

HOUSE BILL NO. 1172

Introduced by

Representatives Keiser, Ruby

Senators Andrist, Klein

1 A BILL for an Act to amend and reenact section 36-11-07 of the North Dakota Century Code,
2 relating to liability for livestock injuring persons or damaging property.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 36-11-07 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **36-11-07. Liability of owners of livestock injuring persons or damaging property of**
7 **others.**

8 1. The owner or possessor of any livestock ~~that inflicts~~ is not liable for any damage or
9 injury ~~to~~ inflicted by the livestock:

10 a. ~~Motor~~ To motor vehicles or their occupants upon a public highway within a grazing
11 area in which proper signs, approved by the director of the department of
12 transportation, indicating limited liability are posted at a point adjacent to the
13 highway not less than two hundred feet [60.96 meters] nor more than four
14 hundred feet [121.92 meters] from the entrance of the highway into the grazing
15 area and so posted as to be plainly visible to individuals approaching the
16 entrance; or

17 b. ~~The~~ To the crops or other property of another or for trespasses upon the lands or
18 premises of another, where the damaged or injured crops, property, lands, or
19 premises are located within a grazing area, except as provided in section
20 36-11-09, ~~is not liable to any person sustaining damages or injury.~~

21 2. For the purpose of this section, a "grazing area" means any area designated as a
22 grazing area by a majority of the board of county commissioners, either upon the
23 motion of one of the commissioners or upon presentation to the board of a petition
24 signed by a majority of the real property owners and tenants in the area in which it is

- 1 proposed that a grazing area be established. A grazing area must be used primarily for
2 the purpose of grazing livestock and enclosed by a fence or other suitable means.
- 3 3. Except as provided above, the owner or possessor of any livestock that inflicts
4 damage to the crops or other property of another or which trespasses upon the lands
5 of another, whether the lands are fenced or unfenced, is liable in accordance with
6 section 32-03.2-02 to the ~~persons~~person sustaining the injuries or to the owner of the
7 lands for all damages suffered by the owner, together with the statutory costs of the
8 action to recover damages, and a reasonable attorney's fee allowed by the court.