

**SENATE BILL NO. 840**

January 14, 1998, Introduced by Senators MC MANUS,  
DUNASKISS, BENNETT, GAST, KOIVISTO, DINGELL, SCHUETTE,  
DE BEAUSSAERT, SCHWARZ, NORTH and GOUGEON and referred  
to the Committee on Natural Resources and Environmental  
Affairs.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 73301 (MCL 324.73301), as added by 1995 PA  
58.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 73301. (1) Except as otherwise provided in this sec-  
2 tion, a cause of action shall not arise for injuries to a person  
3 who is on the land of another without paying to the owner,  
4 tenant, or lessee of the land a valuable consideration for the  
5 purpose of fishing, hunting, trapping, camping, hiking, sightsee-  
6 ing, motorcycling, snowmobiling, or any other outdoor recrea-  
7 tional use or trail use, with or without permission, against the  
8 owner, tenant, or lessee of the land unless the injuries were  
9 caused by the gross negligence or willful and wanton misconduct  
10 of the owner, tenant, or lessee.

1           (2) A cause of action shall not arise for injuries to a  
2 person who is on the land of another without paying to the owner,  
3 tenant, or lessee of the land a valuable consideration for the  
4 purpose of entering or exiting from or using a Michigan trailway  
5 as designated under part 721 or other public trail, with or with-  
6 out permission, against the owner, tenant, or lessee of the land  
7 unless the injuries were caused by the gross negligence or will-  
8 ful and wanton misconduct of the owner, tenant, or lessee. For  
9 purposes of this subsection, a Michigan trailway or public trail  
10 may be located on land of any size including, but not limited to,  
11 urban, suburban, subdivided, and rural land.

12           (3) A cause of action shall not arise against the owner,  
13 tenant, or lessee of land or premises for injuries to a person  
14 who is on that land or premises for the purpose of gleaning agri-  
15 cultural or farm products, unless that person's injuries were  
16 caused by the gross negligence or willful and wanton misconduct  
17 of the owner, tenant, or lessee.

18           (4) A cause of action shall not arise against the owner,  
19 tenant, or lessee of ~~a farm used in the production of agricul-~~  
20 ~~tural goods as defined by section 35(1)(h) of the single business~~  
21 ~~tax act, Act No. 228 of the Public Acts of 1975, being section~~  
22 ~~208.35 of the Michigan Compiled Laws,~~ LAND OR PREMISES for inju-  
23 ries to a person who is on that ~~farm~~ LAND OR PREMISES and has  
24 paid the owner, tenant, or lessee valuable consideration for the  
25 purpose of fishing or hunting, unless that person's injuries were  
26 caused by a condition which involved an unreasonable risk of harm  
27 and all of the following apply:

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

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

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

8 (5) A cause of action shall not arise against the owner,  
9 tenant, or lessee of land or premises for injuries to a person,  
10 other than an employee or contractor of the owner, tenant, or  
11 lessee, who is on the land or premises for the purpose of picking  
12 and purchasing agricultural or farm products at a farm or  
13 "u-pick" operation, unless the person's injuries were caused by a  
14 condition that involved an unreasonable risk of harm and all of  
15 the following apply:

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

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

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

23 (6) As used in this section, "agricultural or farm products"  
24 means the natural products of the farm, nursery, grove, orchard,  
25 vineyard, garden, and apiary, including, but not limited to,  
26 trees and firewood.