



HOUSE BILL No. 4937

June 7, 1995, Introduced by Reps. Law, Profit, Dolan, Bankes, Crissman and Voorhees and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 1 of Act No. 201 of the Public Acts of 1953, entitled as amended

"An act restricting suits by persons coming upon the property of another for certain purposes; and to declare the limited liability of owners of property within this state,"

as amended by Act No. 26 of the Public Acts of 1993, being section 300.201 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 201 of the Public Acts of
2 1953, as amended by Act No. 26 of the Public Acts of 1993, being
3 section 300.201 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 1. (1) Except as otherwise provided in this section, a
6 cause of action shall not arise for injuries to a person who is
7 on the land of another without paying to the owner, tenant, or
8 lessee of the land a valuable consideration for the purpose of

1 fishing, hunting, trapping, camping, hiking, sightseeing,
2 motorcycling, snowmobiling, or any other outdoor recreational use
3 or trail use, with or without permission, against the owner,
4 tenant, or lessee of the land unless the injuries were caused by
5 the gross negligence or willful and wanton misconduct of the
6 owner, tenant, or lessee. FOR PURPOSES OF THIS SUBSECTION,
7 "OWNER" INCLUDES, BUT IS NOT LIMITED TO, AN ASSOCIATION OF RESI-
8 DENTIAL PROPERTY OWNERS ORGANIZED UNDER THE NONPROFIT CORPORATION
9 ACT, ACT NO. 162 OF THE PUBLIC ACTS OF 1982, BEING
10 SECTIONS 450.2101 TO 450.3192 OF THE MICHIGAN COMPILED LAWS, AND
11 "LAND" INCLUDES, BUT IS NOT LIMITED TO, LAND DEDICATED FOR OUT-
12 DOOR RECREATIONAL USE THAT IS HELD IN COMMON OWNERSHIP BY RESI-
13 DENTS OF A SUBDIVISION, CONDOMINIUM PROJECT, OR OTHER SIMILAR
14 RESIDENTIAL SETTING.

15 (2) A cause of action shall not arise for injuries to a
16 person who is on the land of another without paying to the owner,
17 tenant, or lessee of the land a valuable consideration for the
18 purpose of entering or exiting from or using a Michigan trailway
19 or other public trail, with or without permission, against the
20 owner, tenant, or lessee of the land unless the injuries were
21 caused by the gross negligence or willful and wanton misconduct
22 of the owner, tenant, or lessee. For purposes of this subsec-
23 tion, a Michigan trailway or public trail may be located on land
24 of any size including, but not limited to, urban, suburban, sub-
25 divided, and rural land.

26 (3) A cause of action shall not arise against the owner,
27 tenant, or lessee of land or premises for injuries to a person

1 who is on that land or premises for the purpose of gleaning
2 agricultural or farm products, unless that person's injuries were
3 caused by the gross negligence or willful and wanton misconduct
4 of the owner, tenant, or lessee.

5 (4) A cause of action shall not arise against the owner,
6 tenant, or lessee of a farm used in the production of agricul-
7 tural goods as defined by section 35(1)(h) of the single business
8 tax act, Act No. 228 of the Public Acts of 1975, being section
9 208.35 of the Michigan Compiled Laws, for injuries to a person
10 who is on that farm and has paid the owner, tenant, or lessee
11 valuable consideration for the purpose of fishing or hunting,
12 unless that person's injuries were caused by a condition ~~which~~
13 THAT involved an unreasonable risk of harm and all of the follow-
14 ing apply:

15 (a) The owner, tenant, or lessee knew or had reason to know
16 of the condition or risk.

17 (b) The owner, tenant, or lessee failed to exercise reason-
18 able care to make the condition safe, or to warn the person of
19 the condition or risk.

20 (c) The person injured did not know or did not have reason
21 to know of the condition or risk.

22 (5) A cause of action shall not arise against the owner,
23 tenant, or lessee of land or premises for injuries to a person,
24 other than an employee or contractor of the owner, tenant, or
25 lessee, who is on the land or premises for the purpose of picking
26 and purchasing agricultural or farm products at a farm or
27 "u-pick" operation, unless the person's injuries were caused by a

1 condition that involved an unreasonable risk of harm and all of
2 the following apply:

3 (a) The owner, tenant, or lessee knew or had reason to know
4 of the condition or risk.

5 (b) The owner, tenant, or lessee failed to exercise reason-
6 able care to make the condition safe, or to warn the person of
7 the condition or risk.

8 (c) The person injured did not know or did not have reason
9 to know of the condition or risk.

10 (6) As used in this section, "agricultural or farm products"
11 means the natural products of the farm, nursery, grove, orchard,
12 vineyard, garden, and apiary, including, but not limited to,
13 trees and firewood.