

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 378

(By Mr. Spears, Mr. Singleton, & Mr. Vickers)



PASSED March 6, 1963

In Effect July 1, 1963. ~~Passage~~



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JOE F. BURDETT
SECRETARY OF STATE

#378

ENROLLED

House Bill No. 378

(By MR. SPEAKER, MR. SINGLETON, and MR. VICKERS)

[Passed March 6, 1963; in effect July 1, 1963.]

AN ACT to amend and reenact section twenty, article one; and sections five, seven, nine, fourteen, twenty-eight, twenty-nine, thirty-nine, forty-three, forty-six, fifty-seven, fifty-eight, sixty-two and seventy-eight, article two, all of chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to coal mines.

Be it enacted by the Legislature of West Virginia:

That section twenty, article one; and sections five, seven, nine, fourteen, twenty-eight, twenty-nine, thirty-nine, forty-three, forty-six, fifty-seven, fifty-eight, sixty-two and seventy-eight, article two, all of chapter twenty-two of the code of

West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Article 1. Administration; Enforcement.

Section 20. Mine Rescue Crews.—The director of the
2 state department of mines is hereby authorized to have
3 trained and employed at the rescue stations operated by
4 that department within the state, such rescue crews as
5 he may deem necessary. Each member of a rescue crew
6 shall devote four hours each month for training pur-
7 poses, and shall be available at all times to assist in rescue
8 work at explosions and mine fires. Regular members
9 shall receive for such services the sum of seven dollars
10 per month and captains shall receive eight dollars per
11 month, payable on requisition approved by the director
12 of the department of mines. The director of the depart-
13 ment of mines may remove any member of a rescue crew
14 at any time.

15 To qualify for membership of a mine rescue crew an
16 applicant shall: (a) be not less than twenty-three years
17 of age; (b) submit evidence of good health satisfactory
18 to the director of the department of mines; (c) satis-

19 factorily complete a course of training prescribed by the
20 director of the department of mines. Each person so
21 qualifying for mine rescue operations and passing a
22 physical examination by a licensed physician shall re-
23 ceive a certificate evidencing such qualification. Annually
24 thereafter such person shall submit evidence to the di-
25 rector that he has been examined by a licensed physician
26 and found physically fit for mine rescue operations.

27 When engaged in rescue work required by an explosion,
28 fire or other emergency at a mine, all members of mine
29 rescue teams assigned to rescue operations shall, during
30 the period of their rescue work, be employees of the
31 operator of the mine where the emergency exists; shall
32 be compensated by said operator at the rate established
33 in the area for such work. In no case shall this rate be
34 less than the prevailing wage rate in the industry for
35 the most skilled class of inside mine labor. During the
36 period of their emergency employment members of mine
37 rescue teams shall be protected by the workmen's com-
38 pensation subscription of such emergency employer.

Article 2. Coal Mines.

Section 5. Ventilation of Mines in General.—The operator or mine foreman of every coal mine, whether worked by shaft, slope or drift, shall provide and hereinafter maintain for every such mine adequate ventilation. In all mines the quantity of air passing through the last open crosscut between the intake and return in any set of entries shall be not less than six thousand cubic feet of air per minute, and as much more as is necessary to dilute and render harmless and carry away flammable and harmful gases: *Provided, however,* That the quantity of air reaching the last crosscut in pillar sections may be less than six thousand cubic feet per minute if at least six thousand cubic feet of air per minute is being delivered to the intake of the pillar line. The air current shall under any conditions have a sufficient volume and velocity to reduce and carry away smoke from blasting and any flammable or harmful gases. All active underground working places in a mine shall be ventilated by a current of air containing not less than nineteen and five-tenths per cent of oxygen, and not more than one per

21 cent of carbon dioxide, and no harmful quantities of
22 other noxious or poisonous gases.

