

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

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- 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.