

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.

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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.**

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4           (a) As used in this section:

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

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

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14 (e) An easement created under this section shall be  
15 deemed abandoned if the electric utility fails to use the  
16 delivery system for greater than three (3) consecutive  
17 years without an agreement with the landowner or the  
18 landowner's predecessor allowing the lack of use.

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

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22 (i) Interfere with, impair, modify or alter any  
23 rights or duties established by any existing easement or

1 other agreement, including an easement for electricity  
2 delivery established by written instrument or other law;

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4 (ii) Expand the electric utility's use of the  
5 easement beyond adjustments consistent with historic uses  
6 or normal development of the dominant and servient estate  
7 in a way that would materially increase the burden of the  
8 servient estate, except when needed to serve a reasonable  
9 expansion of use for neighboring or local land uses, except  
10 industrial and manufacturing related increases in wattage;

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12 (iii) Expand or modify the prescriptive easement  
13 laws of this state.

14

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

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(END)