guideway system requires certain changes or repairs to make it reasonably safe to operate, recommendations shall be made by the inspector upon his or her report and a copy of the report as approved by the department shall be given to the owner or operator of the elevator or fixed guideway system, and, unless appealed, upon compliance therewith and upon the payment of the fees required by law, the department shall issue a certificate of operation for a capacity not to exceed that named in the report of inspection, which certificate shall be valid for one (1) year after the date of inspection.
- (3) If construction plans or an application of specifications is not approved, the department shall state in writing the necessary changes to obtain approval and the owner or operator shall be given a copy thereof, and, unless appealed, upon compliance therewith, the department shall approve the plans or specifications and issue a permit for construction.
- (4) Any owner or operator, within twenty (20) days from receipt of the copy of the report or statement of changes in plans or specifications, may make written application to the department upon forms to be furnished by the department for a hearing on the report or the statement regarding changes in plans or specifications as to whether the elevator or fixed guideway system in question is reasonably safe, or whether the elevator or fixed guideway system, if constructed in accordance with the plans and specifications, would be reasonably safe. The department shall promptly consider the application and schedule a hearing to be conducted consistent with the provisions of this section and KRS Chapter 13B.
- (5) If it appears from the evidence presented at the hearing that the elevator or fixed guideway system will be reasonably safe to operate without those changes or repairs shown in the report or by making only a part or all thereof, or if none or only a part of all the changes in the plans or specifications are found necessary to make the elevator reasonably safe, the department shall issue its final order accordingly. If the final order requires changes or repairs to be made in the elevator or fixed guideway system or changes in the plans or specifications of either, the department shall, upon the payment of the required fees, issue a certificate of operation when the order has been executed or issue its approval of the plans or specifications. If the final order of the department has been affirmed or modified by appeal on the grounds of reasonable safety considered by the department, then the department shall, upon compliance with the final order and the payment of required fees, issue the certificate of operation or issue its approval of the plans and specifications; but, if the order of the department has been vacated, the certificate of operation, upon the payment of fees or approval of plans and specifications, shall be issued forthwith.

No elevator or fixed guideway system shall be operated after being inspected without having a certificate of operation conspicuously posted thereon, except pending a hearing on the issuance thereof.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 267, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 157, sec. 7, effective July 12, 2006. -- Amended 1996 Ky. Acts ch. 318, sec. 85, effective July 15, 1996. -- Amended 1976 Ky. Acts ch. 232, sec. 5; and ch. 299, sec. 81. -- Created 1974 Ky. Acts ch. 239, sec. 11.

Formerly codified as KRS 336.610.

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- (2) If any passenger elevator or fixed guideway system requires certain changes or repairs to make it reasonably safe to operate, recommendations shall be made by the inspector upon his or her report and a copy of the report as approved by the department shall be given to the owner or operator of the elevator or fixed guideway system, and, unless appealed, upon compliance with the report and upon the payment of the fees required by law, the department shall issue a certificate of operation for a capacity not to exceed that named in the report of inspection. This certificate shall be valid for one (1) year after the date of inspection.
- (3) If construction plans or an application of specifications is not approved, the department shall state in writing the necessary changes to obtain approval and the owner or operator shall be given a copy of the necessary changes, and, unless appealed, upon compliance by the owner or operator, the department shall approve the plans or specifications and issue a permit for construction.
- (4) Any owner or operator, within twenty (20) days from receipt of the copy of the report or statement of changes in plans or specifications, may make written application to the department upon forms to be furnished by the department for a hearing on the report or the statement regarding changes in plans or specifications as to whether the elevator or fixed guideway system in question is reasonably safe, or whether the elevator or fixed guideway system, if constructed in accordance with the plans and specifications, would be reasonably safe. The department shall promptly consider the application and schedule a hearing to be conducted consistent with the provisions of this section and KRS Chapter 13B.
- (5) If it appears from the evidence presented at the hearing that the elevator or fixed guideway system will be reasonably safe to operate without those changes or repairs shown in the report or by making only a part or all of the changes, or if none or only a part of all the changes in the plans or specifications are found necessary to make the elevator reasonably safe, the department shall issue its final order accordingly. If the final order requires changes or repairs to be made in the elevator or fixed

guideway system or changes in the plans or specifications of either, the department shall, upon the payment of the required fees, issue a certificate of operation when the order has been executed or issue its approval of the plans or specifications. If the final order of the department has been affirmed or modified by appeal on the grounds of reasonable safety considered by the department, then the department shall, upon compliance with the final order and the payment of required fees, issue the certificate of operation or issue its approval of the plans and specifications; but, if the order of the department has been vacated, the certificate of operation, upon the payment of fees or approval of plans and specifications, shall be issued immediately. No elevator or fixed guideway system shall be operated after being inspected without bearing a conspicuously posted certificate of operation, except pending a hearing on the issuance of the certificate.

Effective: July 1, 2011

History: Amended 2010 Ky. Acts ch. 24, sec. 267, effective July 15, 2010; and ch. 116, sec. 25, effective July 1, 2011. -- Amended 2006 Ky. Acts ch. 157, sec. 7, effective July 12, 2006. -- Amended 1996 Ky. Acts ch. 318, sec. 85, effective July 15, 1996. -- Amended 1976 Ky. Acts ch. 232, sec. 5; and ch. 299, sec. 81. -- Created 1974 Ky. Acts ch. 239, sec. 11.

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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.