

# *State of Tennessee*

## **PUBLIC CHAPTER NO. 356**

**SENATE BILL NO. 1337**

**By Bailey, Yager**

Substituted for: House Bill No. 138

By Cameron Sexton

AN ACT to amend Tennessee Code Annotated, Title 59, relative to requirements applicable to persons engaged in mining.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 59-1-113, is amended by deleting the language "the tonnage, number of employees, and the number of days worked" and substituting instead the language "the tonnage or man hours for mines that do not measure tons mined, number of employees, and the estimated number of days worked".

SECTION 2. Tennessee Code Annotated, Section 59-4-301(c), is amended by designating the existing language as subsection (d) and adding the following language as a new subsection:

(c)(1) As used in this section:

(A) "Mining site" means all mines and the surrounding property used in mining operations; and

(B) "Qualified assistant" means a person who is designated by the owner or operator to ensure that all legal, safety, and compliance standards are enforced.

(2) A qualified assistant shall have the ability, training, knowledge, and experience to ensure compliance with all legally imposed safety standards.

(3) A qualified assistant must be able to effectively communicate legally imposed safety standards to all persons present at the mining site.

(4) A qualified assistant shall have the same authority as the foreman when the foreman is not present at the mining site.

(5) A qualified assistant shall not be considered an agent or representative of the owner or operator for the purposes of § 59-4-302.

(6) More than one (1) person may be designated as a qualified assistant, if circumstances or logistics related to the mining site so require.

(7)(A) The designation by the owner or operator of a qualified assistant shall be in writing and specify the beginning and end dates of the designation.

(B) The written designation required under subdivision (c)(7)(A) shall be prominently displayed at the office of the foreman on site, or displayed in such a manner that persons present at the mining site have actual notice of the designation.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

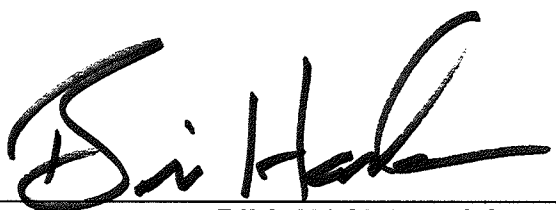
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PASSED: May 3, 2017

  
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RANDY McNALLY  
SPEAKER OF THE SENATE

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

APPROVED this 11<sup>th</sup> day of May 2017

  
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BILL HASLAM, GOVERNOR