

# HOUSE BILL No. 4962

September 14, 2017, Introduced by Rep. Glenn and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 73102, 73104, and 73105 (MCL 324.73102, 324.73104, and 324.73105), section 73102 as amended by 1998 PA 546 and sections 73104 and 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 ~~7~~  
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  
7 ~~exists:~~ **EXIST:**

8           **(A) THE PROPERTY IS FARM PROPERTY OR A WOODED AREA CONNECTED**  
9 **TO FARM PROPERTY.**

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

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

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

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

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

22           **(2) (3) On** **IN THE CASE OF** fenced or posted property or farm  
23 property **OR A WOODED AREA CONNECTED TO FARM PROPERTY,** a fisherman  
24 wading or floating a navigable public stream may, without written  
25 or oral consent, enter upon **THE** property within the clearly defined  
26 banks of the stream or, without damaging farm products, walk a  
27 route **ON THE PROPERTY** as closely proximate to the clearly defined

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

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

15       **(4)** ~~(5)~~—Consent to enter or remain upon the property of  
16 another person pursuant to this section may be given orally or in  
17 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       Sec. 73104. A person **OTHER THAN THE PROPERTY OWNER OR THE**  
25 **OWNER'S LESSEE OR AGENT** shall not remove, deface, or destroy a sign  
26 ~~or poster that has been posted~~ **OR PURPLE PAINT MARK MADE** pursuant  
27 to this part.

1           Sec. 73105. A person shall not post a sign **OR PLACE PURPLE**  
2 **PAINT MARKS** on property owned by another person or enclose the  
3 property of another person to prohibit hunting, fishing, trapping,  
4 or other recreational activities on that property without the  
5 written permission of the owner of that property or his or her  
6 lessee or agent.

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