

HOUSE BILL No. 5846

May 31, 1990, Introduced by Reps. Hoekman, Stacey, DeMars, Wartner, Muxlow and Kosteva and referred to the Committee on Judiciary.

A bill to amend the title and 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,"

section 1 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. The title and section 1 of Act No. 201 of the
2 Public Acts of 1953, section 1 as amended by Act No. 110 of the
3 Public Acts of 1987, being section 300.201 of the Michigan
4 Compiled Laws, are amended to read as follows:

5	TITLE
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6 An act restricting suits by persons coming upon the
7 ~~property~~ PUBLIC OR PRIVATE LANDS OR SPORTS FIELDS AND

1 FACILITIES of another for certain purposes; and to declare the
2 limited liability of owners of SUCH property within this state.

3 Sec. 1. (1) Except as provided in subsection (3), no cause
4 of action shall arise for injuries to any person who is on the
5 lands of another without paying to the owner, tenant, or lessee
6 of the lands a valuable consideration for the purpose of fishing,
7 hunting, trapping, camping, hiking, sightseeing, motorcycling,
8 snowmobiling, DRIVING AN ALL-TERRAIN VEHICLE, ENGAGING IN A
9 SPORTS OR PLAYGROUND ACTIVITY, or any other outdoor recreational
10 use, with or without permission, against the owner, tenant, or
11 lessee of the land unless the injuries were caused by the gross
12 negligence or willful and wanton misconduct of the owner, tenant,
13 or lessee. THIS SUBSECTION APPLIES TO PRIVATELY HELD LANDS AND
14 TO LANDS OWNED BY THE STATE OR A LOCAL GOVERNMENTAL ENTITY. AS
15 USED IN THIS SUBSECTION, "LANDS" INCLUDES, BUT IS NOT LIMITED TO,
16 IMPROVED OR UNIMPROVED OUTDOOR PLAYING FIELDS, SUCH AS BASEBALL
17 FIELDS, FOOTBALL FIELDS, SOCCER FIELDS, TENNIS COURTS, BASKETBALL
18 COURTS, TRACK AND FIELD COMPLEXES, AND SIMILAR OUTDOOR LAND INSO-
19 FAR AS THEY ARE USED OR MADE AVAILABLE FOR SPORTS ACTIVITIES.

20 (2) No cause of action shall arise against the owner,
21 tenant, or lessee of land or premises for injuries to any person
22 who is on that land or premises for the purpose of gleaning agri-
23 cultural or farm products, unless that person's injuries were
24 caused by the gross negligence or willful and wanton misconduct
25 of the owner, tenant, or lessee.

26 (3) No cause of action shall arise against the owner,
27 tenant, or lessee of a farm used in the production of

1 agricultural goods as defined by section 35(1)(h) of the single
2 business tax act, Act No. 228 of the Public Acts of 1975, being
3 section 208.35 of the Michigan Compiled Laws, for injuries to any
4 person who is on that farm and has paid the owner, tenant, or
5 lessee valuable consideration for the purpose of fishing or hunt-
6 ing, unless that person's injuries were caused by a condition
7 which involved an unreasonable risk of harm and all of the fol-
8 lowing apply:

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

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

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

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

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

1 (b) The owner, tenant, or lessee failed to exercise
2 reasonable care to make the condition safe, or to warn the person
3 of the condition or risk.

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

6 (5) As used in this section, "agricultural or farm products"
7 means the natural products of the farm, nursery, grove, orchard,
8 vineyard, garden, and apiary, including, but not limited to,
9 trees and firewood.