



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1045 (as introduced 3-27-12)
Sponsor: Senator John J. Gleason
Committee: Outdoor Recreation and Tourism

Date Completed: 5-1-12

CONTENT

The bill would amend Parts 401 (Wildlife Conservation) and 811 (Off-Road Recreation Vehicles) to create an exception to requirements regarding the transport and possession of a firearm in a vehicle and off-road recreation vehicle (ORV) safety equipment, for a disabled person on a State-licensed game bird hunting preserve.

Under Part 401, except as otherwise provided, an individual may not transport or possess a firearm in or upon a vehicle, unless the firearm is unloaded and enclosed in a case, carried in the vehicle's trunk, or unloaded in a motorized boat. The bill, however, would allow a disabled person to 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 were unloaded and the vehicle were operated at a maximum speed of 10 miles per hour. The Department of Natural Resources could demand proof of eligibility, which the individual would have to possess and furnish upon the request of a peace officer.

"Disabled individual" would mean a disabled person as that term is defined in Section 19a of the Michigan Vehicle Code. (Under that section, the term means a person who is determined by a physician, physician assistant, or optometrist to have one or more of the following characteristics:

- Blindness.
- Inability to walk more than 200 feet without stopping to rest.
- Inability to use one or both legs or feet; and to walk without the use of a wheelchair, walker, crutch, brace, prosthetic, or other device, without another person's assistance.
- A lung disease or cardiovascular condition that meets standards prescribed in the Code.
- An arthritic, neurological, or orthopedic condition that severely limits the person's ability to walk.
- The persistent reliance upon an oxygen source other than ordinary air.)

"Unloaded", for a break-action firearm, would mean that the action is open with the breech exposed, whether or not the breech contains a shell. For a firearm that is not break action, the term would mean that the barrel does not contain a shell.

Part 811 prohibits a person from operating an ORV unless he or she and any passenger are wearing a crash helmet and protective eyewear approved by the U.S. Department of Transportation. This provision does not apply to the operator of or a passenger in a vehicle equipped with a roof that meets or exceeds crash helmet standards if each person is

wearing a properly adjusted and fastened safety belt. The bill also would create an exception for the operator of or a passenger in an ORV that was operated on a State licensed game bird hunting preserve at a maximum speed of 10 miles per hour.

Part 811 also prohibits a person from operating an ORV while transporting a bow unless unstrung or encased; or a firearm unless unloaded and securely encased, or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism. Under the bill, this provision would apply except as otherwise provided in Section 40111 (the section of Part 401 that the bill would amend).

MCL 324.40111 & 324.81133

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

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

Fiscal Analyst: Josh Sefton

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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.