

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1939

ENROLLED

Comm. Sub. for

SENATE BILL No. 45

(By Mr.)

PASSED Feb. 28th 1939

In Effect Thirty days for Passage



24/5

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 45

(●originating in the Committee on Mines and Mining.)

[Passed February 28, 1939; in effect ninety days from passage.]

AN ACT to amend and reenact section fifty-two, article two, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, and to add sections fifty-two-a, fifty-two-b, fifty-two-c and fifty-two-d to said article relating to the instruction of coal mine employees and providing for the issuance of certificates of experience and qualification to coal miners.

Be it enacted by the Legislature of West Virginia:

That section fifty-two, article two, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted, and that four new sections to be known as sections

fifty-two-a, fifty-two-b, fifty-two-c and fifty-two-d be added to said article, all to read as follows:

Section 52. *Instruction of Employees.* No person, firm or
2 corporation shall employ or cause any person to work in a
3 coal mine in this state until after he has been instructed in
4 the particular dangers incident to his work in such mine and
5 until he has been furnished with a copy of the mining laws
6 and rules of such mine. No inexperienced person shall be so
7 employed except under the direct personal supervision and
8 direction of the mine foreman, his assistant or such other ex-
9 perience worker as may be designated by the mine foreman
10 or his assistant. No inexperienced person shall be employed as
11 an experienced coal miner until he has secured such certificate
12 as is hereinafter provided for.

Sec. 52-a. *Miner's Certificate.* Any person who has worked
2 as a coal miner in a coal mine in this state for a period of
3 six successive months may make application to the state
4 department of mines for a miner's certificate. Such applica-
5 tion shall be signed by the applicant and be in such form as
6 the department of mines may prescribe, and shall include
7 information regarding the experience and safety record of

8 the applicant. The application shall be submitted to a mine
 9 foreman, duly licensed under the laws of West Virginia, who
 10 shall confirm the information contained in such application
 11 and transmit the same to the state department of mines. If
 12 such mine foreman shall refuse to confirm such information
 13 or to so transmit such application and a dispute shall arise in
 14 connection with such refusal, then the chief of the state de-
 15 partment of mines shall investigate and determine the facts
 16 in regard thereto. In the event that such applicant has not
 17 sustained a lost-time injury due to his own negligence during
 18 a six months period immediately preceding the making of
 19 such application and has not wilfully violated the provisions
 20 of the mining code during such period, such certificate shall
 21 be issued. When it appears that such applicant is entitled
 22 to such certificate the same shall be issued by the chief of the
 23 state department of mines in the following form :

24 "This is to certify that..... of
 25 is a qualified and experienced coal
 26 miner and has a satisfactory safety record."

27 On the reverse side of such certificate shall be set forth a
 28 description of the holder, sufficient to provide reasonable

29 identification, and which shall be in such form as shall be
30 prescribed by the chief of the department of mines. Such
31 certificate shall be sufficient evidence that the holder thereof
32 is, and may be employed as a competent, qualified and experi-
33 enced coal miner.

34 Any person, regardless of race or nationality, who has
35 worked as a coal miner in a coal mine, or mines, in this state,
36 for a period of one year prior to the date this act takes effect,
37 shall be entitled to such certificate as an experienced and
38 qualified coal miner upon the filing of an application with the
39 chief of the state department of mines which includes satis-
40 factory information regarding the experience and safety
41 record of the applicant confirmed by a mine foreman duly
42 licensed under the laws of West Virginia. Such certificate
43 shall be issued without cost to the applicant.

Sec. 52-b. *Revocation of Certificate.* Willful violation of
2 the mining code shall constitute cause for the revocation of
3 a coal miner's certificate by the chief of the state department
4 of mines. If any holder of a certificate transfers or attempts
5 to transfer any such certificate, the same shall be revoked.

6 A person whose certificate has been revoked may apply

7 for a new certificate after having worked six months as an
8 inexperienced person in like manner as if he had not previously
9 held such certificate, except that where the revocation has been
10 for the transfer or attempted transfer of the certificate revoked
11 he shall not be eligible to apply for a new certificate until he
12 shall have worked not less than twelve months as an in-
13 experienced person.

Sec. 52-c. *Appeals.* Any person feeling aggrieved by any
2 ruling of the chief of the state department of mines, regarding
3 the refusal, or granting, or revocation of a coal miner's certifi-
4 cate may appeal therefrom by certiorari to the circuit court of
5 Kanawha county or to the circuit court of the county where the
6 applicant resides.

Sec. 52-d. *Penalties.* The penalties provided for in section
2 eighty-two of this article shall apply to sections fifty-two,
3 fifty-two-a and fifty-two-b.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

E. L. Wiseman
Chairman Senate Committee

Beck Butler
Chairman House Committee

Originated in the *Senate*

Takes effect *thirty days* for passage

Samuel
Clerk of the Senate

Wm. S. Hall
Clerk of the House of Delegates

Wm. S. Hall
President of the Senate

James L. Thomas
Speaker House of Delegates

The within *approved* this the *7th*

day of *March*, 1939.

James L. Thomas
Governor

Filed in the office of the Secretary of State
of West Virginia. **MAR 14 1939**
Wm. S. O'BRIEN,
Secretary of State