23 As working places advance, crosscuts for air shall be
24 made not to exceed eighty feet apart. Where necessary
25 to render harmless and carry away noxious or flammable
26 gases, line brattice or other approved methods of ven-
27 tilation shall be used so as to properly ventilate the face.
28 All crosscuts between the main intake and return air-
29 ways not required for passage of air and equipment
30 shall be closed with stoppings substantially built with
31 incombustible or fire-resistive material so as to keep
32 working places well ventilated: *Provided, however,* That
33 in mines where it becomes necessary to provide larger
34 pillars for adequate roof support, working places shall
35 not be driven more than two hundred feet without pro-
36 viding a connection that will allow the free flow of air
37 currents. In such cases a minimum of twelve thousand
38 cubic feet of air a minute shall be delivered to the last
39 open crosscut and as much more as is necessary to dilute
40 and render harmless and carry away flammable and
41 noxious gases.

42 In special instances for the construction of side-tracks,
43 haulageways, airways, or openings in shaft bottom or
44 slope bottom layout where the size and strength of pil-
45 lars is important, the director of the department of mines
46 may issue a permit approving greater distances. The
47 permit shall specify the conditions under which such
48 places may be driven.

49 In gassy mines a system of bleeder openings of air
50 courses designed to provide positive movement of air
51 through and/or around abandoned or caved areas, suffi-
52 cient to prevent dangerous accumulation of gas in such
53 areas and to minimize the effect of variations in atmos-
54 pheric pressure, shall be made a part of pillar recovery
55 plans projected after the effective date of this article.

56 If a bleeder return is closed as a result of roof falls or
57 water during pillar recovery operations, pillar operations
58 may continue without reopening the bleeder return so
59 long as a minimum of twelve thousand cubic feet of air
60 per minute is delivered to the intake of the pillar line.

61 Not more than sixty persons shall be permitted to
62 work in the same air current: *Provided*, That a larger

63 number, not exceeding eighty persons, may be allowed
64 by the director of the department of mines where it is
65 impracticable to comply with the foregoing require-
66 ments.

67 No operator or mine foreman shall permit any persons
68 to work where they are unable to maintain the quantity
69 and quality of the air current as heretofore required:
70 *Provided, however,* That such provision shall not pro-
71 hibit the employment of men to make places of employ-
72 ment safe.

73 The ventilation of any mine shall be so arranged by
74 means of airlocks, overcasts, or undercasts, that the use
75 of doors on passageways where men or equipment travel
76 may be kept to a minimum. Where doors are used in a
77 gassy mine they shall be erected in pairs so as to provide
78 a ventilated airlock, unless the doors are operated
79 mechanically: *Provided, however,* That such provision
80 shall not apply to doors in or between panel or room
81 entries. In mines not classified as gassy, single doors
82 may be used, provided such doors are closed promptly
83 after men or equipment have passed through them.

84 Overcasts or undercasts shall be constructed of incom-
85 bustible material and maintained in good condition.

86 Where practicable, a crosscut shall be provided at or near
87 the face of each entry or room before such places are
88 abandoned.

89 Rooms, entries, airways, or other working places shall
90 not be driven in advance of air currents. Such provisions
91 shall not prohibit, as the room, entry or aircourse ad-
92 vances, the "necking" of any place for a distance which
93 shall not exceed that actually required for the install-
94 ation of mining equipment in use at this location: *Pro-*
95 *vided, however,* That such room necks or entries are kept
96 free of accumulations of methane by use of line brattice
97 or other adequate means.

Sec. 7. Gassy Mines; Nongassy Mines; Examination.—

2 In a gassy mine, within four hours immediately preced-
3 ing the beginning of a coal-producing shift, and before
4 any workman in such shift, other than those who may
5 be designated to make the examinations, enters the un-
6 derground areas of such mine, a certified foreman or
7 fireboss, designated by the operator of such mine to do
8 so, shall make an examination of such areas.

9 In a gassy mine, on a non-coal-producing shift, within
10 four hours of the time when non-certified men enter the
11 mine, the areas where they are assigned to work, and
12 the entrances to adjacent areas shall be examined by a
13 certified foreman or fireboss for gas and other dangerous
14 conditions; no uncertified man shall enter any area which
15 has not been properly examined by a certified foreman
16 or fireboss; all energized trolley lines and bare feeder
17 lines along haulageways shall be examined at least once
18 every eight hours by a certified foreman or fireboss. All
19 areas not being so examined shall have an approved
20 danger board posted at the entrance or entrances.

