WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1939

ENROLLED
Comm. SB. 4
SENATE BILL No. 45

(By Mr. ..................................................)

PASSED Feb. 28th 1939

In Effect Ninety days from Passage
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 corporation shall employ or cause any person to work in a coal mine in this state until after he has been instructed in the particular dangers incident to his work in such mine and until he has been furnished with a copy of the mining laws and rules of such mine. No inexperienced person shall be so employed except under the direct personal supervision and direction of the mine foreman, his assistant or such other experienced worker as may be designated by the mine foreman or his assistant. No inexperienced person shall be employed as an experienced coal miner until he has secured such certificate as is hereinafter provided for.

Sec. 52-a. *Miner's Certificate.* Any person who has worked as a coal miner in a coal mine in this state for a period of six successive months may make application to the state department of mines for a miner's certificate. Such application shall be signed by the applicant and be in such form as the department of mines may prescribe, and shall include information regarding the experience and safety record of
The application shall be submitted to a mine foreman, duly licensed under the laws of West Virginia, who shall confirm the information contained in such application and transmit the same to the state department of mines. If such mine foreman shall refuse to confirm such information or to so transmit such application and a dispute shall arise in connection with such refusal, then the chief of the state department of mines shall investigate and determine the facts in regard thereto. In the event that such applicant has not sustained a lost-time injury due to his own negligence during a six months period immediately preceding the making of such application and has not willfully violated the provisions of the mining code during such period, such certificate shall be issued. When it appears that such applicant is entitled to such certificate the same shall be issued by the chief of the state department of mines in the following form:

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

On the reverse side of such certificate shall be set forth a description of the holder, sufficient to provide reasonable
identification, and which shall be in such form as shall be
prescribed by the chief of the department of mines. Such
certificate shall be sufficient evidence that the holder thereof
is, and may be employed as a competent, qualified and experi-
enced coal miner.

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

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

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

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

Sec. 52-d. Penalties. The penalties provided for in section
eighty-two of this article shall apply to sections fifty-two,
fifty-two-a and fifty-two-b.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate

Takes effect

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approve this the day of March, 1939.

Governor

Filed in the office of the Secretary of State of West Virginia MAR 14 1939

Wm. S. O'Brien, Secretary of State