

**Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003**

HOUSE BILL NO. 1372
(Representatives D. Johnson, Gulleson, Severson)
(Senators Fischer, Heitkamp, G. Lee)

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. ~~Ne~~

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.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1372.

House Vote: Yeas 88 Nays 5 Absent 1

Senate Vote: Yeas 46 Nays 0 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,
at _____ o'clock _____ M.

Secretary of State