

351.990 Penalties.

- (1) Any person who violates any of the provisions of KRS 351.315 to 351.375 or any administrative regulation, determination, or order promulgated in accordance with KRS 351.315 to 351.375 shall be subject to a civil fine not less than two hundred fifty dollars (\$250) nor more than five thousand dollars (\$5,000) for each violation.
- (2) Any person who willfully violates any of the provisions of KRS 351.315 to 351.375 or any administrative regulation, determination, or order promulgated in accordance with KRS 351.315 to 351.375 which has become final shall be guilty of a Class A misdemeanor.
- (3) Any person who violates any of the provisions of KRS 351.330(16) shall be guilty of a Class B misdemeanor.
- (4) Any person who violates any of the provisions of KRS 351.345(2) shall be guilty of a Class D felony.
- (5) Any operator who fails to obtain his license as required by KRS 351.175 shall be guilty of a Class A misdemeanor as defined in KRS 532.090. Each day the mine is operated without a license constitutes a separate offense. Venue for the offenses shall lie in the county in which the offense occurred.
- (6) Any operator operating a mine with knowledge that the mine has been placed under a valid closure order pursuant to KRS 351.175 shall be guilty of a Class D felony. Jurisdiction shall lie in the Circuit Court of the county in which the offense occurred.
- (7) Any blasting operation that results in the death or serious physical injury of a person may be subject to a civil fine not more than twenty thousand dollars (\$20,000). For the purposes of this subsection, "serious physical injury" means an injury which has a reasonable potential to cause death.
- (8) Any person who fails a drug or alcohol test required by KRS 351.182, 351.183, 351.184, 351.185, or 352.180 shall be subject to the following penalties if an appeal to the Mine Safety Review Commission is chosen and the appeal is not successful:
 - (a) A first offense shall result in probation, suspension, or combination of both, as well as other conditions and time constraints as ordered by the Mine Safety Review Commission. During this time, the person shall be ineligible for any license or certification issued by the Office of Mine Safety and Licensing. All licenses and certifications shall be restored upon compliance with the orders of the Mine Safety Review Commission. The failure to pursue an appeal will result in revocation of all licenses or certifications issued by the Office of Mine Safety and Licensing for three (3) years;
 - (b) A second offense shall result in the revocation of all certifications and licenses issued by the Office of Mine Safety and Licensing for a period of five (5) years. During this time, the person shall be ineligible for any license or certification issued by the Office of Mine Safety and Licensing. Certifications and licenses revoked under this provision may be reissued by:
 1. Compliance with all training and testing requirements;
 2. Satisfying the requirements of KRS 351.182 and 351.183;

3. Compliance with all orders of the Mine Safety Review Commission; and
- (c) A third offense shall result in the permanent revocation of all licenses and certifications issued by the Office of Mine Safety and Licensing. The person shall be permanently ineligible for licenses and certifications issued by the Office of Mine Safety and Licensing.

The Mine Safety Review Commission shall not have the authority to reconsider any order permanently revoking a miner's license or certifications issued by the Office of Mine Safety and Licensing if the commission's order is final unless, at the time of the entry of the order, the miner was incarcerated or hospitalized, or the miner did not receive actual notice of the motion or other filing seeking permanent revocation, or did not actually receive notification by the commissioner of the Department for Natural Resources pursuant to KRS 351.120.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 89, sec. 7, effective July 12, 2012. -- Amended 2006 Ky. Acts ch. 39, sec. 1, effective July 12, 2006. -- Amended 1996 Ky. Acts ch. 308, sec. 19, effective April 9, 1996; and ch. 318, sec. 334, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 161, sec. 2, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 463, sec. 39, effective July 14, 1992. -- Amended 1980 Ky. Acts ch. 188, sec. 278, effective July 1, 1980. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 8, secs. 11(7),(29). -- Amended 1976 Ky. Acts ch. 143, sec. 13. -- Amended 1972 Ky. Acts ch. 280, sec. 5; and ch. 298, sec. 18. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2739-49, 3766b-18.

Legislative Research Commission Note (7/12/2012). Under the authority of KRS 7.136(1), the Reviser of Statutes has altered the format of the text in subsection (8) of this statute during codification. The words in the text were not changed.

Legislative Research Commission Note (4/9/96). The action taken with respect to this statute by 1996 Ky. Acts ch. 308 was to have become effective April 8, 1996, under Section 51 of that Act. The Act, however, did not become effective until April 9, 1996, when the Governor's signed copy of the Act was filed with the Secretary of State.