

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 5484

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40116 (MCL 324.40116), as amended by 2009 PA
65.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40116. (1) ~~A person~~**AN INDIVIDUAL** shall not take game
2 during the established daylight shooting hours from August 15
3 through April 30 unless the ~~person~~**INDIVIDUAL** wears a cap, hat,
4 vest, jacket, or rain gear of hunter orange **OR A COLOR AUTHORIZED**
5 **BY THE COMMISSION UNDER SUBSECTION (4)**. Hunter orange **OR A COLOR**
6 **AUTHORIZED BY THE COMMISSION UNDER SUBSECTION (4)** includes
7 camouflage that is not less than 50% hunter orange **OR A COLOR**
8 **AUTHORIZED BY THE COMMISSION UNDER SUBSECTION (4)**. The garments
9 that are hunter orange ~~shall~~**OR A COLOR AUTHORIZED BY THE**

1 **COMMISSION UNDER SUBSECTION (4) MUST** be the hunter's outermost
2 garment and ~~shall~~ be visible from all sides of the hunter.

3 (2) Subsection (1) does not apply to ~~a person~~ **AN INDIVIDUAL**
4 engaged in the taking of deer with a bow or crossbow during archery
5 deer season, ~~a person~~ **AN INDIVIDUAL** taking bear with a bow or
6 crossbow, ~~a person~~ **AN INDIVIDUAL** engaged in the taking of turkey or
7 migratory birds other than woodcock, ~~a person~~ **AN INDIVIDUAL** engaged
8 in the sport of falconry, or ~~a person~~ **AN INDIVIDUAL** who is
9 stationary and in the act of hunting bobcat, coyote, or fox.

10 (3) The failure of ~~a person~~ **AN INDIVIDUAL** to comply with this
11 section is not evidence of contributory negligence in a civil
12 action for injury to the ~~person~~ **INDIVIDUAL** or for the ~~person's~~
13 **INDIVIDUAL'S** wrongful death.

14 (4) **THE COMMISSION SHALL REVIEW AND DETERMINE WHETHER HUNTER**
15 **PINK OR ANY ADDITIONAL COLORS ARE EFFECTIVE AND SAFE FOR**
16 **INDIVIDUALS TO WEAR WHILE HUNTING. BY OCTOBER 1, 2017, THE**
17 **COMMISSION SHALL ISSUE AN ORDER UNDER SECTION 40113A AUTHORIZING**
18 **WHAT ADDITIONAL GARMENT COLORS MAY BE WORN UNDER SUBSECTION (1)**
19 **BASED ON THE DETERMINATION MADE BY THE COMMISSION UNDER THIS**
20 **SUBSECTION.**

21 (5) ~~(4)~~—As used in this section: ~~,"hunter~~

22 (A) "HUNTER orange" means the highly visible color commonly
23 referred to as hunter orange and includes blaze orange, flame
24 orange, and fluorescent blaze orange.

25 (B) "HUNTER PINK" MEANS THE HIGHLY VISIBLE COLOR COMMONLY
26 REFERRED TO AS HUNTER PINK AND INCLUDES BLAZE PINK, FLAME PINK, AND
27 FLUORESCENT BLAZE PINK.