

prohibited conduct. The gravity of violating the prohibition and penalty are set forth in the uniform penalty provision of Title 7. The only other changes made are in style.

7-310. CANCELLATION OR SUSPENSION OF CERTIFICATE OR PERMIT OF COMPETENCE; OBTAINING NEW CERTIFICATE OR PERMIT.

(A) CHARGE OF INCAPACITY.—A PERSON HOLDING A CERTIFICATE OR PERMIT OF COMPETENCE MAY BE CHARGED WITH VIOLATION OF LAW, FRAUD, INTEMPERATE HABITS, INCAPACITY, OR OTHER GOOD CAUSE FOR CANCELLATION OR SUSPENSION OF THE CERTIFICATE OR PERMIT. THE CHARGE SHALL BE IN WRITING AND FILED WITH THE DIRECTOR OF THE BUREAU.

(B) PROCEDURE FOLLOWING CHARGE.—A CERTIFICATE OR PERMIT OF COMPETENCE MAY BE CANCELLED OR SUSPENDED ONLY BY THE EXAMINING AUTHORITY. EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A CERTIFICATE OR A PERMIT MAY BE CANCELLED OR SUSPENDED ONLY AFTER A HEARING AT WHICH THE PERSON CHARGED HAS THE RIGHT TO APPEAR. THE HEARING SHALL BE HELD WITHIN 30 DAYS AFTER THE RECEIPT OF THE CHARGES BY THE EXAMINING AUTHORITY, WHICH SHALL GIVE THE PERSON CHARGED WRITTEN NOTICE OF THE CHARGE AT LEAST 15 DAYS PRIOR TO THE HEARING. A HEARING OF THE EXAMINING AUTHORITY SHALL BE ON THE CALL OF ITS CHAIRMAN.

(C) ACTION BY EXAMINING AUTHORITY.—IF THE EXAMINING AUTHORITY IS SATISFIED THAT THE CERTIFICATE OR PERMIT HOLDER HAS BECOME UNWORTHY TO HOLD IT BY REASON OF VIOLATION OF LAW, FRAUD, INTEMPERATE HABITS, INCAPACITY, OR OTHER GOOD CAUSE, IT MAY CANCEL OR SUSPEND THE RIGHT TO USE THE CERTIFICATE OR PERMIT FOR A PERIOD NOT LONGER THAN TWO YEARS.

(D) EMERGENCY ACTION BY DIRECTOR.—THE PROVISIONS OF SUBSECTION (B) AND (C) OF THIS SECTION TO THE CONTRARY NOTWITHSTANDING, IF THE DIRECTOR OF THE BUREAU IS SATISFIED THAT A PERSON, IF ALLOWED TO CONTINUE TO HOLD A CERTIFICATE OR PERMIT, MAY COMMIT OR PERMIT AN ACT TO BE COMMITTED, OR PERMIT A CONDITION, THAT WOULD TEND TO ENDANGER THE LIVES OR HEALTH OF ANY PERSON EMPLOYED IN OR ABOUT A MINE, HE MAY SUSPEND THE RIGHT OF THE CERTIFICATE OR PERMIT HOLDER TO USE THE CERTIFICATE OR PERMIT. THE SUSPENSION MAY NOT BE FOR MORE THAN 30 DAYS OR UNTIL