



Rep. Jerry Costello, II

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10100HB2788ham001

LRB101 09543 RAB 58445 a

1 AMENDMENT TO HOUSE BILL 2788

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2788 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Coal Mining Act is amended by changing  
5 Sections 4.01, 4.07, 4.17, 4.20, 4.30, 4.34, 4.36, 5.01, 5.03,  
6 5.04, 5.09, 5.11, 5.13, 5.14, 5.15, 5.16, 5.17, 5.18, 5.20,  
7 5.21, 5.22, 5.23, 5.26, 6.01, 6.04, 6.05, 6.06, 6.07, 6.08,  
8 6.09, 6.10, 6.11, 6.12, 6.14, 7.02, 7.04, 7.05, 7.12, 7.14,  
9 7.17, 8.09, 8.11, 8.19, 8.21, 9.02, 10.04, 11.05, 13.04, 16.10,  
10 20.22, 22.12, 22.16, 25.04, 32.03, 35.02, and 39.1 as follows:

11 (225 ILCS 705/4.01) (from Ch. 96 1/2, par. 401)

12 Sec. 4.01. Each applicant for a certificate of competency  
13 as State Mine Inspector shall produce evidence satisfactory to  
14 the Mining Board that the applicant is ~~he is~~ a citizen of this  
15 State, at least thirty years of age; that the applicant ~~he~~ has  
16 had a practical mining experience of ten years, of which at

1 least two years shall have been in the State of Illinois, and  
2 that the applicant is a person ~~he is a man~~ of good repute and  
3 temperate habits; and that the applicant ~~he~~ has a first class  
4 mine manager's certificate. The applicant ~~He~~ shall pass an  
5 examination as to his or her practical and technological  
6 knowledge of mine appliances; of the proper development and  
7 operation of coal mines; of ventilation in mines; of the nature  
8 and properties of mine gases; of first aid to the injured and  
9 of mine rescue methods and appliances, as prescribed by the  
10 Department of Natural Resources; of the geology of coal  
11 measures in this State; and of the laws of this State relating  
12 to coal mines.

13 (Source: P.A. 89-445, eff. 2-7-96.)

14 (225 ILCS 705/4.07) (from Ch. 96 1/2, par. 407)

15 Sec. 4.07. Every State Mine Inspector in his or her regular  
16 examination of mines shall measure with an anemometer the  
17 amount of air passing in the last crosscut in each pair of  
18 entries. A State Mine Inspector ~~He~~ shall also investigate the  
19 condition of ventilation in all working places to see that  
20 ventilation is adequate, and in longwall mines the last face of  
21 each division. A State Mine Inspector ~~He~~ shall measure with an  
22 anemometer the amount of air passing at the inlet and outlet of  
23 the mines. A State Mine Inspector ~~He~~ shall compare all such air  
24 measurements with the last report of the mine examiner and the  
25 mine manager, in the mine examination book of the mine. A State

1 Mine Inspector ~~He~~ must verify that the legal code of signals  
2 between the engineer and the top person ~~man~~ and the bottom  
3 person ~~man~~ has been established and is conspicuously posted for  
4 the information of all employees.

5 (Source: Laws 1955, p. 2012.)

6 (225 ILCS 705/4.17) (from Ch. 96 1/2, par. 417)

7 Sec. 4.17. Each State Mine Inspector shall, within 60 days  
8 after December 31 of each year, prepare and forward to the  
9 Mining Board a formal report of the State Mine Inspector's ~~his~~  
10 acts during the year in the discharge of the State Mine  
11 Inspector's ~~his~~ duties, with any recommendations as to  
12 legislation the State Mine Inspector ~~he~~ may deem necessary on  
13 the subject of mining. Each State Mine Inspector ~~He~~ shall  
14 collect and tabulate, upon blanks furnished by the Mining  
15 Board, all desired statistics of mines and miners within the  
16 State Mine Inspector's ~~his~~ district, to accompany his or her  
17 annual report.

18 (Source: Laws 1953, p. 701.)

19 (225 ILCS 705/4.20) (from Ch. 96 1/2, par. 420)

20 Sec. 4.20. No State Mine Inspector shall solicit or accept  
21 any political campaign contribution or gratuity of any kind or  
22 character, ~~7~~ from any mine operator or the mine operator's ~~his~~  
23 agent; from any coal sales company, or their agents or  
24 representatives; or from any miner, local union or union

1 official. In the event a State Mine Inspector ~~he~~ does so  
2 solicit or accept any such contribution or gratuity from any  
3 person, he or she is guilty of an act tending to the unlawful  
4 injury of miners, and is guilty of malfeasance, and in that  
5 event, the Mining Board shall declare the position of the State  
6 Mine Inspector vacant.

7 (Source: Laws 1953, p. 701.)

8 (225 ILCS 705/4.30) (from Ch. 96 1/2, par. 430)

9 Sec. 4.30. If any State Mine Inspector finds that any  
10 provision of this Act is being violated, that State Mine  
11 Inspector ~~he~~ shall file a sworn complaint before the circuit  
12 court, stating the facts within the State Mine Inspector's ~~his~~  
13 knowledge in such case and asking that the person charged with  
14 such violation be bound over to the next grand jury for the  
15 county. The State's Attorney for the county in which such  
16 violation occurs shall prosecute such complaint, as provided by  
17 law in other State cases.

18 (Source: P.A. 79-1358.)

19 (225 ILCS 705/4.34) (from Ch. 96 1/2, par. 434)

20 Sec. 4.34. Upon final conviction for nonfeasance in office  
21 under the provisions of this Act of any State Mine Inspector,  
22 the State Mine Inspector's ~~his~~ certificate of qualification or  
23 of competency, as the case may be, shall be thereby invalidated  
24 and that State Mine Inspector ~~he~~ shall become disqualified from

1 holding such office, and such person shall not be entitled to  
2 receive another certificate of qualification or of competency,  
3 as the case may be, within 3 months from the date of such final  
4 conviction.

5 (Source: Laws 1967, p. 2076.)

