

SENATE BILL No. 92

February 14, 1991, Introduced by Senators EHLERS, DE GROW and WARTNER and referred to the Committee on Natural Resources and Environmental Affairs.

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 OTHERWISE provided in ~~subsection~~
6 ~~(3), no~~ THIS SECTION, A cause of action shall NOT arise for
7 injuries to ~~any~~ A person who is on the ~~lands~~ LAND of another
8 without paying to the owner, tenant, or lessee of the ~~lands~~

1 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 (2) ~~No~~ A cause of action shall NOT arise against the
8 owner, tenant, or lessee of land or premises for injuries to
9 ~~any~~ A person who is on that land or premises for the purpose of
10 gleaning agricultural or farm products, unless that person's
11 injuries were caused by the gross negligence or willful and
12 wanton misconduct of the owner, tenant, or lessee.

13 (3) ~~No~~ A cause of action shall NOT arise against the
14 owner, tenant, or lessee of a farm used in the production of
15 agricultural goods as defined by section 35(1)(h) of the single
16 business tax act, Act No. 228 of the Public Acts of 1975, being
17 section 208.35 of the Michigan Compiled Laws, for injuries to
18 ~~any~~ A person who is on that farm and has paid the owner,
19 tenant, or lessee valuable consideration for the purpose of fish-
20 ing or hunting, unless that person's injuries were caused by a
21 condition which involved an unreasonable risk of harm and all of
22 the following apply:

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

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

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

3 (4) ~~No~~ A cause of action shall NOT arise against the
4 owner, tenant, or lessee of land or premises for injuries to
5 ~~any~~ A person, other than an employee or contractor of the
6 owner, tenant, or lessee, who is on the land or premises for the
7 purpose of picking and purchasing agricultural or farm products
8 at a farm or "u-pick" operation, unless the person's injuries
9 were caused by a condition ~~which~~ THAT involved an unreasonable
10 risk of harm and all of the following apply:

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

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

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

18 (5) As used in this section: ~~—, "agricultural"~~

19 (A) "AGRICULTURAL or farm products" means the natural prod-
20 ucts of the farm, nursery, grove, orchard, vineyard, garden, and
21 apiary, including, but not limited to, trees and firewood.

22 (B) "LAND" MEANS ANY TRACT OF LAND OF ANY SIZE INCLUDING,
23 BUT NOT LIMITED TO, URBAN, SUBURBAN, SUBDIVIDED, AND RURAL LAND.