

HOUSE BILL NO. 1252

Introduced by

Representatives Grueneich, Brandenburg, Ostlie, Satrom, Schauer

1 A BILL for an Act to amend and reenact section 32-03-51 of the North Dakota Century Code,
2 relating to the liability of a railroad corporation.

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

4 **SECTION 1. AMENDMENT.** Section 32-03-51 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **32-03-51. Limited liability of owner or operator of railroad - Assumption of liability by**
7 **a political subdivision.**

8 1. An individual who is injured while boarding or attempting to board a moving locomotive
9 or railroad car, without authority from the owner or operator of the railroad, or who
10 having boarded a locomotive or railroad car without authority from the owner or
11 operator of the railroad, is injured while riding or getting off the locomotive or railroad
12 car, may not recover any damages from the owner or operator of the railroad for that
13 injury unless the injury is proximately caused by an intentional act of the railroad
14 owner or operator and the railroad owner or operator knew that serious injury was the
15 probable result of the act, or that the owner or operator of the railroad acted with
16 wanton and reckless disregard of the probable result of the act.

17 2. Notwithstanding any other provision of law, a political subdivision may enter an
18 agreement with a railroad corporation to assume all liability for bodily injury, death,
19 property damage, and other damages occurring on railroad property, railroad right of
20 way, and other adjoining property if:

21 a. The property, right of way, or adjoining property is located within the jurisdiction of
22 the political subdivision;

23 b. The property, right of way, or adjoining property has been inactive for more than
24 ten years;

- 1 c. The political subdivision is assuming liability for the property, railroad right of way,
2 or adjoining property to establish and maintain a walking or biking path for public
3 use; and
- 4 d. The political subdivision does not claim ownership of the property, right of way, or
5 adjoining property.
- 6 3. This section does not exempt a railroad corporation from any liability created under
7 chapter 49-16 or the federal Employer's Liability Act [45 U.S.C. 51 et seq.] for injuries
8 to its employees or agents.