6 (225 ILCS 705/4.36) (from Ch. 96 1/2, par. 436)

7 Sec. 4.36. On each visit to a mine, the State Mine  
8 Inspector shall notify a representative of the miners that the  
9 State Mine Inspector ~~he~~ is there to make an inspection. The  
10 miners' representative may elect to accompany the State Mine  
11 Inspector during the ~~his~~ inspection and shall suffer no loss of  
12 pay. Following each inspection, the State Mine Inspector shall  
13 meet with the management of the mine and the representative of  
14 the miners to discuss his or her findings, recommendations and  
15 general safety conditions of the mine. The State Mine  
16 Inspector's ~~His~~ findings and recommendations, together with  
17 the time allowed to comply, shall be posted in a conspicuous  
18 place following each inspection. For the purposes of this  
19 Section, where 2 or more State Mine Inspectors travel together,  
20 only one representative of the miners who accompanies the State  
21 Mine Inspectors shall suffer no loss of pay.

22 (Source: P.A. 83-1234.)

23 (225 ILCS 705/5.01) (from Ch. 96 1/2, par. 501)

24 Sec. 5.01. Each applicant for a certificate of competency

1 as mine manager shall produce evidence satisfactory of the  
2 Mining Board that the applicant ~~he~~ is a citizen of the United  
3 States, at least 23 years of age; that the applicant ~~he~~ has had  
4 at least 4 years' practical underground mining experience; has  
5 been issued a Certificate of Competency as Mine Examiner, or  
6 its equivalent issued by another state; and that the applicant  
7 ~~he~~ has satisfactorily completed a course of instruction in  
8 first aid to the injured and mine rescue methods and appliances  
9 prescribed by the Department; and that the applicant is a  
10 person ~~he is a man~~ of good repute and temperate habits. The  
11 applicant ~~He~~ shall also pass such examination as to the  
12 applicant's ~~his~~ experience in mines and in the management of  
13 people ~~men~~; the applicant's ~~his~~ knowledge of mine machinery and  
14 appliances; the use of surveying and other instruments used in  
15 mining; the properties of mine gases; the principles of  
16 ventilation; and the legal duties and responsibilities of mine  
17 managers, as shall be prescribed by the rules of the Mining  
18 Board.

19 Persons who have graduated and hold a degree in engineering  
20 or an approved 4-year program in coal mining technology from an  
21 accredited school, college or university are required to have  
22 only 2 years' practical underground mining experience to  
23 qualify for the examination for a Certificate of Competency.

24 Persons who have graduated and hold a two-year Associate in  
25 Applied Science Degree in Coal Mining Technology from an  
26 accredited school, college, or university are required to have

1 only 3 years' practical underground mining experience to  
2 qualify for the examination for a Certificate of Competency.

3 (Source: P.A. 79-876.)

4 (225 ILCS 705/5.03) (from Ch. 96 1/2, par. 503)

5 Sec. 5.03. It shall be unlawful for any operator to operate  
6 an underground coal mine without the services of a mine  
7 manager. Further, it is unlawful for the operator of any coal  
8 mine to have in his or her service as mine manager at his or her  
9 mine, any person who does not hold a certificate of competency  
10 issued by the Mining Board of this State; Provided, that  
11 whenever any exigency arises by which it is impossible for any  
12 operator to secure the immediate services of a certificated  
13 mine manager, the operator ~~he~~ may place any trustworthy and  
14 experienced person ~~man~~ of the mine inspection district in  
15 charge of his or her mine to act as temporary mine manager for  
16 a period not exceeding 7 days, and with the approval of the  
17 State mine inspector of the district, for a further period not  
18 exceeding 23 days.

19 (Source: Laws 1955, p. 2012.)

20 (225 ILCS 705/5.04) (from Ch. 96 1/2, par. 504)

21 Sec. 5.04. The certificate of any mine manager may be  
22 cancelled and revoked by the Mining Board upon notice and  
23 hearing as provided by this Act, if it shall be established in  
24 the judgment of said Mining Board that the holder thereof has

1 obtained said certificate by fraud or misrepresentation of the  
2 mine manager's ~~his~~ experience or has become unworthy to hold  
3 said certificate by reason of violation of the law, intemperate  
4 habits, incapacity, abuse of authority or for any other cause.  
5 Any person against whom charges or complaints are made  
6 hereunder shall have the right to appear before the Mining  
7 Board and defend himself or herself against said charges, and  
8 the mine manager ~~he~~ shall have 15 days' notice in writing of  
9 such charges previous to such hearing. The Mining Board, in its  
10 discretion, may suspend the certificate of any person charged  
11 as aforesaid, pending such hearing, but said hearing shall not  
12 be unreasonably deferred.

13 (Source: Laws 1953, p. 701.)

14 (225 ILCS 705/5.09) (from Ch. 96 1/2, par. 509)

15 Sec. 5.09. In all mines:

16 1. When the mine is to be operated, the mine manager ~~he~~  
17 shall have the prescribed working places of such mine  
18 examined by a certified mine examiner within 3 hours before  
19 the workers of any shift, other than the examiner or the  
20 examiners designated by the mine manager to make the  
21 examination, enter the underground areas of such mine. Have  
22 the mine examiner inspect every active working place in the  
23 mine and make tests therein with a multi-gas detector for  
24 accumulation of methane and oxygen deficiency in the air  
25 therein; examine intake seals used to ventilate a working



1 section and doors to determine whether they are functioning  
2 properly; inspect and test the roof, face and rib  
3 conditions in the working areas and on active roadways and  
4 travelways; inspect active roadways, travelways,  
5 approaches to abandoned workings and accessible falls in  
6 active sections for explosive gas and other hazards; and  
7 inspect to determine whether the air in each split is  
8 traveling in its proper course and in normal volume.

