

**352.280 Examination of mine by properly certified person -- Duties -- Frequency of examinations.**

- (1) In all mines the licensee, mine manager, or superintendent shall employ one (1) or more properly certified persons.
- (2) A properly certified person shall examine carefully, within three (3) hours before each shift enters the mine:
  - (a) Every working place;
  - (b) All places adjacent to live workings;
  - (c) Every roadway where persons are required to work or travel;
  - (d) All abandoned panels on the intake;
  - (e) Every set of seals on the intake; and
  - (f) All roof falls near active workings on the intake and on the working sections.
- (3) Before proceeding with the examination he shall see that the air current is traveling its proper course.
- (4) A properly certified person shall use approved gas detection devices in the performance of the required examination and shall examine the entrances to all worked-out and abandoned portions adjacent to the intake roadways and working places under his charge where explosive gas is likely to accumulate.
- (5) After examination, the properly certified person shall leave at or as close as possible to the face of every place examined the date and time of the examination and his initials as evidence that he has performed his duty.
- (6) If an explosive mixture of gas is discovered, the properly certified person shall place a danger signal across the entrance to every place where explosive gas is discovered or where immediate danger is found to exist from any other cause. The signal shall be sufficient warning to ensure that persons do not enter the area.
- (7) When the mine is idle and workmen are required to go into the mine, the section, portion, or part of the mine entered must be inspected by a properly certified person within three (3) hours before the workmen enter.
- (8) Each week, a properly certified person designated by the mine foreman shall examine each set of seals on the return, all designated intake and return entries, and all escapeways.

**Effective:** July 12, 2006

**History:** Amended 2006 Ky. Acts ch. 185, sec. 20, effective July 12, 2006. -- Amended 2002 Ky. Acts ch. 355, sec. 18, effective July 15, 2002. -- Amended 1996 Ky. Acts ch. 308, sec. 38, effective April 9, 1996. --Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 8, sec. 27. -- Amended 1976 Ky. Acts ch. 174, sec. 16. -- Amended 1972 Ky. Acts ch. 303, sec. 26. -- Amended 1952 Ky. Acts ch. 162, sec. 30, effective March 5, 1952. -- Amended 1946 Ky. Acts ch. 120, sec. 8. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2739-38.

**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.