

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1372

That the Senate recede from its amendments as printed on pages 1145 and 1146 of the House Journal and page 988 of the Senate Journal and that Engrossed House Bill No. 1372 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 49-11-19 of the North Dakota Century Code, relating to obstructing a crossing by a train; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

49-11-19. Blocking or obstructing crossing with train - Penalty. ~~No~~

1. A person ~~shall~~ may not operate any train in ~~such~~ a manner as to prevent vehicular use of any roadway for a period of time in excess of ten consecutive minutes except:
 - ~~1-~~ a. When necessary to comply with safety signals affecting the safety of the movement of trains;
 - ~~2-~~ b. When necessary to avoid striking any object or person on the track;
 - ~~3-~~ c. When the train is disabled, by accident or otherwise;
 - ~~4-~~ d. When the train is in motion except when engaged in switching operations or loading or unloading operations;
 - ~~5-~~ e. When ~~there is no~~ vehicular traffic is not waiting to use the crossing; ~~or~~
 - ~~6-~~ f. When necessary to comply with a government statute or regulation; or
 - g. When allowed by written agreement between the governmental entity that controls the roadway and the interested commercial entities. The agreement must indicate which party is responsible for the timely notification of local emergency service providers regarding the crossing that will be blocked and the period of time the crossing will be blocked. Any
2. A person ~~who~~ that violates this section is guilty of ~~an infraction~~ a class B misdemeanor. ~~The provisions of this~~ This section ~~do~~ does not apply to cities which have on the date of such obstruction ordinances a city that has an ordinance covering the same subject matter."

Renumber accordingly