9 2. On non-coal-producing ~~non-coal-producing~~ shifts, if  
10 the mine has a minimum of 120 psi seals, the mine manager  
11 ~~he~~ shall have the mine examined by a certified mine  
12 examiner in any area where any person is scheduled to work  
13 or travel underground. If the mine has less than 120 psi  
14 seals, the mine manager ~~he~~ shall have the mine examined by  
15 a certified mine examiner in its entirety the same as for a  
16 coal producing shift, except where persons are to work only  
17 in the shaft, slope, drift, or on the immediate shaft or  
18 slope bottom, then only that area immediately surrounding  
19 the bottom shall be examined. If the mine has a minimum of  
20 120 psi seals and the mine has not been examined in its  
21 entirety for 7 consecutive days, the mine manager ~~he~~ shall  
22 have a certified mine examiner conduct a full mine  
23 examination, including seals and escape ways, prior to  
24 anyone other than the mine examiner or mine examiners  
25 designated by the mine manager to make the examination  
26 enter the underground areas of such mine. If it is known

1 that the air downwind of a minimum 120 psi seals when  
2 tested at a point not less than 12 inches from the roof,  
3 face, or rib contains more than 1.0% of methane as  
4 determined by permissible methane detector, air analysis,  
5 or other recognized means of accurately detecting such gas,  
6 the mine manager ~~he~~ shall have the mine examined in its  
7 entirety the same as for a coal-producing ~~coal-producing~~  
8 shift, except where persons are to work only in the shaft,  
9 slope, or drift or on the immediate shaft or slope bottom,  
10 then only that area immediately surrounding the bottom  
11 shall be examined.

12 3. The mine manager ~~He~~ shall see that no person, other  
13 than competent personnel, enters any underground area in a  
14 mine, except during a coal-producing shift, unless an  
15 examination of such area has been made by a mine examiner  
16 within 12 hours immediately preceding the mine manager's  
17 ~~his~~ entrance into such area.

18 4. If the mine has constructed a minimum of 120 psi  
19 seals, the mine manager ~~he~~ shall have a certified mine  
20 examiner conduct weekly examinations at each seal along  
21 return and bleeder air courses and at each seal along  
22 intake air courses where intake air passing by the seal is  
23 not used to ventilate a working section. If the mine has  
24 constructed less than 120 psi seals, the mine manager ~~he~~  
25 shall have a certified mine examiner conduct a daily  
26 examination of each seal along return and bleeder air

1 courses. If it is known that the air downwind of a minimum  
2 120 psi seals when tested at a point not less than 12  
3 inches from the roof, face, or rib contains more than 1.0%  
4 of methane as determined by permissible methane detector,  
5 air analysis, or other recognized means of accurately  
6 detecting such gas, the mine manager ~~he~~ shall have each  
7 seal along return and bleeder air courses and at each seal  
8 along intake air courses where intake air passing by the  
9 seal not used to ventilate a working section to be examined  
10 by a certified mine examiner before the workers of any  
11 shift, other than the examiner or the examiners designated  
12 by the mine manager to make the examination, enter the  
13 underground areas of such mine.

14 5. The mine manager ~~He~~ shall have a certified mine  
15 examiner conduct weekly examinations of escape ways  
16 required by Sections 19.11 and 19.13.

17 (Source: P.A. 99-538, eff. 1-1-17.)

18 (225 ILCS 705/5.11) (from Ch. 96 1/2, par. 511)

19 Sec. 5.11. To see that a mine examiner makes the  
20 examinations provided in Articles 5, 6, and 31 of this Act and  
21 that the mine examiner ~~he~~ enters his or her report either by  
22 calling the results of the examination to a recorder on the  
23 surface or by personally recording the report. The recorder or  
24 mine examiner shall record the report in a book or computer  
25 system that is provided by the operator for that purpose, and

1 the book or computer system shall be secure and not susceptible  
2 to alteration.

3 (Source: P.A. 99-538, eff. 1-1-17.)

4 (225 ILCS 705/5.13) (from Ch. 96 1/2, par. 513)

5 Sec. 5.13. The mine manager ~~He~~ shall provide a sufficient  
6 number of props, caps, and timbers, when needed, delivered on  
7 the miners' cars at the usual place, in suitable lengths and  
8 dimensions for the securing of the roof by the miners. When  
9 cross bars are set by the miners they shall be furnished in the  
10 required lengths.

11 (Source: Laws 1953, p. 701.)

12 (225 ILCS 705/5.14) (from Ch. 96 1/2, par. 514)

13 Sec. 5.14. The mine manager ~~He~~ shall see that cross-cuts  
14 are made at proper distances apart; that necessary doors,  
15 curtains, and brattices are provided to furnish the people ~~men~~  
16 in the mine the volume of air required by this Act or by the  
17 written demand of the State Mine Inspector ~~mine inspector~~; and  
18 that all stoppings along airways are properly built.

19 (Source: Laws 1953, p. 701.)

20 (225 ILCS 705/5.15) (from Ch. 96 1/2, par. 515)

21 Sec. 5.15. The mine manager ~~He~~ shall take daily barometer  
22 readings and record the readings when people ~~men~~ are in the  
23 mine, and keep a careful watch over all ventilating apparatus

1 and the air currents in the mine. When the ventilating fan at  
2 any mine fails or stops, the mine manager ~~he~~ shall take  
3 immediate action to cut off the electric power and withdraw the  
4 workers from the face regions of the mine. In gassy mines, if  
5 the ventilation is restored within a reasonable time, the face  
6 regions and other places where methane is likely to accumulate  
7 shall be re-examined by competent personnel, and if such places  
8 are found to be free from explosive gas the power may be  
9 restored and work resumed. If the ventilation is not restored  
10 within a reasonable time all underground employees shall be  
11 removed from the mine. In non-gassy mines, if the ventilation  
12 is restored within a reasonable time, the power may be turned  
13 on and the work resumed without the necessity of  
14 re-examination.

15 (Source: P.A. 81-992.)

16 (225 ILCS 705/5.16) (from Ch. 96 1/2, par. 516)

17 Sec. 5.16. The mine manager ~~He~~ shall measure the air  
18 current or cause the same to be measured at least once each  
19 week at the inlet and outlet, also at the last open cross-cut  
20 in each division or split, and shall keep a record of such  
21 measurements for the information of the State mine inspector.

22 (Source: Laws 1953, p. 701.)

23 (225 ILCS 705/5.17) (from Ch. 96 1/2, par. 517)

24 Sec. 5.17. The mine manager ~~He~~ or his or her assistant

1 shall, at least once a week, examine the escapement shaft and  
2 the roadways leading thereto and all other openings for the  
3 safe exit of people ~~men~~ to the surface; and shall make a record  
4 of any obstructions or other unsafe conditions existing  
5 therein, and cause the same to be promptly removed.

6 (Source: Laws 1953, p. 701.)

