

TECHNICAL AMENDMENT
May 29, 2020

815 KAR 7:070. The Kentucky Certified Building Inspector Program.

RELATES TO: KRS 198B.010(6), 198B.040(3), 198B.050(3)(c), (6), 198B.060, 198B.090, 198B.095

STATUTORY AUTHORITY: KRS 198B.050(5), 198B.090(1)(a), (b), 198B.095(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 198B.090(1) requires the department to create and administer a building inspector's certification program and a plans and specifications inspector's certification program with sufficient testing procedures. KRS 198B.050(5) requires the department to promulgate administrative regulations necessary to implement the Uniform State Building Code. KRS 198B.095(1) authorizes the department to promulgate an administrative regulation to establish a building inspector training program. This administrative regulation establishes the testing, training, continuing education, and enforcement responsibilities for qualifying persons to become inspectors for the enforcement of the Kentucky Building Code and the Kentucky Residential Code.

Section 1. Definitions.

(1) "Enrolled" means an applicant has complied with the requirements established in Section 4(1) of this administrative regulation.

(2) "General supervision" means that the supervising authority oversees the work performed overall, but is not required to be on-site at all times during plan reviews and inspections.

(3) "ICC test module" means a test module, from the International Code Council, that is used to meet the module testing requirements established in Section 5 of this administrative regulation.

(4) "Limited certificate" means a document establishing that a person:

(a) Has passed the test for competency in one (1) or more NCPCCI or ICC test modules; and

(b) Is qualified to engage in the type of limited inspections listed on the certificate which represents the level of competency for which the person was tested.

(5) "NCPCCI test module" means a test module, from the National Certification Program for Construction Code Inspectors, developed by the national code enforcement organizations for the purpose of providing nationally-recognized evidence of competency and professionalism in construction code enforcement and used to meet the module testing requirements established in Section 5 of this administrative regulation.

(6) "Trainee" means a person who is enrolled in the building inspector program of the department, but has not completed the NCPCCI or ICC test modules necessary to be a certified building inspector.

Section 2. Inspection Operations.

(1)(a) Each governmental entity engaged in a building inspection program shall have at least one (1) certified building inspector with the level of credentials required for buildings covered by the governmental entity's program.

(b) The certified building inspector shall be responsible for all:

1. Construction document approvals;
2. Inspections; and
3. Issuance of certificates of occupancy.

(2) A trainee may be used in a building inspection program. If used:

(a) The trainee shall operate under the general supervision of a certified building inspector.

(b) A trainee shall not issue:

1. Permits;
2. Construction document approval letters;
3. Inspection compliance letters; or
4. Certificates of occupancy.

(c) A trainee holding a current limited certificate shall exercise only the duties authorized by that certificate.

(3)(a) A person making inspections as authorized by this administrative regulation shall not overrule, supplant, or order corrections or alterations that conflict with the approved construction documents.

(b) If an inspector believes construction documents are incorrect or the construction is in violation of the Kentucky Building Code or the Kentucky Residential Code, the inspector shall immediately refer the matter to the certified building inspector responsible for approval of the construction documents for resolution.

(4)(a) A local building inspector shall not perform the inspections or plan reviews on buildings assigned to the department by KRS 198B.060(4) unless the local governmental entity petitioned and was approved for expanded jurisdiction in accordance with 815 KAR 7:110.

(b) A local building inspector shall only perform inspections or plan reviews as outlined in the expanded jurisdiction agreement with the department.

(5) A person making inspections pursuant to a limited certificate shall be supervised by a certified building inspector with a level I certification or higher.

(6) A person making inspections as a trainee without a certificate shall be supervised by a person with a level of certification equal to or higher than that which the trainee is pursuing.

Section 3. Application for Training and Certification.

