

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

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