Land possessor duty to trespasser.

Sponsored by: Senator(s) Geis

A BILL

for

1 AN ACT relating to civil actions; providing that an owner of real property has no duty to a trespasser as specified; providing exceptions; providing a definition; and providing for an effective date.

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

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

1-1-139. Responsibility of possessor of real property for harm to trespasser.

(a) Except as provided in the Restatement (Second) of Torts, Sections 334 through 339 (1965), a possessor of real property including an owner, lessee, renter or other lawful occupant is not liable to trespassers for physical harm caused by his failure to exercise reasonable care:
(i) To put the land in a condition reasonably safe for the trespasser; or

(ii) To carry on activities so as not to endanger a trespasser.

(b) Nothing in this section shall be deemed to apply to any injury to a trespasser through any intentional, willful or wanton act.

(c) This section shall not be deemed to create or increase the liability of any possessor of real property and shall not be deemed to affect any immunity from or defense to liability established by any other section of law, including the provisions of W.S. 34-19-101 through 34-19-107 or any immunity or defense available at common law.

(d) As used in this section, "trespasser" means a person who enters or remains on land in the possession of another without valid privilege or consent created by the possessor or otherwise.
Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)