

SENATE FILE NO. SF0099

Prescriptive easements for electricity delivery.

Sponsored by: Senator(s) Cooper, Barlow, Dockstader,
Driskill, Hicks and Landen

A BILL

for

1 AN ACT relating to property, conveyances and security
2 transactions; providing legislative findings; providing
3 definitions; providing an easement for electric
4 transmission lines and distributions systems as specified;
5 specifying applicability; and providing for an effective
6 date.

7

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

9

10 **Section 1.**

11

12 (a) The legislature finds that:

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14 (i) During the electrification of rural Wyoming,
15 it was common for multiple landowners to allow the

1 construction of electrical distribution lines across their
2 properties for the purpose of distributing electricity to
3 the area residents. Each landowner benefitted from the
4 permissions given by other landowners. The electrical
5 providers relied on neighborly cooperation and the
6 permissions granted by the various landowners to build and
7 maintain electrical distribution lines that benefitted all
8 the affected landowners;

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10 (ii) In many cases, these arrangements were not
11 supported with written documentation;

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13 (iii) These historic arrangements and
14 permissions were in the public interest and warrant legal
15 protection;

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17 (iv) It is not in the public interest to
18 penalize neighborly cooperation by expanding the scope of
19 the easement or burden on the land beyond the intent of the
20 parties who entered into these agreements.

21

22 **Section 2.** W.S. 34-1-159 is created to read:

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1 **34-1-159. Prescriptive easements for electricity**
2 **delivery and distribution.**

3
4 (a) As used in this section:

5
6 (i) "Delivery" means the distribution or
7 transmission of electricity;

8
9 (ii) "Electric utility" means as defined by W.S.
10 37-3-401(a) (ii);

11
12 (iii) "Electricity user" means a person, or the
13 person's predecessor, that receives or received electricity
14 from a public utility, that is or was a member or customer
15 of a public utility or whose land is crossed by an electric
16 utility's system;

17
18 (iv) "Public utility" means as defined by W.S.
19 37-1-101(a) (vi);

20
21 (v) "System" means the physical structures,
22 including overhead power lines and appurtenant structures,

1 that convey electricity from a public utility to an
2 electricity user.

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4 (b) An electric utility shall be granted a
5 nonexclusive easement under this section for a system, and
6 the ability to reattach any existing pole attachments, if:

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8 (i) The electric utility has installed a
9 delivery system;

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11 (ii) The delivery system, or a portion of the
12 system, is visibly installed so as to provide any
13 successors-in-interest to the electricity user constructive
14 notice or actual notice that the delivery system exists on
15 the property;

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17 (iii) The delivery system was installed on the
18 property on or before January 1, 2006;

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20 (iv) The delivery system's use is continuous and
21 uninterrupted. A change of use, cessation of use or
22 de-energization for a period not exceeding one (1) year

1 shall not be deemed an interruption for purposes of this
2 paragraph; and

3

4 (v) There is no valid existing written agreement
5 between the electric utility and the landowner establishing
6 any other easement regarding the delivery system or a
7 portion of the delivery system.

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9 (c) Upon the establishment of an easement under this
10 section:

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12 (i) The electric utility shall have the right to
13 reconstruct, re-phase, maintain and repair the existing
14 system and the right to trim and remove trees and other
15 vegetation that is hazardous or that is reasonably likely
16 to become hazardous to the delivery system;

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18 (ii) Access to the easement and ingress and
19 egress shall be limited to the easement to the extent
20 necessary to permit the reasonable enjoyment of the rights
21 and privileges granted by this section unless access or
22 ingress and egress to parts of the easement would be
23 hazardous to or materially encumbered for the electric

1 utility. If access or ingress or egress to parts of the
2 easement would be hazardous or materially encumbered, the
3 easement granted under this section may include other
4 reasonable access that minimizes impacts on the landowner
5 to the extent reasonably possible;

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7 (iii) The electricity user shall not be liable
8 for any damage caused to the system or any other property
9 of the electric utility located on the easement unless the
10 damage is caused by the electricity user's own gross
11 negligence or willful misconduct.

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13 (d) The width of an easement granted under this
14 section shall be consistent with the historical and
15 traditional use by the electric utility of the delivery
16 system but shall not exceed thirty (30) feet in any
17 direction from the location of the existing line or other
18 physical components of the system.

19

20 (e) An easement created under this section shall be
21 deemed abandoned if the electric utility fails to use the
22 delivery system for greater than three (3) consecutive

1 years without an agreement with the landowner or the
2 landowner's predecessor allowing the lack of use.

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4 (f) Nothing in this section shall be construed to:

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6 (i) Interfere with, impair, modify or alter any
7 rights or duties established by any existing easement or
8 other agreement, including an easement for electricity
9 delivery established by written instrument or other law;

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11 (ii) Expand the electric utility's use of the
12 easement beyond adjustments consistent with historic uses
13 or normal development of the dominant and servient estate
14 in a way that would materially increase the burden of the
15 servient estate, except when needed to serve a reasonable
16 expansion of use for neighboring or local land uses, except
17 industrial and manufacturing related increases in wattage;

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19 (iii) Expand or modify the prescriptive easement
20 laws of this state.

21

1 **Section 3.** This act is effective July 1, 2026.

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(END)