

SENATE FILE NO. SF0094

Governmental immunity-road reconstruction and maintenance.

Sponsored by: Senator(s) Pearson and Representative(s)  
Brady, Heiner, McCann, Schmid, Smith and  
Wharff

A BILL

for

1 AN ACT relating to civil procedure; amending exclusions  
2 from the waiver of immunity related to roadway maintenance  
3 and reconstruction for purposes of the Wyoming Governmental  
4 Claims Act; specifying waivers of immunity related to  
5 roadway maintenance and reconstruction for governmental  
6 entities; making conforming amendments; repealing obsolete  
7 provisions; specifying applicability; and providing for an  
8 effective date.

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

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12 **Section 1.** W.S. 1-39-125 is created to read:

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14 **1-39-125. Liability; roadway reconstruction and**  
15 **maintenance.**

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2 (a) Upon a person satisfying the conditions specified  
3 in subsection (b) of this section, a local government is  
4 liable for damages caused by:

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6 (i) The failure to reconstruct any bridge,  
7 culvert, highway, roadway, street, alley, sidewalk or  
8 parking area; or

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10 (ii) The failure to maintain, including  
11 maintenance necessary to compensate for weather conditions,  
12 any bridge, culvert, highway, roadway, street, alley,  
13 sidewalk or parking area.

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15 (b) To establish damages under subsection (a) of this  
16 section, a claimant shall establish all of the following:

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18 (i) A bridge, culvert, highway, roadway, street,  
19 alley, sidewalk or parking area was in need of  
20 reconstruction or maintenance so significant that a  
21 reasonable person would foresee the likelihood of damage or  
22 injury to persons and objects using the bridge, culvert,  
23 highway, roadway, street, alley, sidewalk or parking area;

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2 (ii) The local government received notice of the  
3 need for the reconstruction or maintenance of a bridge,  
4 culvert, highway, roadway, street, alley, sidewalk or  
5 parking area before the claimant's damages occurred. For  
6 purposes of this paragraph, the notice of the need for the  
7 reconstruction or maintenance shall be provided to the  
8 local government in writing;

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10 (iii) The local government failed to take  
11 reasonable steps within a reasonable time after receiving  
12 notice under paragraph (ii) of this subsection to provide  
13 for the reconstruction or maintenance of the bridge,  
14 culvert, highway, roadway, street, alley, sidewalk or  
15 parking area. For purposes of this paragraph, reasonable  
16 steps include, but are not limited to:

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18 (A) The development of blueprints, surveys  
19 or other plans for the reconstruction or maintenance;

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21 (B) The entry of a contract or agreement by  
22 the local government to provide for the reconstruction or  
23 maintenance;

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2 (C) The commencement of the reconstruction  
3 or maintenance of the bridge, culvert, highway, roadway,  
4 street, alley, sidewalk or parking area.

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6 (iv) The claimant suffered damages to the  
7 claimant's person or property caused by the failure to  
8 reconstruct or maintain the bridge, culvert, highway,  
9 roadway, street, alley, sidewalk or parking area.

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11 **Section 2.** W.S. 1-23-107(a), 1-39-104(a),  
12 1-39-118(f) (intro), 1-39-120(a) (intro), 18-2-111 and  
13 18-3-513(b) are amended to read:

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15 **1-23-107. Individual liability of members of**  
16 **governmental agencies.**

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18 (a) Notwithstanding W.S. 1-39-101 through 1-39-120  
19 and 1-39-125, the members of any governmental board,  
20 agency, council, commission or governing body are not  
21 individually liable for any actions, inactions or omissions  
22 by the governmental board, agency, council, commission or  
23 governing body.

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2           **1-39-104. Granting immunity from tort liability;**  
3 **liability on contracts; exceptions.**

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5           (a) A governmental entity and its public employees  
6 while acting within the scope of duties are granted  
7 immunity from liability for any tort except as provided by  
8 W.S. 1-39-105 through 1-39-112 and 1-39-122 through  
9 ~~1-39-124~~ 1-39-125. Any immunity in actions based on a  
10 contract entered into by a governmental entity is waived  
11 except to the extent provided by the contract if the  
12 contract was within the powers granted to the entity and  
13 was properly executed and except as provided in W.S.  
14 1-39-120(b). The claims procedures of W.S. 1-39-113 apply  
15 to contractual claims against governmental entities.

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17           **1-39-118. Maximum liability; insurance authorized.**

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19           (f) The liability imposed by W.S. 1-39-105 through  
20 1-39-112 and 1-39-125 may include liability for property  
21 damage in an amount less than five hundred dollars  
22 (\$500.00) in cases in which no personal injury or death  
23 resulted, but only under the following conditions:

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2           **1-39-120. Exclusions from waiver of immunity.**

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4           (a) The liability imposed by W.S. 1-39-106 through  
5 1-39-112 and 1-39-125 does not include liability for the  
6 state or for any agency of the state for damages caused by:

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8           **18-2-111. Judgment against county to be paid by tax**  
9 **levy; when execution to issue.**

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11 Except as provided in W.S. 1-39-101 through 1-39-120 and  
12 1-39-125 when a judgment is rendered against the board of  
13 county commissioners or any county officer the judgment  
14 shall be paid by a tax levied for that purpose and when  
15 collected shall be paid by the county treasurer to the  
16 judgment creditor upon the delivery of a proper voucher.  
17 Execution may issue on the judgment if payment is not made  
18 within sixty (60) days after the time required for the  
19 payment of county taxes to the county treasurer.

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21           **18-3-513. Appeal on disallowance of claim.**

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1           (b) When the appeal is perfected, the clerk of the  
2 board shall immediately give notice to the county attorney.  
3 The clerk shall make a brief return of the proceedings  
4 before the board with the decision properly certified and  
5 file the same together with the bond and all papers in the  
6 case in his possession with the clerk of the district  
7 court. The appeal shall be entered, tried and determined  
8 and costs awarded the same as appeals from circuit courts.  
9 This section does not apply to claims under W.S. 1-39-101  
10 through 1-39-120 and 1-39-125.

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12           **Section 3.** This act shall apply to all claims arising  
13 out of transactions or occurrences that occur on and after  
14 July 1, 2026.

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16           **Section 4.** This act is effective July 1, 2026.

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(END)