

SENATE FILE NO. SF0004

Posting of access to public roads.

Sponsored by: Senator(s) Geis and Cathcart

A BILL

for

1 AN ACT relating to public lands; prohibiting the posting of
2 unlawful signs restricting access to public lands and
3 public roads as specified; providing for enforcement;
4 providing definitions; providing a penalty; and providing
5 for an 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 and public roads on public lands and public**
13 **roads; enforcement; 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 lands
17 and public roads unless the restriction has been approved

1 by the governing body having jurisdiction over the public
2 lands and public roads.

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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 not more than seven hundred fifty dollars (\$750.00),
4 imprisonment for not more than six (6) months, or both.

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

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11 (e) As used in this section:

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

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17 (ii) "Public roadway" means any passageway
18 located on public land or private land to which the private
19 landowner has granted to a legal governing body a written
20 public easement or right-of-way written agreement for
21 lawful public access without obtaining prior permission and
22 which has been graded or constructed to carry vehicular
23 traffic or on which repeated vehicular traffic over
24 successive years has created well-defined tracks.

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

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(END)