

**352.050 Permissible rating for underground machinery -- Transportation of underground mining equipment.**

- (1) After June 16, 1972, no machinery powered by an internal combustion engine shall be placed in use in underground workings unless the equipment is rated "permissible" as described in KRS 352.010 for underground use, and the use of the machinery is approved by the commissioner of the Department for Natural Resources.
- (2) Mining equipment being transported or trammed underground, where energized trolley wires or trolley feeder wires are present, other than ordinary sectional movements, shall be transported or trammed by qualified personnel under the supervision of a certified foreman. When the equipment is being transported or trammed, no person, except those persons directly engaged in moving the equipment, shall be permitted to be in by the equipment in the ventilating split that is passing over the equipment. To avoid accidental contact with power lines, face equipment shall be insulated and assemblies removed, if necessary, so as to provide clearance.

**Effective:** April 9, 1996

**History:** Amended 1996 Ky. Acts ch. 308, sec. 24, effective April 9, 1996. -- Amended 1976 (1st. Extra. Sess.) Ky. Acts ch. 8, sec. 21. -- Amended 1976 Ky. Acts ch. 174, sec. 7. -- Amended 1972 Ky. Acts ch. 303, sec. 5, -- Amended 1952 Ky. Acts ch. 162, sec. 17, effective March 5, 1952. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2739-19, 2739-29, 2739-30.

**Legislative Research Commission Note (8/21/2008).** 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. One such correction that was overlooked during codification after the 2005 Regular Session of the General Assembly has been made in this section.

**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.

**Legislative Research Commission Note (4/9/96).** The use of KRS 352.010 in subsection (1) of this statute results from KRS 7.136(1)(h). Section 24 of 1996 Ky. Acts ch. 308 reads "Section 19 of this Act" here, but this internal reference was not adjusted to reflect the addition of two new sections to House Bill 605 prior to Section 19 in the Senate Committee Substitute adopted for this bill. This fact, taken together with the context of the citation, clearly indicates that Section 21 should have been substituted here so that KRS 352.010 is the appropriate statute to be cited.