

**352.490 Mine not to extend within twenty-five feet of property line -- Liability for damages.**

- (1) No owner or tenant of any land containing coal shall engage in underground mining within twenty-five (25) feet of the line dividing the mineral owned or held by him from that of another person, without the written consent of every person interested in or having title to the adjoining land in possession, reversion, or remainder, or the guardians of such of those persons as are infants. The owner or tenant must also have the approval of the commissioner.
- (2) Any person who violates subsection (1) of this section is liable for damages to the persons injured who may pursue for remedies provided by law for the recovery of damages for injury to their property.

**Effective:** April 9, 1996

**History:** Amended 1996 Ky. Acts ch. 308, sec. 47, effective April 9, 1996. -- Amended 1972 Ky. Acts ch. 303, sec. 44. -- Amended 1952 Ky. Acts ch. 162, sec. 37. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2739-51.

**Legislative Research Commission Note (4/9/96).** The action taken with respect to this statute by 1996 Ky. Acts ch. 308 was to have become effective April 8, 1996, under Section 51 of that Act. The Act, however, did not become effective until April 9, 1996, when the Governor's signed copy of the Act was filed with the Secretary of State.