(1) An applicant seeking to become a trainee or a candidate for certification shall submit to the department:

(a) A completed Initial Application Form, DHBC - BC/CP 1;

(b) A fifty (50) dollar application fee; and

(c) Written proof that the applicant has:

1. Graduated from high school or earned a general education diploma; and

a. Two (2) years experience in a responsible, directly-related construction position, such as a foreman, which required the ability to effectively read and interpret building plans and specifications; or

b. Two (2) years experience in an architect's or engineer's office performing building design or drafting duties;

2. Graduated from a college or university with an associate degree in a design, building technology, or construction-related subject; or

3. Graduated from a college or university with a bachelor's degree in architecture, engineering, fire science, or building technology.

(2) A person shall not engage in inspection activities for the enforcement of the Kentucky Building Code or the Kentucky Residential Code unless that person receives certification from the department.

Section 4. Training and Testing Requirements. A candidate seeking to become a certified building inspector and all trainees shall:

(1) Attend orientation training provided by or approved by the department; and

(2) Submit proof of completing a minimum of twelve (12) hours of continuing education train-

ing annually. Proof may be submitted by:

- (a) A completed Continuing Education Verification Form, DHBC - BC/CE 1; or
- (b) A certificate of completion provided by a pre-approved training provider.

Section 5. Certification Requirements, Responsibilities, and Jurisdiction for Certified Inspectors.

(1) One (1) and two (2) family dwelling inspector.

(a) A person shall be classified as a one (1) and two (2) family dwelling inspector if the person passed the following:

1. NCPCCI test modules:

- a. Test 1A Building One- and Two-Family Dwelling; and
- b. Test 4A Mechanical One- and Two-Family Dwelling; or

2. ICC test modules:

- a. Test B1 Residential Building Inspector; and
- b. Test M1 Residential Mechanical Inspector; and

(b) Complied with the requirements of this administrative regulation.

(c) A one (1) and two (2) family dwelling inspector shall be qualified to perform all functions related to the enforcement of the Kentucky Residential Code. A one (1) and two (2) family dwelling inspector shall be qualified to do the following for the construction of one (1) and two (2) family dwellings and townhouses:

- 1. Issue permits;
- 2. Review and approve construction documents;
- 3. Conduct on-site inspections; and
- 4. Issue compliance letters and certificates of occupancy

(2) Building inspector, level I.

(a) A person shall be classified as a building inspector, level I, if the person has passed the following:

1. NCPCCI test modules:

- a. Test 1A Building One- and Two-Family Dwelling;
- b. Test 4A Mechanical One- and Two-Family Dwelling;
- c. Test 1B Building General; and
- d. Test 3B Fire Protection General; or

2. ICC test modules:

- a. Test B1 Residential Building Inspector;
- b. Test B2 Commercial Building Inspector; and
- c. Test M1 Residential Mechanical Inspector; and

(b) Complied with the requirements of this administrative regulation.

(c) A building inspector, level I, shall be qualified to perform all functions related to the enforcement of the Kentucky Building Code and the Kentucky Residential Code. A building inspector, level I, shall be qualified to do the following for buildings of the occupancy, type, and size assigned to local governments by KRS 198B.060(2):

- 1. Issue permits;
- 2. Review and approve construction documents;
- 3. Conduct on-site inspections; and
- 4. Issue compliance letters and certificates of occupancy

(3) Building inspector, level II.

(a) A person shall be classified as a building inspector, level II, if the person has passed the following:

