

CERTIFICATION OF MINES

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Mike Dmitrich

This act modifies the mining code to provide that the Labor Commission shall assume certain responsibilities relating to coal mine certification previously performed by the Labor Commission's Safety Division.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

40-2-15, as last amended by Chapter 375, Laws of Utah 1997

40-2-16, as last amended by Chapter 375, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **40-2-15** is amended to read:

40-2-15. Certification requirements -- Fees -- Recertification.

(1) The [~~Division of Safety~~] Labor Commission shall collect a fee for the following:

- (a) certification tests;
- (b) sections of the examination that must be retaken; or
- (c) recertification certificates.

(2) The Labor Commission shall determine fees in this section under Section

63-38-3.2.

(3) Any section of the certification test may be retaken if not successfully completed.

(4) Experience and education required to obtain a certificate for the corresponding occupations are as follows:

(a) A mine foreman certificate requires 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 approved 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) A surface foreman certificate requires at least three years of varied surface experience.

(ii) An applicant may receive credit for surface experience in any other industry that has substantially equivalent surface facilities.

(c) A fire boss certificate requires 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 approved four-year college; or

(ii) six months' experience may be credited to a graduate of a two-year course in mining technology.

(d) An underground mine electrician certificate requires at least one year of varied electrical experience as specified in 30 C.F.R. Sec. 75.153.

(e) A surface mine electrician certificate requires at least one year of varied surface electrical experience as specified in 30 C.F.R. Sec. 77.103.

(f) Electricians shall recertify as specified in 30 C.F.R. Sec. 75.153 or 30 C.F.R. Sec. 77.103.

(5) Unless prohibited by federal law, United States citizenship is required for any person who receives a certificate for occupations referred to in this section, unless that person:

(a) presents satisfactory evidence of good moral character; and

(b) has declared his intention to become a United States citizen.

(6) A certified person who leaves the mining industry for a period of five years must be recertified.

Section 2. Section **40-2-16** is amended to read:

40-2-16. Necessity of certificate -- Temporary certificates -- Surface foreman certificate -- Fee -- Employment of uncertified persons prohibited.

(1) A person may not work in any occupation referred to in Section 40-2-15 unless granted a certificate of competency by the [~~Division of Safety~~] Labor Commission.

(2) (a) The [~~Division of Safety~~] Labor Commission may issue, upon a showing of

competency, a temporary mine foreman certificate or a temporary surface foreman certificate to remain in effect until the earlier of the next scheduled certification examination or retest examination or until terminated by the ~~[Division of Safety]~~ Labor Commission.

(b) (i) The ~~[Division of Safety]~~ Labor Commission may issue 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) An applicant may receive credit for surface experience in any other industry that has substantially equivalent surface facilities, if he has performed or is presently performing the duties normally required of a surface foreman.

(3) The ~~[Division of Safety]~~ Labor Commission shall collect a fee determined under Section 63-38-3.2 for each temporary certificate.

(4) (a) An owner, operator, contractor, lessee, or agent may not employ a worker in any occupation referred to in Section 40-2-15 who is uncertified.

(b) The certificate shall be on file and available for inspection to interested persons in the office of the mine.