

HOUSE BILL NO. HB0023

Landowner's duty to a trespasser-2.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to property; specifying the duty of care a  
2 landowner owes to a trespasser; providing definitions; and  
3 providing for an effective date.

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

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7 **Section 1.** W.S. 34-19-201 through 34-19-204 are  
8 created to read:

9

10

ARTICLE 2

11

LIABILITY OF LANDOWNERS TO TRESPASSERS

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13 **34-19-201. Definitions**

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15 (a) As used in this article:

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1           (i) "Land" means land, including state land,  
2 roads, water, watercourses, private ways and buildings,  
3 structures, and machinery or equipment when attached to the  
4 realty;

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6           (ii) "Owner" means the owner of an interest in  
7 land, a tenant, renter, lessee, including a lessee of state  
8 lands, lawful occupant or person in control of the  
9 premises;

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11           (iii) "Trespasser" means a person or persons who  
12 enter or remain upon land in the possession of another  
13 without a privilege to do so created by the owner's consent  
14 or otherwise.

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16           **34-19-202. Duty of owner of land to trespasser.**

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18 Except as provided in W.S. 34-19-203, an owner of land owes  
19 no duty of care to a trespasser and is not liable for any  
20 injury to a trespasser, except that the owner owes a duty  
21 not to willfully or wantonly injure a trespasser.

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23           **34-19-203. Artificial conditions highly dangerous to**  
24 **trespassing children.**

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2 (a) An owner of land is subject to liability for  
3 physical harm to a child trespassing on the land caused by  
4 an artificial condition upon the land if:

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6 (i) The place where the condition exists is one  
7 upon which the owner knows or has reason to know that a  
8 child is likely to trespass;

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10 (ii) The condition is one of which the owner  
11 knows or has reason to know and which he realizes or should  
12 realize will involve an unreasonable risk of death or  
13 serious bodily harm to the child;

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15 (iii) The child because of his youth does not  
16 discover the condition or realize the risk involved in  
17 intermeddling with it or in coming within the area made  
18 dangerous by it;

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20 (iv) The utility to the owner of maintaining the  
21 condition and the burden of eliminating the danger are  
22 slight as compared with the risk to the child involved; and

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1           (v) The owner fails to exercise reasonable care  
2 to eliminate the danger or otherwise to protect the child.

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4           **34-19-204. Conflicts.**

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6 If a statute other than a statute in this article  
7 prescribes a standard or duty of care that differs from  
8 that prescribed in this article, the other standard or duty  
9 of care shall control over the provisions of this article.

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11           **Section 2.** The provisions of this act shall apply to  
12 claims for relief based on injuries to a trespasser that  
13 occur on or after July 1, 2014.

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15           **Section 3.** This act is effective July 1, 2014.

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(END)