

Sixty-second  
Legislative Assembly  
of North Dakota

## ENGROSSED SENATE BILL NO. 2161

Introduced by

Senators G. Lee, Hogue, Nething

Representatives Weisz, Hofstad, D. Johnson

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

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

18 (1) Is not liable for any claim based on a naturally occurring hazard ~~regarding on~~  
19 that congressional section line, unless the political subdivision had actual  
20 knowledge of an unusually dangerous or unusually hazardous condition that  
21 a traveler would not reasonably expect to exist due to the nature of the  
22 surrounding topography or geological environment and failed to warn  
23 travelers of that condition; and

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