

# SENATE BILL No. 1106

September 5, 2018, Introduced by Senator MACGREGOR and referred to the Committee on Outdoor Recreation and Tourism.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 73102, 73104, and 73105 (MCL 324.73102, 324.73104, and 324.73105), section 73102 as amended by 1998 PA 546 and sections 73104 and 73105 as added by 1995 PA 58.

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

1           Sec. 73102. (1) Except as provided in subsection (4), a person  
2 shall not enter or remain upon the property of another person,  
3 other than farm property or a wooded area connected to farm  
4 property, to engage in ~~any~~**A** recreational activity or trapping on  
5 that property without the consent of the owner or his or her lessee  
6 or agent, if ~~either~~**ANY** of the following circumstances ~~exists~~**+**

7 **EXIST:**

8           (a) The property is fenced or enclosed and is maintained in

1 such a manner as to exclude intruders.

2 (b) The property is posted in a conspicuous manner against  
3 entry ~~—BY 1 OF THE FOLLOWING MEANS:~~

4 (i) **BY POSTING SIGNS.** The minimum letter height on ~~the posting~~  
5 ~~signs~~ **A POSTED SIGN** shall be 1 inch. ~~Each posting~~ **A POSTED** sign  
6 shall be not less than 50 square inches. ~~, and the~~ **THE** signs shall  
7 be spaced to enable ~~a person~~ **AN INDIVIDUAL** to observe not less than  
8 1 sign at any point of entry upon the property.

9 (ii) **BY PLACING PURPLE PAINT MARKS ON TREES OR POSTS AROUND**  
10 **THE PROPERTY.**

11 (2) Except as provided in subsection (4), a person shall not  
12 enter or remain upon farm property or a wooded area connected to  
13 farm property for ~~any~~ **A** recreational activity or trapping without  
14 the consent of the owner or his or her lessee or agent, whether or  
15 not the farm property or wooded area connected to farm property is  
16 fenced, enclosed, or posted.

17 (3) On fenced or posted property or farm property, a fisherman  
18 wading or floating a navigable public stream may, without written  
19 or oral consent, enter upon property within the clearly defined  
20 banks of the stream or, without damaging farm products, walk a  
21 route as closely proximate to the clearly defined bank as possible  
22 when necessary to avoid a natural or artificial hazard or  
23 obstruction, including, but not limited to, a dam, deep hole, or a  
24 fence or other exercise of ownership by the riparian owner.

25 (4) ~~A person~~ **AN INDIVIDUAL** other than ~~a person~~ **AN INDIVIDUAL**  
26 possessing a firearm may, unless previously prohibited in writing  
27 or orally by the property owner or his or her lessee or agent,

1 enter on foot upon the property of another person for the sole  
2 purpose of retrieving a hunting dog. The ~~person~~**INDIVIDUAL** shall  
3 not remain on the property beyond the reasonable time necessary to  
4 retrieve the dog. In an action under section 73109 or 73110, the  
5 burden of showing that the property owner or his or her lessee or  
6 agent previously prohibited entry under this subsection is on the  
7 plaintiff or prosecuting attorney, respectively.

8 (5) Consent to enter or remain upon the property of another  
9 person ~~pursuant to~~**UNDER** this section may be given orally or in  
10 writing. The consent may establish conditions for entering or  
11 remaining upon that property. Unless prohibited in the written  
12 consent, a written consent may be amended or revoked orally. If the  
13 owner or his or her lessee or agent requires all persons entering  
14 or remaining upon the property to have written consent, the  
15 presence of the person on the property without written consent is  
16 prima facie evidence of unlawful entry.

17 Sec. 73104. A person shall not remove, deface, or destroy a  
18 sign or poster that has been posted, ~~pursuant to~~**OR A PURPLE PAINT**  
19 **MARK THAT HAS BEEN PLACED ON A TREE OR POST, UNDER** this part.

20 Sec. 73105. A person shall not post a sign, **OR PLACE A PURPLE**  
21 **PAINT MARK ON A TREE OR POST,** on property owned by another person  
22 or enclose the property of another person to prohibit hunting,  
23 fishing, trapping, or other recreational activities on that  
24 property without the written permission of the owner of that  
25 property or his or her lessee or agent.

26 Enacting section 1. This amendatory act takes effect 90 days  
27 after the date it is enacted into law.