7 (225 ILCS 705/5.18) (from Ch. 96 1/2, par. 518)

8 Sec. 5.18. The mine manager ~~He~~ shall examine or designate a  
9 competent person to examine the hoisting ropes, cages, and  
10 safety catches every morning and shall require the ropes to be  
11 tested by hoisting the cages before people ~~men~~ are lowered.

12 (Source: Laws 1953, p. 701.)

13 (225 ILCS 705/5.20) (from Ch. 96 1/2, par. 520)

14 Sec. 5.20. The mine manager or ~~He or~~ his or her assistant  
15 shall be at his or her post at the mine when the people ~~men~~ are  
16 lowered into the mine in the morning for work, and shall remain  
17 at night until all the people ~~men~~ employed during the day shall  
18 have been hoisted up.

19 (Source: Laws 1953, p. 701.)

20 (225 ILCS 705/5.21) (from Ch. 96 1/2, par. 521)

21 Sec. 5.21. The mine manager ~~He~~ shall give special attention  
22 to and instructions concerning the proper storage and handling  
23 of permissible explosives in the mines.

1 (Source: Laws 1953, p. 701.)

2 (225 ILCS 705/5.22) (from Ch. 96 1/2, par. 522)

3 Sec. 5.22. Where coal is broken down "on shift"; and while  
4 people ~~men~~ are in the mine, with compressed air, or by some  
5 mechanical or chemical-mechanical device which does not emit  
6 spark or flame, mine manager ~~he~~ shall see that frequent  
7 examination for gas and other hazards is made by competent  
8 personnel.

9 (Source: Laws 1953, p. 701.)

10 (225 ILCS 705/5.23) (from Ch. 96 1/2, par. 523)

11 Sec. 5.23. The mine manager ~~He~~ shall require all  
12 excessively dusty haulage roads to be thoroughly sprayed,  
13 sprinkled, cleaned, or rockdusted at regular intervals when the  
14 health and safety of the people ~~men~~ in the mines are  
15 jeopardized.

16 (Source: Laws 1953, p. 701.)

17 (225 ILCS 705/5.26) (from Ch. 96 1/2, par. 526)

18 Sec. 5.26. In mines in which the works are so extensive  
19 that all the duties devolving upon the mine manager cannot be  
20 discharged by one person ~~man~~, competent persons may be  
21 designated and appointed as assistants to the mine manager, who  
22 shall exercise the mine manager's ~~his~~ functions under the mine  
23 manager's instructions.

1 (Source: Laws 1953, p. 701.)

2 (225 ILCS 705/6.01) (from Ch. 96 1/2, par. 601)

3 Sec. 6.01. Each applicant for a certificate of competency  
4 as mine examiner shall produce evidence satisfactory to the  
5 Mining Board that the applicant ~~he~~ is a citizen of the United  
6 States, at least 21 years of age and of good repute and  
7 temperate habits and that the applicant ~~he~~ has had at least 4  
8 years practical underground mining experience, and has been  
9 issued a First Class Certificate of Competency by the  
10 Department of Natural Resources. The applicant ~~He~~ shall pass an  
11 examination as to the applicant's ~~his~~ experience in mines  
12 generating dangerous gases, the applicant's ~~his~~ practical and  
13 technological knowledge of the nature and properties of mine  
14 gases, the laws of ventilation, the structures and use of  
15 multi-gas detectors, and the laws of this State relating to  
16 safeguards against fires from any source in mines. The  
17 applicant ~~he~~ shall also submit to the Mining Board satisfactory  
18 evidence that the applicant ~~he~~ has completed a course of  
19 training in first aid to the injured and mine rescue methods  
20 and appliances prescribed by the Department. Persons who have  
21 graduated and hold a degree in engineering or an approved  
22 4-year program in coal mining technology from an accredited  
23 school, college, or university, are required to have only 2  
24 years of practical underground mining experience to qualify for  
25 the examination for a certificate of competency.



1           Persons who have graduated and hold a two-year Associate in  
2 Applied Science Degree in Coal Mining Technology from an  
3 accredited school, college, or university are required to have  
4 only 3 years' practical underground mining experience to  
5 qualify for the examination for a Certificate of Competency as  
6 a Mine Examiner.

7           (Source: P.A. 99-538, eff. 1-1-17.)

8           (225 ILCS 705/6.04) (from Ch. 96 1/2, par. 604)

9           Sec. 6.04. In all mines:

10           1. When the mine is to be operated, the mine examiner  
11 ~~he~~ shall examine the prescribed working places of such mine  
12 within 3 hours before any workers in such shift, other than  
13 the examiner or the examiners designated by the mine  
14 manager to make the examination, enter the underground  
15 areas of the mine; examine. ~~Examine~~ every active working  
16 place in the mine and make tests therein with a multi-gas  
17 detector for accumulation of methane and oxygen deficiency  
18 in the air therein; examine intake seals used to ventilate  
19 a working section and doors to determine whether they are  
20 functioning properly; inspect and test the roof, face, and  
21 rib conditions in the working areas and on active roadways  
22 and travelways; inspect active roadways, travelways,  
23 approaches to abandoned workings, and accessible falls in  
24 active sections for explosive gas and other hazards; and  
25 inspect to determine whether the air in each split is

1 traveling in its proper course and in normal volume.

2 2. On non-coal-producing ~~non-coal-producing~~ shifts, if  
3 the mine has a constructed minimum of 120 psi seals, the  
4 mine examiner ~~he~~ shall examine the mine in any area where  
5 any person is scheduled to work or travel underground. If  
6 the mine has less constructed than 120 psi seals, the mine  
7 examiner ~~he~~ shall examine the mine in its entirety the same  
8 as for a coal-producing ~~coal-producing~~ shift, except where  
9 people ~~men~~ are to work only in the shaft, slope, or drift  
10 or on the immediate shaft bottom, then only that area  
11 immediately surrounding the bottom need be examined. If the  
12 mine has a minimum of 120 psi seals and the mine has not  
13 been examined in its entirety for 7 consecutive days, a  
14 full mine examine shall be conducted, including seals and  
15 escape ways, prior to anyone other than the examiner or the  
16 examiners designated by the mine manager to make the  
17 examination enter the underground areas of such mine. If it  
18 is known that the air downwind of a minimum 120 psi seals  
19 when tested at a point not less than 12 inches from the  
20 roof, face, or rib contains more than 1.0% of methane as  
21 determined by permissible methane detector, air analysis,  
22 or other recognized means of accurately detecting such gas,  
23 coal-producing the mine examiner ~~he~~ shall examine the mine  
24 in its entirety the same as for a coal-producing ~~coal~~  
25 ~~producing~~ shift, except where persons are to work only in  
26 the shaft, slope, or drift or on the immediate shaft or

1 slope bottom, then only that area immediately surrounding  
2 the bottom shall be examined.

