



1 means:

2 (1) The death of an individual at a mine;

3 (2) An injury to an individual at a mine which has a  
4 reasonable potential to cause death;

5 (3) The entrapment of an individual;

6 (4) The unplanned inundation of a mine by a liquid or gas;

7 (5) The unplanned ignition or explosion of gas or dust;

8 (6) The unplanned ignition or explosion of a blasting agent or  
9 an explosive;

10 (7) An unplanned fire in or about a mine not extinguished  
11 within five minutes of ignition;

12 (8) An unplanned roof fall at or above the anchorage zone in  
13 active workings where roof bolts are in use or an unplanned roof or  
14 rib fall in active workings that impairs ventilation or impedes  
15 passage;

16 (9) A coal or rock outburst that causes withdrawal of miners  
17 or which disrupts regular mining activity for more than one hour;

18 (10) An unstable condition at an impoundment, refuse pile or  
19 culm bank which:

20 (A) Requires emergency action in order to prevent failure;

21 (B) ~~or which~~ Causes individuals to evacuate an area; or ~~the~~

22 (C) Constitutes a failure of an impoundment, refuse pile or  
23 culm bank;

1 (11) Damage to hoisting equipment in a shaft or slope which  
2 endangers an individual or which interferes with use of the  
3 equipment for more than thirty minutes; and

4 (12) An event at a mine which causes death or bodily injury to  
5 an individual not at the mine at the time the event occurs.

6 (b) Whenever ~~any~~ an accident occurs in or about ~~any~~ a coal  
7 mine or ~~the machinery connected therewith~~ associated machinery, it  
8 is the duty of the operator or the mine foreman in charge of the  
9 mine to give notice and state the particulars of the accident  
10 within ~~fifteen~~ thirty minutes of ascertaining the occurrence of an  
11 accident. The notice shall be given to the Mine and Industrial  
12 Accident Emergency Operations Center at the statewide telephone  
13 number established by the Director of the Division of Homeland  
14 Security and Emergency Management pursuant to the provisions of  
15 article five-b, chapter fifteen of this code. ~~stating the~~  
16 ~~particulars of the accident. Provided, That~~ The operator or the  
17 mine foreman in charge of the mine may comply with this notice  
18 requirement by immediately providing notice to the appropriate  
19 local organization for emergency services as defined in section  
20 eight, article five, ~~of said~~ chapter fifteen of this code or the  
21 appropriate local emergency telephone system operator as defined in  
22 article six, chapter twenty-four of this code. ~~Provided, however,~~  
23 ~~That~~ Nothing in this subsection shall be construed to relieve

1 relieves the operator from any reporting or notification  
2 requirement under federal law.

3 (c) The Director of the Office of Miners' Health, Safety and  
4 Training shall impose, pursuant to rules authorized in this  
5 section, a civil administrative penalty of up to \$100,000 on the  
6 operator if it is determined that the operator or the mine ~~foremen~~  
7 foreman in charge of the mine failed to give immediate notice as  
8 required in this section. ~~Provided, That~~ The director may waive  
9 imposition of the civil administrative penalty at any time if he or  
10 she finds that the failure to give immediate notice was caused by  
11 circumstances wholly outside the control of the operator.

12 (d) If anyone is killed, the inspector shall immediately go to  
13 the scene of the accident and make recommendations, ~~and~~ render  
14 assistance as he or she ~~may deem~~ believes necessary for the future  
15 safety ~~of the men~~ and investigate the cause of the explosion or  
16 accident and make a record. He or she shall preserve the record  
17 with ~~the~~ other records in his or her office. The cost of the  
18 investigation records shall be paid by the Office of Miners'  
19 Health, Safety and Training and a copy shall be furnished to the  
20 operator and other interested parties. To enable ~~him or her~~ the  
21 inspector to make an investigation, he or she has the power to  
22 compel the attendance of witnesses and to administer oaths or  
23 affirmations. The director has the right to appear and testify and

1 to offer any testimony that may be relevant to the questions and to  
2 cross-examine witnesses.

NOTE: The purpose of this bill is to provide the Director of the Office of Miners' Health, Safety and Training some discretion in determining the penalty to impose against operators who fail to provide immediate notice upon the occurrence of a mining accident and, in addition, to provide a longer period of time during which to report an accident.

Strike-throughs indicate language that would be stricken from the present law and underscoring indicates new language that would be added.