

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1092 Session of  
2006

INTRODUCED BY KASUNIC, MUSTO, STOUT, FONTANA, PIPPY, RHOADES,  
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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.