

SENATE FILE NO. SF0013

Innocent landowner amendments.

Sponsored by: Joint Minerals, Business and Economic
Development Interim Committee

A BILL

for

1 AN ACT relating to environmental quality; amending the
2 definition of an innocent owner for purposes of immunity
3 from liability for contamination on real property as
4 specified; providing a definition; and providing for an
5 effective date.

6

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

8

9 **Section 1.** W.S. 35-11-103(g) by creating a new
10 paragraph (xii) and 35-11-1801(a)(iv), (v) and by creating
11 a new paragraph (vi) are amended to read:

12

13 **35-11-103. Definitions.**

14

1 (g) Specific definitions applying to voluntary
2 remediation, real property remediation account and innocent
3 owners:

4
5 (xii) "Bona fide prospective purchaser" means a
6 person who acquired ownership of real property after
7 January 11, 2002 and can establish each of the following by
8 a preponderance of the evidence:

9
10 (A) All release or disposal of contaminants
11 located at the real property occurred before the person
12 acquired the real property;

13
14 (B) The person made all appropriate
15 inquiries into the previous ownership and use of the real
16 property in accordance with generally accepted good
17 commercial and customary practices. In the case of real
18 property used as residential property at the time of
19 purchase by a nongovernmental or noncommercial entity, an
20 inspection that reveals no basis for further investigation
21 shall satisfy the requirements of this subparagraph.

22
23 **35-11-1801. Definition of innocent owner.**
24

1 (a) "Innocent owner" means a person who did not cause
2 or contribute to the source of contamination and who is one
3 (1) of the following:

4
5 (iv) A lender or fiduciary who owns or holds a
6 security interest in land, unless the lender or fiduciary
7 participated in the management of a site at the time that
8 the owner or operator thereof caused a release or migration
9 of contaminants;~~or~~

10

11 (v) A unit of state or local government which
12 acquired ownership or control through bankruptcy, tax
13 delinquency, abandonment or other circumstances in which
14 the government acquires title by virtue of its function as
15 sovereign, unless the state or local government contributed
16 to the contamination;~~;~~ or

17

18 (vi) At the time of purchase was a bona fide
19 prospective purchaser.

20

21 **Section 2.** This act is effective July 1, 2012.

22

23

(END)