

SENATE FILE NO. SF0004

Livestock disease reporting and liability.

Sponsored by: Senator(s) Geis

A BILL

for

1 AN ACT relating to livestock; imposing liability for the
2 failure to give notice of diseased livestock as specified;
3 providing damages for false claims; assigning burdens of
4 proof; providing exceptions to liability; and providing for
5 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. 11-19-102 by creating new subsections
10 (d) and (e) is amended to read:

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12 **11-19-102. Duty of public to report diseases; list of**
13 **reportable diseases; failure to comply or obstruction of**
14 **duty; liability; penalties.**

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16 (d) Any person who knows or through reasonable
17 diligence should know that they own or have in their

1 possession an animal infected with any disease identified
2 under subsection (a) of this section and who transfers
3 ownership or possession of the animal to another person, or
4 who allows the animal to commingle with an uninfected
5 animal, is liable for the economic damages caused by the
6 spread of the disease to an uninfected animal. In addition
7 to the conditions for liability and recovery set in
8 subsection (e) of this section, damages shall be available
9 under this subsection only to a transferee who accepts the
10 diseased animal directly from the liable person and to the
11 owner of an animal that becomes infected as the result of
12 direct contact with the diseased animal. The burden of
13 proving liability and damages under this section shall be
14 upon the person claiming damages. Any person who files a
15 claim for recovery under this subsection alleging facts
16 known to be false is liable for treble the damages caused
17 by the false claim and reasonable attorney fees.

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19 (e) No person who has received written notice that an
20 animal may be infected with a disease identified in
21 subsection (a) of this section prior to coming into
22 possession of the infected animal or prior to the infected
23 animal commingling with livestock owned by the person shall
24 be entitled to the damages provided by subsection (d) of

1 this section. No livestock sales or auction facility shall
2 be subject to the liability imposed by subsection (d) of
3 this section if:

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5 (i) The existence of disease was not reported to
6 the facility and the facility did not know or through
7 reasonable diligence should not have known of the existence
8 of the disease; or

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10 (ii) The facility provided written notice of the
11 disease to the person claiming damages under subsection (d)
12 of this section.

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14 **Section 2.** This act is effective July 1, 2013.

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(END)