

1 AN ACT relating to mining.

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

3 ➔Section 1. KRS 351.010 is amended to read as follows:

- 4 (1) As used in this chapter, unless the context requires otherwise:
- 5 (a) "Adulterated specimen" means a specimen containing a substance that is not a
6 normal constituent or containing an endogenous substance at a concentration
7 that is not a normal physiological concentration;
- 8 (b) "Approved" means that a device, apparatus, equipment, or machinery, or
9 practice employed in the mining of coal has been approved by the
10 commissioner of the Department for Natural Resources;
- 11 (c) "Assistant mine foreman" means a certified person designated to assist the
12 mine foreman in the supervision of a portion or the whole of a mine or of the
13 persons employed therein;
- 14 (d) "Commercial mine" means any coal mine from which coal is mined for sale,
15 commercial use, or exchange. This term shall in no instance be construed to
16 include a mine where coal is produced for own use;
- 17 (e) "Commission" means the Mine Safety Review Commission created by KRS
18 351.1041;
- 19 (f) "Commissioner" means commissioner of the Department for Natural
20 Resources;
- 21 (g) "Department" means the Department for Natural Resources;
- 22 (h) "Drift" means an opening through strata or coal seams with opening grades
23 sufficient to permit coal to be hauled therefrom or which is used for the
24 purpose of ventilation, drainage, ingress, egress, and other purposes in
25 connection with the mining of coal;
- 26 (i) "Excavations and workings" means the excavated portions of a mine;
- 27 (j) "Fire boss" (often referred to as mine examiner) means a person certified as a

- 1 mine foreman or assistant mine foreman who is designated by management to
2 examine a mine or part of a mine for explosive gas or other dangers before a
3 shift crew enters;
- 4 (k) "Gassy mine." All mines shall be classified as gassy or gaseous;
- 5 (l) "Illicit substances" includes prescription drugs used illegally or in excess of
6 therapeutic levels as well as illegal drugs;
- 7 (m) "Intake air" means air that has not passed through the last working place of the
8 split or by the unsealed entrances to abandoned workings and by analysis
9 contains not less than nineteen and one-half percent (19.5%) oxygen, no
10 dangerous quantities of flammable gas, and no harmful amounts of poisonous
11 gas or dust;
- 12 (n) "Licensee" means any owner, operator, lessee, corporation, partnership, or
13 other person who procures a license from the department to operate a coal
14 mine;
- 15 (o) "Medical review officer" or "MRO" means a licensed physician with
16 knowledge of substance abuse disorders, laboratory testing, chain of custody,
17 collection procedures, and the ability to verify positive, confirmed test results.
18 The MRO shall possess the necessary medical training to interpret and
19 evaluate a positive test result in relation to the person's medical history or any
20 other relevant biomedical information;
- 21 (p) "Mine" means any open pit or any underground workings from which coal is
22 produced for sale, exchange, or commercial use, and all shafts, slopes, drifts,
23 or inclines leading thereto, and includes all buildings and equipment, above or
24 below the surface of the ground, used in connection with the workings.
25 Workings that are adjacent to each other and under the same management, but
26 which are administered as distinct units, shall be considered a separate mine;
- 27 (q) "Mine foreman" means a certified person whom the licensee or superintendent

1 places in charge of the workings of the mine and of the persons employed
2 therein;

3 (r) "Mine manager" means a certified or noncertified person whom the licensee
4 places in charge of a mine or mines and whose duties include but are not
5 limited to operations at the mine or mines and supervision of personnel when
6 qualified to do so;

7 (s) "Open-pit mine" shall include open excavations and open-cut workings,
8 including but not limited to auger operations and highwall mining systems for
9 the extraction of coal. However, "open-pit mine" shall not include any
10 excavation made from a refuse fill;

11 (t) "Operator" means the licensee, owner, lessee, or other person who operates or
12 controls a coal mine;

13 (u) "Permissible" refers to any equipment, device, or explosive that has been
14 approved by the United States Bureau of Mines, the Mining Enforcement and
15 Safety Administration, or the Mine Safety and Health Administration and that
16 meets all requirements, restrictions, exceptions, limitations, and conditions
17 attached to the classification by the approving agency;

18 (v) "Preshift examination" means the examination of a mine or any portion
19 thereof where miners are scheduled to work or travel, which shall be
20 conducted not more than three (3) hours before any oncoming shift;

21 (w) "Return air" means air that has passed through the last active working place on
22 each split, or air that has passed through abandoned, inaccessible, or pillared
23 workings;

24 (x) "Serious physical injury" means an injury which has a reasonable potential to
25 cause death;

26 (y) "Shaft" means a vertical opening through the strata that is used in connection
27 with the mining of coal, for the purpose of ventilation or drainage, or for

- 1 hoisting men, coal, or materials;
- 2 (z) "Slope" means an inclined opening used for the same purpose as a shaft;
- 3 (aa) "Superintendent" means the person who, on behalf of the licensee, has
4 immediate supervision of one (1) or more mines;
- 5 (ab) "Supervisory personnel" means a person certified under the provisions of this
6 chapter to assist in the supervision of a portion or the whole of the mine or of
7 the persons employed therein;
- 8 (ac) "Division" means the Division of Mine Safety;
- 9 (ad) "Director" means the director of the Division of Mine Safety;
- 10 (ae) "Probation" means the status of a certification or license issued by the
11 Division of Mine Safety that conditions the validity of the certification or
12 license upon compliance with orders of the Mine Safety Review Commission;
13 and
- 14 (af) "Final order of the commission" means an order which has not been appealed
15 to the Franklin Circuit Court within thirty (30) days of entry, or an order
16 affirming the commission's order that has been entered by any court within the
17 Commonwealth and for which all appeals have been exhausted.
- 18 (2) Except as the context otherwise requires, this chapter applies only to commercial
19 coal mines.
- 20 (3) The definitions in KRS 352.010 apply also to this chapter, unless the context
21 requires otherwise.