



## COALEX STATE COMPARISON REPORT - 186

June 1991

Danny Brown, Commissioner  
Division of Mined Land Reclamation  
Department of Mines, Minerals and Energy  
P.O. Drawer U  
Big Stone Gap, Virginia 24219

### TOPIC: SUBSIDENCE INSURANCE

**INQUIRY:** Please survey the IMCC member states on the following subsidence insurance issues:

1. Does your state require all underground mine operations to obtain subsidence insurance as part of their general liability insurance coverage? [30 CFR 800.60]
2. Does your state accept an insurance certificate from the operator's insurance company or do you require a copy of the policy along with all the riders? [30 CFR 778.18]

**SEARCH RESULTS:** Twelve states responded to the questionnaire. The results and accompanying comments appear in the attached table. Attachments are provided, as indicated.

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### TABLE OF RESPONSES

#### ARKANSAS

REQUIRES SUBSIDENCE INSURANCE	ACCEPTS CERTIFICATE OR REQUIRES COPY?
Yes. 816.124-V	Certificates accepted

#### ILLINOIS

REQUIRES SUBSIDENCE INSURANCE	ACCEPTS CERTIFICATE OR REQUIRES COPY?
No	Certificates accepted

#### INDIANA

REQUIRES SUBSIDENCE INSURANCE	ACCEPTS CERTIFICATE OR REQUIRES COPY?
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<p>No. Other means as approved by the Commission, 310 IAC 12-5-132, include a commitment by the applicant to repair any damage or to purchase the house in the event of subsidence damage. (The mining plan is designed to prevent subsidence.)</p>	<p>Use general liability certificate. Attached is a general liability certificate used by the Division in regards to 30 CFR 800.60. This process does not include subsidence insurance. Any riders or exemptions, such as pollution or blasting exemption, would have to be described on the Certificate Form but the actual policy need not be submitted unless there are concerns over the authenticity or accuracy of the policy.</p>
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KENTUCKY

REQUIRES SUBSIDENCE INSURANCE	ACCEPTS CERTIFICATE OR REQUIRES COPY?
No	If a company identifies that they will purchase the insurance as part of their subsidence mitigation plan, then an insurance certificate is acceptable.

MISSOURI

REQUIRES SUBSIDENCE INSURANCE	ACCEPTS CERTIFICATE OR REQUIRES COPY?
MO does not have underground mining; however, our rules require subsidence insurance payable to the surface owner.	Requires policy + riders.

NEW MEXICO

REQUIRES SUBSIDENCE INSURANCE	ACCEPTS CERTIFICATE OR REQUIRES COPY?
NM does not specifically require subsidence insurance; however, rules require compensation for property damage.	Certificates accepted. See attached rule + copy of certificate.

OHIO

REQUIRES SUBSIDENCE INSURANCE	ACCEPTS CERTIFICATE OR REQUIRES COPY?
No. See attached rule.	Certificates accepted

OKLAHOMA

REQUIRES SUBSIDENCE	ACCEPTS CERTIFICATE OR REQUIRES
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<b>INSURANCE</b>	<b>COPY?</b>
No	N/A

TENNESSEE

<b>REQUIRES SUBSIDENCE INSURANCE</b>	<b>ACCEPTS CERTIFICATE OR REQUIRES COPY?</b>
No	N/A

TEXAS

<b>REQUIRES SUBSIDENCE INSURANCE</b>	<b>ACCEPTS CERTIFICATE OR REQUIRES COPY?</b>
No. (Liability insurance is required.)	Requires submittal of Form SMRD-41C and/or an Accord Certificate. See attached sample.

VIRGINIA

<b>REQUIRES SUBSIDENCE INSURANCE</b>	<b>ACCEPTS CERTIFICATE OR REQUIRES COPY?</b>
Public liability insurance must be provided. The policy must be adequate to cover any personal injury or property damage resulting from the surface coal mining and reclamation operations. Personal injury and property damage resulting from subsidence must be covered by public liability insurance. (VR 480-03-19.800.60)	A Certificate of Liability Insurance, along with all riders, or evidence of self-insurance must be provided. (VR 480-03-19.778.18 and VR 480-03-19.800.60 (a) & (c))

WEST VIRGINIA

<b>REQUIRES SUBSIDENCE INSURANCE</b>	<b>ACCEPTS CERTIFICATE OR REQUIRES COPY?</b>
No. However, subsidence insurance is available to individual property owners through a state underwriter insurance program.	Only certificate of insurance is required.



## **ATTACHMENTS**

- A. INDIANA: Attachment U55-1.
- B. NEW MEXICO:
  - 1. CSMC Rule 80-1
  - 2. Copy of Certificate of Insurance
- C. OHIO: 1501:13-7-07. Liability Insurance.
- D. TEXAS: Sample Certificate of Insurance