

HOUSE BILL No. 6525

November 27, 2018, Introduced by Rep. LaFave and referred to the Committee on Natural Resources.

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.

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

1 or unloaded in a motorized boat.

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

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

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

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

24 (b) The individual holds a valid base license under section
25 43523a, holds any other necessary license under part 435, and
26 complies with all other laws and rules for the taking of game.

27 **(6) AN INDIVIDUAL MAY TRANSPORT OR POSSESS A LOADED FIREARM IN**

1 OR UPON AN ATV OR UTV ON PRIVATE LAND IF THE INDIVIDUAL IS, OR IS
2 ACCOMPANIED BY OR HAS THE PERMISSION OF, EITHER OF THE FOLLOWING:

3 (A) THE OWNER OF THE PRIVATE LAND.

4 (B) THE LESSEE OF THE PRIVATE LAND FOR A TERM OF NOT LESS THAN
5 1 YEAR.

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

11 (8) ~~(7)~~—An individual shall not hunt with a firearm within 150
12 yards of an occupied building, dwelling, house, residence, or
13 cabin, or any barn or other building used in connection with a farm
14 operation, without obtaining the written permission of the owner,
15 renter, or occupant of the property.

16 (9) ~~(8)~~—As used in this section:

17 (A) "ATV" MEANS A VEHICLE WITH 3 OR MORE WHEELS THAT IS
18 DESIGNED FOR OFF-ROAD USE, HAS LOW-PRESSURE TIRES, HAS A SEAT
19 DESIGNED TO BE STRADDLED BY THE RIDER, AND IS POWERED BY A 50CC TO
20 1,000CC GASOLINE ENGINE OR AN ENGINE OF COMPARABLE SIZE USING OTHER
21 FUELS.

22 (B) ~~(a)~~—"Person with a disability" means a disabled person as
23 that term is defined in section 19a of the Michigan vehicle code,
24 1949 PA 300, MCL 257.19a, and who is in possession of 1 of the
25 following:

26 (i) A certificate of identification or windshield placard
27 issued to a disabled person under section 675 of the Michigan

1 vehicle code, 1949 PA 300, MCL 257.675.

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

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

9 (D) ~~(e)~~—"Uncocked" means the following:

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

11 (ii) For a crossbow, that the crossbow is not in the cocked
12 position.

13 (E) ~~(d)~~—"Unloaded" means the following:

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

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

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

20 (F) "UTV" MEANS A VEHICLE WITH 4 OR MORE WHEELS THAT IS
21 DESIGNED FOR OFF-ROAD USE, HAS LOW-PRESSURE TIRES, HAS A SIDE-BY-
22 SIDE SEATING ARRANGEMENT WITH BENCH OR BUCKET SEATING FOR EACH
23 RIDER, AND IS POWERED BY A 50CC TO 1,000CC GASOLINE ENGINE OR AN
24 ENGINE OF COMPARABLE SIZE USING OTHER FUELS.