3 3. If the mine has constructed a minimum of 120 psi  
4 seals, the mine examiner ~~he~~ shall conduct weekly  
5 examinations at each seal along return and bleeder air  
6 courses and at each seal along intake air courses where  
7 intake air passing by the seal is not used to ventilate a  
8 working section. If such mine has constructed less than 120  
9 psi seals, the mine examiner ~~he~~ shall conduct a daily  
10 examination of each seal along return and bleeder air  
11 courses. If it is known that the air downwind of a minimum  
12 120 psi seals when tested at a point not less than 12  
13 inches from the roof, face, or rib contains more than 1.0%  
14 of methane as determined by permissible methane detector,  
15 air analysis, or other recognized means of accurately  
16 detecting such gas, the mine examiner ~~he~~ shall examine each  
17 seal along return and bleeder air courses and at each seal  
18 along intake air courses where intake air passing by the  
19 seal not used to ventilate a working section before the  
20 workers of any shift may enter the underground areas of  
21 such mine.

22 4. Conduct weekly examinations of escape ways required  
23 by Sections 19.11 and 19.13.

24 (Source: P.A. 99-538, eff. 1-1-17.)

25 (225 ILCS 705/6.05) (from Ch. 96 1/2, par. 605)

1           Sec. 6.05. When in the performance of his or her duties,  
2 the mine examiner ~~he~~ shall carry with him or her a multi-gas  
3 detector in proper order and condition and a rod or bar for  
4 sounding the roof.

5           (Source: P.A. 99-538, eff. 1-1-17.)

6           (225 ILCS 705/6.06) (from Ch. 96 1/2, par. 606)

7           Sec. 6.06. The mine examiner ~~He~~ shall see that the air  
8 current is traveling in its proper course and in proper  
9 quantity; and measure with an anemometer the amount of air  
10 passing in the last cross-cut or break-through of each pair of  
11 entries, or in the last room of each division in long-wall  
12 mines, and at all other points where the mine examiner ~~he~~ may  
13 deem it necessary; and note the result of such measurements in  
14 the mine examiner's book kept for that purpose.

15           (Source: Laws 1953, p. 701.)

16           (225 ILCS 705/6.07) (from Ch. 96 1/2, par. 607)

17           Sec. 6.07. The mine examiner ~~He~~ shall inspect all places  
18 where people ~~men~~ are required in the performance of their  
19 duties to pass or to work, and observe whether there are any  
20 recent falls or dangerous roof or accumulations of gas or  
21 dangerous conditions in rooms or roadways; and examine  
22 especially all roadways leading to escapement shafts or other  
23 openings for the safe exit of people ~~men~~ to the surface, the  
24 edges and accessible parts of recent falls and old gobs and

1 air-courses.

2 (Source: Laws 1953, p. 701.)

3 (225 ILCS 705/6.08) (from Ch. 96 1/2, par. 608)

4 Sec. 6.08. As evidence of the mine examiner's ~~his~~  
5 examination of said doors, rooms, and roadways as provided for  
6 in this Article, the mine examiner ~~he~~ shall inscribe with chalk  
7 in some suitable place on the doors, the roof or walls of rooms  
8 and roadways, but not on the face of the coal, his or her  
9 initials and the date of the ~~his~~ examination.

10 (Source: Laws 1953, p. 701.)

11 (225 ILCS 705/6.09) (from Ch. 96 1/2, par. 609)

12 Sec. 6.09. When working places are discovered in which  
13 there are recent falls, dangerous roof, accumulation of gas or  
14 other dangerous conditions, the mine examiner ~~he~~ shall place,  
15 in all entrance ways to said working places where dangerous  
16 conditions exist, conspicuous marks or signs to "keep out". If  
17 the mine examiner finds ~~Should he find~~ that the provisions of  
18 Section 24.03, with reference to distance rock dusting is back  
19 from the face, are not complied with, the mine examiner ~~he~~  
20 shall record such condition, and the place, in his or her daily  
21 examination report.

22 (Source: Laws 1955, p. 2012.)

23 (225 ILCS 705/6.10) (from Ch. 96 1/2, par. 610)

1           Sec. 6.10. Upon completing his or her examination, the mine  
2 examiner ~~he~~ shall make a daily record either by calling out the  
3 results of the examination to a recorder on the surface or by  
4 personally recording the report. The recorder or mine examiner  
5 shall record the report in a book or computer system that is  
6 provided by the operator for that purpose, and the book or  
7 computer system shall be secure and not susceptible to  
8 alteration. The examination report is for the information of  
9 the company, the State Mine Inspector, and all other persons  
10 interested; and this report shall be recorded before the miners  
11 are permitted to enter the mine. If the examination report is  
12 called out by the mine examiner to a recorder, the recorder  
13 must place his or her signature, certificate number, and date  
14 in the book or computer system before the miners are permitted  
15 to enter the mine. If the examination report is called out, the  
16 mine examiner shall verify the report by the mine examiner's  
17 ~~his~~ signature, certificate number, and date by or at the end of  
18 his or her shift. If the mine examiner finds an omission or  
19 error in the report, the report shall be corrected and the mine  
20 examiner ~~he~~ must immediately notify the shift mine manager of  
21 the omission or error.

22       (Source: P.A. 99-538, eff. 1-1-17.)

23           (225 ILCS 705/6.11) (from Ch. 96 1/2, par. 611)

24           Sec. 6.11. Should any dangerous conditions be found as  
25 described in Section 6.09, the mine inspector ~~he~~ shall

1 immediately notify the shift mine manager, setting forth the  
2 nature of the conditions found and the location of same.

