

# HOUSE BILL NO. 4078

February 02, 2021, Introduced by Reps. LaFave, Maddock, Fink, Markkanen, Steven Johnson and Outman and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending section 40111 (MCL 324.40111), as amended by 2018 PA  
272.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 40111. (1) Except as otherwise provided in subsection (3)  
2 or (5), this part, or in a department order authorized under  
3 section 40107, an individual shall not take an animal from in or  
4 upon a vehicle.

1           (2) Except as otherwise provided in subsection (3), (4), ~~or~~  
2 (5), **or (6)**, this part, or in a department order authorized under  
3 section 40107, an individual shall not transport or possess a  
4 firearm in or upon a vehicle, unless the firearm is unloaded and  
5 enclosed in a case, unloaded and carried in the trunk of a vehicle,  
6 or unloaded in a motorized boat.

7           (3) A person with a disability may transport or possess a  
8 firearm in or upon a vehicle, except for a car or truck, on a state  
9 licensed game bird hunting preserve if the firearm is unloaded and  
10 the vehicle is operated at a speed of not greater than 10 miles per  
11 hour. A person with a disability may possess a loaded firearm and  
12 may discharge that firearm to take an animal from in or upon a  
13 vehicle, except for a car or truck, on a state licensed game bird  
14 hunting preserve if the vehicle is not moving. The department may  
15 demand proof of eligibility under this subsection. An individual  
16 shall possess proof of his or her eligibility under this subsection  
17 and furnish the proof upon the request of a peace officer.

18           (4) An individual may transport or possess an unloaded firearm  
19 in or upon a vehicle on a sporting clays range.

20           (5) An individual holding a valid permit to hunt from a  
21 standing vehicle under section 40114 may transport or possess an  
22 uncased firearm with a loaded magazine on a personal assistive  
23 mobility device if the action is open. An individual holding a  
24 valid permit to hunt from a standing vehicle under section 40114  
25 may possess a loaded firearm and may discharge that firearm to take  
26 game from a personal assistive mobility device if each of the  
27 following applies:

28           (a) The personal assistive mobility device is not moving.

29           (b) The individual holds a valid base license under section

1 43523a, holds any other necessary license under part 435, and  
2 complies with all other laws and rules for the taking of game.

3 **(6) An individual may transport or possess a loaded firearm in**  
4 **or upon any vehicle, including, but not limited to, an ATV or UTV,**  
5 **on private land if the individual is, or is accompanied by or has**  
6 **the permission of, either of the following:**

7 **(a) The owner of the private land.**

8 **(b) The lessee of the private land for a term of not less than**  
9 **1 year.**

10 **(7) ~~(6)~~—An individual may transport or possess a bow or**  
11 **crossbow in or upon a vehicle while that vehicle is operated on**  
12 **public land or on a highway, road, or street in this state if the**  
13 **bow or crossbow is unloaded and uncocked, enclosed in a case, or**  
14 **carried in the trunk of a vehicle.**

15 **(8) ~~(7)~~—An individual shall not hunt with a firearm within 150**  
16 **yards of an occupied building, dwelling, house, residence, or**  
17 **cabin, or any barn or other building used in connection with a farm**  
18 **operation, without obtaining the written permission of the owner,**  
19 **renter, or occupant of the property.**

20 **(9) ~~(8)~~—As used in this section:**

21 **(a) "ATV" means a vehicle with 3 or more wheels that is**  
22 **designed for off-road use, has low-pressure tires, has a seat**  
23 **designed to be straddled by the rider, and is powered by a 50cc to**  
24 **1,000cc gasoline engine or an engine of comparable size using other**  
25 **fuels.**

26 **(b) ~~(a)~~—"Person with a disability" means a disabled person as**  
27 **that term is defined in section 19a of the Michigan vehicle code,**  
28 **1949 PA 300, MCL 257.19a, and who is in possession of 1 of the**  
29 **following:**

1 (i) A certificate of identification or windshield placard  
 2 issued to a disabled person under section 675 of the Michigan  
 3 vehicle code, 1949 PA 300, MCL 257.675.

4 (ii) A special registration plate issued to a disabled person  
 5 under section 803d of the Michigan vehicle code, 1949 PA 300, MCL  
 6 257.803d.

7 (c) ~~(b)~~ "Personal assistive mobility device" means any device,  
 8 including, but not limited to, one that is battery-powered, that is  
 9 designed solely for use by an individual with mobility impairment  
 10 for locomotion and is considered an extension of the individual.

11 (d) ~~(e)~~ "Uncocked" means the following:

12 (i) For a bow, that the bow is not in the drawn position.

13 (ii) For a crossbow, that the crossbow is not in the cocked  
 14 position.

15 (e) ~~(d)~~ "Unloaded" means the following:

16 (i) For a firearm, that the firearm does not have ammunition in  
 17 the barrel, chamber, cylinder, clip, or magazine when the barrel,  
 18 chamber, cylinder, clip, or magazine is part of or attached to the  
 19 firearm.

20 (ii) For a bow, that an arrow is not nocked.

21 (iii) For a crossbow, that a bolt is not in the flight groove.

22 (f) "UTV" means a vehicle with 4 or more wheels that is  
 23 designed for off-road use, has low-pressure tires, has a side-by-  
 24 side seating arrangement with bench or bucket seating for each  
 25 rider, and is powered by a 50cc to 1,000cc gasoline engine or an  
 26 engine of comparable size using other fuels.