

HOUSE BILL NO. HB0108

Trespass-landowner liability.

Sponsored by: Representative(s) Miller, Brown and Greear
and Senator(s) Burns, Christensen, Driskill,
Geis, Hicks and Kinskey

A BILL

for

1 AN ACT relating to property; specifying the duty of care a
2 landowner owes to a trespasser; providing definitions; and
3 providing for an effective date.

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

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7 **Section 1.** W.S. 34-19-201 through 34-19-204 are
8 created to read:

9

10 ARTICLE 2

11 LIABILITY OF LANDOWNERS TO TRESPASSERS

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14 **34-19-201. Definitions**

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1 (a) As used in this article:

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3 (i) "Land" means land, including state land,
4 roads, water, watercourses, private ways and buildings,
5 structures, and machinery or equipment when attached to the
6 realty;

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8 (ii) "Owner" means the owner of an interest in
9 land, a tenant, renter, lessee, including a lessee of state
10 lands, lawful occupant or person in control of the
11 premises;

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13 (iii) "Trespasser" means a person or persons who
14 enter or remain upon land in the possession of another
15 without a privilege to do so created by the owner's consent
16 or otherwise.

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18 **34-19-202. Duty of owner of land to trespasser.**

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20 Except as provided in W.S. 34-19-203, an owner of land owes
21 no duty of care to a trespasser and is not liable for any
22 injury to a trespasser, except that the owner owes a duty
23 not to willfully or wantonly injure a trespasser.

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2 **34-19-203. Artificial conditions highly dangerous to**
3 **trespassing children.**

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5 (a) An owner of land is subject to liability for
6 physical harm to a child trespassing on the land caused by
7 an artificial condition upon the land if:

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9 (i) The place where the condition exists is one
10 upon which the owner knows or has reason to know that a
11 child is likely to trespass;

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13 (ii) The condition is one of which the owner
14 knows or has reason to know and which he realizes or should
15 realize will involve an unreasonable risk of death or
16 serious bodily harm to the child;

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18 (iii) The child because of his youth does not
19 discover the condition or realize the risk involved in
20 intermeddling with it or in coming within the area made
21 dangerous by it;

(iv) The utility to the owner of maintaining the condition and the burden of eliminating the danger are slight as compared with the risk to the child involved; and

5 (v) The owner fails to exercise reasonable care
6 to eliminate the danger or otherwise to protect the child.

8 34-19-204. Conflicts.

10 If a statute other than a statute in this article
11 prescribes a standard or duty of care that differs from
12 that prescribed in this article, the other standard or duty
13 of care shall control over the provisions of this article.

15 **Section 2.** The provisions of this act shall apply to
16 claims for relief based on injuries to a trespasser that
17 occur on or after July 1, 2015.

19 **Section 3.** This act is effective July 1, 2015.

21 (END)