

HOUSE BILL NO. HB0202

Railroads-fence repairs.

Sponsored by: Representative(s) Brown and Shepperson and
Senator(s) Bebout

A BILL

for

1 AN ACT relating to railroads; providing for fence repairs
2 by landowners; limiting duties and liability as specified;
3 and providing for an effective date.

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

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7 **Section 1.** W.S. 37-9-312(a)(ii) and by creating a
8 new subsection (c) is amended to read:

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10 **37-9-312. Immediate or urgent fence repairs.**

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12 (a) After notification to the railroad and the
13 department of transportation by the landowner concerning
14 any damaged fence or a fence in disrepair, the landowner
15 shall have the right to be reimbursed by the railroad for

1 the reasonable and customary costs for such repairs,
2 provided:

3

4 (ii) Following the notice by the landowner, the
5 railroad fails to commit that it will make the repairs
6 within three (3) business days of the initial notice by the
7 landowner or fails to complete the repairs within five (5)
8 business days or within a mutually agreed upon time from
9 the date of the initial notice by the landowner; and

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11 (c) Repairs made by a landowner pursuant to this
12 section shall not be deemed to create any continuing duty
13 or any landowner liability.

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15 **Section 2.** This act is effective July 1, 2011.

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(END)