21 In non-gassy mines examinations, which shall include
22 tests for explosive gas or oxygen deficiency made with
23 an approved flame safety lamp, shall be made at the
24 same times as are required for a gassy mine. The person
25 delegated to make such examinations shall be certified.
26 Record of such examination shall be made in a book
27 prescribed for that purpose.

**Sec. 9. Same; Duties; Ventilation; Loose Coal, Slate or
2 Rock; Props; Drainage of Water.—**The duties of mine fore-

3 man shall be to keep a careful watch over the ventilating
4 apparatus, the airways, traveling ways, pumps and drain-
5 age. He shall see that as the miners advance their ex-
6 cavations proper breakthroughs are made so as to prop-
7 erly ventilate the mine; that all loose coal, slate and
8 rock overhead in the working places and along the haul-
9 ways are removed or carefully secured so as to prevent
10 danger to persons employed in such mines, and that
11 sufficient suitable props, caps, timbers, roof bolts, or
12 other approved methods of roof supports are furnished
13 for the places where they are to be used, and delivered
14 at suitable points. The mine foreman shall have all water
15 drained or hauled out of the working places where prac-
16 ticable, before the miners enter, and such working
17 places shall be kept dry as far as practicable while the
18 miners are at work. It shall be the duty of the mine fore-
19 man to see that proper crosscuts are made, and that the
20 ventilation is conducted by means of such crosscuts
21 through the rooms by means of checks or doors placed
22 on the entries or other suitable places, and he shall not
23 permit any room to be opened in advance of the ven-

24 tilating current. On and after July first, one thousand
25 nine hundred sixty-three the mine foreman, or other
26 certified persons designated by him, shall measure the
27 air current with an anemometer at least weekly at the
28 inlet and outlet at or near the faces of the advanced
29 headings, and shall keep a record of such measurements
30 in a book or upon a form prescribed by the director of
31 the department of mines. Signs directing the way to
32 outlets or escapeways shall be conspicuously placed
33 throughout the mine.

34 On and after July first, one thousand nine hundred sixty-
35 three man doors shall be installed between the intake and
36 the return at intervals of three hundred feet when the
37 height of the coal is below forty-eight inches and at inter-
38 vals of five hundred feet when the height of the coal is
39 above forty-eight inches; unless provision is made for
40 entrance into the main returns near the mouth of each
41 set of panel entries.

Sec. 14. Same; Daily Inspection of Working Places.—

2 The mine foreman or his assistants shall visit and care-
3 fully examine each working place in the mine at least

4 once each shift while the miners of such places are at
5 work, and shall direct that each working place shall be
6 secured by props, timbers, roof bolts, and/or other ap-
7 proved methods of roof support where necessary to the
8 end that the working places shall be made safe. Should
9 the mine foreman or his assistants find a place to be in a
10 dangerous condition, they shall not leave the place until
11 it is made safe, or shall remove the persons working
12 therein until the place is made safe by some competent
13 person designated for that purpose.

14 He shall place his initials and the date at or near each
15 place he examines. He shall also record any dangerous
16 conditions and practices found during his examination in
17 a book provided for that purpose.

Sec. 28. Roof Support.—Minimum timbering or other
2 roof support methods suitable to the roof conditions and
3 mining system of each mine or part of a mine shall be
4 adopted and complied with. A copy of the adopted roof
5 support plan shall be posted at the mine and a copy fur-
6 nished to the district mine inspector. Additional timber-
7 ing or supporting shall be used when and where neces-

8 sary. It shall be the duty of the mine foreman or his sub-
9 ordinate supervisors to instruct all workmen in proper
10 methods of setting timbers or placing roof supports; and,
11 it shall be the duty of the workmen to comply with the
12 instruction in setting timbers and roof supports. The
13 roof in all underground working places, unless self-sup-
14 porting, shall be secured to protect employees from falls.
15 Safety posts, jacks, or temporary crossbars shall be set
16 close to the face when necessary for safety before other
17 operations are begun and as needed thereafter. Where
18 roof supports are required at the working faces, persons
19 shall not advance beyond supported roof, except those
20 who are assigned to install support. Timbering or roof
21 support materials to be used as required in supporting the
22 roof in underground workings shall be delivered at or
23 near the working faces. In hand loading mines the miner
24 shall order timbers and roof support materials at least
25 one day in advance in order to have in his working place
26 a sufficient supply for his needs. He shall place his order
27 with his supervisor stating his requirements. Roof bolts
28 shall not be used in lieu of conventional timbering unless

29 a permit has been issued by the state department of
30 mines. Roof bolts shall not be recovered where com-
31 plete extraction of pillars is attempted; nor shall bolts be
32 removed adjacent to clay veins; nor at the location of
33 other irregularities that introduce abnormal hazards.
34 Where roof bolt recovery is practiced, it shall be done
35 only by reasonable methods approved by the director of
36 the department of mines. Recovery of roof supports shall
37 not be done except by experienced persons and only
38 where adequate temporary support is provided.

Sec. 29. Authorized Explosives.—Permissible explo-
2 sives or permissible blasting devices only shall be used in
3 blasting coal or other material in underground coal mines.
4 It shall be unlawful to have, use or store any non-permis-
5 sible explosives or non-permissible blasting devices in
6 any coal mine or on the premises of the mine, without a
7 permit from the director.

Sec. 39. Electricity; General Provisions.—Operators of
2 coal mines in which electricity is used as a means of
3 power shall comply with the following provisions:
4 All surface transformers, unless of a construction which

5 will eliminate shock hazards, or unless installed at least
6 eight feet above ground, shall be enclosed in a house or
7 surrounded by a fence at least six feet high. If the en-
8 closure is of metal, it shall be grounded effectively. The
9 gate or door to the enclosure shall be kept locked at all
10 times, unless authorized persons are present.

11 Underground transformers purchased after the effective
12 date of this article, shall be air cooled or cooled with non-
13 inflammable liquid or inert gas.

14 Underground stations containing transformers or circuit
15 breakers filled with inflammable oil shall be provided
16 with door sills or their equivalent, which will confine the
17 oil if leakage or explosion occurs, and shall be of fire-
18 proof construction.

19 Transformers shall be provided with adequate overload
20 protection.

21 Portable or semiportable battery charging units shall
22 be operated on a separate split of air: *Provided, however,*
23 That such units may be operated on intake air if a mini-
24 mum of fifteen thousand cubic feet per minute is cir-
25 culating for one tray of batteries and five thousand cubic

26 feet per minute additional for each tray added. The rate
27 of charging by such units shall not be less than four hours
28 to fully charge a tray of batteries.

29 Battery charging stations, motor generator sets, rotary
30 converters and oil filled transformers and switches, used
31 underground shall be housed in fireproof buildings ven-
32 tilated by a separate split of air direct to the main return
33 (rectifiers excepted).

34 All power wires and cables entering a mine shall be
35 provided with lightning arrestors at points of entry.

36 "Danger—high voltage" signs shall be posted conspicu-
37 ously on all transformer enclosures, high-potential switch-
38 boards and other high-potential installations.

39 Circuit breakers or other overload devices shall be
40 provided to protect power circuits.

41 Insulating platforms of wood, rubber, or other suitable
42 nonconductive material shall be kept in place at each
43 switchboard, and at stationary machinery where shock
44 hazards exist.

45 All power wires and cables in hoisting shafts, slopes
46 and power bore holes shall be properly insulated, pro-

47 vided with lightning arrestors, substantially installed
48 and well maintained.

49 All power wires, except trailing cables, especially de-
50 signed cable used as electrical conductors to under-
51 ground-rectifier or transformer stations, portable power
52 cables or bare or insulated ground and return wires, shall
53 be supported on well-installed insulators and shall not
54 contact combustible material, roof or ribs.

