

IMMEDIATELY TO HEAR AND DETERMINE FULLY THE CASE, AND MAY MAKE ANY ORDER CONFIRMING, MODIFYING, ENFORCING, OR VACATING THE SAFETY ORDER AS IS JUST AND PROPER. THE COST MAY BE AWARDED AS THE COURT DIRECTS.

(E) NOTIFICATION OF IMMINENT DANGER BY INSPECTOR.--IF THE INSPECTOR DISCOVERS OR LEARNS THERE IS AN IMMINENT DANGER EXISTING IN ALL OR PART OF A MINE, HE SHALL ORDER IMMEDIATELY THE PERSON THEN IN CHARGE OF THE MINE TO REMOVE AT ONCE EVERY PERSON FROM WHERE THE DANGER EXISTS. IF THE PERSON IN CHARGE OF THE MINE FAILS TO COMPLY WITH THE REQUEST OF THE INSPECTOR, THE INSPECTOR PERSONALLY SHALL TAKE WHATEVER STEPS HE DEEMS NECESSARY TO REMOVE OR HAVE REMOVED EVERY PERSON FROM THE PLACE WHERE THE DANGER EXISTS. EVERY PERSON SHALL REMAIN OUT OF ALL OR THAT PORTION OF THE MINE UNTIL THE DANGER IS ENDED.

(F) ADDITIONAL POWER TO DETERMINE SAFETY CONDITIONS OF MINE; AUTHORITY TO ORDER CORRECTION OR CLOSE MINE.--IN ADDITION TO ANY OTHER AUTHORITY CONFERRED IN THIS TITLE, A MINE INSPECTOR OR THE DIRECTOR OF THE BUREAU MAY ENTER AND INSPECT ANY MINE TO DETERMINE THE CONDITIONS OF SAFETY IN THAT MINE. IF EITHER THE MINE INSPECTOR OR THE DIRECTOR OF THE BUREAU FINDS THE MINE UNSAFE OR OPERATED IN AN UNSAFE MANNER, HE SHALL ORDER THE UNSAFE CONDITION CORRECTED IMMEDIATELY. IF THE MINE OWNER OR OPERATOR FAILS TO CORRECT THE UNSAFE CONDITION, THE MINE SHALL BE CLOSED UNTIL THE CONDITION IS CORRECTED.

REVISOR'S NOTE: Subsections (a) and (b) presently appear as Article 66C, section 503 of the Code. Nomenclatural changes for government units are made. New language is added to proposed subsection (a) to provide that every mine regardless of whether it is in continuous operation shall be inspected once every two months. Under present law, only mines in continuous operation are inspected once every two months while all others need only be inspected six times a year. Consequently, these mines could be inspected the first six days of the year to comply with the statute. The new language is added to avert this possibility.

Subsection (c) presently appears as Article 66C, section 505 of the Code.

Subsection (d) presently appears as Article