

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-sixth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1272

Introduced by

Representatives Berg, Carlson, Keiser

Senator Lee

1 A BILL for an Act to amend and reenact sections 49-11-21 and 49-11-22 of the North Dakota
2 Century Code, relating to the sounding of a warning device on a locomotive engine.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 49-11-21 of the 1997 Supplement to the North
5 Dakota Century Code is amended and reenacted as follows:

6 **49-11-21. Warning device sounded at crossing by locomotive - Exception.** A
7 warning device must be placed on each locomotive engine and must be sounded at a distance
8 of at least eighty rods [402.34 meters] from the place where the railroad crosses any other road
9 or street and must continue to be sounded until it has crossed the road or street. The
10 governing body of a city may adopt a quiet zone ordinance, as allowed by federal law and
11 implemented under the federal railroad administration's supplemental safety measures for
12 at-grade crossings, prohibiting a locomotive engine from sounding a warning device at
13 crossings within the quiet zone under regular crossing conditions. A crew member may sound
14 a warning device as determined appropriate by that crew member.

15 **SECTION 2. AMENDMENT.** Section 49-11-22 of the North Dakota Century Code is
16 amended and reenacted as follows:

17 **49-11-22. Liability for failure of locomotive to sound bell, horn, or whistle at**
18 **crossing.** ~~The person owning~~ A corporation with an interest in a locomotive ~~which that~~ fails to
19 sound its warning device at any road or street crossing as required by section 49-11-21 ~~shall~~
20 ~~be~~ is guilty of an infraction and ~~shall be~~ is liable for all damages ~~which shall be~~ that are
21 sustained by any person by reason of ~~such~~ the neglect. If a crew member of a locomotive
22 does not sound a warning device at a crossing for which the sounding of a warning device is
23 prohibited under a city ordinance, any crew member or corporation with any interest in the
24 locomotive is not liable for any damages sustained by a person by reason of the failure to

- 1 sound a warning device. This section does not exempt a railroad corporation from any liability
- 2 created under chapter 49-16 or the Federal Employers' Liability Act [45 U.S.C. 51 et seq.] for
- 3 injuries to its employees or agents.