

SENATE FILE NO. SF0020

Livestock disease reporting and liability.

Sponsored by: Senator(s) Geis

A BILL

for

1 AN ACT relating to livestock; imposing liability for the  
2 failure to give notice of diseased livestock as specified;  
3 assigning burdens of proof; providing exceptions to  
4 liability; and providing for an effective date.

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

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8 **Section 1.** W.S. 11-19-102 by creating new subsections  
9 (d) and (e) is amended to read:

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11 **11-19-102. Duty of public to report diseases; list of**  
12 **reportable diseases; failure to comply or obstruction of**  
13 **duty; liability; penalties.**

14

15 (d) Any person who knows or through reasonable  
16 diligence should know that they own or have in their  
17 possession an animal infected with any disease identified

1 under subsection (a) of this section and who transfers  
2 ownership or possession of the animal to another person, or  
3 who allows the animal to commingle with an uninfected  
4 animal, is liable for the economic damages caused by the  
5 spread of the disease to an uninfected animal. In addition  
6 to the conditions for liability and recovery set in  
7 subsection (e) of this section, damages shall be available  
8 under this section only to a transferee who accepts the  
9 diseased animal directly from the liable person and to the  
10 owner of an animal that becomes infected as the result of  
11 direct contact with the diseased animal. The burden of  
12 proving liability and damages under this section shall be  
13 upon the person claiming damages. Any person who files a  
14 claim for recovery under this subsection alleging facts  
15 known to be false is liable for treble the damages claimed  
16 and reasonable attorney fees.

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18 (e) No person who has received written notice that an  
19 animal may be infected with a disease identified in  
20 subsection (a) of this section prior to coming into  
21 possession of the infected animal or prior to the infected  
22 animal commingling with livestock owned by the person shall  
23 be entitled to the damages provided by subsection (d) of  
24 this section. No livestock sales or auction facility shall

1 be subject to the liability imposed by subsection (d) of  
2 this section if the existence of disease was not reported  
3 to the facility, if the facility did not know or through  
4 reasonable diligence should not have known of the existence  
5 of the disease or if the facility provided written notice  
6 of the disease to the person claiming damages under  
7 subsection (d) of this section.

8

9 **Section 2.** This act is effective July 1, 2012.

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(END)