

HOUSE BILL NO. 4682

May 25, 2023, Introduced by Reps. Slagh, Aragona, Alexander, Phil Green, Bierlein, Schmaltz, Schuette, Bezotte, Byrnes, Meerman, Borton, DeBoer, Prestin, Martus, Tyrone Carter, Coleman, Young, Roth and VanderWall and referred to the Committee on Natural Resources, Environment, Tourism and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 73102 (MCL 324.73102), as amended by 1998 PA
546.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 73102. (1) Except as provided in subsection ~~(4)~~, **(3)**, a
2 person shall not enter or remain upon the property of another
3 person, ~~other than farm property or a wooded area connected to~~
4 ~~farm property~~, to engage in any recreational activity or trapping
5 on that property without the consent of the owner or his or her

1 lessee or agent, if ~~either~~**any** of the following circumstances
2 ~~exists:~~**exist:**

3 **(a) The property is farm property or a wooded area connected**
4 **to farm property.**

5 **(b)** ~~(a)~~The property is fenced or enclosed and is maintained
6 in such a manner as to exclude intruders.

7 **(c)** ~~(b)~~The property is posted in a conspicuous manner against
8 entry. The minimum letter height on the posting signs shall be 1
9 inch. Each posting sign shall be not less than 50 square inches,
10 and the signs shall be ~~spaced to enable a person to observe not~~
11 ~~less than 1 sign at any point of entry upon~~ **posted at intervals of**
12 **not more than 250 feet along the boundary of** the property.

13 ~~(2) Except as provided in subsection (4), a person shall not~~
14 ~~enter or remain upon farm property or a wooded area connected to~~
15 ~~farm property for any recreational activity or trapping without the~~
16 ~~consent of the owner or his or her lessee or agent, whether or not~~
17 ~~the farm property or wooded area connected to farm property is~~
18 ~~fenced, enclosed, or posted.~~

19 **(2)** ~~(3)~~On fenced or posted property or farm property, a
20 fisherman wading or floating a navigable public stream may, without
21 written or oral consent, enter upon property within the clearly
22 defined banks of the stream or, without damaging farm products,
23 walk a route as closely proximate to the clearly defined bank as
24 possible when necessary to avoid a natural or artificial hazard or
25 obstruction, including, but not limited to, a dam, deep hole, or a
26 fence or other exercise of ownership by the riparian owner.

27 **(3)** ~~(4)~~A person other than a person possessing a firearm may,
28 unless previously prohibited in writing or orally by the property
29 owner or his or her lessee or agent, enter on foot upon the

1 property of another person for the sole purpose of retrieving a
2 hunting dog. The person shall not remain on the property beyond the
3 reasonable time necessary to retrieve the dog. In an action under
4 section 73109 or 73110, the burden of showing that the property
5 owner or his or her lessee or agent previously prohibited entry
6 under this subsection is on the plaintiff or prosecuting attorney,
7 respectively.

8 **(4)** ~~(5)~~—Consent to enter or remain upon the property of
9 another person pursuant to this section may be given orally or in
10 writing. The consent may establish conditions for entering or
11 remaining upon ~~that~~**the** property. Unless prohibited in the written
12 consent, a written consent may be amended or revoked orally. If the
13 owner or his or her lessee or agent requires all persons entering
14 or remaining upon the property to have written consent, the
15 presence of the person on the property without written consent is
16 prima facie evidence of unlawful entry.