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HOUSE BILL NO. 2069

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Mining and Mineral Resources
on February 1, 1995)

(Patron Prior to Substitute—Delegate Phillips)

A BILL to amend and reenact §§ 45.1-161.177 and 45.1-161.179 of the Code of Virginia, relating to searches of coal miners for smoking materials.

Be it enacted by the General Assembly of Virginia:

1. That §§ 45.1-161.177 and 45.1-161.179 of the Code of Virginia are amended and reenacted as follows:

§ 45.1-161.177. Smoking materials prohibited; penalty.

A. No miner or other person shall smoke or carry or possess underground any smoker's articles or matches, lighters, or similar materials generally used for igniting smoker's articles. Any person convicted of a violation of this subsection shall be guilty of a Class 6 felony.

B. The operator shall institute a smoker search program, approved by the Chief, to ensure that any person entering the underground area of the mine does not carry smoking materials, matches, or lighters.

C. *Any person entering or present in any underground area of a coal mine shall, by his entry into the underground area of the mine, be subject to a search of his person, such of his personal property as may be in any underground area of the mine at any time he is underground, or both. Such search shall be conducted at the direction of the Chief by employees of the Department. It shall be limited in scope to the person and property of the persons present underground at the time of the search and shall be for the purpose of enforcing the provisions of this section.*

D. This section shall not prohibit the possession of equipment used solely for the operation of flame safety lamps or for welding or cutting.

§ 45.1-161.179. Posting of notice.

The operator, or his agent, shall display, in bold-faced type, on a sign placed at the mine office, bath house, and on a bulletin board at the mine site, the following notice:

NOTICE

IT IS UNLAWFUL FOR A MINER OR OTHER PERSON IN AN UNDERGROUND COAL MINE TO SMOKE OR CARRY OR POSSESS UNDERGROUND ANY SMOKER'S ARTICLES OR MATCHES, LIGHTERS, OR SIMILAR MATERIALS GENERALLY USED FOR IGNITING SMOKER'S ARTICLES. A VIOLATION IS PUNISHABLE AS A CLASS 6 FELONY. ANY PERSON ENTERING OR PRESENT IN THE UNDERGROUND AREA OF ANY COAL MINE IS SUBJECT TO A SEARCH OF HIS PERSON AND PROPERTY BY OFFICIALS OF THE DEPARTMENT OF MINES, MINERALS AND ENERGY FOR SUCH PROHIBITED SMOKER MATERIALS AT ANY TIME WHILE UNDERGROUND.