

1 AN ACT relating to mine safety.

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

3 ➔SECTION 1. A NEW SECTION OF KRS 351.010 TO 351.194 IS CREATED
4 TO READ AS FOLLOWS:

5 ***All miners shall wear clothing with at least one hundred (100) square inches of***
6 ***reflective material while in an underground mine and clothing with at least fifty (50)***
7 ***square inches of reflective material while on a surface mine site. The reflective***
8 ***clothing shall be readily visible on the outer garments as to be seen from all directions***
9 ***and shall be supplied by the coal operator at no cost to the miner.***

10 ➔Section 2. KRS 351.990 is amended to read as follows:

- 11 (1) Any person who violates any of the provisions of KRS 351.315 to 351.375 or any
12 administrative regulation, determination, or order promulgated in accordance with
13 KRS 351.315 to 351.375 shall be subject to a civil fine not less than two hundred
14 fifty dollars (\$250) nor more than five thousand dollars (\$5,000) for each violation.
- 15 (2) Any person who willfully violates any of the provisions of KRS 351.315 to 351.375
16 or any administrative regulation, determination, or order promulgated in accordance
17 with KRS 351.315 to 351.375 which has become final shall be guilty of a Class A
18 misdemeanor.
- 19 (3) Any person who violates any of the provisions of KRS 351.330(16) shall be guilty
20 of a Class B misdemeanor.
- 21 (4) Any person who violates any of the provisions of KRS 351.345(2) shall be guilty of
22 a Class D felony.
- 23 (5) Any operator who fails to obtain his license as required by KRS 351.175 shall be
24 guilty of a Class A misdemeanor as defined in KRS 532.090. Each day the mine is
25 operated without a license constitutes a separate offense. Venue for the offenses
26 shall lie in the county in which the offense occurred.
- 27 (6) Any operator operating a mine with knowledge that the mine has been placed under

1 a valid closure order pursuant to KRS 351.175 shall be guilty of a Class D felony.
2 Jurisdiction shall lie in the Circuit Court of the county in which the offense
3 occurred.

4 (7) Any blasting operation that results in the death or serious physical injury of a person
5 may be subject to a civil fine not more than twenty thousand dollars (\$20,000). For
6 the purposes of this subsection, "serious physical injury" means an injury which has
7 a reasonable potential to cause death.

8 (8) Any person who fails a drug or alcohol test required by KRS 351.182, 351.183,
9 351.184, 351.185, or 352.180 shall be subject to the following penalties if an appeal
10 to the Mine Safety Review Commission is chosen and the appeal is not successful:

11 (a) A first offense shall result in probation, suspension, or combination of both, as
12 well as other conditions and time constraints as ordered by the Mine Safety
13 Review Commission. During this time, the person shall be ineligible for any
14 license or certification issued by the division. All licenses and certifications
15 shall be restored upon compliance with the orders of the Mine Safety Review
16 Commission. The failure to pursue an appeal will result in revocation of all
17 licenses or certifications issued by the division for three (3) years;

18 (b) A second offense shall result in the revocation of all certifications and licenses
19 issued by the division for a period of five (5) years. During this time, the
20 person shall be ineligible for any license or certification issued by the division.
21 Certifications and licenses revoked under this provision may be reissued by:

- 22 1. Compliance with all training and testing requirements;
- 23 2. Satisfying the requirements of KRS 351.182 and 351.183;
- 24 3. Compliance with all orders of the Mine Safety Review Commission; and

25 (c) A third offense shall result in the permanent revocation of all licenses and
26 certifications issued by the division. The person shall be permanently
27 ineligible for licenses and certifications issued by the division.

1 The Mine Safety Review Commission shall not have the authority to reconsider any
2 order permanently revoking a miner's license or certifications issued by the division
3 if the commission's order is final unless, at the time of the entry of the order, the
4 miner was incarcerated or hospitalized, or the miner did not receive actual notice of
5 the motion or other filing seeking permanent revocation, or did not actually receive
6 notification by the commissioner of the Department for Natural Resources pursuant
7 to KRS 351.120.

8 **(9) In addition to any other penalties prescribed by law, any operator of a mine**
9 **where a miner's attire does not conform to the requirements of Section 1 of this**
10 **Act shall be subject to a civil fine of not less than two hundred fifty dollars (\$250)**
11 **nor more than five hundred dollars (\$500) for the first violation and not less than**
12 **five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) for**
13 **each subsequent violation.**