3 (Source: P.A. 99-538, eff. 1-1-17.)

4 (225 ILCS 705/6.12) (from Ch. 96 1/2, par. 612)

5 Sec. 6.12. It shall be unlawful for the operator of any  
6 mine to have in ~~his~~ service as a mine examiner any person who  
7 does not hold a certificate of competency issued by the Mining  
8 Board except that anyone holding a mine manager's certificate  
9 may serve as a mine examiner. The mine manager shall not act in  
10 the capacity of mine examiner while acting as mine manager.  
11 However, whenever any exigency arises by which it is impossible  
12 for any operator to secure the immediate services of a  
13 certificated examiner, the mine examiner ~~he~~ may employ any  
14 trustworthy and experienced person ~~man~~ of the mine inspection  
15 district to act as temporary mine examiner for a period not  
16 exceeding 7 days, and with the approval of the State Mine  
17 Inspector of the district, for a further period not exceeding  
18 23 days. The employment of persons who do not hold certificates  
19 as mine examiners shall in no case exceed the limit of time  
20 specified herein, and the State Mine Inspector shall not  
21 approve of the employment of such persons beyond the 23 day  
22 limit.

23 (Source: P.A. 99-538, eff. 1-1-17.)

24 (225 ILCS 705/6.14) (from Ch. 96 1/2, par. 614)

1           Sec. 6.14. The certificate of any mine examiner may be  
2 cancelled and revoked by the Mining Board upon notice and  
3 hearing as hereinafter provided, if it shall be established in  
4 the judgment of the Mining Board that the holder thereof has  
5 obtained said certificate by fraud or misrepresentation of the  
6 mine examiner's ~~his~~ experience or has become unworthy to hold  
7 said certificate by reason of violation of the law, intemperate  
8 habits, incapacity, abuse of authority or for any other cause.  
9 However, any person against whom charges or complaints are made  
10 hereunder shall have the right to appear before the Mining  
11 Board and defend himself or herself against said charges, and  
12 the mine examiner ~~he~~ shall have 15 days' notice in writing of  
13 such charges previous to such hearing. The Mining Board, in its  
14 discretion, may suspend the certificate of any person charged  
15 as aforesaid, pending such hearing, but the hearing shall not  
16 be unreasonably deferred.

17       (Source: Laws 1953, p. 701.)

18           (225 ILCS 705/7.02) (from Ch. 96 1/2, par. 702)

19           Sec. 7.02. Each applicant for a certificate of competency  
20 as electrical hoisting engineer shall produce evidence  
21 satisfactory to the Mining Board that the applicant ~~he~~ is a  
22 citizen of the United States, at least 21 years of age, that  
23 the applicant ~~he~~ has had two years' experience with electrical  
24 hoisting equipment, or has completed a training course in  
25 operation and maintenance of electrical hoisting machinery



1 approved by the Mining Board and is of good repute and  
2 temperate habits. The applicant ~~He~~ shall pass an examination as  
3 to the applicant's ~~his~~ practical and technical knowledge of the  
4 construction of same, the care and adjustment of electrical  
5 hoisting engines, the management and efficiency of electric  
6 pumps, ropes and winding apparatus and as to the applicant's  
7 ~~his~~ knowledge of the laws of this State in relation to signals  
8 and the hoisting and lowering of people ~~men~~ at mines.

9 (Source: P.A. 79-876.)

10 (225 ILCS 705/7.04) (from Ch. 96 1/2, par. 704)

11 Sec. 7.04. The Mining Board may grant a permit to operate a  
12 second motion engine, or internal combustion engine, at any  
13 mine employing not more than 10 people ~~men~~, to any person  
14 recommended to the Mining Board by the State Mine Inspector of  
15 the district. The applicant for such permit shall have filed  
16 with the Mining Board satisfactory evidence that the applicant  
17 ~~he~~ is a citizen of the United States, that the applicant ~~he~~ has  
18 had at least one year of experience in operating a steam  
19 engine, steam boiler, or internal combustion engine and  
20 understands the handling and care of the same. Such application  
21 shall be accompanied by a statement from at least three persons  
22 who will testify from their personal knowledge of the applicant  
23 that the applicant ~~he~~ is ~~a man~~ of good repute and personal  
24 habits, and that the applicant ~~he has~~, in their judgment, has a  
25 knowledge of and experience in handling boilers and engines as

1 required in this Section ~~section~~. Such permit shall apply only  
2 to the mine for which it was issued, and for a period not to  
3 exceed one year, except such permit, when it expires, may be  
4 renewed by the Mining Board from year to year if the person  
5 holding same requests renewal, and certifies by sworn statement  
6 that all the circumstances and conditions are the same as when  
7 said permit was originally issued.

8 (Source: Laws 1957, p. 2413.)

9 (225 ILCS 705/7.05) (from Ch. 96 1/2, par. 705)

10 Sec. 7.05. The certificate of any hoisting engineer may be  
11 cancelled and revoked by the Mining Board upon notice and  
12 hearing as hereinafter provided, if it shall be established in  
13 the judgment of said Mining Board that the holder thereof has  
14 obtained said certificate by fraud or misrepresentation of the  
15 hoisting engineer's ~~his~~ experience or has become unworthy to  
16 hold said certificate by reason of violation of the law,  
17 intemperate habits, incapacity, abuse of authority or for any  
18 other cause. However, any person against whom charges or  
19 complaints are made hereunder shall have the right to appear  
20 before the Mining Board and defend himself or herself against  
21 said charges, and the hoisting engineer ~~he~~ shall have 15 days'  
22 notice in writing of such charges previous to such hearing. The  
23 Mining Board, in its discretion, may suspend the certificate of  
24 any person charged as aforesaid, pending such hearing, but said  
25 hearing shall not be unreasonably deferred.

1 (Source: Laws 1953, p. 701.)

2 (225 ILCS 705/7.12) (from Ch. 96 1/2, par. 712)

3 Sec. 7.12. At every mine where people ~~men~~ are hoisted and  
4 lowered by machinery there shall be provided means of signaling  
5 to and from the bottom people ~~man~~, the top person, ~~man~~ and the  
6 engineer. The signal system shall consist of a tube, or tubes,  
7 or wire encased in wood or iron pipes, through which signals  
8 shall be communicated by electricity, compressed air or other  
9 pneumatic devices or by ringing a bell. When compressed air or  
10 other pneumatic devices are used for signaling, provision must  
11 be made to prevent signal from repeating or reversing.

