



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 1498 (as enrolled)  
Sponsor: Senator Deborah Cherry  
Senate Committee: Natural Resources and Environmental Affairs  
House Committee: Tourism, Outdoor Recreation and Natural Resources

Date Completed: 12-12-08

### **RATIONALE**

The Natural Resources and Environmental Protection Act prohibits a person from using an off-road recreational vehicle (ORV) on public hunting land, subject to several exceptions for hunters with disabilities. Evidently, some disabled hunters using ORVs have had hostile encounters with other hunters who do not understand why they are using the vehicles. It has been suggested that hunters should be allowed to display a flag indicating that they are disabled and that their use of an ORV is authorized.

### **CONTENT**

**The bill would amend Part 811 (Off-Road Recreation Vehicles) of the Natural Resources and Environmental Protection Act to allow a disabled hunter or a person licensed to hunt from a standing vehicle to display a flag to identify himself or herself.**

Part 811 prohibits a person from operating an ORV in an area on which public hunting is permitted during the regular November firearm deer season from 7 a.m. to 11 a.m. and from 2 p.m. to 5 p.m., subject to certain exceptions. The prohibition does not apply to a person holding a valid permit to hunt from a standing vehicle issued under Part 401 (Wildlife Conservation), or a person with disabilities using an ORV to gain access to public land for hunting or fishing purposes through use of a designated trail or forest road.

Under the bill, a person hunting or fishing under these conditions could display a flag to identify himself or herself as a person

with disabilities or a person holding a permit to hunt from a standing vehicle. The Department of Natural Resources (DNR) would have to determine the color of the flag.

(Part 401 authorizes the DNR to issue a permit to a person who is unable to walk because he or she is a paraplegic or an amputee, or because of disease or injury that has rendered him or her permanently disabled. The permit authorizes the person to take game during the open season for that game from or upon a standing vehicle if he or she holds a hunting license and complies with all other laws and rules for the taking of game.)

MCL 324.81133

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

Although Part 811 permits people with disabilities to use ORVs while hunting, sometimes it is not readily apparent to other hunters that a person is disabled and they conclude erroneously that the person is violating the law and being disruptive. The use of an identifying flag would contribute to the safety of all hunters and help ensure that people with disabilities continue to have access to the State's hunting and fishing areas and opportunities.

Legislative Analyst: Julie Cassidy

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Jessica Runnels

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.