

SENATE BILL No. 574

June 7, 2007, Introduced by Senators McMANUS, JELINEK and SCHAUER and referred to the Committee on Natural Resources and Environmental Affairs.

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), a person
2 shall not enter or remain upon the property of another person,
3 other than farm property or a wooded area connected to farm
4 property, to engage in any recreational activity or trapping on
5 that property without the consent of the owner or his or her lessee
6 or agent, if ~~either~~ **ANY** of the following circumstances ~~exists~~
7 **EXIST:**
8 (a) The property is fenced or enclosed and is maintained in
9 such a manner as to exclude intruders.

1 (b) The property is posted in a conspicuous manner against
2 entry. ~~The~~ **BY 1 OF THE FOLLOWING MEANS:**

3 (i) **BY POSTING SIGNS, THE** minimum letter height on ~~the posting~~
4 ~~signs~~ **WHICH** shall be 1 inch. Each posting sign shall be not less
5 than 50 square inches, and the signs shall be spaced to enable a
6 person to observe not less than 1 sign at any point of entry upon
7 the property.

8 (ii) **BY PLACING IDENTIFYING PURPLE PAINT MARKS ON TREES OR**
9 **POSTS AROUND THE PROPERTY, USING PAINT APPROVED FOR THAT PURPOSE BY**
10 **THE DEPARTMENT. EACH PAINT MARK SHALL BE A VERTICAL LINE AT LEAST 8**
11 **INCHES LONG, AND THE BOTTOM OF THE PAINT MARK SHALL BE BETWEEN 3**
12 **FEET AND 5 FEET ABOVE THE GROUND. THE PAINT MARKS SHALL BE NOT MORE**
13 **THAN 100 FEET APART AND SHALL BE PLACED SO THAT THEY ARE READILY**
14 **VISIBLE TO PERSONS APPROACHING THE PROPERTY.**

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

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

1 fence or other exercise of ownership by the riparian owner.

2 (4) A person other than a person possessing a firearm may,
3 unless previously prohibited in writing or orally by the property
4 owner or his or her lessee or agent, enter on foot upon the
5 property of another person for the sole purpose of retrieving a
6 hunting dog. The person shall not remain on the property beyond the
7 reasonable time necessary to retrieve the dog. In an action under
8 section 73109 or 73110, the burden of showing that the property
9 owner or his or her lessee or agent previously prohibited entry
10 under this subsection is on the plaintiff or prosecuting attorney,
11 respectively.

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

21 Enacting section 1. This amendatory act does not take effect
22 unless Senate Bill No. ____ or House Bill No. ____ (request no.
23 03592'07) of the 94th Legislature is enacted into law.