

**352.340 Examination of mine by mine foreman or assistants -- Removal of dangers -- Record.**

- (1) The mine foreman or his assistants shall visit and carefully examine each working place in the mine at least every four (4) hours while the mine employees are at work. He shall examine as live workings, on regular inspections, all places in live sections that are temporarily abandoned. If the mine foreman finds any place to be in a dangerous condition, he shall not leave the place until it is made safe, or until the employees working therein are removed until the place is made safe. He shall see that every mine liberating explosive gas is kept free of standing gas in all working places and roadways, and that all accumulations of explosive or noxious gases in the worked-out or abandoned portions of any mine are removed as soon as possible after discovery. He shall ensure that all preshift examinations are conducted by a certified person and that examinations of conveyor belts have been conducted. He shall not allow any person who may be endangered by the presence of explosive or noxious gases to enter that portion of the mine until the gases have been removed. He shall direct and see that all dangerous places and the entrances to worked-out and abandoned places in all mines are properly barricaded across the openings, so that no person will enter, and that danger signs are posted upon the barricade to warn persons of existing danger. He shall give prompt attention to the removal of all dangers reported to him by his assistants, the fire boss or any person working in the mine, and if it is impracticable to remove the danger at once he shall notify every person whose safety is menaced thereby to remain away from the portion where the dangerous condition exists.
- (2) The mine foreman or his assistants, fire bosses, or other certified persons shall, at least once every week, travel and examine all air courses, escapeways, the caches of self-contained self-rescuer devices required by KRS 352.133, the caches' contents, seals on the return, roads, and openings that give access to old workings or pillar falls, and make a record of the condition of all places where danger has been found. The record shall be made with ink pencil in the record book provided for that purpose.
- (3) Examinations of conveyor belts shall be conducted by a certified foreman or a certified belt examiner. A certified belt examiner shall have a total of three (3) years of practical underground mining experience and successfully complete a certification examination administered by the Office of Mine Safety and Licensing. The certification examination shall cover the topics of belt conveyor legal requirements; roof control practices; mine ventilation; mine gases and instruments; fire hazards; and inspection and reporting procedures. The belt examiner also shall demonstrate proficiency in the use of an anemometer, methane detector, and oxygen devices.

**Effective:** July 12, 2006

**History:** Amended 2006 Ky. Acts ch. 71, sec. 1, effective July 12, 2006; and ch 185, sec. 22, effective July 12, 2006. -- Amended 2000 Ky. Acts ch. 104, sec. 24, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 308, sec. 42, effective April 9, 1996. -- Amended 1972 Ky. Acts ch. 303, sec. 32. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2739-42.

**Legislative Research Commission Note (7/12/2006).** This section was amended by 2006 Ky. Acts chs. 71 and 185, which do not appear to be in conflict and have been codified together.

**Legislative Research Commission Note (7/14/2000).** The phrase "with ink pencil" in the last sentence of subsection (2) this statute appears to have resulted from a drafting error. In 2000 Ky. Acts ch. 104, secs. 21 and 25, the words "or indelible pencil" were deleted from the phrase "with ink or indelible pencil." In Section 24 of that Act, however, only the words "or indelible" were deleted from the same phrase that appeared in this statute.

**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.