

SENATE FILE NO. SF0055

Subdivision-perimeter partition fencing.

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

A BILL

for

1 AN ACT relating to subdivisions; requiring subdivision
2 perimeter partition fences as specified; providing for no
3 liability of livestock owners for damages occurring on
4 subdivided land; and providing for an effective date.

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

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8 **Section 1.** W.S. 11-28-106 is amended to read:

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10 **11-28-106. Construction and maintenance of partition**
11 **fences.**

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13 (a) Except as otherwise provided, the owner of any
14 lawful fence which is or becomes a partition fence
15 separating the owner's land from that belonging to some
16 other person may require the person to pay for one-half

1 (1/2) of what it would or does actually cost to construct
2 the partition fence. In case of refusal, the owner may
3 maintain a civil action against the person refusing and is
4 entitled to recover one-half (1/2) of what it would or did
5 actually cost to construct that portion of the partition
6 fence used by the person and costs of suit. The joint users
7 of a partition fence shall contribute to the cost of
8 maintenance in proportion to their respective interests and
9 if either refuses to pay his share of the cost of
10 maintenance, the other may recover maintenance costs in the
11 manner provided for recovering the cost of construction.

12

13 (b) For subdivisions as defined in W.S.
14 18-5-302(a)(vii), the subdivider shall be responsible for
15 the construction of the perimeter fence. The costs of the
16 perimeter fence shall be paid for by the parties in
17 accordance with subsection (a) of this section. The
18 adjoining landowner shall not be liable for any damages
19 caused by, or arising from, livestock pastured on the
20 adjoining land that may wander onto the subdivided land.

21

22 **Section 2.** This act is effective July 1, 2011.

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24

(END)