

**40-2-401 Necessity of certificate.**

- (1) A person may not work in an occupation referred to in Section 40-2-402 unless granted a certificate by the commission.
- (2)
  - (a)
    - (i) The commission may grant a temporary coal mine foreman certificate or a temporary coal mine surface foreman certificate to an applicant who is:
      - (A) recommended by a coal mine; and
      - (B) interviewed and found competent by two panel members.
    - (ii) A certificate granted under Subsection (2)(a)(i) remains in effect until:
      - (A) the next scheduled certification test;
      - (B) the person is retested; or
      - (C) the commission terminates the certificate.
  - (b)
    - (i) The commission may grant a surface foreman certificate to a current holder of an underground mine foreman certificate, if the applicant has three years of varied surface mining experience.
    - (ii) A surface foreman certificate applicant may receive credit for surface experience in any other industry that has substantially equivalent surface facilities, if the applicant has performed or is presently performing the duties normally required of a surface foreman.
- (3)
  - (a) The commission shall collect a fee described in Subsection (3)(b) for each temporary certificate.
  - (b) The commission shall establish the fee by following Section 63J-1-504.
- (4)
  - (a) An owner, operator, contractor, lessee, or agent may not employ a worker in any occupation referred to in Section 40-2-402 who is uncertified.
  - (b) The certificate shall be on file and available for inspection to interested persons in the office of the coal mine.
- (5) The commission shall grant a certificate to an applicant referred to in Section 40-2-402 who:
  - (a) passes the certification test administered by the panel; and
  - (b) meets the qualifications specified in Section 40-2-402.
- (6)
  - (a) The commission may grant a certificate to an applicant involved in gilsonite or other hydrocarbon mining as provided by rule.
  - (b) The commission shall enact rules governing the certification procedure, test, and qualifications for applicants involved in gilsonite or other hydrocarbon mining.
- (7) The commission may by rule require certification and recertification of other coal mine occupations, including the certification of a new coal miner.

Amended by Chapter 183, 2009 General Session