

**351.175 Provisions concerning license to operate mine -- Submissions required for license -- Revocation of license.**

- (1) The operation of a coal mine in Kentucky is a privilege granted by the Commonwealth of Kentucky to a licensee who satisfies the requirements of this section and demonstrates that the mine is or will be operated in a safe manner and in accordance with the laws of this Commonwealth.
- (2) Within forty-five (45) days after January 1, 1953, and of each year thereafter, the owner, operator, lessee, or licensee of each mine shall procure from the department a license to operate the mine, and the license shall not be transferable. Any owner, operator, lessee, or licensee who assumes control of a mine, opens a new mine, or reopens an abandoned mine during any calendar year shall procure a license before mining operations are begun.
- (3) The license shall be in printed form as the commissioner may prescribe and when issued shall be kept posted at a conspicuous place near the main entrance of the mine.
- (4) Requests for a license shall be made to the department and shall be accompanied by a United States postal money order or cashier's check drawn in favor of the State Treasurer in an amount established by administrative regulations of a minimum of one hundred dollars (\$100) and a maximum of fifteen hundred dollars (\$1,500). The license shall be issued when the following are properly submitted to the commissioner:
  - (a) The annual report of the licensee and the annual mine map required in KRS 351.170 and 352.450;
  - (b) A certification from the commissioner of the Department of Workers' Claims that the licensee has provided positive proof of compliance with the provisions of KRS Chapter 342;
  - (c) A certification from the commissioner of the Department of Revenue that the licensee is not a "delinquent taxpayer" as defined in KRS Chapter 131;
  - (d) Mine seal construction plan filed with the state and approved by MSHA;
  - (e) Roof control plan filed with the state and approved by MSHA;
  - (f) The ventilation plan required in KRS 352.020; and
  - (g) An approved emergency action plan required by KRS 352.640.
- (5) The department shall immediately revoke any license if the department receives:
  - (a) Withdrawal of the certification of compliance with KRS Chapter 342 issued by the commissioner of the Department of Workers' Claims; or
  - (b) Notice from the commissioner of the Department of Revenue that the licensee is a "delinquent taxpayer" as defined in KRS Chapter 131.
- (6) The commissioner, the executive director of the Office of Mine Safety and Licensing, or the mine inspector shall have the authority to stop production or close any mine whose operator fails to procure a license or fails to furnish a certification of workers' compensation coverage as required under this section.
- (7) The department shall be authorized to seek injunctive relief for any violation of this

section. Revocation of a license by the department shall be an administrative function of the department. Appeals from revocation by the department shall be brought in Franklin Circuit Court.

- (8) A license which has been revoked under the "delinquent taxpayer" provision shall not be reissued until a written tax clearance has been received from the commissioner of revenue.
- (9) No mine underlying a cemetery shall be licensed by the commissioner unless two-thirds (2/3) of the governing body of that cemetery vote in approval of the operation. The application for a license shall contain an affidavit setting forth the approval of the cemetery's governing body. This subsection applies only to those cemeteries with governing bodies.

**Effective:** July 15, 2010

**History:** Amended 2010 Ky. Acts ch. 24, sec. 1900, effective July 15, 2010. -- Amended 2007 Ky. Acts ch. 94, sec. 10, effective June 26, 2007. -- Amended 2006 Ky. Acts ch. 185, sec. 11, effective July 12, 2006. -- Amended 2005 Ky. Acts ch. 85, sec. 685, effective June 20, 2005. -- Amended 1996 Ky. Acts ch. 308, sec. 16, effective April 9, 1996. -- Amended 1992 Ky. Acts ch. 271, sec. 2, effective July 14, 1992. -- Amended 1988 Ky. Acts ch. 415, sec. 1, effective July 15, 1988. -- Amended 1987 (1st Extra. Sess.) Ky. Acts ch. 1, sec. 60, effective January 4, 1988. -- Amended 1984 Ky. Acts ch. 214, sec. 1, effective July 13, 1984. -- Amended 1980 Ky. Acts ch. 188, sec. 277, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 233, sec. 36, effective June 17, 1978; and ch. 301, sec. 8, effective June 17, 1978. -- Amended 1976 Ky. Acts ch. 171, sec. 1; and ch. 220, sec. 1. -- Amended 1974 Ky. Acts ch. 258, sec. 2. -- Amended 1972 Ky. Acts ch. 298, sec. 15. -- Amended 1970 Ky. Acts ch. 79, sec. 1. -- Created 1952 Ky. Acts ch. 162, sec. 14, effective March 5, 1952.

**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.