

**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 protected at-grade crossings, prohibiting a locomotive engine from sounding a warning device  
13 at crossings within the quiet zone under regular crossing conditions.

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

16 **49-11-22. Liability for failure of locomotive to sound bell, horn, or whistle at**  
17 **crossing.** The person owning a locomotive ~~which~~ that fails to sound its warning device at any  
18 road or street crossing as required by section 49-11-21 ~~shall be~~ is guilty of an infraction and  
19 ~~shall be~~ is liable for all damages ~~which shall be~~ that are sustained by any person by reason of  
20 ~~such~~ the neglect. The person owning a locomotive that does not sound a warning device at a  
21 crossing for which the sounding of a warning device is prohibited under a city ordinance is not  
22 liable for any damages sustained by a person by reason of the failure to sound a warning  
23 device.