

HOUSE BILL NO. 5590

March 05, 2020, Introduced by Reps. Reilly, Yaroch, Miller, Eisen, Steven Johnson, Maddock, Paquette, Hornberger, Hall, Marino and Cambensy and referred to the Committee on Natural Resources and Outdoor Recreation.

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



1 property, to engage in any recreational activity or trapping on
 2 that property without the consent of the owner or his or her lessee
 3 or agent, ~~if under~~ either of the following circumstances: ~~exists:~~

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

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

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

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

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

26 ~~(3) On fenced or posted property or farm property, a fisherman~~
 27 **A fisher** wading or floating a navigable public stream may, without
 28 written or oral consent, enter upon **fenced or posted property or**
 29 **farm** property within the clearly defined ~~banks~~ **bank** of the stream



1 or, without damaging farm products, walk a route as closely
 2 proximate to the clearly defined bank as possible when necessary to
 3 avoid a natural or artificial hazard or obstruction, including, but
 4 not limited to, a dam, deep hole, or a fence or other exercise of
 5 ownership by the riparian owner.

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

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

26 Sec. 73105. A person shall not post a sign **or paint purple**
 27 **marks** on property owned by another person or enclose the property
 28 of another person to prohibit hunting, fishing, trapping, or other
 29 recreational activities on that property without the written



1 permission of the owner of that property or his or her lessee or
2 agent.

