

SENATE FILE NO. SF0070

Land possessor duty to trespasser.

Sponsored by: Senator(s) Geis

A BILL

for

1 AN ACT relating to civil actions; providing that an owner
2 of real property has no duty to a trespasser as specified;
3 providing exceptions; providing a definition; and providing
4 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. 1-1-139 is created to read:

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10 **1-1-139. Responsibility of possessor of real property**
11 **for harm to trespasser.**

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13 (a) Except as provided in the Restatement (Second) of
14 Torts, Sections 334 through 339 (1965), a possessor of real
15 property including an owner, lessee, renter or other lawful
16 occupant is not liable to trespassers for physical harm
17 caused by his failure to exercise reasonable care:

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2 (i) To put the land in a condition reasonably
3 safe for the trespasser; or

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5 (ii) To carry on activities so as not to
6 endanger a trespasser.

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8 (b) Nothing in this section shall be deemed to apply
9 to any injury to a trespasser through any intentional,
10 willful or wanton act.

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12 (c) This section shall not be deemed to create or
13 increase the liability of any possessor of real property
14 and shall not be deemed to affect any immunity from or
15 defense to liability established by any other section of
16 law, including the provisions of W.S. 34-19-101 through
17 34-19-107 or any immunity or defense available at common
18 law.

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20 (d) As used in this section, "trespasser" means a
21 person who enters or remains on land in the possession of
22 another without valid privilege or consent created by the
23 possessor or otherwise.

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1 **Section 2.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

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6

(END)