

SENATE FILE NO. SF0108

Public utilities-liability exemption.

Sponsored by: Senator(s) Dockstader and Representative(s)  
Eyre

A BILL

for

1 AN ACT relating to civil procedure; codifying an exemption  
2 from civil liability for public utilities as specified;  
3 specifying applicability of the Wyoming Governmental Claims  
4 Act; specifying legislative intent; and providing for an  
5 effective date.

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

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9 **Section 1.** W.S. 1-1-139 is created to read:

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11 **1-1-139. Public utility exemption from civil liability;**  
12 **catastrophes caused by an act of God.**

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14 (a) Except as provided in subsection (b) of this  
15 section, a public utility is not liable for damages to real

1 or personal property, including claims for economic losses,  
2 in any civil action against the public utility for a  
3 catastrophe caused by an act of God.

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5 (b) Subsection (a) of this section shall not apply to  
6 damages, including claims for economic losses, if a  
7 negligent, willful, wanton or reckless act of the public  
8 utility was a proximate cause of the catastrophe.

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10 (c) As used in this section:

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12 (i) "Economic losses" includes damages caused by  
13 a failure to provide an adequate supply of gas, electricity,  
14 water, solid or liquid waste collection or disposal, heating  
15 and ground transportation;

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17 (ii) "Municipality" means as defined in W.S.  
18 37-1-101(a)(iii);

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20 (iii) "Public utility" means as defined in W.S.  
21 37-1-101(a)(vi) excluding the state or a municipality.

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1           (d) Should any grant of immunity, exception or  
2 imposition of liability within the Wyoming Governmental  
3 Claims Act, W.S. 1-39-101 through 1-39-120, conflict with any  
4 provision of this section, the Wyoming Governmental Claims  
5 Act shall prevail.

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7           **Section 2.** It is intended by this act to codify the  
8 common law existing in this state as of July 1, 2019, as it  
9 relates to the liability of a public utility for damages to  
10 real or personal property in a civil action against a public  
11 utility for a catastrophe caused by an act of God.

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13           **Section 3.** This act is effective July 1, 2019.

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(END)