55 Trolley and feeder wires shall be installed as follows:
56 Where installed on permanent haulage, after the effective
57 date of this article, they shall be: (1) at least six inches
58 outside the track gauge line; (2) provided with cutout
59 switches at intervals of not more than two thousand feet,
60 and near the beginning of all branch lines; and (3) kept
61 taut and not permitted to touch the roof, rib, or cross bars.
62 Particular care shall be taken where they pass through
63 door openings to preclude bare wires from coming in con-
64 tact with combustible material.

65 Trolley or bare feeder cables shall be guarded ade-
66 quately where it is necessary for men to pass or work
67 under them regularly unless the wires are more than six

68 and one-half feet above the top of the rail. They shall
69 also be guarded adequately on both sides of doors, and
70 at all stations designated for the loading and unloading
71 of man trips, and at sand boxes.

72 After the effective date of this article, in new under-
73 ground installations of electric face equipment in new
74 mines the difference in potential between any two points
75 in the electrical circuits, or between any point in the
76 electrical circuits and the ground, shall not exceed six
77 hundred and fifty volts. No provision of this section shall
78 prohibit the use of higher voltages of alternating current
79 on service lines to rectifiers, converters, transformers or
80 switches connected thereto located in areas out by the
81 immediate face regions.

82 In a gassy mine, trolley and feeder wires shall not ex-
83 tend beyond the last open crosscut and shall be kept at
84 least one hundred and fifty feet from open pillar work-
85 ings. Trolley wires and feeder wires shall be anchored
86 securely, insulated, and properly identified at the ends.
87 Metallic frames, casings, and other enclosures of station-
88 ary electric equipment that can become "alive" through

89 failure of insulation or by contact with energized parts
90 shall be grounded effectively, or equivalent protection
91 shall be provided.

Sec. 43. Electric Equipment in Gassy Mines.—After
2 the effective date of this article all electric face equip-
3 ment acquired for use in a mine classified as gassy shall
4 be permissible: *Provided, however,* That nonpermissible
5 electric equipment may be used in a mine classified as
6 gassy if, before the effective date of this article or the
7 date such mine became a mine classified as gassy, which-
8 ever is later, the operator of such mine, or his successor,
9 owned or leased such equipment or had ordered such
10 equipment.

11 Electric equipment shall not be taken into or operated
12 in any place where methane can be detected with a flame
13 safety lamp at any point not less than eight inches from
14 the roof, face, or rib.

15 In a mine classified as gassy electric haulage locomo-
16 tives operated from trolley wire and other electrical
17 equipment or devices which may ignite gas shall not be
18 used in return air. For the purpose of this provision, air

19 used to ventilate a section of a mine shall not be consid-
20 ered return air until such time as the air has ventilated
21 all of the workings in the section.

22 No person shall be placed in charge of a coal cutting
23 machine in any mine classified as gassy, who is not a com-
24 petent person, capable of determining the safety of the
25 roof and sides of the working places and detecting the
26 presence of explosive gas. Machine runners in mines
27 classified as gassy shall be required to undergo examina-
28 tion by a mine foreman to determine their fitness to de-
29 tect explosive gas before they are permitted to have
30 charge of machines in such mines, unless they are accom-
31 panied by a certified or competent person who has passed
32 such an examination.

33 In any mine classified as gassy, a coal cutting machine
34 shall not be brought in by the last breakthrough next to
35 the working face until the machine man shall have made
36 an inspection for gas in the place where the machine is
37 to work, unless such examination is made by some other
38 competent person authorized and designated for that pur-
39 pose by the mine foreman. If explosive gas in excess of

40 one per cent is found in the place, the machine shall not
41 be taken in until the danger is removed.

42 In working places where explosive gas is likely to be
43 encountered, a safety lamp, or other suitable approved ap-
44 paratus for the detection of explosive gas, shall be pro-
45 vided for use with each mining machine when working,
46 and should any indication of explosive gas in excess of one
47 per cent appear on the flame of the safety lamp, or on
48 other apparatus used for the detection of explosive gas,
49 the person in charge shall immediately stop the machine,
50 cut off the current at the nearest switch and report the
51 condition to the mine foreman or supervisor. The ma-
52 chine shall not again be started in such place until the
53 mine foreman, supervisor, or a person authorized by one
54 of them has examined it and pronounced it safe.

55 No coal cutting machine, loading machine or electric
56 drills shall be operated in a mine classified as gassy for a
57 longer period than thirty minutes, and no continuous
58 miner for a longer period than twenty minutes, without
59 an examination as above described being made for gas,
60 and if gas is found in excess of one per cent the current

61 shall at once be switched off the machine, and the trail-
62 ing cable shall forthwith be disconnected from the power
63 supply until the place is pronounced safe.

64 Machine runners and helpers shall use care while oper-
65 ating mining machines. They shall not permit any per-
66 son to remain near the machine while it is in operation.
67 They shall examine the roof of the working place and
68 see that it is safe before starting to operate the machine.
69 They shall not move the machine while the cutter chain
70 is in motion.

Sec. 46. Welding and Cutting; Blowtorches; Fuel.—

2 Blowtorches may be used by competent persons in mines,
3 provided (1) suitable precautions are taken against ig-
4 nition of methane, coal dust, or combustible materials,
5 (2) means are provided for prompt extinguishment of
6 fires accidentally started, and (3) fuel is properly con-
7 trolled. Blowtorches must be maintained at all times in
8 good operating condition and leakproof.

9 Fuel for blowtorches, in quantities not exceeding one
10 day's supply, shall be transported from the surface in
11 approved safety cans, leakproof and sturdy. In transferr-

12 ing fuel to the torch, a funnel or flexible nozzle shall be
13 used to avoid spillage, and neither the supply can nor the
14 torch shall be opened within twenty-five feet of any
15 open light or other thing containing or apt to contain fire,
16 arcs, or sparks.

17 Welding and cutting may be done in mine: *Provided,*
18 That all equipment and gauges are maintained in good
19 order and not abused, that suitable precautions are taken
20 against ignition of methane, coal dust, or combustible ma-
21 terials, that means are provided for prompt extinguish-
22 ment of fires accidentally started, and that only persons
23 who have demonstrated competency in welding and
24 cutting are entrusted to do this work. Adequate eye pro-
25 tection shall be used by all persons doing welding or
26 cutting, and precautions shall be taken to prevent other
27 persons from exposure that might be harmful to their
28 eyes.

29 Transportation of oxygen and gas tanks or cylinders
30 shall be permitted on self-propelled machinery or belt
31 conveyors specially equipped for safe holding of the
32 containers in transportation. In no instance shall such

33 transportation be permitted in conjunction with any man
34 trip.

35 Empty oxygen and gas tanks or cylinders shall be
36 marked "empty" and shall be removed from the mine
37 promptly in safe containers provided for transportation
38 of the same.

39 The valve protection caps shall be placed on all tanks
40 or cylinders for which caps are provided when not in
41 use and when being transported. No oxygen or gas tanks
42 or cylinders shall be transported with the hoses and
43 gauges attached thereto.

44 In mines classed as gassy, a certified person shall ex-
45 amine for gas with permissible flame safety lamps before
46 and during welding or cutting in, at or near working
47 faces. The safety of the equipment and methods used in
48 such cases shall be subject to approval of the director of
49 the department of mines.

Sec. 57. No Act Permitted Endangering Security of
2 **Mine; Search for Intoxicants, Matches, etc.**—No miner,
3 workman or other person shall knowingly injure any
4 shaft, lamp, instrument, air course, or brattice, or ob-

5 struct or throw open airways, or carry matches or open
6 lights in the places worked by safety lights, or disturb
7 any part of the machinery or appliances, open a door
8 closed for directing ventilation and not close it again, or
9 enter any part of a mine against caution, or disobey any
10 order of any mine foreman or assistant mine foreman
11 given in carrying out any of the provisions of this sec-
12 tion.

