

HOUSE BILL NO. HB0027

Posting of restrictions on roads & lands.

Sponsored by: Representative(s) Sadler, Boswell, Cohee,
Deegan, Esquibel, Gay, Landon, Lockhart,
McGraw, McMurtrey, Meyer, Morgan, Nelson,
Petersen, Reese, Robinson, Rose, Thompson,
Tipton, Tomassi and Warren

A BILL

for

1 AN ACT relating to public roads and public lands;
2 prohibiting the improper posting of restrictions on public
3 roads and lands as specified; providing definitions;
4 providing penalties; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 24-1-133 and 36-1-119 are created to
9 read:

10

11 **24-1-133. Posting notice of restrictions to public**
12 **roads and adjacent lands; restrictions; penalties.**

13

14 (a) No person shall post a notice purporting to
15 restrict access over a public road unless the restriction

1 has been approved by the governing body having jurisdiction
2 over the road.

3

4 (b) For purposes of this section "public road" means
5 any passageway to which there is a duly recorded instrument
6 from the landowner or his predecessor in interest conveying
7 to the public unrestricted legal right to use the
8 passageway or to which a governing body has acquired
9 unrestricted legal right for the public to use the
10 passageway.

11

12 (c) The governing body having jurisdiction over the
13 public road shall issue a written demand to any person who
14 unlawfully posts a notice in violation of subsection (a) of
15 this section directing that the notice be removed within
16 three (3) days following receipt of the notice. The demand
17 shall be delivered in person by a peace officer or mailed
18 by both first class mail and certified mail return receipt
19 requested to the person's last known mailing address. Any
20 person who knowingly posts an illegal notice or who fails
21 to remove an illegal notice within three (3) days after
22 receiving the demand from the governing body is guilty of a
23 misdemeanor. If the person cannot be personally served
24 because he deliberately made himself unavailable for

1 service, or refused to accept delivery of the demand by
2 certified mail, then he shall be guilty of a misdemeanor if
3 he fails to remove the illegal notice within five (5) days
4 after the demand was mailed to him by the governing body.
5 Any person convicted of a misdemeanor under this section
6 shall be punished by a fine up to six hundred dollars
7 (\$600.00) for each day the person fails to remove the
8 illegal notice, not to exceed a total of ten thousand
9 dollars (\$10,000.00) for one (1) continuing violation.

10
11 (d) It shall be a defense to any charge under this
12 section, that severe weather or other circumstance not
13 within control of the person charged prevented removal of
14 the notice.

15
16 **36-1-119. Posting notice of restrictions to public**
17 **lands; restrictions; penalties.**

18
19 (a) No person shall post a notice on any public land
20 or on a public road as defined by W.S. 24-1-133(b)
21 restricting access to public lands unless the restriction
22 has been approved by the governing body having jurisdiction
23 over the public land.

24

1 (b) For purposes of this section "public land" means
2 any land under the jurisdiction of the board of land
3 commissioners or under the jurisdiction of any political
4 subdivision of the state which the public is authorized to
5 use without obtaining legal permission from a private
6 landowner.

7
8 (c) The governing body having jurisdiction over the
9 public land shall issue a written demand to any person who
10 unlawfully posts a notice in violation of subsection (a) of
11 this section directing that the notice be removed within
12 three (3) days following receipt of the notice. The demand
13 shall be delivered in person by a peace officer or mailed
14 by both first class mail and certified mail return receipt
15 requested to the person's last known mailing address. Any
16 person who knowingly posts an illegal notice or who fails
17 to remove an illegal notice within three (3) days after
18 receiving the demand from the governing body is guilty of a
19 misdemeanor. If the person cannot be personally served
20 because he deliberately made himself unavailable for
21 service, or refused to accept delivery of the demand by
22 certified mail, then he shall be guilty of a misdemeanor if
23 he fails to remove the illegal notice within five (5) days
24 after the demand was mailed to him by the governing body.

1 Any person convicted of a misdemeanor under this section
2 shall be punished by a fine up to six hundred dollars
3 (\$600.00) for each day the person fails to remove the
4 illegal notice, not to exceed a total of ten thousand
5 dollars (\$10,000.00) for one (1) continuing violation.

6

7 (d) It shall be a defense to any charge under this
8 section, that severe weather or other circumstance not
9 within control of the person charged prevented removal of
10 the notice.

11

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

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14

(END)