

ORIGINAL HOUSE
BILL NO. HB0108

ENROLLED ACT NO. 89, HOUSE OF REPRESENTATIVES

SIXTY-THIRD LEGISLATURE OF THE STATE OF WYOMING
2015 GENERAL SESSION

AN ACT relating to property; specifying the duty of care a landowner owes to a trespasser; providing definitions; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 34-19-201 through 34-19-204 are created to read:

ARTICLE 2
LIABILITY OF LANDOWNERS TO TRESPASSERS

34-19-201. Definitions

(a) As used in this article:

(i) "Land" means land, including state land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty;

(ii) "Owner" means the owner of an interest in land, a tenant, renter, lessee, including a lessee of state lands, lawful occupant or person in control of the premises;

(iii) "Trespasser" means a person or persons who enter or remain upon land in the possession of another without a privilege to do so created by the owner's consent or otherwise.

34-19-202. Duty of owner of land to trespasser.

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Except as provided in W.S. 34-19-203, an owner of land owes no duty of care to a trespasser and is not liable for any injury to a trespasser, except that the owner owes a duty not to willfully or wantonly injure a trespasser.

34-19-203. Artificial conditions highly dangerous to trespassing children.

(a) An owner of land is subject to liability for physical harm to a child trespassing on the land caused by an artificial condition upon the land if:

(i) The place where the condition exists is one upon which the owner knows or has reason to know that a child is likely to trespass;

(ii) The condition is one of which the owner knows or has reason to know and which he realizes or should realize will involve an unreasonable risk of death or serious bodily harm to the child;

(iii) The child because of his youth does not discover the condition or realize the risk involved in intermeddling with it or in coming within the area made dangerous by it;

(iv) The utility to the owner of maintaining the condition and the burden of eliminating the danger are slight as compared with the risk to the child involved; and

(v) The owner fails to exercise reasonable care to eliminate the danger or otherwise to protect the child.

34-19-204. Conflicts.

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If a statute other than a statute in this article prescribes a standard or duty of care that differs from that prescribed in this article, the other standard or duty of care shall control over the provisions of this article.

Section 2. The provisions of this act shall apply to claims for relief based on injuries to a trespasser that occur on or after July 1, 2015.

Section 3. This act is effective July 1, 2015.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk