

198B.4031 Disciplinary hearings -- Summary suspension -- Elevator or fixed guideway system work by unlicensed individual -- Cease-and-desist order.

- (1) The department shall conduct disciplinary hearings in accordance with KRS Chapter 13B.
- (2) The commissioner may summarily suspend a license 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 allowing the licensee to keep an active license would represent a clear and immediate danger to the public's health, safety, or property if the licensee is allowed to continue working.
- (3) The commissioner shall issue a letter to cease and desist with notice of opportunity to be heard in accordance with a KRS Chapter 13B hearing, to any individual if the commissioner determines that:
 - (a) An individual is not licensed under the provisions of this chapter; and
 - (b) The individual is engaged in, or believed to be engaged in, activities for which an elevator contractor's or elevator mechanic's license is required under KRS 198B.400 to 198B.540.
- (4) After completion of the KRS Chapter 13B hearing, if it is determined that the individual's activities are subject to licensure under KRS 198B.400 to 198B.540, the commissioner shall issue a cease-and-desist order that identifies the individual and specifically states the activities that 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 licensee's place of business in accordance with KRS Chapter 13B.

Effective: July 1, 2011

History: Created 2010 Ky. Acts ch. 116, sec. 15, effective July 1, 2011.

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 created by 2010 Ky. Acts ch. 116, sec. 15, 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.