

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2161

Introduced by

Senators G. Lee, Hogue, Nething

Representatives Weisz, Hofstad, D. Johnson

1 A BILL for an Act to create and enact subsection 7 to section 32-12.1-03 of the North Dakota
2 Century Code, relating to political subdivision liability; and to amend and reenact section
3 24-06-31 of the North Dakota Century Code, relating to obstructions in highways.

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

5 **SECTION 1. AMENDMENT.** Section 24-06-31 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **24-06-31. Obstructions in highway.**

8 Each overseer of highways having ~~personal~~actual knowledge, or on being notified in writing,
9 of any obstruction in the highway or public street in the overseer's district immediately shall
10 remove or cause any such obstruction to be removed. Highway or public street does not mean
11 a congressional section line, as described in section 24-07-03, which is unimproved or
12 unmaintained.

13 **SECTION 2.** Subsection 7 to section 32-12.1-03 of the North Dakota Century Code is
14 created and enacted as follows:

15 7. a. With regard to a congressional section line, as described in section 24-07-03,
16 which is unimproved, the political subdivision that has jurisdiction over that
17 congressional section line:

18 (1) Is not liable for any claim based on a naturally occurring hazard regarding
19 that congressional section line; and

20 (2) Is not liable for any claim based on a manmade hazard regarding that
21 congressional section line unless:

22 (a) The political subdivision is notified in writing that the hazard exists;
23 and

- 1 (b) The political subdivision either fails to take action to mitigate the
2 hazard as soon as is practicable, but not to exceed ten days, after the
3 written notification, or fails to provide warning that the congressional
4 section line has a hazardous condition.
- 5 b. Except as provided in paragraph 2 of subdivision a, any person that creates a
6 hazard by altering a congressional section line is liable for any damages caused
7 by the alteration.
- 8 c. The political subdivision may seek an order directing the person that alters a
9 congressional section line to restore the congressional section line to its original
10 state.