

# HOUSE BILL NO. 4551

May 02, 2019, Introduced by Reps. LaFave, Berman, Marino, Mueller and Markkanen and referred to the Committee on Military, Veterans and Homeland Security.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 40111, 74116, and 78119 (MCL 324.40111, 324.74116, and 324.78119), section 40111 as amended by 2018 PA 272, section 74116 as amended by 2016 PA 1, and section 78119 as amended by 2013 PA 81.

**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



1 section 40107, an individual shall not take an animal from in or  
2 upon a vehicle.

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

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

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

22 (5) An individual holding a valid permit to hunt from a  
23 standing vehicle under section 40114 may transport or possess an  
24 uncased firearm with a loaded magazine on a personal assistive  
25 mobility device if the action is open. An individual holding a  
26 valid permit to hunt from a standing vehicle under section 40114  
27 may possess a loaded firearm and may discharge that firearm to take  
28 game from a personal assistive mobility device if each of the  
29 following applies:



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

2 (b) The individual holds a valid base license under section  
3 43523a, holds any other necessary license under part 435, and  
4 complies with all other laws and rules for the taking of game.

5 (6) An individual may transport or possess a bow or crossbow  
6 in or upon a vehicle while that vehicle is operated on public land  
7 or on a highway, road, or street in this state if the bow or  
8 crossbow is unloaded and uncocked, enclosed in a case, or carried  
9 in the trunk of a vehicle.

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

15 (8) As used in this section:

16 (a) "Person with a disability" means a disabled person as that  
17 term is defined in section 19a of the Michigan vehicle code, 1949  
18 PA 300, MCL 257.19a, **or a totally disabled veteran as that term is**  
19 **defined in section 68c of the Michigan vehicle code, 1949 PA 300,**  
20 **MCL 257.68c**, and who is in possession of 1 of the following:

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

24 (ii) A special registration plate issued to a disabled person  
25 **or totally disabled veteran** under section 803d of the Michigan  
26 vehicle code, 1949 PA 300, MCL 257.803d.

27 (iii) **A tab for disabled veterans issued to a totally disabled**  
28 **veteran under section 803f of the Michigan vehicle code, 1949 PA**  
29 **300, MCL 257.803f.**



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

5 (c) "Uncocked" means the following:

6 (i) For a bow, that the bow is not in the drawn position.

7 (ii) For a crossbow, that the crossbow is not in the cocked  
8 position.

9 (d) "Unloaded" means the following:

10 (i) For a firearm, that the firearm does not have ammunition in  
11 the barrel, chamber, cylinder, clip, or magazine when the barrel,  
12 chamber, cylinder, clip, or magazine is part of or attached to the  
13 firearm.

14 (ii) For a bow, that an arrow is not nocked.

15 (iii) For a crossbow, that a bolt is not in the flight groove.

16 Sec. 74116. (1) Subject to subsection (4), the operator of a  
17 nonresident motor vehicle or commercial motor vehicle shall not  
18 enter any state park with that motor vehicle unless a valid motor  
19 vehicle park permit issued under section 74117 is affixed to the  
20 lower right-hand corner of the windshield. An annual motor vehicle  
21 park permit for a nonresident motor vehicle ~~shall~~**must** be affixed  
22 permanently for that year. The department shall post signs at parks  
23 that state that a motor vehicle park permit is required for entry  
24 by a nonresident motor vehicle or commercial motor vehicle.

25 (2) Subject to subsection (4), the operator of a resident  
26 motor vehicle shall not enter a state park with the resident motor  
27 vehicle unless the recreation passport fee has been paid for that  
28 motor vehicle. Payment of the recreation passport fee authorizes  
29 entry into all state parks and recreation areas and designated



1 state-operated public boating access sites until expiration of the  
2 motor vehicle registration.

3 (3) Subject to subsection (4), if the secretary of state  
4 issues registration tabs or stickers as described in section 805 of  
5 the Michigan vehicle code, 1949 PA 300, MCL 257.805, the operator  
6 of a resident motor vehicle shall not enter a state park with the  
7 resident motor vehicle unless the resident motor vehicle has a  
8 registration tab or sticker marked as provided under that section  
9 to show that the recreation passport fee has been paid.

10 (4) Subsections (1) to (3) do not apply under any of the  
11 following circumstances:

12 (a) While the motor vehicle is being driven or parked within  
13 an established federal, state, or county highway within a state  
14 park.

