



# HOUSE BILL No. 4106

January 17, 1995, Introduced by Rep. Porreca and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend sections 1a and 2 of Act No. 323 of the Public Acts of 1976, entitled as amended "Recreational trespass act," section 1a as added and section 2 as amended by Act No. 244 of the Public Acts of 1993, being sections 317.171a and 317.172 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1a and 2 of Act No. 323 of the Public  
2 Acts of 1976, section 1a as added and section 2 as amended by Act  
3 No. 244 of the Public Acts of 1993, being sections 317.171a and  
4 317.172 of the Michigan Compiled Laws, are amended to read as  
5 follows:

6 Sec. 1a. As used in this act:

1 (a) "Farm product" means that term as defined in section 2  
2 of the Michigan right to farm act, Act No. 93 of the Public Acts  
3 of 1981, being section 286.472 of the Michigan Compiled Laws.

4 (b) "Farm property" means land used in the production of a  
5 farm product and all lands contained within the farm.

6 (C) "RESIDENTIAL PROPERTY" MEANS LAND UPON WHICH A RESIDENCE  
7 IS LOCATED AND WHICH PROPERTY IS MAINTAINED OR USED AS A YARD OR  
8 OTHER AREA FOR OUTDOOR ENJOYMENT BY THE RESIDENT AND GUESTS OF  
9 THE RESIDENT.

10 Sec. 2. (1) Except as provided in subsection (4), a person  
11 shall not enter or remain upon the property of another person,  
12 other than RESIDENTIAL PROPERTY OR farm property or a wooded area  
13 connected to farm property, to engage in any recreational activ-  
14 ity or trapping on that property without the consent of the owner  
15 or his or her lessee or agent, if either of the following circum-  
16 stances exists:

17 (a) The property is fenced or enclosed, and the property is  
18 maintained in such a manner as to exclude intruders.

19 (b) The property is posted in a conspicuous manner against  
20 entry. The minimum letter height on the posting signs shall be 1  
21 inch. Each posting sign shall be not less than 50 square inches  
22 and the signs shall be spaced to enable a person to observe not  
23 less than 1 sign at any point of entry upon the property.

24 (2) Except as provided in subsection (4), a person shall not  
25 enter or remain upon RESIDENTIAL PROPERTY OR farm property or a  
26 wooded area connected to farm property for any recreational  
27 activity or trapping without the consent of the owner or his or

1 her lessee or agent, whether or not the RESIDENTIAL PROPERTY OR  
2 farm property or wooded area connected to farm property is  
3 fenced, enclosed, or posted.

4       (3) On fenced or posted property, RESIDENTIAL PROPERTY, or  
5 farm property, a fisherman wading or floating a navigable public  
6 stream may, without written or oral consent, enter upon property  
7 within the clearly defined banks of the stream or walk a route as  
8 closely proximate to the clearly defined bank as possible when  
9 necessary to avoid a natural or artificial hazard or obstruction  
10 including, but not limited to, a dam, deep hole, fence, or other  
11 exercise of ownership by the riparian owner.

12       (4) A person other than a person possessing a firearm may,  
13 unless previously prohibited in writing or orally by the property  
14 owner or his or her lessee or agent, enter on foot upon the prop-  
15 erty of another person for the sole purpose of retrieving a hunt-  
16 ing dog. The person shall not remain on the property beyond the  
17 reasonable time necessary to retrieve the dog.

18       (5) Consent to enter or remain upon the property of another  
19 person pursuant to this section may be given orally or in  
20 writing. The consent may establish conditions for entering or  
21 remaining upon that property. Unless prohibited in the written  
22 consent, a written consent may be amended or revoked orally. If  
23 the owner or his or her lessee or agent requires all persons  
24 entering or remaining upon the property to have written consent,  
25 the presence of the person on the property without written con-  
26 sent is prima facie evidence of unlawful entry.

1       (6) As used in this section, "hunting dog" means a dog  
2 allowed to range freely to engage in or aid in hunting on the day  
3 the dog enters the property of another person.