

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 definitions; 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) A possessor of real property including an owner,
14 lessee, renter or other lawful occupant has no duty to
15 maintain the premises in a safe condition for the use of a
16 trespasser.

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

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5 (c) Notwithstanding subsection (a) of this section, a
6 possessor of real property may be subject to liability for
7 physical harm to a child who is trespassing if the injury
8 is caused by an artificial condition of the land and if:

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10 (i) The possessor knows or has reason to know
11 that the artificial condition or the surrounding area is
12 likely to induce a child to trespass;

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14 (ii) The possessor knows or has reason to know
15 that the artificial condition involves an unreasonable risk
16 of death or serious bodily harm to a child;

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18 (iii) A child, because of his youth, would be
19 unlikely to discover the condition or to realize the risk
20 caused by the condition; and

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22 (iv) The possessor fails to exercise reasonable
23 care to eliminate the danger or otherwise protect a child
24 trespassing in the area.

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2 (d) This section shall not be deemed to create or
3 increase the liability of any possessor of real property
4 and shall not be deemed to affect any immunity from or
5 defense to liability established by any other section of
6 law, including the provisions of W.S. 34-19-101 through
7 34-19-107 or any immunity or defense available at common
8 law.

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10 (e) As used in this section:

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12 (i) "Artificial condition" means a structure or
13 other man-made object and does not include any natural
14 feature of land or any living animal;

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16 (ii) "Trespasser" means a person who enters or
17 remains on land in the possession of another without valid
18 privilege or consent created by the 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.

5

6

(END)