13 Open lights, smoking, and smokers' articles including
14 matches, are prohibited in all mines. No person shall at
15 any time enter mines with or carry therein any
16 matches, pipes, cigars, cigarettes, or any device for mak-
17 ing lights or fire not authorized or approved. The oper-
18 ator shall at frequent intervals, search, or cause to be
19 searched, any person, including his clothing and material
20 belongings, entering or about to enter the mine, or inside
21 the mine to prevent such person from taking or carrying
22 therein any of the above mentioned articles.

23 No person shall at any time carry into any mine any
24 intoxicants or enter any mine while under the influence
25 of intoxicants.

Sec. 58. Fire Protection.—Suitable fire protection shall
2 be provided at surface installations of fans, shops, tipples
3 and preparation plants, substations, hoist rooms and com-
4 pressor stations.

5 Underground storage places for lubricating oil and
6 grease in excess of two days' supply shall be of fireproof
7 construction.

8 Lubricating oil and grease kept in face regions or other
9 underground working places in a mine shall be in port-
10 able, closed approved containers.

11 At underground shops and oil storage stations oil rags,
12 oily waste and waste paper shall be kept in closed metal
13 containers until removed for disposal.

14 Suitable underground fire protection shall be provided
15 at stationary substations and compressor stations, shops,
16 pumps, doors, transformer stations, battery charging sta-
17 tions, where oil and grease is stored, at conveyor loading
18 or discharge points and strategic points along rubber belt
19 lines, stables, and on active working sections.

20 Rock dust in quantities of five hundred pounds or more
21 shall be considered suitable for fire protection at the

22 above mentioned underground locations, except that a fire
23 extinguisher suitable for the hazards present shall be pro-
24 vided as an additional protection at underground shops,
25 permanent substations, compressor stations, battery
26 charging stations and transformer stations.

27 Mine openings, where there is danger of fire entering
28 the mine, shall have adequate protection against surface
29 fires or dangerous volumes of smoke entering the mine.

Sec. 62. No Mine to be Opened or Reopened without
2 **Prior Approval of Director of Department of Mines; Ap-**
3 **proval Fee.**—After the effective date of this section, no
4 mine shall be opened or reopened unless prior approval
5 has been obtained from the director of the department of
6 mines, which approval shall not be unreasonably with-
7 held. The operator shall pay for such approval a fee of
8 ten dollars, which payment shall be tendered with the
9 operator's application for such approval: *Provided, how-*
10 *ever,* That mines producing coal solely for the operator's
11 use shall be issued a permit without charge if coal pro-
12 duction will be less than fifty tons a year.

13 Within forty-five days after January first of each year
14 the operator of each mine holding a certificate evidencing
15 approval of the director to open a mine, shall apply for
16 the extension of such certificate of approval for an addi-
17 tional year. Such approval, evidenced by a certificate of
18 the director, shall be granted as a matter of right and
19 without charge if at the time such application is made
20 the operator is in compliance with the provisions of sec-
21 tion seventy-four of this article. Applications for ex-
22 tension of such certificates of approval not submitted
23 within the time required shall be processed as an appli-
24 cation to open or reopen a mine and shall be accompanied
25 by a fee of ten dollars.

26 Certificates of approval issued pursuant to this section
27 shall not be transferable.

28 The provisions of this section shall be printed on the
29 reverse side of every certificate issued hereunder.

Sec. 78. Penalties.—Any person who shall wilfully vio-
2 late sections two, seven, twelve, nineteen, twenty-two,
3 twenty-three, twenty-four, twenty-seven, twenty-nine,
4 thirty-three, fifty-seven, fifty-eight, sixty, sixty-two, sev-

5 enty, seventy-one, seventy-four, seventy-five or seventy-
6 seven of this article shall be fined not less than ten nor
7 more than five hundred dollars.

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

O Ray Parker
Chairman Senate Committee

Philip L. Randall
Chairman House Committee

Originated in the House.

Takes effect July 1, 1963 passage.

Howard Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Julius W. Singleton Jr.
Speaker House of Delegates

The within approved this the 14th
day of March, 1963.

Tom Bann
Governor

