

### **352.390 Revocation of certificates -- Procedure.**

The Mine Safety Review Commission shall revoke, suspend, or probate certificates if it is established in the judgment of the commission that the holder has become unworthy to hold the certificate by reason of violation of law, intemperate habits, failure to maintain drug- and alcohol-free condition of certification, incapacity, abuse of authority, failure to comply with the mining laws of the Commonwealth of Kentucky, or for other just cause. The same procedure provided in subsections (11) and (12) of KRS 351.102 shall apply to the certificate holder.

**Effective:** July 12, 2006

**History:** Amended 2006 Ky. Acts ch. 241, sec. 22, effective July 12, 2006. -- Amended 2001 Ky. Acts ch. 149, sec. 12, effective March 20, 2001. -- Amended 1996 Ky. Acts ch. 318, sec. 335, effective July 15, 1996. -- Amended 1978 Ky. Acts ch. 301, sec. 11, effective June 17, 1978. -- Amended 1976 (1st Extra. Sess.) Ky. Acts ch. 8, sec. 12. -- Amended 1976 Ky. Acts ch. 174, sec. 20. -- Amended 1972 Ky. Acts ch. 303, sec. 36. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2739-42.

**Legislative Research Commission Note (3/19/93).** Although the phrase " ... wilful failure to comply with instructions of the mine inspector to obey the mining laws, ..." that appeared in the first sentence of this statute prior to the 1976 Regular Session of the General Assembly was changed by action at that session to read " ... failure to comply with the mining laws of the Commonwealth of Kentucky ...", see 1976 Ky. Acts ch. 174, sec. 20, the text of the statute amended at 1976 (Extra. Sess.) Ky. Acts ch. 8, sec. 12, and later at 1978 Ky. Acts ch. 301, sec. 11, failed to incorporate this change. After first correctly printing the text as amended at the 1976 Regular Session, both publishers of the official editions unintentionally returned to part or all of the pre-1976 text by relying on the erroneous unamended text shown in the two later amendments to the statute. The publishers have been directed to alter the text of the first sentence of this statute in order to restore the relevant legislative action from the 1976 Regular Session that was inadvertently omitted in subsequent reprintings of this statute. See KRS 446.270 & 446.280, enacted 1982 Ky. Acts ch. 2, secs. 3 & 4 (effect of failure to underline new language and failure to indicate deleted material by brackets and strike through in amended statutes); see also *Corson v. Thomson*, 116 N.H. 344, 358 A.2d 866 (1976).