

Part 1 General Provisions

40-2-101 Title.

This chapter is known as the "Coal Mine Safety Act."

Enacted by Chapter 113, 2008 General Session

40-2-102 Definitions.

As used in this chapter:

- (1) "Adverse action" means to take any of the following actions against a person in a manner that affects the person's employment or contractual relationships:
 - (a) discharge the person;
 - (b) threaten the person;
 - (c) coerce the person;
 - (d) intimidate the person; or
 - (e) discriminate against the person, including to discriminate in:
 - (i) compensation;
 - (ii) terms;
 - (iii) conditions;
 - (iv) location;
 - (v) rights;
 - (vi) immunities;
 - (vii) promotions; or
 - (viii) privileges.
- (2) "Coal mine" means:
 - (a) the following used in extracting coal from its natural deposits in the earth by any means or method:
 - (i) the land;
 - (ii) a structure;
 - (iii) a facility;
 - (iv) machinery;
 - (v) a tool;
 - (vi) equipment;
 - (vii) a shaft;
 - (viii) a slope;
 - (ix) a tunnel;
 - (x) an excavation; and
 - (xi) other property; and
 - (b) the work of preparing extracted coal, including a coal preparation facility.
- (3) "Commission" means the Labor Commission created in Section 34A-1-103.
- (4) "Commissioner" means the commissioner appointed under Section 34A-1-201.
- (5) "Council" means the Mine Safety Technical Advisory Council created in Section 40-2-203.
- (6) "Director" means the director of the Utah Office of Coal Mine Safety appointed under Section 40-2-202.
- (7) "Major coal mine accident" means any of the following at a coal mine located in Utah:
 - (a) a mine explosion;

- (b) a mine fire;
 - (c) the flooding of a mine;
 - (d) a mine collapse; or
 - (e) the accidental death of an individual at a mine.
- (8) "Mine Safety and Health Administration" means the federal Mine Safety and Health Administration within the United States Department of Labor.
- (9) "Office" means the Utah Office of Coal Mine Safety created in Section 40-2-201.
- (10) "Panel" means the Coal Miner Certification Panel created in Section 40-2-204.
- (11) "Unsafe condition" means a danger that reasonably could be expected to cause serious harm to a person or property.

Enacted by Chapter 113, 2008 General Session

40-2-103 Scope and administration of chapter.

- (1) This chapter applies to any coal mine located in the state.
- (2) The commission:
 - (a) shall administer this chapter with the assistance of the office; and
 - (b) has jurisdiction over a coal mine in this state as set forth in this chapter.

Enacted by Chapter 113, 2008 General Session

40-2-104 Rulemaking authority.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the commission may make rules necessary to implement this chapter.

Renumbered and Amended by Chapter 113, 2008 General Session
Amended by Chapter 382, 2008 General Session