

HOUSE BILL NO. HB0114

Transportation commission contract immunity repeal.

Sponsored by: Representative(s) Laursen, Greear, Jennings
and Miller and Senator(s) Bouchard and
Steinmetz

A BILL

for

1 AN ACT relating to governmental claims and the department
2 of transportation; prohibiting the assertion of immunity
3 under the governmental claims act and waiving immunity for
4 claims relating to department of transportation contracts;
5 and providing for an effective date.

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

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9 **Section 1.** W.S. 1-39-104(a) and 24-2-101(e) are
10 amended to read:

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12 **1-39-104. Granting immunity from tort liability;**
13 **liability on contracts; exceptions.**

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1 (a) A governmental entity and its public employees
2 while acting within the scope of duties are granted
3 immunity from liability for any tort except as provided by
4 W.S. 1-39-105 through 1-39-112. Any immunity in actions
5 based on a contract entered into by a governmental entity
6 is waived except to the extent provided by the contract if
7 the contract was within the powers granted to the entity
8 and was properly executed and except as provided in W.S.
9 1-39-120(b) and 24-2-101(e). The claims procedures of W.S.
10 1-39-113 apply to contractual claims against governmental
11 entities.

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13 **24-2-101. Department and commission created;**
14 **qualifications; appointment; term; removal; compensation;**
15 **location of offices; power to bring civil actions; official**
16 **seal.**

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18 (e) The commission shall maintain offices at the
19 state capital. The commission is empowered to sue in the
20 name of the "Transportation Commission of Wyoming", and may
21 be sued by that name in the courts of this state and in no
22 other jurisdiction upon any contract executed by it.

23 Neither the commission nor the department shall assert

1 immunity under W.S. 1-39-104(a) in defense of any action
2 arising from a contract and brought under the Wyoming
3 Governmental Claims Act regardless of whether the contract
4 contains an immunity provision. The attorney general is
5 the legal advisor of the commission and shall prosecute and
6 defend all actions and shall also appear in all proceedings
7 in any federal department in which the commission is a
8 party or is interested.

9

10 **Section 2.** This act is effective July 1, 2020.

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(END)