

HOUSE BILL No. 6365

September 25, 2018, Introduced by Reps. Allor and LaFave and referred to the Committee on Natural Resources.

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. **AN INDIVIDUAL MAY TAKE WATERFOWL FROM A MOTORIZED**
5 **BOAT IF THE BOAT'S MOTOR HAS BEEN COMPLETELY SHUT OFF AND THE**
6 **BOAT'S FORWARD PROGRESS HAS CEASED.**
7 (2) Except as otherwise provided in subsection (3), (4), or

1 (5), this part, or in a department order authorized under section
 2 40107, an individual shall not transport or possess a firearm in or
 3 upon a vehicle, unless the firearm is ~~unloaded~~ **1 OF THE FOLLOWING:**

4 **(A) UNLOADED** and enclosed in a case. ~~unloaded~~

5 **(B) UNLOADED** and carried in the trunk of a vehicle. ~~or~~
 6 ~~unloaded in~~

7 **(C) IN** a motorized boat **WHOSE MOTOR HAS BEEN COMPLETELY SHUT**
 8 **OFF AND WHOSE FORWARD PROGRESS HAS CEASED.**

9 (3) ~~A person~~ **AN INDIVIDUAL** with a disability may transport or
 10 possess ~~a~~ **AN UNCASED** firearm in or upon a vehicle, except for a car
 11 or truck, on a state licensed game bird hunting preserve if the
 12 firearm is unloaded and the vehicle is operated at a speed of not
 13 greater than 10 miles per hour. ~~A person~~ **AN INDIVIDUAL** with a
 14 disability may possess a loaded firearm and may discharge that
 15 firearm to take an animal from in or upon a vehicle, except for a
 16 car or truck, on a state licensed game bird hunting preserve if the
 17 vehicle is not moving. The department may demand proof of
 18 eligibility under this subsection. An individual shall possess
 19 proof of his or her eligibility under this subsection and furnish
 20 the proof upon the request of a peace officer.

21 (4) An individual may transport or possess an **UNCASED AND**
 22 unloaded firearm in or upon a vehicle on ~~a~~ **ANY OF THE FOLLOWING:**

23 **(A) A** sporting clays range.

24 **(B) PRIVATE PROPERTY.**

25 **(C) A HIGHWAY, ROAD, OR STREET IN THIS STATE UNDER EITHER OF**
 26 **THE FOLLOWING CIRCUMSTANCES:**

27 **(i) THE INDIVIDUAL OWNS LAND THAT IS DIVIDED BY THAT HIGHWAY,**

1 ROAD, OR STREET AND THE INDIVIDUAL IS CROSSING THE HIGHWAY, ROAD,
2 OR STREET TO ACCESS THE OTHER PORTION OF THAT PROPERTY.

3 (ii) THE INDIVIDUAL HAS BEEN GRANTED PERMISSION TO USE ANOTHER
4 INDIVIDUAL'S LAND THAT IS DIVIDED BY THAT HIGHWAY, ROAD, OR STREET
5 AND THE INDIVIDUAL IS CROSSING THE HIGHWAY, ROAD, OR STREET TO
6 ACCESS THE OTHER PORTION OF THAT PROPERTY.

7 (5) An individual holding a valid permit to hunt from a
8 standing vehicle under section 40114 may transport or possess an
9 uncased firearm with a loaded magazine on a personal assistive
10 mobility device if the action is open. An individual holding a
11 valid permit to hunt from a standing vehicle under section 40114
12 may possess a loaded firearm and may discharge that firearm to take
13 game from a personal assistive mobility device if each of the
14 following applies:

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

16 (b) The individual holds a valid base license under section
17 43523a, holds any other necessary license under part 435, and
18 complies with all other laws and rules for the taking of game.

19 (6) Except as otherwise provided in this **SUBSECTION AND THIS**
20 part, an individual shall not transport or possess a bow or
21 crossbow in or upon a vehicle while that vehicle is operated on
22 public land or on a highway, road, or street in this state, unless
23 the bow or crossbow is unstrung, enclosed in a case, or carried in
24 the trunk of a vehicle. **AN INDIVIDUAL MAY TRANSPORT OR POSSESS AN**
25 **UNCASED BOW OR CROSSBOW IN OR UPON A VEHICLE ON A HIGHWAY, ROAD, OR**
26 **STREET IN THIS STATE UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES:**

27 (A) THE INDIVIDUAL OWNS LAND THAT IS DIVIDED BY THAT HIGHWAY,

1 ROAD, OR STREET AND THE INDIVIDUAL IS CROSSING THE HIGHWAY, ROAD,
2 OR STREET TO ACCESS THE OTHER PORTION OF THAT PROPERTY.

