

RECREATIONAL TRESPASS SIGNAGE POSTINGS

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House Bill 4682 as reported from committee
Sponsor: Rep. Bradley Slagh
Committee: Natural Resources, Environmental, Tourism,
and Outdoor Recreation
Complete to 5-17-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4682 would amend section 73102 of the Natural Resources and Environmental Protection Act (NREPA), which addresses circumstances under which a person is prohibited from entering or remaining on another person's property to engage in a recreational activity or trapping without the consent of the property owner or owner's authorized representative.

Among other situations, a person currently cannot enter without permission if the property is posted in a conspicuous manner against entry, with a minimum letter height on the posting signs of one inch and each sign at least 50 square inches. The signs must be spaced to enable a person to observe at least one sign at any point of entry upon the property.

The bill would remove the above spacing requirement and instead provide that the signs must be posted at intervals of no more than 250 feet along the boundary of the property.

MCL 324.73102

BRIEF DISCUSSION:

According to sponsor testimony, this bill is in response to the vague nature of the current signage spacing requirements, and to how the Department of Natural Resources (DNR) interprets an "access point" to mean any break in a tree line, as opposed to only established trails or roads into a property. This interpretation has frustrated property owners who believe they have adequately established that their property is closed to recreational trespass but are unable to obtain enforcement action against those who repeatedly use the property for recreation.

The sponsor cited a constituent who was experiencing trespassing on property they owned with posted "no trespassing" signs that the constituent believed were sufficient under current law to signify that the property was not open to recreational use. However, local law enforcement cited the DNR's interpretation of the signage requirement in declining to take action against individuals accessing the property against the owner's wishes. Specifying a distance in statute would provide needed clarity for both property owners and law enforcement, ensuring that individuals wishing to prevent trespassing are able to post signage at known intervals, rather than having to post dozens or hundreds of signs to ensure that every break in the tree line is posted and enforcement action taken if requested.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or local units of government.

POSITIONS:

The Department of Natural Resources indicated a neutral position on the bill. (2-22-24)

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