

Introduced by

Senators G. Lee, Hogue, Nething

Representatives Weisz, Hofstad, D. Johnson

1 | A BILL for an Act to create and enact ~~a new~~ subsection 7 to section 32-12.1-03 of the North
2 | Dakota 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. A new subsection to section 32-12.1-03 of the North Dakota Century Code is~~
14 | ~~created and enacted as follows:~~

15 | ~~A political subdivision is not liable for any claim based on an act or omission regarding~~
16 | ~~a congressional section line, as described in section 24-07-03, which is unimproved or~~
17 | ~~unmaintained.~~

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

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

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

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