

SENATE FILE NO. SF0108

Public utilities-liability exemption.

Sponsored by: Senator(s) Dockstader and Representative(s)
Eyre

A BILL

for

1 AN ACT relating to civil procedure; codifying an exemption
2 from civil liability for public utilities as specified;
3 specifying applicability of the Wyoming Governmental Claims
4 Act; specifying legislative intent; and providing for an
5 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. 1-1-139 is created to read:

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11 **1-1-139. Public utility exemption from civil liability;**
12 **wildfires and other acts of God.**

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14 (a) Except as provided in subsection (b) of this
15 section, a public utility is not liable for damages to real

1 or personal property, including claims for economic losses,
2 in any civil action against the public utility for a wildfire
3 or other catastrophe caused by an act of God.

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5 (b) Subsection (a) of this section shall not apply to
6 damages, including claims for economic losses, if a
7 negligent, willful, wanton or reckless act of the public
8 utility was the proximate cause of the wildfire or other
9 catastrophe.

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11 (c) As used in this section:

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13 (i) "Economic losses" includes damages caused by
14 a failure to provide an adequate supply of gas, electricity,
15 water, solid or liquid waste collection or disposal, heating
16 and ground transportation;

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18 (ii) "Municipality" means as defined in W.S.
19 37-1-101(a)(iii);

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21 (iii) "Public utility" means as defined in W.S.
22 37-1-101(a)(vi) excluding the state or a municipality.

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1 (d) Should any grant of immunity, exception or
2 imposition of liability within the Wyoming Governmental
3 Claims Act, W.S. 1-39-101 through 1-39-120, conflict with any
4 provision of this section, the Wyoming Governmental Claims
5 Act shall prevail.

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7 **Section 2.** It is intended by this act to codify the
8 common law existing in this state as of July 1, 2019, as it
9 relates to the liability of a public utility for damages to
10 real or personal property in a civil action against a public
11 utility for a wildfire or other catastrophe caused by an act
12 of God.

13
14 **Section 3.** This act is effective July 1, 2019.

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(END)