

**227.410 Definitions for KRS 227.410 -- Prohibition of sale or installation of unventable type gas fuel room heaters -- Exceptions -- Enforcement.**

- (1) As used in this section:
  - (a) "Gas-fired heating device" means a gas burning appliance of either a gravity or mechanical circulation type, designed for the heating of air or of water in an enclosed structure;
  - (b) "Gas-fired room heating device of the unventable type" means a self-contained, free standing, air heating, gas-fired appliance, designed as a space heater for an enclosed structure; and
  - (c) "Enclosed structure" includes a room used for public assembly, educational, instructional, mercantile, office, or residential purposes (including manufactured homes, mobile homes, travel trailers, and houseboats).
- (2) No person, firm, or corporation shall sell at retail or wholesale, or offer or expose for sale at retail or wholesale any gas-fired room heating device of the unventable type, or other type which has not been approved as provided in KRS 234.175, except unvented heaters that are built and sold solely for the curing of tobacco, which if sold or used by any person for any other purpose shall subject him or her to the penalty set forth in KRS 227.991.
- (3) No person, firm, or corporation shall install in any room or enclosed structure any gas-fired room heating device of the unventable type or other type which has not been approved as provided in KRS 234.175.
- (4) No person, firm, or corporation may install any gas-fired heating device of the ventable type for use in any room or enclosed structure unless said device is vented in accordance with the provisions of the standards of safety of the Department of Housing, Buildings and Construction.
- (5) No person, firm, or corporation who may own a gas-fired heating device of the unventable type or a gas-fired heating device of the ventable type, which has not been approved as provided in KRS 234.175, or which does not conform to the provisions of the standards of safety of the department (all of which heating devices are referred to as "proscribed heaters" in this subsection and subsection (6) of this section), or who may occupy an enclosed structure in which such a proscribed heater is installed, shall continue to use or operate said proscribed heater after receipt of a written order described in subsection (6) of this section, and before the conditions contained in said order are met.
- (6) Cities of the first or second class may under ordinance duly enacted appoint inspectors or officers who have power to issue written orders directing owners of heaters or occupants of structures in which heaters are installed, to discontinue the use or operation of a proscribed heater and to specify conditions which must be met before said proscribed heater may again be used or operated. Said order may be issued if said authorized person has actual knowledge of the existence of a proscribed heater, and, in the opinion of said authorized person, the continued use or operation of said proscribed heater would constitute a danger to life or health; provided however, no person, agency, firm, or corporation (other than the owner,

user, seller, or installer of a proscribed heater) shall be liable for civil damages for his or her or its failure to recognize a proscribed heater, for failure to issue the order described in this subsection, for complying with said order, for assisting with the compliance therewith, or for allowing the continued use or operation of a proscribed heater prior to receipt of said order.

- (7) This section shall not apply to liquefied petroleum gas heaters subject to the jurisdiction of the department under KRS Chapter 234, except those liquefied petroleum gas heaters sold or installed for residential usage.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 402, effective July 15, 2010. -- Amended 1996 Ky. Acts ch. 340, sec. 2, effective July 15, 1996. -- Amended 1978 Ky. Acts ch. 117, sec. 41, effective July 1, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. V, sec. 24(11). -- Amended 1972 Ky. Acts ch. 332, sec. 1. --