

### **352.430 Inspection and closing of mines by department -- Hearings.**

- (1) The operator, superintendent, or mine manager of every mine shall furnish the mine inspector proper facilities for entering the mine and making examinations or obtaining information.
- (2) If any inspector discovers that any mine does not conform to the provisions of KRS Chapter 351 and this chapter in respect to the safety of employees, or that by reason of any defect or practice not specifically covered by these chapters in or about the mine, the lives or health of persons employed therein are endangered, he shall immediately issue an emergency order to the licensee or superintendent. If he deems it necessary for the immediate protection from imminent danger of bodily harm of the persons employed in the mine, he shall withdraw the men who may be endangered according to the following procedures:
  - (a) If the entire mine is affected by the dangerous condition, all men shall be withdrawn and production shall be halted until all defects causing the imminently dangerous condition are corrected;
  - (b) If an imminent danger affects only a portion of the mine, the persons whose safety may be menaced thereby shall be withdrawn from the affected part of the mine and production halted in that area until the dangerous condition is corrected;
  - (c) Where production is necessary to correct the unsafe condition, it shall be permitted to that extent, using only the necessary personnel; and
  - (d) Production at the affected area of a mine from which men are withdrawn pursuant to this section may be resumed upon reinspection by a mine inspector and a finding by that inspector that the mine is no longer imminently unsafe.
- (3) In all emergency hearings, a departmental attorney, the Attorney General, the Commonwealth's attorney, or the county attorney of the judicial circuit or county in which the mine is situated shall appear for the Commonwealth and defend the action.

**Effective:** July 12, 2006

**History:** Amended 2006 Ky. Acts ch. 185, sec. 26, effective July 12, 2006. -- Amended 2000 Ky. Acts ch. 104, sec. 28, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 480, sec. 7, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 336, effective July 15, 1996. -- Amended 1978 Ky. Acts ch. 301, sec. 12, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 14, sec. 280. -- Amended 1976 Ky. Acts ch. 62, sec. 122. -- Amended 1972 Ky. Acts ch. 303, sec. 38. -- Amended 1952 Ky. Acts ch. 162, sec. 35, effective March 5, 1952. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2739-25.