

# HOUSE BILL NO. 5561

March 12, 2024, Introduced by Reps. Rogers, Markkanen, Cavitt, Prestin, Beson, Hill, Paiz, Snyder, Mentzer, Rheingans, Tsernoglou and Hood 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),~~  
2 **subsections (2) and (3)**, a person shall not enter or remain upon  
3 the property of another person ~~, other than farm property or a~~  
4 ~~wooded area connected to farm property,~~ to engage in any **a**  
5 recreational activity or trapping on that property without the

1 consent of the owner or his or her lessee or agent, if ~~either any~~  
 2 of the following circumstances ~~exists:exist:~~

3 (a) The property is fenced or enclosed and is maintained in  
 4 such a manner as to exclude intruders.

5 (b) The property is posted in a conspicuous manner against  
 6 entry ~~by 1 of the following means:~~

7 (i) **By posting signs.** The minimum letter height on ~~the posting~~  
 8 ~~signs~~ **a posted sign** shall be 1 inch. ~~Each posting~~ **A posted** sign  
 9 shall be not less than 50 square inches **in area.** ~~and the~~ **The**  
 10 signs shall be spaced to enable ~~a person~~ **an individual** to observe  
 11 not less than 1 sign at any point of entry upon the property.

12 (ii) **By placing purple paint marks on trees or posts around the**  
 13 **property with paint approved for that purpose by the department.**  
 14 **Each paint mark shall be a vertical line at least 8 inches long,**  
 15 **and the bottom of the paint mark shall be between 3 feet and 5 feet**  
 16 **above the ground. The paint marks shall be not more than 100 feet**  
 17 **apart and shall be placed so that they are readily visible to**  
 18 **persons approaching the property.**

19 (c) ~~(2) Except as provided in subsection (4), a person shall~~  
 20 ~~not enter or remain upon~~ **The property is** farm property or a wooded  
 21 area connected to farm property. ~~for any recreational activity or~~  
 22 ~~trapping without the consent of the owner or his or her lessee or~~  
 23 ~~agent, whether or not the farm property or wooded area connected to~~  
 24 ~~farm property is fenced, enclosed, or posted.~~

25 (2) ~~(3) On fenced or posted property or farm property, a~~ **A**  
 26 fisherman wading or floating a navigable public stream may, without  
 27 written or oral consent, enter upon **fenced or posted property or**  
 28 **farm** property within the clearly defined banks of the stream or,  
 29 without damaging farm products, walk a route as closely proximate

1 to the clearly defined bank as possible when necessary to avoid a  
2 natural or artificial hazard or obstruction, including, but not  
3 limited to, a dam, deep hole, or a fence or other exercise of  
4 ownership by the riparian owner.

5       (3) ~~(4) A person~~ **An individual** other than a ~~person~~ **an**  
6 **individual** possessing a firearm may, unless previously prohibited  
7 in writing or orally by the property owner or his or her lessee or  
8 agent, enter on foot upon the property of another person for the  
9 sole purpose of retrieving a hunting dog. The ~~person~~ **individual**  
10 shall not remain on the property beyond the reasonable time  
11 necessary to retrieve the dog. In an action under section 73109 or  
12 73110, the burden of showing that the property owner or his or her  
13 lessee or agent previously prohibited entry under this subsection  
14 is on the plaintiff or prosecuting attorney, respectively.

15       (4) ~~(5) Consent to enter or remain upon the property of~~  
16 another person ~~pursuant to~~ **under** this section may be given orally  
17 or in writing. The consent may establish conditions for entering or  
18 remaining upon that property. Unless prohibited in the written  
19 consent, a written consent may be amended or revoked orally. If the  
20 owner or his or her lessee or agent requires all persons entering  
21 or remaining upon the property to have written consent, the  
22 presence of the person on the property without written consent is  
23 prima facie evidence of unlawful entry.

24       Enacting section 1. This amendatory act takes effect 90 days  
25 after the date it is enacted into law.

26       Enacting section 2. This amendatory act does not take effect  
27 unless Senate Bill No. \_\_\_\_ or House Bill No. 5562 (request no.  
28 04941'23) of the 102nd Legislature is enacted into law.