

HOUSE BILL No. 5417

January 16, 2018, Introduced by Reps. Johnson, Barrett, Reilly, Bellino, Hernandez, Miller, Dianda, Bizon, Howell, LaFave, Hornberger, Alexander and Lucido and referred to the Committee on Judiciary.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40111 and 43513 (MCL 324.40111 and 324.43513), section 40111 as amended by 2015 PA 185 and section 43513 as amended by 2013 PA 108.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40111. (1) Except as otherwise provided in subsection (3)
2 or (5), this part, or in a department order authorized under
3 section 40107, an individual shall not take an animal from in or
4 upon a vehicle.

5 (2) Except as otherwise provided in subsection (3), (4), or
6 (5), this part, or in a department order authorized under section
7 40107, an individual shall not transport or possess a firearm in or
8 upon a vehicle, unless the firearm is unloaded and enclosed in a
9 case, unloaded and carried in the trunk of a vehicle, or unloaded

1 in a motorized boat.

2 (3) A person with a disability may transport or possess a
3 firearm in or upon a vehicle, except for a car or truck, on a state
4 licensed game bird hunting preserve if the firearm is unloaded and
5 the vehicle is operated at a speed of not greater than 10 miles per
6 hour. A person with a disability may possess a loaded firearm and
7 may discharge that firearm to take an animal from in or upon a
8 vehicle, except for a car or truck, on a state licensed game bird
9 hunting preserve if the vehicle is not moving. The department may
10 demand proof of eligibility under this subsection. An individual
11 shall possess proof of his or her eligibility under this subsection
12 and furnish the proof upon the request of a peace officer.

13 (4) An individual may transport or possess an unloaded firearm
14 in or upon a vehicle on a sporting clays range.

15 (5) An individual holding a valid permit to hunt from a
16 standing vehicle under section 40114 may transport or possess an
17 uncased firearm with a loaded magazine on a personal assistive
18 mobility device if the action is open. An individual holding a
19 valid permit to hunt from a standing vehicle under section 40114
20 may possess a loaded firearm and may discharge that firearm to take
21 game from a personal assistive mobility device if each of the
22 following applies:

23 (a) The personal assistive mobility device is not moving.

24 (b) The individual holds a valid base license under section
25 43523a, holds any other necessary license under part 435, and
26 complies with all other laws and rules for the taking of game.

27 (6) ~~Except as otherwise provided in this part, an~~ **AN**

1 individual ~~shall not~~ **MAY** transport or possess a bow or crossbow in
2 or upon a vehicle while that vehicle is operated on public land or
3 on a highway, road, or street in this state. ~~, unless the bow or~~
4 ~~crossbow is unstrung, enclosed in a case, or carried in the trunk~~
5 ~~of a vehicle.~~

6 (7) An individual shall not hunt with a firearm within 150
7 yards of an occupied building, dwelling, house, residence, or
8 cabin, or any barn or other building used in connection with a farm
9 operation, without obtaining the written permission of the owner,
10 renter, or occupant of the property.

11 (8) As used in this section:

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

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

19 (ii) A special registration plate issued to a disabled person
20 under section 803d of the Michigan vehicle code, 1949 PA 300, MCL
21 257.803d.

22 (b) "Personal assistive mobility device" means any device,
23 including, but not limited to, one that is battery-powered, that is
24 designed solely for use by an individual with mobility impairment
25 for locomotion and is considered an extension of the individual.

26 (c) "Unloaded" means that the firearm does not have ammunition
27 in the barrel, chamber, cylinder, clip, or magazine when the

1 barrel, chamber, cylinder, clip, or magazine is part of or attached
2 to the firearm.

3 Sec. 43513. (1) An individual may carry, transport, or possess
4 a firearm without a hunting license if the firearm is unloaded in
5 both barrel and magazine and either enclosed in a case or carried
6 in a vehicle in a location that is not readily accessible to any
7 occupant of the vehicle. An individual may carry, transport, or
8 possess a slingshot, bow and arrow, or crossbow without a hunting
9 license. ~~if the slingshot, bow, or crossbow is unstrung, enclosed~~
10 ~~in a case, or carried in a vehicle in a location that is not~~
11 ~~readily accessible to any occupant of the vehicle.~~

12 (2) Regardless of whether the individual has a license or it
13 is open season for the taking of game, an individual may carry,
14 transport, possess or discharge a firearm, a bow and arrow, or a
15 crossbow if all of the following apply:

16 (a) The individual is not taking or attempting to take game
17 but is engaged in 1 or more of the following activities:

18 (i) Target practice using an identifiable, artificially
19 constructed target or targets.

20 (ii) Practice with silhouettes, plinking, skeet, or trap.

21 (iii) Sighting-in the firearm, bow and arrow, or crossbow.

22 (b) The individual is, or is accompanied by or has the
23 permission of, either of the following:

24 (i) The owner of the property on which the activity under
25 subdivision (a) is taking place.

26 (ii) The lessee of that property for a term of not less than 1
27 year.

1 (c) The owner or lessee of the property does not receive
2 remuneration for the activity under subdivision (a).

3 (3) An individual may carry, transport, or possess a firearm, ~~7~~
4 ~~slingshot, bow and arrow, or crossbow~~ without a hunting license if
5 the individual is hunting on a game bird hunting preserve licensed
6 under part 417.

7 (4) An individual may carry or possess an unloaded weapon at
8 any time if the individual is traveling to or from or participating
9 in a historical reenactment.