

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4239

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40111 (MCL 324.40111), as amended by 2015 PA
24.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40111. (1) Except as otherwise provided in subsection (3)
2 or ~~(4)~~, ~~(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.

5 (2) Except as otherwise provided in subsection (3), ~~or~~ ~~(4)~~, OR
6 (5), this part, or in a department order authorized under section
7 40107, an individual shall not transport or possess a firearm in or
8 upon a vehicle, unless the firearm is unloaded and enclosed in a
9 case, unloaded and carried in the trunk of a vehicle, or unloaded
10 in a motorized boat.

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

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

(5) AN INDIVIDUAL HOLDING A VALID PERMIT TO HUNT FROM A STANDING VEHICLE UNDER SECTION 40114 MAY TRANSPORT OR POSSESS AN UNCASSED FIREARM WITH A LOADED MAGAZINE ON A PERSONAL ASSISTIVE MOBILITY DEVICE IF THE ACTION IS OPEN. AN INDIVIDUAL HOLDING A VALID PERMIT TO HUNT FROM A STANDING VEHICLE UNDER SECTION 40114 MAY POSSESS A LOADED FIREARM AND MAY DISCHARGE THAT FIREARM TO TAKE GAME FROM A PERSONAL ASSISTIVE MOBILITY DEVICE IF EACH OF THE FOLLOWING APPLIES:

(A) THE PERSONAL ASSISTIVE MOBILITY DEVICE IS NOT MOVING.

(B) THE INDIVIDUAL HOLDS A VALID BASE LICENSE UNDER SECTION 43523A, HOLDS ANY OTHER NECESSARY LICENSE UNDER PART 435, AND COMPLIES WITH ALL OTHER LAWS AND RULES FOR THE TAKING OF GAME.

(6) ~~(5)~~—Except as otherwise provided in this part, an individual shall not transport or possess a bow OR CROSSBOW in or

House Bill No. 4239 as amended October 7, 2015
as amended October 28, 2015

1 upon a vehicle **<<WHILE THAT VEHICLE IS OPERATED ON PUBLIC LAND OR ON
A HIGHWAY, ROAD, OR STREET IN THIS STATE>>**, unless the bow **OR CROSSBOW**
is unstrung, enclosed in

2 a case, or carried in the trunk of a vehicle.

3 (7) ~~(6)~~—An individual shall not hunt ~~, as that term is defined~~
4 ~~in section 43505,~~ **WITH A FIREARM** within 150 yards of an occupied
5 building, dwelling, house, residence, or cabin, or any barn or
6 other building used in connection with a farm operation, without
7 obtaining the written permission of the owner, renter, or occupant
8 of the property.

9 (8) ~~(7)~~—As used in this section:

10 (a) "Person with a disability" means a disabled person as that
11 term is defined in section 19a of the Michigan vehicle code, 1949
12 PA 300, MCL 257.19a, and who is in possession of 1 of the
13 following:

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

17 (ii) A special registration plate issued to a disabled person
18 under section 803d of the Michigan vehicle code, 1949 PA 300, MCL
19 257.803d.

20 (B) **"PERSONAL ASSISTIVE MOBILITY DEVICE" MEANS ANY DEVICE,**
21 **INCLUDING, BUT NOT LIMITED TO, ONE THAT IS BATTERY-POWERED, THAT IS**
22 **DESIGNED SOLELY FOR USE BY AN INDIVIDUAL WITH MOBILITY IMPAIRMENT**
23 **FOR LOCOMOTION AND IS CONSIDERED AN EXTENSION OF THE INDIVIDUAL.**

24 (C) ~~(b)~~—"Unloaded" means that the firearm does not have
25 ammunition in the barrel, chamber, cylinder, clip, or magazine when
26 the barrel, chamber, cylinder, clip, or magazine is part of or
27 attached to the firearm.

[Enacting section 1. This amendatory act takes effect January 1,
2016.]