

No. 311

AN ACT

HB 2550

Amending the act of July 17, 1961 (P.L.659, No.339), entitled "An act relating to bituminous coal mines; amending, revising, consolidating and changing the laws relating thereto; providing for the health and safety of persons employed in and about the bituminous coal mines of Pennsylvania and for the protection and preservation of property connected therewith; prescribing powers and duties in connection therewith; prescribing penalties; and repealing existing laws," providing for certifications and use of noncertified persons under certain temporary conditions.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 206 and 210, act of July 17, 1961 (P.L.659, No.339), known as the "Pennsylvania Bituminous Coal Mine Act," are amended to read:

Section 206. Qualifications for Certification.—(a) Applicants for certificates of qualification as mine foremen **[assistant mine foremen,] and mine electricians, [and mine examiners,]** shall be citizens of the United States, of good moral character and of known temperate habits, at least twenty-three years of age, and shall have had at least five years practical experience after eighteen years of age, as miners or mining engineers or men of general work **[inside] with at least three years' experience in working sections (a working section for the purposes of this act shall be deemed to be the area from the working face extending back one thousand feet) in underground** bituminous coal mines: Provided, That graduates **[in the coal mining course of a recognized institution of learning] with a bachelors degree in civil engineering, electrical engineering or mining engineering, or an associate degree in the mining engineering course of a recognized institution of learning** may, after examination, be granted certificates of qualification by an examining board as mine foremen, **[assistant mine foremen,] and mine electricians [,and mine examiners,]** if possessed of an aggregate of not less than three years practical experience as miners or men of general work or mining engineers, **[inside] in underground** bituminous coal mines **in the working section. [Applicants for certificates of qualification as first grade mine foremen, mine examiners and mine electricians, shall also have had experience in gassy mines. All applicants shall be able to read and write the English language intelligently, and shall furnish the board with certificates as to their character and temperate habits, which certificates shall also show the length of service in the different mines.]**

(a.1) Applicants for certificates of qualification as assistant mine foremen shall be citizens of the United States, of good moral character and of known temperate habits, and shall have had at least four years'

practical experience, with at least three years' experience in working sections, after eighteen years of age, as miners or mining engineers or men of general work, in underground bituminous coal mines: Provided, That graduates with a bachelors degree in civil engineering, electrical engineering or mining engineering, or an associate degree in the mining engineering course of a recognized institution of learning may, after examination, be granted certificates of qualification by an examining board as assistant mine foremen, if possessed of an aggregate of not less than three years practical experience as miners or mining engineers or men of general work, in underground bituminous coal mines in working sections.

(a.2) Applicants for certificates of qualification as mine examiners shall be citizens of the United States, of good moral character and of known temperate habits, and shall have had at least three years' practical experience after eighteen years of age, as miners or mining engineers or men of general work, in underground bituminous coal mines in working sections.

(a.3) All applicants shall be able to read and write the English language intelligently, and shall furnish the board with certificates as to their character and temperate habits, and a notarized statement from previous employers setting forth the length of service and type of work performed in the different mines.

(b) Certificates of qualification as mine foremen shall [be of two grades, namely: Certificates of first grade shall] be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of mine foremen [in gassy mines] and have received training by persons approved by the department in determining the presence of explosive and noxious gases, and in the use and mechanics of all gas detection devices, and who shall have received an average of at least eighty per cent in the [second grade] examination [and at least eighty per cent in the first grade examination. Certificates of second grade shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of mine foremen in non-gassy mines, and who shall have received at least eighty per cent in the second grade examination].

(c) Certificates of qualification as [first grade] assistant mine foremen shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of assistant mine foremen [in gassy mines,] and have received training by persons approved by the department in determining the presence of explosive and noxious gases, and in the use and mechanics of all gas detection devices, and who shall have received an average of at least seventy per cent in the [second grade] examination [and at least seventy per cent in the first grade examination. Certificates of qualification as second grade assistant mine foremen shall be granted to persons who

have given to the examining board satisfactory evidence of their ability to perform the duties of assistant mine foremen in non-gassy mines, and who shall have received at least seventy per cent in the second grade examination].

