

HOUSE BILL NO. HB0131

Transportation department contract immunity repeal.

Sponsored by: Representative(s) Laursen, Greear, Jennings
and Stith and Senator(s) Case and Cooper

A BILL

for

1 AN ACT relating to governmental claims and the
2 transportation department; prohibiting the department of
3 transportation from asserting immunity under the
4 governmental claims act for actions based on a contract;
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. Unless the governmental
5 entity is specifically prohibited by law from asserting
6 immunity under this subsection, any immunity in actions
7 based on a contract entered into by a governmental entity
8 is waived except to the extent provided by the contract if
9 the contract was within the powers granted to the entity
10 and was properly executed and except as provided in W.S.
11 1-39-120(b). The claims procedures of W.S. 1-39-113 apply
12 to contractual claims against governmental entities.

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

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

1 Neither the commission nor the department shall assert
2 immunity under W.S. 1-39-104(a) in defense of any action
3 based on a contract entered into by the commission or the
4 department and brought under the Wyoming Governmental
5 Claims Act regardless of whether the contract contains an
6 immunity provision. The attorney general is the legal
7 advisor of the commission and shall prosecute and defend
8 all actions and shall also appear in all proceedings in any
9 federal department in which the commission is a party or is
10 interested.

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12 **Section 2.** This act is effective July 1, 2021.

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(END)