WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1972

ENROLLED

HOUSE BILL No. 808

(By Mr. Speaker, Mr. McManus
and Mr. Christie)

PASSED March 11, 1972

In Effect from Passage

Filed in the office
John D. Rockefeller, IV
Secretary of State
This date 3-29-72
AN ACT to amend and reenact section one, article one, chapter twenty-two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to definitions used in the mine safety law; mine electricians and mechanics with prior experience exempt from examination.

Be it enacted by the Legislature of West Virginia:

That section one, article one, 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.

§22-1-1. Definitions.

1 Unless the context in which used clearly requires a different meaning, the following definitions shall apply to articles one and two of this chapter:

4 Mine: The term “mine” includes the shafts, slopes, drifts or inclines connected with excavations penetrating coal seams or strata, which excavations are ventilated by one general air current or divisions thereof, and connected by one general system of mine haulage over which coal may be delivered to one or more points outside the mine, and the surface structures or equipment connected therewith which contribute directly or indirectly to the mining, preparation or handling of coal.
Agent: The term “agent” means any person charged with responsibility for the operation of all or a part of a mine or the supervision of the miners in a mine.

Imminent danger: The term “imminent danger” means the existence of any condition or practice in a coal mine which could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated.

Department: The term “department” shall mean the state department of mines provided for in section two of this article.

Director of the department of mines: The term “director of the department of mines” shall mean the director of the department of mines provided for in section three of this article, and is synonymous with the term “chief of the department of mines.”

Mine inspector: The term “mine inspector” shall mean a state mine inspector provided for in section seven of this article.

Mine inspectors’ examining board: The term “mine inspectors’ examining board” shall mean the mine inspectors’ examining board provided for in section twelve of this article.

Operator: The term “operator” shall mean any firm, corporation, partnership, or individual operating any coal mine or part thereof.

Person: The term “person” shall mean any individual, partnership, association, corporation, firm, subsidiary of a corporation, or other organization.

Miner: The term “miner” shall mean any individual working in a coal mine.

Work of preparing the coal: The term “work of preparing the coal” shall mean the breaking, crushing, sizing, cleaning, washing, drying, mixing, storing and loading of bituminous coal or lignite, and such other work of preparing such coal as is usually done by the operator of the coal mine.

Accident: The term “accident” shall mean any mine explosion, mine ignition, mine fire, or mine inundation, or injury to, or death of any person.
Abandoned workings: The term “abandoned workings” shall mean excavation, either caved or sealed, that is deserted and in which further mining is not intended, or open workings which are ventilated and not inspected regularly.

Excavations and workings: The term “excavations and workings” shall mean any or all parts of a mine excavated or being excavated, including shafts, slopes, drifts, tunnels, entries, rooms and working places, whether abandoned or in use.

Shaft: The term “shaft” shall mean a vertical opening through the strata that is or may be used for the purpose of ventilation, drainage, and the hoisting and transportation of men and material, in connection with the mining of coal.

Slope: The term “slope” shall mean a plane or incline roadway, usually driven to a coal seam from the surface and used for the same purposes as a shaft.

Drift: The term “drift” shall mean a horizontal or approximately horizontal opening through the strata or in a coal seam and used for the same purposes as a shaft.

Panel: The term “panel” shall mean workings that are or have been developed off of submain entries which do not exceed three thousand feet in length.

Active workings: The term “active workings” shall mean all places in a mine that are ventilated and inspected regularly.

Inactive workings: The term “inactive workings” shall include all portions of a mine in which operations have been suspended for an indefinite period, but have not been abandoned.

Superintendent: The term “superintendent” shall mean the person who shall have, on behalf of the operator, immediate supervision of one or more mines.

Mine foreman: The term “mine foreman” shall mean the certified person whom the operator or superintendent shall place in charge of the inside workings of the mine and of the persons employed therein.

Supervisor: The term “supervisor” shall mean a superintendent, mine foreman, assistant mine foreman, or
any person specifically designated by the superintendent or mine foreman to supervise work or employees and who is acting pursuant to such specific designation and instructions.

Assistant mine foreman: The term “assistant mine foreman” shall mean a certified person designated to assist the mine foreman in the supervision of a portion or the whole of a mine or of the persons employed therein.

Shot firer: The term “shot firer” shall mean any person having had at least two years of practical experience in coal mines, who has a knowledge of ventilation, mine roof and timbering, and who has demonstrated his knowledge of mine gases, the use of a flame safety lamp, and other approved detecting devices by examination and certification given him by the department of mines.

Qualified person: The term “qualified person” shall mean a person who has completed an examination and is considered qualified on record by the department of mines.

Interested persons: The term “interested persons” shall include the operator, members of any mine safety committee at the mine affected and other duly authorized representative of the mine workers and department of mines.

Return air: The term “return air” shall mean a volume of air that has passed through and ventilated all the working places in a mine section.

Mechanical working section: The term “mechanical working section” shall mean an area of a mine (1) in which coal is loaded mechanically, (2) which is comprised of a number of working places that are generally contiguous, and (3) which is of such size to permit necessary supervision during shift operation, including preshift and on-shift examinations and tests required by law.

Working section: The term “working section” shall mean all areas of the coal mine from the loading point of the section to and including the working faces.

