

HOUSE BILL No. 6418

September 8, 2010, Introduced by Reps. Pearce, Agema, Tyler, Opsommer, Lori and Stamas and referred to the Committee on Judiciary.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 73301 (MCL 324.73301), as amended by 2007 PA 174.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 73301. (1) Except as otherwise provided in this section,
2 a cause of action shall not arise for injuries to a person who is
3 on the land of another without paying to the owner, tenant, or
4 lessee of the land a valuable consideration for the purpose of
5 fishing, hunting, trapping, camping, hiking, sightseeing,
6 motorcycling, snowmobiling, **USING NONCOMMERCIAL AIRCRAFT**, or
7 **PARTICIPATING IN** any other outdoor recreational use or trail use,
8 **OR IS A SPECTATOR OF ANY OF THESE ACTIVITIES**, with or without

1 permission, against the owner, tenant, or lessee of the land unless
2 the injuries were caused by the gross negligence or willful and
3 wanton misconduct of the owner, tenant, or lessee.

4 (2) A cause of action shall not arise for injuries to a person
5 who is on the land of another without paying to the owner, tenant,
6 or lessee of the land a valuable consideration for the purpose of
7 entering or exiting from or using a Michigan trailway as designated
8 under part 721 or other public trail, with or without permission,
9 against the owner, tenant, or lessee of the land unless the
10 injuries were caused by the gross negligence or willful and wanton
11 misconduct of the owner, tenant, or lessee. For purposes of this
12 subsection, a Michigan trailway or public trail may be located on
13 land of any size including, but not limited to, urban, suburban,
14 subdivided, and rural land.

15 (3) A cause of action shall not arise against the owner,
16 tenant, or lessee of land or premises for injuries to a person who
17 is on that land or premises for the purpose of gleaning
18 agricultural or farm products, unless that person's injuries were
19 caused by the gross negligence or willful and wanton misconduct of
20 the owner, tenant, or lessee.

21 (4) A cause of action shall not arise against the owner,
22 tenant, or lessee of a farm used in the production of agricultural
23 goods as defined by section 35(1)(h) of the former single business
24 tax act, 1975 PA 228, or by section 207(1)(d) of the Michigan
25 business tax act, 2007 PA 36, MCL 208.1207, for injuries to a
26 person who is on that farm and has paid the owner, tenant, or
27 lessee valuable consideration for the purpose of fishing or

1 hunting, unless that person's injuries were caused by a condition
2 which involved an unreasonable risk of harm and all of the
3 following apply:

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

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

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

11 (5) A cause of action shall not arise against the owner,
12 tenant, or lessee of land or premises for injuries to a person,
13 other than an employee or contractor of the owner, tenant, or
14 lessee, who is on the land or premises for the purpose of picking
15 and purchasing agricultural or farm products at a farm or "u-pick"
16 operation, unless the person's injuries were caused by a condition
17 that involved an unreasonable risk of harm and all of the following
18 apply:

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

21 (b) The owner, tenant, or lessee failed to exercise reasonable
22 care to make the condition safe, or to warn the person of the
23 condition or risk.

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

26 (6) As used in this section, "agricultural or farm products"
27 means the natural products of the farm, nursery, grove, orchard,

- 1 vineyard, garden, and apiary, including, but not limited to, trees
- 2 and firewood.