

**FIRST ENGROSSMENT
with Senate Amendments**

Fifty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1372

Introduced by

Representatives D. Johnson, Gulleason, Severson

Senators Fischer, Heitkamp, G. Lee

1 A BILL for an Act to amend and reenact section 49-11-19 of the North Dakota Century Code,
2 relating to obstructing a crossing by a train; and to provide a penalty.

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

4 **SECTION 1. AMENDMENT.** Section 49-11-19 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **49-11-19. Blocking or obstructing crossing with train - Penalty.** ~~No~~ A person shall
7 may not operate any train in ~~such~~ a manner as to prevent vehicular use of any roadway for a
8 period of time in excess of ten consecutive minutes except:

- 9 1. When necessary to comply with safety signals affecting the safety of the
- 10 movement of trains;
- 11 2. When necessary to avoid striking any object or person on the track;
- 12 3. When the train is disabled, by accident or otherwise;
- 13 4. When the train is in motion except when engaged in switching operations or
- 14 loading or unloading operations;
- 15 5. When ~~there is no~~ vehicular traffic is not waiting to use the crossing; or
- 16 6. When necessary to comply with a government statute or regulation.
- 17 7. When allowed by written agreement between the railroad company and all
- 18 interested government and commercial entities.

19 ~~Any~~ A person who ~~that~~ violates this section is guilty of ~~an infraction~~ a class B misdemeanor.
20 ~~The provisions of this~~ This section ~~do~~ does not apply to ~~cities which have on the date of such~~
21 ~~obstruction ordinances~~ a city that has an ordinance covering the same subject matter.