Working face: The term “working face” shall mean any place in a coal mine in which work of extracting coal
136 from its natural deposit in the earth is performed during
137 the mining cycle.
138 Working place: The term “working place” shall mean
139 the area of a coal mine inby the last open crosscut.
140 Working unit: The term “working unit” shall mean
141 an area of a mine in which coal is mined with a set of
142 production equipment; a conventional mining unit by a
143 single loading machine; a continuous mining unit by a
144 single continuous mining machine, which is comprised of
145 a number of working places.
146 Face equipment: The term “face equipment” shall
147 mean mobile or portable mining machinery having elec-
148 tric motors or accessory equipment normally installed
149 or operated inby the last open crosscut in an entry
150 or room.
151 Approved: The term “approved” shall mean in strict
152 compliance with mining law, or, in the absence of law,
153 accepted by a recognized standardizing body or organ-
154 ization whose approval is generally recognized as au-
155 thoritative on the subject.
156 Permissible: The term “permissible” shall mean any
157 equipment, device, or explosive that has been approved
158 as permissible by the United States bureau of mines and
159 meets all requirements, restrictions, exceptions, limita-
160 tions and conditions attached to such classification by the
161 bureau.
162 Certified electrician: The term “certified electrician”
163 shall mean any person who is qualified as a mine elec-
164 trician and who has passed an examination given by the
165 department of mines, or in lieu of such examination, had
166 no less than three years experience as a mine electrician
167 prior to the first day of July, one thousand nine hundred
168 seventy-one, if verified by employment records.
169 Certified mechanic: The term “certified mechanic”
170 shall mean any person who is qualified as a mine me-
171 chanic and who has passed an examination given by the
172 department of mines, or in lieu of such examination,
173 had no less than three years’ experience as a mine me-
174 chanic prior to the first day of July, one thousand nine
175 hundred seventy-one, if verified by employment records.
Armored cable: The term “armored cable” shall mean a cable provided with a wrapping of metal, usually steel wires or tapes, primarily for the purpose of mechanical protection.

Borehole cable: The term “borehole cable” shall mean a cable designed for vertical suspension in a borehole or shaft and used for power circuits in the mine.

Cable: The term “cable” shall mean a stranded conductor (single conductor cable) or a combination of conductors insulated from one another (multiple conductor cable).

Flame-resistant cable, portable: The term “flame-resistant cable, portable” shall mean a portable flame-resistant cable that has passed the flame tests of the federal bureau of mines.

Portable (trailing) cable: The term “portable (trailing) cable” shall mean a flexible cable or cord used for connecting mobile, portable or stationary equipment in mines to a trolley system or other external source of electric energy where permanent mine wiring is prohibited or is impracticable.

Branch circuit: The term “branch circuit” shall mean any circuit, alternating current or direct current, connected to and leading from the main power lines.

Circuit breaker: The term “circuit breaker” shall mean a device for interrupting a circuit between separable contacts under normal or abnormal conditions.

High voltage: The term “high voltage” shall mean voltages of more than one thousand volts.

Medium voltage: The term “medium voltage” shall mean voltages from six hundred sixty-one to one thousand volts.

Low voltage: The term “low voltage” shall mean up to and including six hundred sixty volts.

Lightning arrestor: The term “lightning arrestor” shall mean a protective device for limiting surge voltage on equipment by discharging or by passing surge current; it prevents continued flow of follow current to ground and is capable of repeating these functions as specified.
Mine power center or distribution center: The term "mine power center or distribution center" shall mean a combined transformer or distribution unit, complete within a metal enclosure from which one or more low-voltage power circuits are taken.

Delta connected: The term "delta connected" shall mean a power system in which the windings or transformers or a.c. generators are connected to form a triangular phase relationship, and with phase conductors connected to each point of the triangle.

Wye-connected: The term "wye-connected" shall mean a power system connection in which one end of each phase windings or transformers or a.c. generators are connected together to form a neutral point, and a neutral conductor may or may not be connected to the neutral point, and the neutral point may or may not be grounded.

Zig-zag transformer (grounding transformer): The term "zig-zag transformer (grounding transformer)" shall mean a transformer intended primarily to provide a neutral point for grounding purposes.

Neutral point: The term "neutral point" shall mean the connection point of transformer or generator windings from which the voltage to ground is nominally zero, and is the point generally used for system groundings in wye-connected a.c. power system.

Neutral (derived): The term "neutral (derived)" shall mean a neutral point or connection established by the addition of a "zig-zag" or grounding transformer to a normally ungrounded power system.

Effectively grounded: The term "effectively grounded" is an expression which means grounded through a grounding connection of sufficiently low impedance (inherent or intentionally added or both) so that fault grounds which may occur cannot build up voltages in excess of limits established for apparatus, circuits, or systems so grounded.

Grounded (earthed): The term "grounded (earthed)" shall mean that the system, circuit, or apparatus referred to is provided with a ground.
Ground or grounding conductor (mining): The term "ground or grounding conductor (mining)," also referred to as a safety ground conductor, safety ground, and frame ground, shall mean a metallic conductor used to connect the metal frame or enclosure of any equipment, device or wiring system with a mine track or other effective grounding medium.

Board of appeals: The term "board of appeals" shall mean as provided for in section thirty-one of this article.

Certified person: The term "certified person," when used to designate the kind of person to whom the performance of a duty in connection with the operation of a mine shall be assigned, shall mean a person who is qualified under the provisions of this law to perform such duty.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within bill was approved this the 27th day of March, 1972.

Governor
PRESENTED TO THE
GOVERNOR

Date  3/20/72
Time  10:17 a.m.