12 (Source: Laws 1953, p. 701.)

13 (225 ILCS 705/7.14) (from Ch. 96 1/2, par. 714)

14 Sec. 7.14. Where a hoisting engineer is required by law,  
15 the hoisting engineer ~~he~~ shall:

16 1. Be in constant attendance at his or her engine, or  
17 boilers, at all times when there are workers underground. When  
18 it is the duty of the engineer to attend to the boilers, means  
19 for signaling from the shaft bottom to the boiler room shall be  
20 provided.

21 2. Not permit anyone except duly authorized persons to  
22 enter the engine room; nor converse with any person while his  
23 or her engine is in operation, or while his or her attention is  
24 occupied with the signals.

1           3. Thoroughly understand the established code of signals,  
2 and, when the hoisting engineer ~~he~~ has the signal that people  
3 ~~men~~ are on the cage, the hoisting engineer ~~he~~ shall not operate  
4 his or her engine to exceed the rate of speed provided in  
5 Section 7.18 except as permitted by the State Mine Inspector.

6           4. Not permit anyone to handle, except in the official  
7 discharge of duty, any machinery under his or her charge; nor  
8 permit anyone who is not a certified engineer to operate his or  
9 her engine, except for the purpose of teaching an apprentice to  
10 operate the engine, and then only in the hoisting engineer's  
11 ~~his~~ presence and when people ~~men~~ are not on the cage.

12           (Source: P.A. 81-992.)

13           (225 ILCS 705/7.17) (from Ch. 96 1/2, par. 717)

14           Sec. 7.17. At every shaft where people ~~men~~ are hoisted or  
15 lowered by machinery, the operator shall station a competent  
16 person ~~man~~ at the top and at the bottom of the shaft who shall  
17 attend to signals, and be empowered to preserve order and  
18 enforce the rules governing the carriage of men on cages. The  
19 top person ~~man~~ and bottom person ~~man~~ shall be at their  
20 respective posts of duty a sufficient length of time before  
21 hoisting of coal begins in the morning and after the hoisting  
22 of coal ceases for the day, to properly perform their duties as  
23 provided for in this Section.

24           (Source: Laws 1953, p. 701.)

1 (225 ILCS 705/8.09) (from Ch. 96 1/2, par. 809)

2 Sec. 8.09. A first class certificate of competency shall be  
3 issued to any person under this Article who can produce  
4 satisfactory evidence to the Miners' Examining Board of having  
5 had not less than one ± year experience as a worker on coal  
6 producing sections of a coal mine and having had an opportunity  
7 during that year of observing and helping to perform all the  
8 work required in that section and also to learn the  
9 fundamentals of roof control, testing of top, and testing for  
10 gas, which could be accomplished by the cooperation of  
11 management and workers, and that the person ~~he~~ has completed a  
12 course in first aid for the injured.

13 A first class certificate of competency shall also be  
14 issued to any person under this Article who can produce  
15 satisfactory evidence to the Miners' Examining Board of having  
16 been employed as a worker or a trainee in an underground coal  
17 mine for a period not less than 6 months and having had an  
18 opportunity during that 6 months of observing and helping to  
19 perform work required on a coal-producing ~~coal-producing~~  
20 section and also to learn the fundamentals of ventilation, roof  
21 control, testing of rib and roof, and testing for gas, and that  
22 the person ~~he~~ has completed a course in first aid for the  
23 injured, and possesses a two-year Associate in Applied Science  
24 Degree in Coal Mining Technology or a degree in Engineering  
25 from an approved school or college, or university.

26 (Source: P.A. 85-1333.)

1 (225 ILCS 705/8.11) (from Ch. 96 1/2, par. 811)

2 Sec. 8.11. In no case shall an applicant for certificate of  
3 competency be deemed competent unless the applicant ~~he~~ appears  
4 in person before the Miners' Examining Board and orally answers  
5 intelligently and correctly practical questions, propounded to  
6 the applicant ~~him~~ by said Board, pertaining to the requirements  
7 and qualifications of a practical miner.

8 (Source: Laws 1955, p. 2012.)

9 (225 ILCS 705/8.19) (from Ch. 96 1/2, par. 819)

10 Sec. 8.19. It shall be unlawful for any member of the  
11 Miners' Examining Board to issue any certificate of competency  
12 pursuant to this Section when that person ~~he~~ knows or has  
13 reason to know that the applicant fails to meet any of the  
14 requirements for the certificate.

15 (Source: P.A. 79-460.)

16 (225 ILCS 705/8.21) (from Ch. 96 1/2, par. 821)

17 Sec. 8.21. Any person who applies for a certificate of  
18 competency provided in this Article shall cause to be posted in  
19 a conspicuous place available to all employees on the premises  
20 of the mine at which the applicant ~~he~~ is employed a copy of the  
21 applicant's ~~his~~ application for such certificate. The employer  
22 of such persons shall provide a suitable location for such  
23 posting. The application shall be posted for a period of 30

1 days from the date of such application. This posting  
2 requirement shall be in addition to the requirements of Section  
3 3.07 of this Act which shall apply fully to certificates  
4 applied for and issued under this Article.

5 (Source: P.A. 85-1333.)

6 (225 ILCS 705/9.02) (from Ch. 96 1/2, par. 902)

7 Sec. 9.02. Before any person may be permitted to work in  
8 any mine, he or she must furnish, to the mine manager or other  
9 official, an affidavit from that person's ~~his~~ parent or  
10 guardian or next of kin, sworn and subscribed to before a  
11 notary public, that the person ~~he~~ is 18 ~~or more~~ years of age or  
12 older.

13 (Source: P.A. 79-876.)

