

HOUSE BILL NO. HB0114

Partition fences.

Sponsored by: Representative(s) Wallis and Semlek and
Senator(s) Geis

A BILL

for

1 AN ACT relating to partition fences; providing for
2 reasonable attorney fees in cases to recover costs of
3 partition fences; and providing for an effective date.

4

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

6

7 **Section 1.** W.S. 11-28-106 is amended to read:

8

9 **11-28-106. Construction and maintenance of partition**
10 **fences.**

11

12 The owner of any lawful fence which is or becomes a
13 partition fence separating the owner's land from that
14 belonging to some other person may require the person to
15 pay for one-half (1/2) of what it would or does actually
16 cost to construct the partition fence. In case of refusal,

1 the owner may maintain a civil action against the person
2 refusing and is entitled to recover one-half (1/2) of what
3 it would or did actually cost to construct that portion of
4 the partition fence used by the person and costs of suit.
5 The joint users of a partition fence shall contribute to
6 the cost of maintenance in proportion to their respective
7 interests and if either refuses to pay his share of the
8 cost of maintenance, the other may recover maintenance
9 costs in the manner provided for recovering the cost of
10 construction. In any civil action filed under this section,
11 the court may award the prevailing party reasonable
12 attorney fees and costs.

13

14 **Section 2.** This act is effective July 1, 2010.

15

16

(END)