

**Bill No.:** HB0108

**Effective:** 7/1/2015

**LSO No.:** 15LSO-0431

**Enrolled Act No.:** HEA 89

**Chapter No.:** 145

**Prime Sponsor:** Miller

**Catch Title:** Trespass-landowner liability.

**Subject:** Specifies the duty of care a landowner owner owes to a trespasser.

**Summary/Major Elements:**

- This bill specifies that:
  - A landowner owes no duty of care to a trespasser, except for a duty not to willfully or wantonly injure a trespasser;
  - A landowner is subject to liability for harm to a child trespasser if: the owner knows or has reason to know that a child is likely to trespass; the condition is one that the owner knows or should reasonably know or realize will involve an unreasonable risk of death or serious bodily harm to the child; the child does not discover or realize the risk associated with the condition, or in coming within the area made dangerous by it; the utility to the owner of eliminating the danger is slight as compared with the risk to the child; and, the owner fails to exercise reasonable care to eliminate the danger or otherwise protect the child.
  - If the provisions of this act conflict with other statutes with a standard or duty of care that is different, the other standard or duty of care prevails over the provisions of this act.
  - The provisions of this act apply to claims for relief based on injuries that occur on or after July 1, 2015.

**Comments:**

- Has a Delayed Effective Date: Applies to injuries that occur on or after July 1, 2015.
- This act codifies Wyoming case law consistent with the Restatement of Torts, rather than the new Restatement of Torts (Third) published in 2013.