14 (225 ILCS 705/10.04) (from Ch. 96 1/2, par. 1004)

15 Sec. 10.04. The State Mine Inspector shall make a personal  
16 investigation as to the nature and cause of all serious  
17 accidents in mines under the State Mine Inspector's ~~his~~  
18 supervision. The State Mine Inspector ~~He~~ shall make a record of  
19 the circumstances attending the accident, as developed at the  
20 coroner's inquest and by the State Mine Inspector's ~~his~~ own  
21 personal investigation. A copy of the record shall be filed  
22 with the Department within 30 days following the conclusion of  
23 the investigation, and the report shall thereupon become a part  
24 of the records of the Department. To enable the State Mine

1 Inspector to make the ~~his~~ investigation the State Mine  
2 Inspector ~~he~~ has the power to compel the attendance of  
3 witnesses, and to administer oaths or affirmations to them.  
4 (Source: P.A. 79-340.)

5 (225 ILCS 705/11.05) (from Ch. 96 1/2, par. 1105)

6 Sec. 11.05. Whenever the superintendent of any station  
7 shall be notified by any responsible person that an explosion  
8 or accident requiring the superintendent's ~~his~~ services has  
9 occurred at any mine in the State, the superintendent ~~he~~ shall  
10 proceed immediately with suitable equipment and on arrival at  
11 the said mine shall superintend the work of the rescue corps in  
12 saving life and property; and the superintendent ~~he~~ shall  
13 co-operate with the State Mine Inspector and the management of  
14 the mine in rescue work to such extent as is necessary, for the  
15 protection of human life in the mine, during such time as  
16 members of the rescue corps are underground and while there is  
17 a reasonable expectation that workers ~~men~~ in the mine may be  
18 alive.

19 (Source: Laws 1953, p. 701.)

20 (225 ILCS 705/13.04) (from Ch. 96 1/2, par. 1304)

21 Sec. 13.04. Every miner shall sound and thoroughly examine  
22 the roof of his or her working place before commencing work,  
23 and if the miner ~~he~~ finds loose rock or other dangerous  
24 conditions, he or she shall not work in such dangerous place



1 except to make such dangerous conditions safe.

2 (Source: Laws 1953, p. 701.)

3 (225 ILCS 705/16.10) (from Ch. 96 1/2, par. 1610)

4 Sec. 16.10. When workers have finished their day's work, or  
5 have been prevented from further work, and come to the bottom  
6 to be hoisted out, an empty cage shall be given to the workers  
7 ~~them~~ for that purpose, unless there is an available exit by  
8 slope or stairway and if there is no coal at the bottom waiting  
9 to be hoisted. In case of an injury, or bona fide illness, the  
10 worker ~~man~~ shall be given a cage at once.

11 (Source: P.A. 81-992.)

12 (225 ILCS 705/20.22) (from Ch. 96 1/2, par. 2022)

13 Sec. 20.22. No person or persons shall order, command, or  
14 induce, by threat or otherwise, any driller and shooter or shot  
15 firer to fire any unlawful shot, or any shot which in the his  
16 judgment of the driller and shooter or shot firer, after due  
17 inspection, is not a workmanlike, proper, and practical shot.

18 (Source: Laws 1953, p. 701.)

19 (225 ILCS 705/22.12) (from Ch. 96 1/2, par. 2212)

20 Sec. 22.12. Man trips shall not be run in excess of the  
21 speed determined by the State Mine Inspector nor shall more  
22 people ~~men~~ ride in any one car than the number ordered by the  
23 State Mine Inspector except in an emergency.

1 (Source: Laws 1953, p. 701.)

2 (225 ILCS 705/22.16) (from Ch. 96 1/2, par. 2216)

3 Sec. 22.16. Where belts are used for transporting people  
4 ~~men~~, a minimum clearance of 18 inches shall be maintained.

5 (Source: Laws 1953, p. 701.)

6 (225 ILCS 705/25.04) (from Ch. 96 1/2, par. 2504)

7 Sec. 25.04. All multi-gas detectors shall be the property  
8 of the operator and when not in use shall remain in the custody  
9 of the mine manager or other competent person designated by the  
10 mine manager ~~him~~, who shall be responsible for the maintenance  
11 and calibration of the detectors to ensure that they are in  
12 safe working condition.

13 (Source: P.A. 99-538, eff. 1-1-17.)

14 (225 ILCS 705/32.03) (from Ch. 96 1/2, par. 3203)

15 Sec. 32.03. The miners at work in any coal mine may employ  
16 a check weighman at their option and at their own expense,  
17 whose duty it shall be to balance the scales and see that the  
18 coal is properly weighed, and that a correct account of the  
19 same is kept, and for this purpose the check weighman ~~he~~ shall  
20 have access at all times to the beam box of the scales, and be  
21 afforded every facility for verifying the weights while the  
22 weighing is being done. The check weighman so employed by the  
23 miners shall be a citizen of the United States<sup>7</sup> and<sub>L</sub> before

1 entering upon his or her duties, shall make and subscribe to an  
2 oath before some person duly authorized to administer oaths,  
3 that the check weighman ~~he~~ will faithfully discharge his or her  
4 duties as check weighman, and such oath shall be kept  
5 conspicuously posted at the place of weighing.

6 (Source: Laws 1953, p. 701.)

7 (225 ILCS 705/35.02) (from Ch. 96 1/2, par. 3502)

8 Sec. 35.02. The State Mine Inspector shall ascertain  
9 whether the provisions of Section 35.01 of this Article are  
10 being complied with in his or her district, and if the State  
11 Mine Inspector ~~he~~ finds that any corporation, company, firm, or  
12 individual is violating the provisions of this Article, he or  
13 she shall at once institute suit in the name of the People of  
14 the State of Illinois, in the circuit court, for the recovery  
15 of the penalty provided for in this Article, and the State's  
16 Attorney of the county in which such suit is brought, when  
17 notified by the State Mine Inspector, shall prosecute such suit  
18 as provided by law in other State cases.

19 (Source: P.A. 79-1358.)

20 (225 ILCS 705/39.1) (from Ch. 96 1/2, par. 3901)

21 Sec. 39.1. Right of miner to refuse to operate unsafe  
22 equipment. It shall be unlawful to require an employee to work  
23 under conditions which he or she has reasonable grounds to  
24 believe to be immediately dangerous to himself or herself

1 beyond the normal hazards inherent in the operation and which  
2 could reasonably be expected to cause death or serious physical  
3 harm before the condition or practice can be abated.  
4 (Source: P.A. 79-460.)"