

HOUSE BILL NO. 4079

February 02, 2021, Introduced by Reps. LaFave, Maddock, Steven Johnson, Markkanen and Outman and referred to the Committee on Natural Resources and Outdoor Recreation.

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
2 (3), ~~or~~ (5), **or (6)**, this part, or in a department order authorized
3 under section 40107, an individual shall not take an animal from in
4 or 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 possess a loaded firearm, bow, or**
 4 **crossbow in or upon a vehicle and may discharge that firearm, bow,**
 5 **or crossbow to take game from a vehicle if the individual is on**
 6 **private property.**

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

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

17 ~~(9)~~—As used in this section:

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

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

25 (ii) A special registration plate issued to a disabled person
 26 under section 803d of the Michigan vehicle code, 1949 PA 300, MCL
 27 257.803d.

28 (b) "Personal assistive mobility device" means any device,
 29 including, but not limited to, one that is battery-powered, that is

1 designed solely for use by an individual with mobility impairment
2 for locomotion and is considered an extension of the individual.

3 (c) "Uncocked" means the following:

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

5 (ii) For a crossbow, that the crossbow is not in the cocked
6 position.

7 (d) "Unloaded" means the following:

8 (i) For a firearm, that the firearm does not have ammunition in
9 the barrel, chamber, cylinder, clip, or magazine when the barrel,
10 chamber, cylinder, clip, or magazine is part of or attached to the
11 firearm.

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

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