

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