

HOUSE BILL No. 4571

March 18, 1991, Introduced by Reps. Law, Dolan, Bankes, Shugars, Dobb, Strand, Bandstra, Martin, Trim and Willis Bullard and referred to the Committee on Judiciary.

A bill to amend section 1 of Act No. 201 of the Public Acts of 1953, entitled as amended

"An act restricting suits by persons coming upon the property of another for certain purposes; and to declare the limited liability of owners of property within this state,"

as amended by Act No. 110 of the Public Acts of 1987, being section 300.201 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1 of Act No. 201 of the Public Acts of
2 1953, as amended by Act No. 110 of the Public Acts of 1987, being
3 section 300.201 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 1. (1) Except as provided in ~~subsection (3)~~
6 SUBSECTIONS (3) AND (4), no cause of action shall arise for
7 injuries to any person who is on the ~~lands~~ LAND of another
8 PERSON without paying to the owner, tenant, or lessee of the

1 ~~lands~~ LAND a valuable consideration for the purpose of fishing,
2 hunting, trapping, camping, hiking, sightseeing, motorcycling,
3 snowmobiling, or any other outdoor recreational use, with or
4 without permission, against the owner, tenant, or lessee of the
5 land unless the injuries were caused by the gross negligence or
6 willful and wanton misconduct of the owner, tenant, or lessee.
7 FOR PURPOSES OF THIS SUBSECTION, "OWNER" INCLUDES, BUT IS NOT
8 LIMITED TO, AN ASSOCIATION OF RESIDENTIAL PROPERTY OWNERS ORGA-
9 NIZED UNDER THE NONPROFIT CORPORATION ACT, ACT NO. 162 OF THE
10 PUBLIC ACTS OF 1982, BEING SECTIONS 450.2101 TO 450.3192 OF THE
11 MICHIGAN COMPILED LAWS, AND "LAND" INCLUDES, BUT IS NOT LIMITED
12 TO, LAND DEDICATED FOR OUTDOOR RECREATIONAL USE THAT IS HELD IN
13 COMMON OWNERSHIP BY RESIDENTS OF A SUBDIVISION, CONDOMINIUM
14 PROJECT, OR OTHER SIMILAR RESIDENTIAL SETTING.

15 (2) No cause of action shall arise against the owner,
16 tenant, or lessee of land or premises for injuries to any person
17 who is on that land or premises for the purpose of gleaning agri-
18 cultural or farm products, unless that person's injuries were
19 caused by the gross negligence or willful and wanton misconduct
20 of the owner, tenant, or lessee.

21 (3) No cause of action shall arise against the owner,
22 tenant, or lessee of a farm used in the production of agricul-
23 tural goods as defined by section 35(1)(h) of the single business
24 tax act, Act No. 228 of the Public Acts of 1975, being section
25 208.35 of the Michigan Compiled Laws, for injuries to any person
26 who is on that farm and has paid the owner, tenant, or lessee
27 valuable consideration for the purpose of fishing or hunting,

1 unless that person's injuries were caused by a condition ~~which~~
2 THAT involved an unreasonable risk of harm and all of the follow-
3 ing apply:

4 (a) The owner, tenant, or lessee knew or had reason to know
5 of the condition or risk.

6 (b) The owner, tenant, or lessee failed to exercise reason-
7 able care to make the condition safe, or to warn the person of
8 the condition or risk.

9 (c) The person injured did not know or did not have reason
10 to know of the condition or risk.

11 (4) No cause of action shall arise against the owner,
12 tenant, or lessee of land or premises for injuries to any person,
13 other than an employee or contractor of the owner, tenant, or
14 lessee, who is on the land or premises for the purpose of picking
15 and purchasing agricultural or farm products at a farm or
16 "u-pick" operation, unless the person's injuries were caused by a
17 condition ~~which~~ THAT involved an unreasonable risk of harm and
18 all of the following apply:

19 (a) The owner, tenant, or lessee knew or had reason to know
20 of the condition or risk.

21 (b) The owner, tenant, or lessee failed to exercise reason-
22 able care to make the condition safe, or to warn the person of
23 the condition or risk.

24 (c) The person injured did not know or did not have reason
25 to know of the condition or risk.

26 (5) As used in this section, "agricultural or farm products"
27 means the natural products of the farm, nursery, grove, orchard,

1 vineyard, garden, ~~and~~ OR apiary, including, but not limited to,
2 trees and firewood.