

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Governmental claims-maximum liability amounts.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to governmental claims; amending the  
2 maximum liability amounts for claims authorized under the  
3 Wyoming Governmental Claims Act; specifying applicability;  
4 and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 1-39-118(a)(i) and (ii) is amended to  
9 read:

10

11 **1-39-118. Maximum liability; insurance authorized.**

12

1 (a) Except as provided in subsection (b) of this  
2 section, in any action under this act, the liability of the  
3 governmental entity, including a public employee while  
4 acting within the scope of his duties, shall not exceed:

5  
6 (i) The sum of ~~two hundred fifty thousand~~  
7 ~~dollars (\$250,000.00)~~ one million dollars (\$1,000,000.00)  
8 to any claimant for any number of claims arising out of a  
9 single transaction or occurrence; or

10  
11 (ii) The sum of ~~five hundred thousand dollars~~  
12 ~~(\$500,000.00)~~ two million dollars (\$2,000,000.00) for all  
13 claims of all claimants arising out of a single transaction  
14 or occurrence.

15  
16 \*\*\*\*\*  
17 \*\*\*\*\*  
18 STAFF COMMENT  
19

20 For the Committee's reference, the provision providing for  
21 the maximum liability amount for claims involving  
22 healthcare providers is below:

23  
24 1-39-110. Liability; health care providers.

25  
26 (b) Notwithstanding W.S. 1-39-118(a), for claims  
27 under this section against a physician, physician  
28 assistant, nurse, optometrist or dentist who is employed by  
29 a governmental entity or who is deemed to be a public  
30 employee of the state by virtue of a contract pursuant to

1 W.S. 35-31-101 through 35-31-103, based upon an act, error  
2 or omission occurring on or after May 1, 1988, the  
3 liability of a governmental entity shall not exceed the sum  
4 of one million dollars (\$1,000,000.00) to any claimant for  
5 any number of claims arising out of a single transaction or  
6 occurrence nor exceed the sum of one million dollars  
7 (\$1,000,000.00) for all claims of all claimants arising out  
8 of a single transaction or occurrence.

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10 \*\*\*\*\*  
11 \*\*\*\*\*  
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13 \*\*\*\*\*  
14 \*\*\*\*\*

15 **STAFF COMMENT**

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17 **Per the Committee's direction, below is language that would**  
18 **provide for incremental increases to the maximum-liability**  
19 **amounts in W.S. 1-39-118(a). Please note that the dates and**  
20 **amounts provided below are just placeholders; the Committee**  
21 **will need to determine the frequency of changes and the**  
22 **maximum amounts for each period.**

23  
24 **1-39-118. Maximum liability; insurance authorized.**

25  
26 (a) Except as provided in subsection (b) of this  
27 section, in any action under this act, the liability of the  
28 governmental entity, including a public employee while  
29 acting within the scope of his duties, shall not exceed:

30  
31 (i) The sum of two hundred fifty thousand  
32 dollars (\$250,000.00) to any claimant for any number of  
33 claims arising out of a single transaction or occurrence,  
34 for transactions and occurrences occurring before July 1,  
35 2025; ~~or~~

36  
37 (ii) The sum of five hundred thousand dollars  
38 (\$500,000.00) for all claims of all claimants arising out  
39 of a single transaction or occurrence, for transactions and  
40 occurrences occurring before July 1, 2025; ~~or~~

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42 (iii) To any claimant for any number of claims  
43 arising out of a single transaction or occurrence, the sum  
44 of:

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(A) XXX dollars, for transactions and occurrences occurring between July 1, 2025 and XXX;

(B) XXX dollars, for transactions and occurrences occurring between XXX and XXX;

(C) XXX dollars, for transactions and occurrences occurring on and after XXX.

(iv) For all claims of all claimants arising out of a single transaction or occurrence, the sum of:

(A) XXX dollars, for transactions and occurrences occurring between July 1, 2025 and XXX;

(B) XXX dollars, for transactions and occurrences occurring between XXX and XXX;

(C) XXX dollars, for transactions and occurrences occurring on and after XXX.

The Committee may wish to consider what "dividing line" should be used to distinguish between claims. Here, the language "for transactions and occurrences occurring" on a specified date is used. (Alternatively, the Committee could divide each period by when the cause of action accrues, for example.)

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**Section 2.** This act applies to all claims under the Wyoming Governmental Claims Act that are based upon a transaction or occurrence that occurs on and after July 1, 2025. For purposes of this section, a "transaction" or "occurrence" includes an act, error or omission.

1           **Section 3.** This act is effective July 1, 2025.

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3

(END)