1. NCPCCI test modules:

- a. Test 1A Building One- and Two-Family Dwelling;
- b. Test 4A Mechanical One- and Two-Family Dwelling;
- c. Test 1B Building General;
- d. Test 3B Fire Protection General; and
- e. Test 4B Mechanical General; or
- 2. ICC test modules:
 - a. Test B1 Residential Building Inspector;
 - b. Test B2 Commercial Building Inspector;
 - c. Test M1 Residential Mechanical Inspector; and
 - d. Test M2 Commercial Mechanical Inspector; and
- (b) Complied with the requirements of this administrative regulation.
- (c) 1. A building inspector, level II, shall be qualified to perform the same functions as a building inspector, level I, as set out in subsection (2)(c) of this administrative regulation; and
- 2. A building inspector, level II, shall be qualified to conduct on-site inspections of all buildings which were assigned to the department pursuant to KRS 198B.060(4).
- (4) Building inspector, level III.
 - (a) A person shall be classified as a building inspector, level III, if the person has passed the following:
 - 1. NCPCCI test modules:
 - a. Test 1A Building One- and Two-Family Dwelling;
 - b. Test 4A Mechanical One- and Two-Family Dwelling;
 - c. Test 1B Building General;
 - d. Test 3B Fire Protection General;
 - e. Test 4B Mechanical General;
 - f. Test 1C Building Plan Review;
 - g. Test 3C Fire Protection Plan Review; and
 - h. Test 4C Mechanical Plan Review; or
 - 2. ICC test modules:
 - a. Test B1 Residential Building Inspector;
 - b. Test B3 Building Plans Examiner;
 - c. Test M1 Residential Mechanical Inspector; and
 - d. Test M3 Mechanical Plans Examiner; and
 - (b) Complied with the requirements of this administrative regulation.
 - (c) A building inspector, level III, shall be qualified to perform all functions related to the enforcement of the Kentucky Building Code and the Kentucky Residential Code. A building inspector, level III, shall be qualified to do the following for all buildings regardless of size or occupancy type:
 - 1. Issue permits;
 - 2. Review and approve construction documents;
 - 3. Conduct on-site inspections; and
 - 4. Issue compliance letters and certificates of occupancy
- (5) Mechanical inspector, one (1) and two (2) family dwellings.
 - (a) A person shall be classified as a mechanical inspector of one (1) and two (2) family dwellings if the person has passed the following:
 - 1. NCPCCI Test 4A Mechanical One- and Two-Family Dwelling test module; or
 - 2. ICC Test M1 Residential Mechanical Inspector test module; and
 - (b) Complied with the requirements of this administrative regulation.
 - (c) A mechanical inspector of one (1) and two (2) family dwellings shall be qualified to perform all functions related to the enforcement of the mechanical requirements of the Kentucky

Residential Code including conducting inspections of one (1) and two (2) family dwelling mechanical installations for compliance.

(6) Mechanical inspector general (other than one (1) and two (2) family dwellings).

(a) A person shall be classified as a mechanical inspector general if the person has passed the following:

1. NCPCCI Test 4B Mechanical General test module; or
2. ICC Test M2 Commercial Mechanical Inspector test module; and

(b) Complied with the requirements of this administrative regulation.

(c) A mechanical inspector general shall be qualified to perform all functions related to the enforcement of the mechanical requirements of the Mechanical Code including management of mechanical code enforcement activity, supervision of mechanical inspectors or plans examination, performing plans examination for compliance, and conducting inspections of structures for compliance.

(7) Mechanical inspector and plan reviewer.

(a) A person shall be classified as a mechanical inspector and plan reviewer if the person has passed the following:

1. NCPCCI test modules:
 - a. Test 4A Mechanical One- and Two-Family Dwelling;
 - b. Test 4B Mechanical General; and
 - c. Test 4C Mechanical Plan Review; or
2. ICC test modules:

- a. Test M1 Residential Mechanical Inspector; and
- b. Test M3 Mechanical Plans Examiner; and

(b) Complied with the requirements of this administrative regulation.

(c) A mechanical inspector and plan reviewer shall be qualified to perform all functions related to the enforcement of the mechanical requirements of the Kentucky Residential Code and the Mechanical Code including management of mechanical code enforcement activity, supervision of mechanical inspectors or plans examination, performing plans examination for compliance and conducting inspections of structures for compliance.

