

# HOUSE BILL No. 5484

(as amended June 2, 2016)

March 17, 2016, Introduced by Rep. Lyons 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 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 BY THE**  
5 **COMMISSION UNDER SUBSECTION (4).]** Hunter  
6 orange **OR [A COLOR AUTHORIZED BY THE COMMISSION UNDER SUBSECTION (4)]**  
7 includes camouflage that is not less than 50%  
8 hunter orange **OR [A COLOR AUTHORIZED BY THE COMMISSION UNDER SUBSECTION**  
9 **(4).]** The garments that are hunter orange  
10 ~~shall~~**OR [A COLOR AUTHORIZED BY THE COMMISSION UNDER SUBSECTION (4)] MUST**  
be the hunter's outermost garment and  
~~shall~~ be visible from all sides of the hunter.

(2) Subsection (1) does not apply to a ~~person~~**AN INDIVIDUAL**  
engaged in the taking of deer with a bow or crossbow during archery

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1 deer season, ~~a person~~ **AN INDIVIDUAL** taking bear with a bow or  
 2 crossbow, ~~a person~~ **AN INDIVIDUAL** engaged in the taking of turkey or  
 3 migratory birds other than woodcock, ~~a person~~ **AN INDIVIDUAL** engaged  
 4 in the sport of falconry, or ~~a person~~ **AN INDIVIDUAL** who is  
 5 stationary and in the act of hunting bobcat, coyote, or fox.

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

[**(4) THE COMMISSION SHALL DETERMINE WHAT ADDITIONAL COLORS, INCLUDING HUNTER PINK, ARE EFFECTIVE AND SAFE FOR INDIVIDUALS TO WEAR WHILE HUNTING. BY OCTOBER 1, 2017, THE COMMISSION SHALL ISSUE AN ORDER UNDER SECTION 40113A AUTHORIZING WHAT ADDITIONAL GARMENT COLORS MAY BE WORN UNDER SUBSECTION (1) BASED ON THE DETERMINATION MADE BY THE COMMISSION UNDER THIS SUBSECTION.**

10 **(5)-(4)]** As used in this section: ~~,"hunter~~

11 **(A) "HUNTER orange"** means the highly visible color commonly  
 12 referred to as hunter orange and includes blaze orange, flame  
 13 orange, and fluorescent blaze orange.

14 **(B) "HUNTER PINK" MEANS THE HIGHLY VISIBLE COLOR COMMONLY**  
 15 **REFERRED TO AS HUNTER PINK AND INCLUDES BRIGHT PINK, BLAZE PINK,**  
 16 **AND FLUORESCENT PINK.**