
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1092 Session of
2006

INTRODUCED BY KASUNIC, MUSTO, STOUT, FONTANA, PIPPY, RHOADES,
O'PAKE, LAVALLE, LOGAN, STACK, BOSCOLA, FERLO, TARTAGLIONE,
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FEBRUARY 6, 2006

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, FEBRUARY 6, 2006

AN ACT

1 Amending the act of July 17, 1961 (P.L.659, No.339), entitled
2 "An act relating to bituminous coal mines; amending,
3 revising, consolidating and changing the laws relating
4 thereto; providing for the health and safety of persons
5 employed in and about the bituminous coal mines of
6 Pennsylvania and for the protection and preservation of
7 property connected therewith; prescribing powers and duties
8 in connection therewith; prescribing penalties; and repealing
9 existing laws," defining "mine safety reserve"; providing for
10 additional emergency equipment; and further providing for
11 explosion or accident, investigation by department and
12 inquests and for criminal penalties.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Section 103 of the act of July 17, 1961 (P.L.659,
16 No.339), known as the Pennsylvania Bituminous Coal Mine Act, is
17 amended by adding a definition to read:

18 Section 103. Definitions.--Subject to additional definitions
19 contained in the subsequent articles, or sections hereof, and
20 unless the context otherwise requires in this act, the following
21 words and terms shall have these meanings:

1 * * *

2 (31) "Mine safety reserve" or "reserve"--A reserve of
3 supplies which is intended to assist mine workers during a mine
4 emergency.

5 Section 2. The act is amended by adding a section to read:

6 Section 288.1. Additional emergency Equipment.--

7 (a) (1) It shall be the duty of the operator or
8 superintendent to establish, periodically inspect and maintain
9 mine safety reserves containing additional emergency equipment
10 throughout the mine in accordance with regulations established
11 by the secretary. Inspection and maintenance of the reserves
12 shall include inspection and maintenance of the additional
13 emergency equipment contained therein.

14 (2) Emergency equipment contained in mine safety reserves
15 shall include, but not be limited to, additional self-contained
16 breathing apparatus in a quantity to be established in
17 regulation by the secretary; Provided, That such quantity shall
18 not exceed the maximum set by Federal regulation. Self-contained
19 breathing apparatus shall provide at a minimum one hour of safe
20 breathable air.

21 (3) Lifeline cords or similar devices, with reflective
22 material at twenty-five-foot intervals to indicate the location
23 of the reserves, shall be affixed to each reserve from the last
24 open crosscut to the surface.

25 (4) Safe battery-powered strobe lighting, appropriate
26 signage and any other requirement established in regulation by
27 the secretary shall be utilized to indicate the location of the
28 reserve.

29 (b) (1) It shall be the duty of the operator or
30 superintendent to provide all personnel that enter a mine with a

1 wireless tracking device that complies with regulations
2 established by the secretary, and shall train and periodically
3 retrain all personnel on the operation of a wireless tracking
4 device.

5 (2) A wireless tracking device shall be capable of providing
6 real-time monitoring of the location of each person in the mine
7 in the event of a mine emergency; Provided, That no operator or
8 supervisor shall discharge, discipline or discriminate against
9 any miner based on information gathered by a wireless tracking
10 device during nonemergency periods.

11 (3) It shall be the duty of the operator or superintendent
12 to provide for the installation in or in the vicinity of the
13 mine of all equipment necessary to provide real-time emergency
14 monitoring of the location of each person in the mine and to
15 periodically inspect and maintain such equipment.

16 (c) The secretary may establish regulations requiring the
17 implementation of additional or alternative mine emergency
18 equipment utilizing improved technology.

19 Section 3. Sections 401(a) and 703 of the act are amended to
20 read:

21 Section 401. Explosion or Accident; Investigation by
22 Department; Inquests.--(a) (1) Whenever a serious or a fatal
23 accident occurs in or about any bituminous coal mine, or
24 whenever an explosion, fire or other serious accident of an
25 unusual nature occurs, whether fatal or not, it shall be the
26 duty of the operator, superintendent or mine foreman in charge
27 of such mine [to give notice thereof forthwith, by telephone or
28 telegraph,] to immediately notify the mine inspector in the
29 district[.] and the department within fifteen minutes of
30 receiving knowledge of the occurrence of the explosion, fire or

1 accident by any means authorized in regulations established by
2 the secretary.

3 (2) The mine safety committee of the employes of such mine
4 shall also be notified[.] immediately following notification of
5 the mine inspector and the department.

6 (3) The secretary shall impose a civil penalty of up to one
7 hundred thousand dollars (\$100,000) on the operator if it is
8 determined that the operator or mine foremen in charge of the
9 mine failed to give immediate notice to the mine inspector and
10 the department as required under this subsection; Provided, That
11 the secretary may waive the imposition of the civil penalty at
12 any time if the secretary determines that the failure to give
13 immediate notice was caused by circumstances wholly outside the
14 control of the operator.

15 (4) No provision contained in this subsection shall be
16 construed to relieve the operator from any reporting or
17 notification requirement under Federal law.

18 (5) The secretary shall establish regulations to implement
19 this subsection.

20 * * *

21 Section 703. Criminal Penalties.--(a) Any person who shall
22 intentionally or carelessly disobey any order given in carrying
23 out the provisions of this act, or do any other act whatsoever,
24 whereby the lives or the health of the persons employed, or the
25 security of the mine or the machinery, are endangered, or who
26 neglects or refuses to perform the duties required of him by
27 this act, or who makes any false statement in any report,
28 required by this act, or who is responsible for failure to
29 comply with any decision made in accordance with this act, or
30 who violates any of the provisions or requirements thereof,

1 excluding the conduct described in subsections (b) and (c),
2 shall be deemed guilty of a misdemeanor, and shall, upon
3 conviction thereof in the court of [quarter sessions] common
4 pleas of the county in which the misdemeanor was committed,
5 unless otherwise specified hereinbefore, be punished by a fine
6 not exceeding two hundred dollars (\$200), or imprisonment in the
7 county jail for a period not exceeding three months, or both, at
8 the discretion of the court.

9 (b) Any person who without the authorization of the operator
10 or superintendent knowingly removes or attempts to remove any
11 mine emergency equipment required by section 228.1 from the mine
12 or mine location with the intent to permanently deprive the
13 operator or superintendent of the device, or who knowingly
14 tampers with or attempts to tamper with such device, shall be
15 deemed guilty of a felony of the third degree and shall upon
16 conviction thereof be imprisoned for a period of not less than
17 three years nor more than seven years, or fined an amount not
18 less than seven thousand five hundred dollars (\$7,500) nor more
19 than fifteen thousand dollars (\$15,000), or both.

20 (c) Any person who fails to inspect and maintain or who
21 fails to provide for the inspection and maintenance of, mine
22 emergency equipment required by section 288.1 in accordance with
23 regulations established by the secretary, shall be deemed guilty
24 of a misdemeanor of the first degree and shall upon conviction,
25 be imprisoned for a period of not less than two years nor more
26 than five years, or fined an amount not less than two thousand
27 five hundred dollars (\$2,500) nor more than ten thousand dollars
28 (\$10,000), or both.

29 Section 4. This act shall take effect in 60 days.