3 (B) THE INDIVIDUAL HAS BEEN GRANTED PERMISSION TO USE ANOTHER
4 INDIVIDUAL'S LAND THAT IS DIVIDED BY THAT HIGHWAY, ROAD, OR STREET
5 AND THE INDIVIDUAL IS CROSSING THE HIGHWAY, ROAD, OR STREET TO
6 ACCESS THE OTHER PORTION OF THAT PROPERTY.

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

12 (8) As used in this section:

13 (a) ~~"Person"~~ **INDIVIDUAL** with a disability" means a disabled
14 person as that term is defined in section 19a of the Michigan
15 vehicle code, 1949 PA 300, MCL 257.19a, and who is in possession of
16 1 of the following:

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

20 (ii) A special registration plate issued to a disabled person
21 under section 803d of the Michigan vehicle code, 1949 PA 300, MCL
22 257.803d.

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

27 (c) "Unloaded" means that the firearm does not have ammunition

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

4 Sec. 43513. (1) An individual may carry, transport, or possess
5 a firearm without a hunting license ~~if the~~ **UNDER ANY OF THE**
6 **FOLLOWING CIRCUMSTANCES:**

7 **(A) THE** firearm is unloaded in both barrel and magazine and
8 either enclosed in a case or carried in a vehicle in a location
9 that is not readily accessible to any occupant of the vehicle.

10 **(B) THE FIREARM IS BEING CARRIED, TRANSPORTED, OR POSSESSED ON**
11 **PRIVATE PROPERTY.**

12 **(C) THE FIREARM IS BEING CARRIED, TRANSPORTED, OR POSSESSED ON**
13 **A HIGHWAY, ROAD, OR STREET IN THIS STATE UNDER EITHER OF THE**
14 **FOLLOWING CIRCUMSTANCES:**

15 **(i) THE INDIVIDUAL OWNS LAND THAT IS DIVIDED BY THAT HIGHWAY,**
16 **ROAD, OR STREET AND THE INDIVIDUAL IS CROSSING THE HIGHWAY, ROAD,**
17 **OR STREET TO ACCESS THE OTHER PORTION OF THAT PROPERTY.**

18 **(ii) THE INDIVIDUAL HAS BEEN GRANTED PERMISSION TO USE ANOTHER**
19 **INDIVIDUAL'S LAND THAT IS DIVIDED BY THAT HIGHWAY, ROAD, OR STREET**
20 **AND THE INDIVIDUAL IS CROSSING THE HIGHWAY, ROAD, OR STREET TO**
21 **ACCESS THE OTHER PORTION OF THAT PROPERTY.**

22 **(2) An individual may carry, transport, or possess a**
23 **slingshot, bow and arrow, or crossbow without a hunting license ~~if~~**
24 **~~the~~ UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:**

25 **(A) THE** slingshot, bow, or crossbow is unstrung, enclosed in a
26 case, or carried in a vehicle in a location that is not readily
27 accessible to any occupant of the vehicle.

1 (B) THE SLINGSHOT, BOW, OR CROSSBOW IS BEING CARRIED,
2 TRANSPORTED, OR POSSESSED ON PRIVATE PROPERTY.

3 (C) THE SLINGSHOT, BOW, OR CROSSBOW IS BEING CARRIED,
4 TRANSPORTED, OR POSSESSED ON A HIGHWAY, ROAD, OR STREET IN THIS
5 STATE UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES:

6 (i) THE INDIVIDUAL OWNS LAND THAT IS DIVIDED BY THAT HIGHWAY,
7 ROAD, OR STREET AND THE INDIVIDUAL IS CROSSING THE HIGHWAY, ROAD,
8 OR STREET TO ACCESS THE OTHER PORTION OF THAT PROPERTY.

9 (ii) THE INDIVIDUAL HAS BEEN GRANTED PERMISSION TO USE ANOTHER
10 INDIVIDUAL'S LAND THAT IS DIVIDED BY THAT HIGHWAY, ROAD, OR STREET
11 AND THE INDIVIDUAL IS CROSSING THE HIGHWAY, ROAD, OR STREET TO
12 ACCESS THE OTHER PORTION OF THAT PROPERTY.

13 (3) ~~(2)~~—Regardless of whether the individual has a license or
14 it is open season for the taking of game, an individual may carry,
15 transport, possess or discharge a firearm, a bow and arrow, or a
16 crossbow if all of the following apply:

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

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

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

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

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

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

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

1 year.

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

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

8 **(5)** ~~(4)~~—An individual may carry or possess an unloaded weapon
9 at any time if the individual is traveling to or from or
10 participating in a historical reenactment.