

FROM ANY ADJOINING WORKING PLACE WHERE THERE IS DANGER OF BREAKING THROUGH AND BE AT A SAFE DISTANCE AROUND A RIGHT ANGLE, WHILE COAL BREAKING IS IN PROGRESS.

REVISOR'S NOTE: This subsection presently appears as Article 66C, section 629 of the Code. The only changes made are in style.

7-457. MINERS TO BE PAID ACCORDING TO COAL WEIGHT; SCALE FOR TESTING OF WEIGHT.

(A) MINERS PAID BY WEIGHT; MAINTENANCE AND TESTING OF SCALES; EXCEPTION.--IN EVERY COAL MINE IN THE STATE, EACH MINER SHALL BE PAID BY WEIGHT. EACH COAL MINE OPERATOR SHALL PROVIDE AND MAINTAIN A SUITABLE AND ACCURATE SCALE, WHICH A COMPETENT WEIGHMASTER EMPLOYED BY THE OPERATOR SHALL EXAMINE AND TEST AT LEAST ONCE EVERY SIX MONTHS, AND KEEP IN THOROUGH REPAIR. A CORRECT RECORD SHALL BE KEPT OF ALL WEIGHED COAL. THIS RECORD SHALL BE OPEN FOR INSPECTION AT ANY REASONABLE HOUR BY ANY MINER EMPLOYED AT THE MINE. THE OPERATOR SHALL KEEP AT THE MINE WEIGHHOUSE THE STANDARD UNITED STATES TEST WEIGHTS THE BUREAU PRESCRIBES FOR THE USE IN TESTING THE SCALE. BUT THIS SUBSECTION DOES NOT APPLY TO ANY OPERATOR WHO DOES NOT EMPLOY MORE THAN THREE WORKERS AT ANY ONE TIME. THE WORD "MINER" AS USED IN THIS SUBSECTION DOES NOT INCLUDE A PERSON WHO MINES COAL MECHANICALLY AND IS PAID A DAY RATE FOR HIS SERVICE, IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF ANY COLLECTIVE BARGAINING AGREEMENT BETWEEN THE OPERATOR AND THE EMPLOYEE.

REVISOR'S NOTE: This subsection presently appears as Article 66C, section 630 of the Code. The only changes made are in style.

(B) OPERATOR NOT TO DEDUCT FROM VALUE.--BEFORE WEIGHING THE COAL, THE OPERATOR OF ANY MINE MAY NOT PASS IT OVER ANY SCREEN OR OTHER DEVICE WHICH TAKES ANY PART FROM ITS VALUE, OR OTHERWISE REMOVE ANY OF THE COAL. HE SHALL CREDIT THE JUST AND MERCHANTABLE WEIGHT TO THE WORKER SENDING IT TO THE SURFACE.

REVISOR'S NOTE: This subsection presently appears as Article 66C, section 631 of the Code. The only changes made are in style.

(C) QUALIFICATIONS OF WEIGHMASTER.--BEFORE THE