

Fifty-sixth Legislative Assembly, State of North Dakota, begun in the Capitol in the City of Bismarck, on Tuesday, the fifth day of January, one thousand nine hundred and ninety-nine

HOUSE BILL NO. 1272
(Representatives Berg, Carlson, Keiser)
(Senator Lee)

AN ACT to amend and reenact sections 49-11-21 and 49-11-22 of the North Dakota Century Code, relating to the sounding of a warning device on a locomotive engine.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-11-21 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

49-11-21. Warning device sounded at crossing by locomotive - Exception. A warning device must be placed on each locomotive engine and must be sounded at a distance of at least eighty rods [402.34 meters] from the place where the railroad crosses any other road or street and must continue to be sounded until it has crossed the road or street. The governing body of a city may adopt a quiet zone ordinance, as allowed by federal law and implemented under the federal railroad administration's supplemental safety measures for at-grade crossings, prohibiting a locomotive engine from sounding a warning device at crossings within the quiet zone under regular crossing conditions. A crew member may sound a warning device as determined appropriate by that crew member.

SECTION 2. AMENDMENT. Section 49-11-22 of the North Dakota Century Code is amended and reenacted as follows:

49-11-22. Liability for failure of locomotive to sound bell, horn, or whistle at crossing. The A person ~~owning~~ that owns or has a leasehold interest in a locomotive ~~which~~ that fails to sound its warning device at any road or street crossing as required by section 49-11-21 ~~shall be~~ is guilty of an infraction and ~~shall be~~ is liable for all damages ~~which shall be~~ that are sustained by any person by reason of ~~such~~ the neglect. If a crew member of a locomotive does not sound a warning device at a crossing for which the sounding of a warning device is prohibited under a city ordinance, any crew member or person with any interest in the locomotive is not liable for any damages sustained by a person by reason of the failure to sound a warning device. This section does not exempt a railroad corporation from any liability created under chapter 49-16 or the Federal Employers' Liability Act [45 U.S.C. 51 et seq.] for injuries to its employees or agents.

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-sixth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1272.

House Vote: Yeas 89 Nays 6 Absent 3

Senate Vote: Yeas 45 Nays 3 Absent 1

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at _____ o'clock _____ M.

Secretary of State