

SUBSTITUTE FOR  
SENATE BILL NO. 499

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 73102 and 73105 (MCL 324.73102 and 324.73105),  
section 73102 as amended by 1998 PA 546 and section 73105 as added  
by 1995 PA 58.

**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:**

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

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

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

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

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

23 (3) On fenced or posted property or farm property, a fisherman  
24 wading or floating a navigable public stream may, without written  
25 or oral consent, enter upon property within the clearly defined  
26 banks of the stream or, without damaging farm products, walk a  
27 route as closely proximate to the clearly defined bank as possible

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

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

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

23 Sec. 73105. A person shall not post a sign **OR PLACE**  
24 **IDENTIFYING PURPLE PAINT MARKS** on property owned by another person  
25 or enclose the property of another person to prohibit hunting,  
26 fishing, trapping, or other recreational activities on that  
27 property without the written permission of the owner of that

1 property or his or her lessee or agent.