

HOUSE BILL NO. 6370

September 08, 2022, Introduced by Rep. Hauck and referred to the Committee on Regulatory Reform.

A bill to amend 1945 PA 200, entitled

"An act to define a marketable record title to an interest in land; to require the filing of notices of claim of interest in such land in certain cases within a definite period of time and to require the recording thereof; to make invalid and of no force or effect all claims with respect to the land affected thereby where no such notices of claim of interest are filed within the required period; to provide for certain penalties for filing slanderous notices of claim of interest, and to provide certain exceptions to the applicability and operation thereof,"

by amending section 4 (MCL 565.104), as amended by 2018 PA 572.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) This act must not be applied to do any of the

1 following:

2 (a) Bar a lessor or ~~his or her~~ **a lessor's** successor as
 3 reversioner of ~~his or her~~ **the lessor's** right to possession on the
 4 expiration of a lease or a lessee or ~~his or her~~ **the lessee's**
 5 successor of ~~his or her~~ **the lessee's** rights in and to a lease.

6 (b) Bar any interest of a mortgagor or a mortgagee or interest
 7 in the nature of that of a mortgagor or mortgagee until after the
 8 instrument under which the interest is claimed has become due and
 9 payable, except if the instrument has no due date expressed, **or** if
 10 the instrument has been executed by a railroad, railroad bridge,
 11 tunnel, ~~or~~ union depot company, or ~~a~~ public utility or public
 12 service company.

13 (c) Bar or extinguish an easement or interest in the nature of
 14 an easement, the existence of which is clearly observable by
 15 physical evidences of its use.

16 (d) Bar or extinguish an easement or interest in the nature of
 17 an easement, or any rights appurtenant to the easement or interest
 18 granted, excepted, or reserved by a recorded instrument creating
 19 the easement or interest, including any rights for future use, ~~if~~
 20 ~~the existence of the easement or interest is evidenced by the~~
 21 ~~location beneath, on, or above any part of the land described in~~
 22 ~~the instrument~~ **due to a failure to file the notice required under**
 23 **this act, if the easement, observable or not, is for any of the**
 24 **following:**

25 (i) **The operation, construction, maintenance, improvement,**
 26 **removal, replacement, or protection** of a pipe, valve, road, wire,
 27 cable, conduit, duct, sewer, track, pole, tower, or other physical
 28 facility, ~~and~~ whether or not the existence of the facility is
 29 observable. ~~, by reason of failure to file the notice required by~~

1 ~~this act.~~

2 (ii) Flowage rights for an impoundment that exists as part of a
3 federally licensed hydroelectric facility.

4 (iii) The management of vegetation within the easement.

5 (e) Bar or extinguish any land or resource use restriction,
6 including any of the following:

7 (i) An environmental restrictive covenant or other recorded
8 instrument if the restrictive covenant or other recorded instrument
9 specifically cites the state or federal environmental statute that
10 is the basis for the restriction, including any of the following:

11 (A) The natural resources and environmental protection act,
12 1994 PA 451, MCL 324.101 to 324.90106.

13 (B) The resource conservation and recovery act of 1976, Public
14 Law 94-580.

15 (C) The comprehensive environmental response, compensation,
16 and liability act of 1980, 42 USC Chapter 103.

17 (ii) A conservation easement as that term is defined in section
18 2140 of the natural resources and environmental protection act,
19 1994 PA 451, MCL 324.2140.

20 (iii) Any environmental land or resource use restriction
21 recorded by a public utility as that term is defined in section 1
22 of 1929 PA 69, MCL 460.501, or by an independent transmission
23 company as that term is defined in section 2 of the electric
24 transmission line certification act, 1995 PA 30, MCL 460.562, on
25 real property in which the public utility or independent
26 transmission company had an interest when recorded.

27 (2) This act does not affect any right, title, or interest in
28 land owned by the United States, ~~or any right, title, or interest~~
29 ~~in any land owned by this state, or by any department, commission,~~

1 or political subdivision ~~thereof.~~ **of this state.**

2 (3) This act does not affect any oil and gas lease, or other
3 interest in oil or gas, owned by a person other than the owner of
4 the surface, or any storage agreement or other interest in
5 subsurface storage formations owned by a person other than the
6 owner of the surface.