

HOUSE BILL No. 4957

June 29, 1989, Introduced by Reps. Law, Dolan, Miller, Camp, Bankes, Hickner, Randall and Wartner and referred to the Committee on Urban 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 provided in subsection (3), no cause
6 of action shall arise for injuries to any person who is on the
7 lands of another without paying to the owner, tenant, or lessee
8 of the lands a valuable consideration for the purpose of fishing,

1 hunting, trapping, camping, hiking, sightseeing, motorcycling,
2 snowmobiling, or any other outdoor recreational use, with or
3 without permission, against the owner, tenant, or lessee of the
4 land unless the injuries were caused by the gross negligence or
5 willful and wanton misconduct of the owner, tenant, or lessee.
6 FOR PURPOSES OF THIS SUBSECTION, "OWNER" INCLUDES, BUT IS NOT
7 LIMITED TO, AN ASSOCIATION OF RESIDENTIAL PROPERTY OWNERS ORGA-
8 NIZED UNDER THE NONPROFIT CORPORATION ACT, ACT NO. 162 OF THE
9 PUBLIC ACTS OF 1982, BEING SECTIONS 450.2101 TO 450.3192 OF THE
10 MICHIGAN COMPILED LAWS, AND "LANDS" INCLUDES, BUT IS NOT LIMITED
11 TO, LANDS DEDICATED FOR OUTDOOR RECREATIONAL USE THAT ARE HELD IN
12 COMMON OWNERSHIP BY RESIDENTS OF A SUBDIVISION, CONDOMINIUM
13 PROJECT, OR OTHER SIMILAR RESIDENTIAL SETTING.

14 (2) No cause of action shall arise against the owner,
15 tenant, or lessee of land or premises for injuries to any person
16 who is on that land or premises for the purpose of gleaning agri-
17 cultural or farm products, unless that person's injuries were
18 caused by the gross negligence or willful and wanton misconduct
19 of the owner, tenant, or lessee.

20 (3) No cause of action shall arise against the owner,
21 tenant, or lessee of a farm used in the production of agricul-
22 tural goods as defined by section 35(1)(h) of the single business
23 tax act, Act No. 228 of the Public Acts of 1975, being section
24 208.35 of the Michigan Compiled Laws, for injuries to any person
25 who is on that farm and has paid the owner, tenant, or lessee
26 valuable consideration for the purpose of fishing or hunting,
27 unless that person's injuries were caused by a condition which

1 involved an unreasonable risk of harm and all of the following
2 apply:

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

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

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

10 (4) No cause of action shall arise against the owner,
11 tenant, or lessee of land or premises for injuries to any person,
12 other than an employee or contractor of the owner, tenant, or
13 lessee, who is on the land or premises for the purpose of picking
14 and purchasing agricultural or farm products at a farm or
15 "u-pick" operation, unless the person's injuries were caused by a
16 condition which involved an unreasonable risk of harm and all of
17 the following apply:

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

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

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

25 (5) As used in this section, "agricultural or farm products"
26 means the natural products of the farm, nursery, grove, orchard,

1 vineyard, garden, and apiary, including, but not limited to,
2 trees and firewood.