

SENATE FILE NO. SF0073

Lawful fences.

Sponsored by: Joint Agriculture, State and Public Lands &
Water Resources Interim Committee

A BILL

for

1 AN ACT relating to agriculture, livestock and other
2 animals; amending the penalties for the construction or
3 maintenance of an unlawful wire fence; amending the civil
4 liability standard for damage caused by an unlawful wire
5 fence from animals to livestock; limiting the shared costs
6 of a partition fence between a subdivider and an adjoining
7 landowner; amending the liability of a subdivider for
8 livestock that enters onto subdivided land; making a
9 conforming amendment; and providing for an effective date.

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

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13 **Section 1.** W.S. 11-28-103(a), 11-28-106(b) and
14 11-28-108(a) are amended to read:

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1 **11-28-103. Constructing of unlawful wire fence;**
2 **liability and penalty; reconstruction required; penalty for**
3 **failure.**

4
5 (a) Any person who constructs or maintains any
6 unlawful wire fence contrary to this chapter, is liable in
7 a civil action for all damages to ~~animals~~livestock that
8 may occur by reason of the unlawful enclosure. The owner of
9 any unlawful wire fence is guilty of a misdemeanor and
10 shall be fined not less than ~~five dollars (\$5.00)~~one
11 hundred fifty dollars (\$150.00) nor more than ~~twenty-five~~
12 ~~dollars (\$25.00)~~seven hundred fifty dollars (\$750.00), and
13 for each subsequent offense the fine shall not be less than
14 ~~twenty-five dollars (\$25.00)~~seven hundred fifty dollars
15 (\$750.00) nor more than ~~one hundred dollars (\$100.00)~~three
16 thousand dollars (\$3,000.00).

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18 **11-28-106. Construction and maintenance of partition**
19 **fences.**

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21 (b) For subdivisions as defined in W.S.
22 18-5-302(a)(vii), the subdivider shall be responsible for
23 the construction of a perimeter partition fence on any part

1 of the subdivision adjacent to lands upon which livestock
2 can be legally run at large. The costs of the perimeter
3 partition fence shall be paid for by the parties in
4 accordance with subsection (a) of this section except an
5 adjoining landowner to a subdivision shall only be required
6 to pay for one-half (1/2) of the actual cost to construct
7 and maintain a lawful fence described in W.S. 11-28-102(a)
8 and (b). The subdivider shall pay any additional costs of
9 construction and maintenance of a perimeter partition fence
10 that exceed the requirements of a lawful fence. The
11 adjoining landowner shall not be liable for any damages
12 caused by, or arising from, livestock pastured on the
13 adjoining land that may breach the perimeter partition
14 fence or wander onto the subdivided land.

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16 **11-28-108. Liability for breach into lawful enclosure**
17 **by animal; civil action or arbitration.**

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19 (a) Any person owning or having in his possession or
20 charge any livestock or domesticated buffalo which breaches
21 into any lawful enclosure belonging to someone other than
22 the owner of the animal, is liable to the party sustaining
23 the injury for all damages sustained by reason of such

1 breaching, except as provided in W.S. 11-28-106(b) for
2 liability regarding perimeter partition fences on
3 subdivisions. Damages may be recovered in a civil action
4 before any court having jurisdiction, or by arbitration,
5 each party to select a property holder and the two (2)
6 arbitrators to select a third. The arbitrators shall be
7 sworn before a judge of a circuit court before entering
8 upon their duties. The arbitrators shall carefully examine
9 the fence and assess the damage done, examine witnesses
10 under oath, one (1) of them to administer the oath to the
11 witnesses, and make a written report signed by at least two
12 (2) of the arbitrators, to the circuit court in the county
13 in which the damage is sustained. The finding of the
14 arbitration, as provided for in this section, shall within
15 three (3) days after rendered, be filed with a judge of a
16 circuit court in the county where the trespass was
17 committed, who shall enter the cost upon his docket and
18 proceed to issue execution therein as in other cases
19 originally commenced before him.

20

21 **Section 2.** This act is effective July 1, 2023.

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(END)