

ORIGINAL SENATE  
FILE NO. SF0122

ENROLLED ACT NO. 33, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

AN ACT relating to civil procedure; codifying an exemption from civil liability for public utilities as specified; specifying applicability of the Wyoming Governmental Claims Act; specifying legislative intent; and providing for an effective date.

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

**Section 1.** W.S. 1-1-139 is created to read:

**1-1-139. Public utility exemption from civil liability; catastrophes caused by an act of God.**

(a) Except as provided in subsection (b) of this section, a public utility is not liable for damages to real or personal property or damages for claims resulting from economic losses in any civil action against the public utility for a catastrophe caused by an act of God.

(b) Subsection (a) of this section shall not apply to damages if a negligent, willful, wanton or reckless act of the public utility was a proximate cause of the catastrophe.

(c) As used in this section:

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

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

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

ORIGINAL SENATE  
FILE NO. SF0122

ENROLLED ACT NO. 33, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

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

**Section 2.** It is intended by this act to codify the common law existing in this state as of July 1, 2020, as it relates to the liability of a public utility for damages to real or personal property or damages for claims resulting from economic losses in a civil action against a public utility for a catastrophe caused by an act of God.

**Section 3.** This act is effective July 1, 2020.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk