



# SENATE BILL No. 203

January 26, 1993, Introduced by Senators EHLERS, GEAKE, PRIDNIA, MC MANUS, EMMONS, CISKY, WARTNER, HONIGMAN and GAST 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 OR TRAIL USE,  
4 with or without permission, against the owner, tenant, or lessee  
5 of the land unless the injuries were caused by the gross negli-  
6 gence or willful and wanton misconduct of the owner, tenant, or  
7 lessee.

8 (2) A CAUSE OF ACTION SHALL NOT ARISE FOR INJURIES TO A  
9 PERSON WHO IS ON THE LAND OF ANOTHER WITHOUT PAYING TO THE OWNER,  
10 TENANT, OR LESSEE OF THE LAND A VALUABLE CONSIDERATION FOR THE  
11 PURPOSE OF ENTERING OR EXITING FROM OR USING A MICHIGAN TRAILWAY  
12 OR OTHER PUBLIC TRAIL, WITH OR WITHOUT PERMISSION, AGAINST THE  
13 OWNER, TENANT, OR LESSEE OF THE LAND UNLESS THE INJURIES WERE  
14 CAUSED BY THE GROSS NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT  
15 OF THE OWNER, TENANT, OR LESSEE. FOR PURPOSES OF THIS SUBSEC-  
16 TION, A MICHIGAN TRAILWAY OR PUBLIC TRAIL MAY BE LOCATED ON LAND  
17 OF ANY SIZE INCLUDING, BUT NOT LIMITED TO, URBAN, SUBURBAN, SUB-  
18 DIVIDED, AND RURAL LAND.

19 (3) ~~-(2)-No-~~ A cause of action shall NOT arise against the  
20 owner, tenant, or lessee of land or premises for injuries to  
21 ~~any~~ A person who is on that land or premises for the purpose of  
22 gleaning agricultural or farm products, unless that person's  
23 injuries were caused by the gross negligence or willful and  
24 wanton misconduct of the owner, tenant, or lessee.

25 (4) ~~-(3)-No-~~ A cause of action shall NOT arise against the  
26 owner, tenant, or lessee of a farm used in the production of  
27 agricultural goods as defined by section 35(1)(h) of the single

1 business tax act, Act No. 228 of the Public Acts of 1975, being  
2 section 208.35 of the Michigan Compiled Laws, for injuries to  
3 ~~any~~ A person who is on that farm and has paid the owner,  
4 tenant, or lessee valuable consideration for the purpose of fish-  
5 ing or hunting, unless that person's injuries were caused by a  
6 condition which involved an unreasonable risk of harm and all of  
7 the following apply:

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

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

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

15 (5) ~~-(4)-No~~ A cause of action shall NOT arise against the  
16 owner, tenant, or lessee of land or premises for injuries to  
17 ~~any~~ A person, other than an employee or contractor of the  
18 owner, tenant, or lessee, who is on the land or premises for the  
19 purpose of picking and purchasing agricultural or farm products  
20 at a farm or "u-pick" operation, unless the person's injuries  
21 were caused by a condition ~~which~~ THAT involved an unreasonable  
22 risk of harm and all of 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       (6) ~~—(5)—~~ As used in this section, "agricultural or farm  
4 products" means the natural products of the farm, nursery, grove,  
5 orchard, vineyard, garden, and apiary, including, but not limited  
6 to, trees and firewood.

7       Section 2. This amendatory act shall not take effect unless  
8 Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_ (request  
9 no. 00622'93) of the 87th Legislature is enacted into law.