

HOUSE BILL No. 5250

November 1, 1989, Introduced by Reps. Law, DeMars and Nye and referred to the Committee on Judiciary.

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 (1) ~~-(2)-~~ No cause of action shall arise against the owner,
7 tenant, or lessee of land or premises for injuries to any person
8 who is on that land or premises for the purpose of gleaning agri-
9 cultural or farm products, unless that person's injuries were
10 caused by the gross negligence or willful and wanton misconduct
11 of the owner, tenant, or lessee.

12 (2) ~~-(3)-~~ No cause of action shall arise against the owner,
13 tenant, or lessee of a farm used in the production of agricul-
14 tural goods as defined by section 35(1)(h) of the single business
15 tax act, Act No. 228 of the Public Acts of 1975, being section
16 208.35 of the Michigan Compiled Laws, for injuries to any person
17 who is on that farm and has paid the owner, tenant, or lessee
18 valuable consideration for the purpose of fishing or hunting,
19 unless that person's injuries were caused by a condition which
20 involved an unreasonable risk of harm and all of the following
21 apply:

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

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

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

3 (3) ~~(4)~~ No cause of action shall arise against the owner,
4 tenant, or lessee of land or premises for injuries to any person,
5 other than an employee or contractor of the owner, tenant, or
6 lessee, who is on the land or premises for the purpose of picking
7 and purchasing agricultural or farm products at a farm or
8 "u-pick" operation, unless the person's injuries were caused by a
9 condition which involved an unreasonable risk of harm and all of
10 the following apply:

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

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

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

18 (4) ~~(5)~~ As used in this section, "agricultural or farm
19 products" means the natural products of the farm, nursery, grove,
20 orchard, vineyard, garden, and apiary, including, but not limited
21 to, trees and firewood.

22 Section 2. This amendatory act shall not take effect unless
23 all of the following bills of the 85th Legislature are enacted
24 into law:

25 (a) Senate Bill No. _____ or House Bill No. _____ (request
26 no. 02847'89).

1 (b) Senate Bill No. _____ or House Bill No. _____ (request
2 no. 02847'89 a).