(d) Certificates of qualification as mine examiners shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of mine examiners [in gassy mines,] *and have received training by persons approved by the department in determining the presence of explosive and noxious gases, and in the use and mechanics of all gas detection devices*, and who shall have received an average of at least seventy-five per cent in the mine examiners examination.

(e) Certificates of qualification as mine electrician [in a gassy mine] shall be granted to persons who have given to the examining board satisfactory evidence of their ability to perform the duties of mine electrician *and have received training by persons approved by the department in determining the presence of explosive and noxious gases, and in the use and mechanics of all gas detection devices*, and who shall have received an average of seventy-five per cent in the mine electrician's examination.

(f) Certificates of qualification or service heretofore granted shall have equal value with certificates of qualification granted under this act; *provided, however, those certificates heretofore granted for second grade mine foremen or second grade assistant mine foremen will not entitle the holders to act in gassy mines.*

(g) All applicants who have satisfactorily passed a written examination shall also satisfactorily pass an oral examination, [but the examining board shall have authority to exempt any applicant from the oral examination for justifiable reasons] *and after being certified but before assuming their duties as mine foremen, mine electricians, assistant mine foremen or mine examiners, shall accompany a certified mine foreman or a certified assistant mine foreman for not less than two weeks for training purposes in accordance with a training program submitted by the operator and approved by the department: Provided, however, That any applicant who has been granted a prior certificate need not undergo this training. The record of such training shall be maintained at the mine.*

Section 210. Unlawful to Use Noncertified Persons.—(a) It shall be unlawful for any operator, manager or superintendent, to employ as mine foreman in a bituminous coal mine, or as assistant mine foreman in a bituminous coal mine, any person who has not obtained the proper certificate of qualification required by this act: Provided, That certificates of qualification heretofore granted shall have equal value with certificates of qualification granted under this act *except as provided in section 206(f) of this act.* It shall also be unlawful for any

operator, manager, superintendent, or mine foreman, to employ as mine examiner in a bituminous coal mine any person who has not obtained the proper certificate of qualification under this act: Provided, That certificates of qualification as **[fire boss] mine examiner** heretofore granted shall have equal value with certificates of qualification granted under this act: Provided, however, That in an emergency, ***which shall be a condition which could not have been foreseen and which requires immediate action***, the mine foreman may **[deputize temporarily] appoint** a competent person or persons ***with no less than three years' experience in underground bituminous coal mines*** to act as assistant mine foreman or mine examiners, ***for not more than one week***, but this authority shall not be exercised by the mine foremen so long as certified assistant mine foremen or certified mine examiners are available in the mine ***who are willing to accept the assignment. In other situations, if a certified person is not available, a mine examiner may be appointed to act as assistant mine foreman, but only until an assistant mine foreman, who is willing to accept the assignment becomes available, for a period or periods not exceeding one hundred twenty working production days within a twelve-month period or thirty days after the next examination, whichever is longer.***

(b) Nothing in this article shall prevent a **[first grade] mine foreman** from acting as assistant mine foreman in any mine **[or a second grade foreman from acting as assistant mine foreman in a non-gassy mine. Nothing in this article shall prevent a first grade assistant mine foreman from acting as a mine foreman in a non-gassy mine] or an assistant mine foreman from acting as a mine examiner.**

(c) ***Foremen trainees, where used, shall not direct the working forces in matters involving directly or indirectly the safety of employees nor make tests or examinations required to be made by certified persons.***

Section 2. This act shall take effect immediately except that subsection (c) of section 210 shall become effective at the end of the sixth calendar month after the month this act becomes effective, or March 31, 1975, whichever is later.

APPROVED—The 13th day of December, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 311.



Secretary of the Commonwealth.