

Part 4 Certification of Coal Miners

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

40-2-402 Certification requirements.

- (1) The commission shall collect a fee for:

- (a) the taking of a certification test; or
 - (b) the retaking of one or more sections of a certification test.
- (2)
- (a) The commission shall establish fees by following Section 63J-1-504.
 - (b) Notwithstanding Section 63J-1-504, the commission:
 - (i) shall retain the fees as dedicated credits; and
 - (ii) may only use the fees to administer the certification test.
- (3) An applicant who fails any section of the certification test may retake that section of the test.
- (4)
- (a) An applicant who wishes to obtain a mine foreman certificate shall have at least four years varied underground coal mining experience, of which:
 - (i) two years' experience may be credited to a mining engineering graduate of an accredited four-year college; or
 - (ii) one year's experience may be credited to a graduate of a two-year course in mining technology.
 - (b)
 - (i) An applicant who wishes to obtain a surface foreman certificate shall have at least three years of varied surface experience.
 - (ii) The commission may grant a surface foreman certificate applicant credit for surface experience in any other industry that has substantially equivalent surface facilities.
 - (c) An applicant who wishes to obtain a fire boss certificate shall have at least two years of underground coal mining experience, of which:
 - (i) one year's experience may be credited to a mining engineering graduate of an accredited four-year college; or
 - (ii) six months' experience may be credited to a graduate of a two-year course in mining technology.
 - (d) An applicant who wishes to obtain an underground mine electrician certificate shall have at least one year of varied electrical experience as specified in 30 C.F.R. Sec. 75.153.
 - (e) An applicant who wishes to obtain a surface mine electrician certificate shall have at least one year of varied surface electrical experience as specified in 30 C.F.R. Sec. 77.103.
- (5) A certificate granted under Section 40-2-401 and this section shall expire if the certificate holder ceases to work in the mining industry or a mine related industry for more than five consecutive years.

Amended by Chapter 183, 2009 General Session

40-2-403 Certificate by endorsement.

- (1) As used in this section, "license" means an authorization that permits the holder to engage in the practice of an occupation described in Section 40-2-402.
- (2) Subject to Subsections (4) through (6), the commission shall issue a certificate described in Section 40-2-401 to an applicant who has been licensed in another state, district, or territory of the United States if:
 - (a) the commission determines that the license issued by the other state, district, or territory encompasses a similar scope of practice as the certificate;
 - (b) the applicant has at least one year of experience practicing under the license issued in the other state, district, or territory; and
 - (c) the applicant's license is in good standing in the other state, district, or territory.

- (3) Subject to Subsections (4) through (6), the commission may issue a certificate described in Section 40-2-401 to an applicant who:
 - (a) has been licensed in another state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:
 - (i)
 - (A) the commission determines that the applicant's education, experience, and skills demonstrate competency in the occupation for which certification is sought; and
 - (B) the applicant has at least one year of experience practicing under the license issued in the other state, district, territory, or jurisdiction; or
 - (ii) the commission determines that the licensure requirements of the other state, district, territory, or jurisdiction at the time the license was issued were substantially similar to the requirements for the certificate; or
 - (b) has never been licensed in a state, district, or territory of the United States, or in a jurisdiction outside of the United States, if:
 - (i) the applicant was educated in or obtained relevant experience in a state, district, or territory of the United States, or a jurisdiction outside of the United States; and
 - (ii) the commission determines that the education or experience was substantially similar to the education or experience requirements for the certificate.
- (4) The commission may refuse to issue a certificate to an applicant under this section if:
 - (a) the commission determines that there is reasonable cause to believe that the applicant is not qualified to receive the certificate; or
 - (b) the applicant has a previous or pending disciplinary action related to the applicant's other license.
- (5) Before the commission issues a certificate to an applicant under this section, the applicant shall:
 - (a) pay a fee determined by the commission under Section 63J-1-504; and
 - (b) produce satisfactory evidence of the applicant's identity, qualifications, and good standing in the occupation for which certification is sought.
- (6) The commission may make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, prescribing the administration and requirements of this section.

Enacted by Chapter 222, 2023 General Session