

**351.090 Mine inspectors -- Appointment -- Qualifications -- Oath and bond.**

- (1) The Governor shall appoint an adequate number of mine inspectors to ensure at least two (2) inspections annually at all surface mines, provided the mine is in operation the entire year or the proportionate thereof, of all mines in the Commonwealth and sufficient additional inspectors to enable the commissioner to provide adequate surveillance of coal mines where conditions or management policy dictate that more inspections are needed to ensure the safety of miners; except the commissioner shall inspect all underground coal mines not less than six (6) times annually. Two (2) of the six (6) general inspections of underground mines shall be full electrical inspections. One (1) or more of the appointees shall be designated as electrical mine inspectors. The Governor shall also appoint an adequate number of mine safety analysts and mine safety instructors. The term of office of each mine inspector, each mine safety analyst, each electrical inspector, and each mine safety instructor shall be during the period of capable, efficient service and good behavior.
- (2) All mine inspectors, mine safety analysts, electrical inspectors, and mine safety instructors shall have a thorough knowledge of first aid and mine rescue and be able to instruct in first aid and mine rescue, and shall possess thoroughly the knowledge required of the commissioner by KRS 351.060, and shall have a thorough and practical knowledge of mining gained by at least five (5) years' experience in coal mines in the Commonwealth. All surface mine safety analysts shall have at least five (5) years' experience in surface mines in the Commonwealth. For the purposes of this subsection, a degree in mining engineering from a recognized institution shall be deemed equivalent to two (2) years of practical experience in coal mines or an associate degree in mining technology from a recognized institution shall be deemed equivalent to one (1) year practical experience in coal mines. A person desiring to use a mining engineering or technology degree for practical experience credit shall file proof of having received a degree prior to examination.
- (3) No person shall be appointed to the office of mine inspector, underground mine safety analyst, electrical inspector, or mine safety instructor unless he holds a current mine foreman's certificate. No person shall be appointed to the office of surface mine safety analyst unless he holds a current surface mine foreman's certificate. A person appointed as mine inspector, mine safety analyst, electrical inspector, and mine safety instructor shall pass an examination administered by the board. The commissioner may recommend to the Governor applicants for the positions of mine inspector, mine safety analyst, electrical inspector, or mine safety instructor who have successfully passed the examination and are proved by worth, training, and experience to be the most competent of the applicants.
- (4) Mine inspectors, mine safety analysts, electrical inspectors, and mine safety instructors shall be of good moral character and temperate habits and shall not, while holding office, act in any official capacity in operating any coal mine.
- (5) No reimbursement for traveling expenses shall be made except on an itemized accounting for the expenses submitted by inspectors, analysts, and safety instructors

who shall verify upon oath that the expenses were incurred in the discharge of their official duties.

- (6) Each mine inspector, mine safety analyst, electrical inspector, and mine safety instructor shall take oath, which shall be certified by the officer administering it. The oath, in writing, and the certificate, shall be filed in the office of the Secretary of State.
- (7) Each mine inspector, mine safety analyst, electrical inspector, and mine safety instructor shall give bond with surety approved by the Governor.
- (8) Each mine inspector, mine safety analyst, electrical inspector, and mine safety instructor shall provide authorization to the Office of Mine Safety and Licensing to perform a criminal background check by means of a fingerprint check by the Department of Kentucky State Police. The results of the state criminal background check shall be sent to the executive director of the Office of Mine Safety and Licensing. Any fee charged by the Kentucky Department of State Police shall be an amount no greater than the actual cost of processing the request and conducting the search.

**Effective:** January 1, 2009

**History:** Amended 2007 Ky. Acts ch. 94, sec. 4, effective January 1, 2009. -- Amended 2006 Ky. Acts ch. 185, sec. 9, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 355, sec. 2, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 104, sec. 5, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 480, sec. 1, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 308, sec. 5, effective April 9, 1996. -- Amended 1984 Ky. Acts ch. 323, sec. 1, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 370, sec. 3, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 301, sec. 2, effective June 17, 1978. -- Amended 1972 Ky. Acts ch. 298, sec. 6. -- Amended 1952 Ky. Acts ch. 162, sec. 6. -- Amended 1946 Ky. Acts ch. 120, sec. 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2739-14, 2739-16.

**Legislative Research Commission Note** (1/1/2009). 2007 Ky. Acts ch. 85, relating to the creation and organization of the Justice and Public Safety Cabinet, instructs the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in that Act. Such a correction has been made in this section.

**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.