

CHAPTER 39

(SB 138)

AN ACT relating to penalties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. KRS 351.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 351.315 to 351.375, or any **administrative** regulation, determination, or order **promulgated in accordance with KRS 351.315 to 351.375**~~issued thereunder~~ shall be subject to a civil fine not less than **two hundred fifty dollars (\$250)**~~twenty dollars (\$20)~~ nor more than **five thousand dollars (\$5,000)**~~one thousand dollars (\$1,000)~~ for each violation.
- (2) Any person who ~~shall~~ willfully **violates**~~violate~~ any of the provisions of KRS 351.315 to 351.375, or any administrative regulation, determination, or order promulgated **in accordance with**~~pursuant to the sections of~~ KRS 351.315 to 351.375 which ~~has~~~~have~~ become final shall be guilty of a Class A misdemeanor.
- (3) Any person who violates any of the provisions of KRS 351.330(16) shall be guilty of a Class B misdemeanor.
- (4) Any person who violates any of the provisions of KRS 351.345(2) shall be guilty of a Class D felony.
- (5) Any operator who fails to obtain his license as required by KRS 351.175 shall be guilty of a Class A misdemeanor as defined in KRS 532.090. Each day the mine is operated without a license constitutes a separate offense. Venue for the offenses shall lie in the county in which the offense occurred.
- (6) Any operator operating a mine with knowledge that the mine has been placed under a valid closure order pursuant to KRS 351.175 shall be guilty of a Class D felony. Jurisdiction shall lie in the Circuit Court of the county in which the offense occurred.
- (7) ***Any blasting operation that results in the death or serious physical injury of a person may be subject to a civil fine not more than twenty thousand dollars (\$20,000). For the purposes of this subsection, "serious physical injury" means an injury which has a reasonable potential to cause death.***

Approved March 24, 2006.