



Senate Fiscal Agency  
P.O. Box 30036  
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 106 (as introduced 2-4-21)  
Sponsor: Senator Curtis S. VanderWall  
Committee: Natural Resources

Date Completed: 2-16-21

### **CONTENT**

**The bill would amend Part 731 (Recreational Trespass) of the Natural Resources and Environmental Protection Act to do the following:**

- **Prohibit a person from engaging in recreational activity or trapping on another person's property if, among other things, the property were posted against entry with purple paint marks on trees or posts around the property.**
- **Specify length and height requirements for purple paint marks, and require the paint used to be approved by the Department of Natural Resources (DNR).**
- **Prohibit a person from removing or destroying a purple paint mark that had been placed on a tree or post.**
- **Prohibit a person from placing purple paint marks on another person's property to prohibit hunting, fishing, trapping, or other recreational activities on that property.**

The bill would take effect 90 days after its enactment.

Part 731 generally prohibits a person from entering or remaining on another person's property, other than farm property or a wooded area connected to farm property, to engage in a recreational activity or trapping on the property without the consent of the owner, or his or her lessee or agent, if the property is fenced or enclosed and is maintained in such a manner as to exclude intruders, or if the property is posted in a conspicuous manner against entry with signs meeting specified size and spacing standards.

Also, except as provided to retrieve a hunting dog, a person may not enter or remain on farm property or a wooded area connected to farm property for any recreational activity or trapping without the consent of the owner or his or her lessee or agent, whether or not the farm property or wooded area connected to farm property is fenced, enclosed or posted.

Under the bill, instead, a person could not enter or remain on the property of another person to engage in any recreational activity or trapping on that property without the consent of the owner, or his or her lessee or agent, if any of the following circumstances existed:

- The property was fenced or enclosed and was maintained in such a manner to exclude intruders.
- The property was farm property or wooded area connected to farm property.
- The property was posted in a conspicuous manner against entry by posting signs meeting the current size and spacing standards, or by placing purple paint marks on trees or posts around the property.

If purple paint marks were used, it would have to be a paint approved for that purpose by the DNR. Each paint mark would have to be a vertical line at least eight inches long, and the bottom of the mark would have to be between three and five feet above the ground. The paint marks could not be more than 100 feet apart and would have to be placed so that they were readily visible to individuals approaching the property.

The Act prohibits a person from removing, defacing, or destroying a sign or poster that has been posted under Part 731. This prohibition also would apply to a purple paint mark that had been placed on a tree or post. Also, a person may not post a sign on property owned by another person or enclose another person's property to prohibit hunting, fishing, trapping, or other recreational activity on that property without the written permission of the property owner, or his or her lessee. The bill would prohibit a person from placing a purple paint mark on a tree or post for these purposes, as well.

(An individual who violates Part 731 is guilty of a misdemeanor punishable by up to 90 days' imprisonment or a fine of at least \$100 but not more than \$500, or both. The court may order an individual who violates Part 731 to pay the costs of prosecution. The Act prescribes enhanced penalties for a second or subsequent violation within three years of a previous violation and allows the court to order that the person's hunting, fishing, or trapping license be revoked and that the person not seek or possess a license for three years. Also, the court must order a person convicted of violating Part 731 to make restitution for any damage arising out of the violation.)

MCL 324.73102 et al.

Legislative Analyst: Dana Adams

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Ben Dawson

SAS\S2122\s106sa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.