

SENATE FILE NO. SF0004

Posting of access to public roads.

Sponsored by: Senator(s) Geis

A BILL

for

1 AN ACT relating to public lands; prohibiting the posting of  
2 unlawful signs restricting access to public lands as  
3 specified; providing for enforcement; providing  
4 definitions; providing a penalty; 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. 36-1-119 is created to read:

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11 **36-1-119. Posting of signs restricting access to**  
12 **public lands on public lands and roads; enforcement;**  
13 **penalty.**

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15 (a) No person shall post a notice on public or  
16 private land purporting to restrict access to public land

1 unless the restriction has been approved by the governing  
2 body having jurisdiction over the public land.

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4 (b) No person shall post a notice on public or  
5 private land purporting to restrict the use of a public  
6 roadway across public land or across private land for which  
7 a legal governing body has secured a public easement or  
8 right-of-way written agreement for public access from the  
9 owner of the land.

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11 (c) The governing body having jurisdiction over the  
12 land or roadway to which access is alleged to have been  
13 unlawfully restricted shall investigate any claim to  
14 determine its validity. Any person found by the governing  
15 body to have improperly posted a notice restricting access  
16 in violation of subsection (a) or (b) of this section shall  
17 be notified of the violation by the governing body in  
18 writing by certified mail return receipt requested and  
19 shall be directed to remove the posted notice within five  
20 (5) days after receipt of the notice. Any person who fails  
21 to correct the violation within five (5) days after receipt  
22 of the notice shall be guilty of a misdemeanor and, upon  
23 conviction, shall be subject to a fine of not more than  
24 three hundred dollars (\$300.00). Any person convicted of a

1 subsequent violation of this section within three (3) years  
2 from the date of the first conviction shall be subject to a  
3 fine of not less than three hundred dollars (\$300.00), nor  
4 more than seven hundred fifty dollars (\$750.00),  
5 imprisonment for not more than six (6) months, or both.

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7 (d) Nothing in this section shall be construed to  
8 require a private landowner to grant public access to or  
9 across any private land or road to which no legal public  
10 access otherwise exists.

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12 (e) As used in this section:

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14 (i) "Public land" means any land legally owned  
15 by the United States, the state of Wyoming, a local  
16 governmental entity or any agency thereof;

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18 (ii) "Public roadway" means any passageway  
19 located on public land or private land to which the private  
20 landowner has granted lawful public access without  
21 obtaining prior permission, which has been graded or  
22 constructed to carry vehicular traffic or on which repeated  
23 vehicular traffic over successive years has created  
24 well-defined tracks.

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2       **Section 2.** This act is effective July 1, 2002.

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(END)