15 (b) If the motor vehicle is used in the operation or  
16 maintenance of a state park, is an emergency motor vehicle, is a  
17 state owned or law enforcement motor vehicle, or is a private motor  
18 vehicle being operated on official state business.

19 (c) If the motor vehicle is registered under section 803e(1)  
20 of the Michigan vehicle code, 1949 PA 300, MCL 257.803e, and is  
21 exempt under section 803e(6) of the Michigan vehicle code, 1949 PA  
22 300, MCL 257.803e, from the registration tax, ~~or~~ if the motor  
23 vehicle is registered under section 217d or 803f of the Michigan  
24 vehicle code, 1949 PA 300, MCL 257.217d and 257.803f, **or if the**  
25 **motor vehicle has a tab for disabled veterans issued under section**  
26 **803f of the Michigan vehicle code, 1949 PA 300, MCL 257.803f.**

27 (d) At a state-operated public boating access site or a state  
28 park where there is an opportunity to fish on a day that the  
29 department has designated as a free winter fishing day or a free



1 fishing day under section 43534.

2 (e) If and to the extent that the department waives the  
3 requirements for department-sponsored events or other circumstances  
4 as determined by the director or the director's designee.

5 Sec. 78119. (1) Subject to subsection (4), a person shall not  
6 enter, in a nonresident motor vehicle or commercial motor vehicle,  
7 a state-operated public boating access site designated under  
8 section 78105(2) without a valid pass affixed to the lower right-  
9 hand corner of the windshield. A seasonal pass ~~shall~~**must** be  
10 affixed permanently for the season.

11 (2) Subject to subsection (4), the operator of a resident  
12 motor vehicle shall not enter a state-operated public boating  
13 access site designated under section 78105(2) with the resident  
14 motor vehicle unless the recreation passport fee has been paid for  
15 that motor vehicle. Payment of the recreation passport fee  
16 authorizes entry into all state parks and recreation areas and  
17 designated state-operated public boating access sites until  
18 expiration of the motor vehicle registration.

19 (3) Subject to subsection (4), if the secretary of state  
20 issues registration tabs or stickers as described in section 805 of  
21 the Michigan vehicle code, 1949 PA 300, MCL 257.805, the operator  
22 of a resident motor vehicle shall not enter a designated state-  
23 operated public boating access site with the resident motor vehicle  
24 unless the resident motor vehicle has a registration tab or sticker  
25 marked as provided under that section to show that the recreation  
26 passport fee has been paid.

27 (4) Subsections (1) to (3) do not apply under any of the  
28 following circumstances:

29 (a) If the motor vehicle is used in the operation or



1 maintenance of the public boating access site, is an emergency  
2 motor vehicle, is a state-owned or law enforcement motor vehicle,  
3 or is a private motor vehicle being operated on official state  
4 business.

5 (b) If the motor vehicle is registered under section 803e(1)  
6 of the Michigan vehicle code, 1949 PA 300, MCL 257.803e, and is  
7 exempt under section 803e(6) of the Michigan vehicle code, 1949 PA  
8 300, MCL 257.803e, from the registration tax, ~~or~~ if the motor  
9 vehicle is registered under section 217d or 803f of the Michigan  
10 vehicle code, 1949 PA 300, MCL 257.217d and 257.803f, **or if the**  
11 **motor vehicle has a tab for disabled veterans issued under section**  
12 **803f of the Michigan vehicle code, 1949 PA 300, MCL 257.803f.**

13 (c) If and to the extent the department waives the  
14 requirements for department-sponsored events or other circumstances  
15 as determined by the director or the director's designee.

16 (5) A person who violates subsection (1), (2), or (3) is  
17 responsible for a state civil infraction and may be ordered to pay  
18 a civil fine of not more than \$100.00. A person shall not be cited  
19 for a violation of both subsections (2) and (3) for the same  
20 incident.

21 (6) In any proceeding for the violation of this part or a rule  
22 promulgated under this part, if a motor vehicle is found parked in  
23 a designated state-operated public boating access site, the  
24 registration plate displayed on the motor vehicle constitutes prima  
25 facie evidence that the owner of the motor vehicle was the person  
26 who parked or placed it at the location where it was found.

27 Enacting section 1. This amendatory act does not take effect  
28 unless Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
29 02237'19) of the 100th Legislature is enacted into law.