(8) Upon application by a testing agency, a national code group, or by an applicant for certification, the department may recognize other examinations as equivalent to the listed NCPCCI or ICC examinations. The person or group submitting the examination shall demonstrate that the examinations cover the same codes and require the same level of knowledge as the NCPCCI or ICC examinations.

Section 6. Inactive Certification.

(1) A certified inspector or an inspector holding a limited certificate may request that the certification be placed in an inactive status by notifying the department in writing.

(2) A certified inspector whose certification is inactive shall not:

- (a) Perform an inspection while the certification is inactive; and
- (b) Be required to obtain annual continuing education during the inactive status.

Section 7. Renewal, Reactivation, and Reinstatement.

(1) Renewal.

(a) A certified inspector, trainee, or an inspector holding a limited certificate, shall submit to the department not later than the last day of the certified inspector or trainee's birth month:

1. An annual renewal fee of fifty (50) dollars; and
 2. Proof of completion of the continuing education requirements pursuant to 815 KAR 2:010.
- (b) A late fee of fifty (50) dollars shall be assessed if renewal is not postmarked by the last

day of the certified inspector or trainee's birth month.

(c) Certification shall terminate if a certified inspector or trainee fails to renew ninety (90) days after the last day of that person's birth month.

(2) Reactivation. A certified inspector or inspector holding a limited certificate whose certification is inactive may reactivate the certification by submitting to the department:

(a) Proof of completion of continuing education pursuant to 815 KAR 2:010 within twelve (12) months prior to the request for reactivation; and

(b) Payment for one-half (1/2) the fee for an active certification in addition to the renewal fee in subsection (1)(a)1 of this section.

(3) Reinstatement. (a) A certified building inspector whose certification has been terminated may be reinstated no more than three (3) years of the date of termination by submitting to the department:

1. A reinstatement fee equal of fifty (50) dollars; and

2. The renewal fee in subsection (1)(a)1 of this section.

(b) Reinstatement after the three (3) year period shall require the applicant to successfully complete the examinations corresponding to the certification level sought for reinstatement.

Section 8. Suspension and Revocation of Certification.

(1) Complaints concerning a certified inspector shall be submitted to the department in writing for review.

(2) Subject to a hearing conducted in accordance with KRS Chapter 13B, the commissioner may suspend or revoke a certified inspector's certification if he or she determines after a thorough investigation of the evidence that the certified inspector is:

(a) Not enforcing the Kentucky Building Code;

(b) Not enforcing the Kentucky Residential Code;

(c) Improperly enforcing the Kentucky Building Code;

(d) Improperly enforcing the Kentucky Residential Code; or

(e) Violating his or her responsibilities as an inspector.

Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Initial Application Form", DHBC-BC/CP 1, May 2020~~[August 2018]~~; and

(b) "Continuing Education Verification Form", DHBC-BC/CE 1, August 2018;

(2) This material may be inspected, copied or obtained, subject to applicable copyright law, at the Department of Housing, Buildings and Construction, 500 Mero Street, Frankfort, Kentucky 40601~~[401 Sea Hero Road, Suite 100, Frankfort, Kentucky 40601-5412]~~, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at <http://dhbc.ky.gov/Pages/default.aspx>. (10 Ky.R. 257; eff. 9-7-1983; 13 Ky.R. 1484; 2005; eff. 5-14-1987; 14 Ky.R. 632; eff. 11-6-1987; 18 Ky.R. 1415; 2258; eff. 1-10-1992; 24 Ky.R. 945; eff. 12-15-1997; 27 Ky.R. 2238; 2791; eff. 3-22-2001; 31 Ky.R. 1742; 1975; eff. 7-1-2005; 35 Ky.R. 191; 563; eff. 9-24-2008; 36 Ky.R. 1126; 1488; eff. 2-5-2010; 2251; 37 Ky.R. 65; eff. 8-6-2010; 39 Ky.R. 1499; 1882; eff. 4-5-2013; 45 Ky.R. 794, 1534; eff. 1-4-2019; TAm eff. 5-29-2020.)