

Act No. 193
Public Acts of 1993
Approved by the Governor
October 15, 1993
Filed with the Secretary of State
October 19, 1993

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1993**

Introduced by Senator Wartner

ENROLLED SENATE BILL No. 59

AN ACT to amend section 14 of Act No. 256 of the Public Acts of 1988, entitled "An act to provide for the conservation of animals and the method and manner in which animals may be taken in this state; to authorize the issuance of certain licenses and permits; to provide for license and permit fees and the disposition of the fees; to prescribe the powers and duties of the commission of natural resources and the department of natural resources and certain other persons; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts on specific dates," being section 300.264 of the Michigan Compiled Laws; and to add section 14a.

The People of the State of Michigan enact:

Section 1. Section 14 of Act No. 256 of the Public Acts of 1988, being section 300.264 of the Michigan Compiled Laws, is amended and section 14a is added to read as follows:

Sec. 14. (1) The director or an authorized representative of the director may issue a permit to a person who is unable to walk due to being a paraplegic or an amputee, or being permanently disabled and unable to walk because of other disease or injury. A permit issued under this subsection shall authorize the person to take game during the open season for that game, including deer of either sex, from or upon a standing vehicle if that person holds a license to take that game issued pursuant to the hunting and fishing license act, Act No. 86 of the Public Acts of 1980, being sections 316.101 to 316.902 of the Michigan Compiled Laws, and complies with all other laws and rules for the taking of game.

(2) The director or an authorized representative of the director may issue a permit to a person who is permanently disabled and who has full use of only 1 arm and who upon investigation is unable to hold, aim, and shoot a bow. A permit issued under this subsection shall authorize the person to take game during the open season for that game with a bow that has been modified so that the bow may be held, aimed, and shot with 1 arm, if that person holds a license to take that game issued pursuant to the hunting and fishing license act, Act No. 86 of the Public Acts of 1980, and complies with all other laws and rules for the taking of game.

(3) In addition, the director or an authorized representative of the director may issue permits authorizing 1 or more of the following:

- (a) The taking or possession of animals for the purpose of rehabilitating animals.
- (b) The taking of animals to prevent or control damage and nuisance caused by the animals.
- (c) The collection, transportation, possession, or disposition of animals, and parts of animals, for scientific purposes.
- (d) The public exhibition of animals.
- (e) Taxidermy.
- (f) The disposition of accidentally or unlawfully taken or injured animals, or animals that are unlawfully possessed.

(g) The taking of game with a crossbow by a person who is permanently disabled as provided in section 14a.

(4) A permit issued under this section or section 14a may be suspended, revoked, annulled, withdrawn, recalled, canceled, or amended pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws. If the holder of a permit is convicted of violating this section, his or her permit or license may be revoked and any animal and the parts of any animal in his or her possession shall be disposed of in a manner approved by the director.

(5) Except as otherwise provided in section 14a for a permit described in subsection (3)(g), all fees received for permits and licenses issued under this section shall be forwarded by the department to the state treasurer to be credited to the game and fish protection fund.

Sec. 14a. (1) As used in this section:

(a) "Crossbow" means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string which is controlled by a mechanical or electric trigger and has a working safety and with a draw weight of 100 pounds or greater.

(b) "Physical therapist" means a person licensed to engage in the practice of physical therapy under article 15 of the public health code, Act No. 368 of the Public Acts of 1978, being sections 333.16101 to 333.18838 of the Michigan Compiled Laws.

(c) "Physician" means a person licensed by the state to engage in the practice of medicine or the practice of osteopathic medicine and surgery under article 15 of the public health code, Act No. 368 of the Public Acts of 1978.

(2) The director or an authorized representative of the director may issue a permit to a person who is certified as being permanently disabled by a physician as provided in this section. That permit shall be issued without cost to the applicant and shall authorize that person to take game with a crossbow during the open season for that game if that person holds a license to take that game issued pursuant to the hunting and fishing license act, Act No. 86 of the Public Acts of 1980, being sections 316.101 to 316.902 of the Michigan Compiled Laws, and complies with all other laws and rules for the taking of game.

(3) An applicant for a permit under this section shall submit to the director or an authorized representative of the director a signed certification from a physician indicating that the physician received from a physical therapist and reviewed and confirmed objective test findings indicating the percentage of disability determined to be present in the permit applicant by the physical therapist. Based on the test findings, the physician may certify that the applicant is permanently disabled as required by this section if the physician finds that the permit applicant has at least 80%, in combination or individual impairment, of a hand, elbow, or shoulder. In support of such a determination, the physician and the physical therapist shall utilize the following standards and criteria:

(a) If applicable, muscle weaknesses with a grade of fair or below for involved upper extremity muscle groups will be used to determine if a person is eligible for a permit under this section. Testing by the physical therapist will use as a guideline, "Techniques of Manual Muscle Testing", by Daniels and Worthingham, or other guidelines accepted by the American medical association.

(b) Impaired range of motion. Goniometric measurements using the "American medical association guide to evaluation and permanent impairment rating", or other guidelines accepted by the American medical association.

(c) Peripheral nerve involvement, using the "American medical association guide to evaluation and permanent impairment rating", or other guidelines accepted by the American medical association.

(d) Amputations involving 4 fingers at the proximal interphalangeal joint, wrist, elbow, and shoulder do not require objective test findings. However, the applicant is required to present a physician's diagnosis to be qualified for a permit.

(e) Unilateral hand weakness disabilities. In addition to manual muscle testing, a grip dynamometer, pinch grip, and lateral grip measurements will be used to compare dominant to nondominant hand. A 5% deficit is standard acceptance for the nondominant hand. Bilateral hand weaknesses or bilateral upper extremity weaknesses, or both, are subject to manual muscle testing only.

(f) Any spinal cord injury above the level of C-8, resulting in permanent disability to the lower extremities, leaving the applicant permanently nonambulatory, as diagnosed by a physician do not require objective test findings. However, the applicant is required to present a physician's diagnosis to be qualified for a permit.

(g) Coordination assessment. Coordination is the ability to execute smooth, accurate, controlled movement. Incoordination or coordination deficit describes abnormal motor function characterized by awkward, extraneous, uneven, or inaccurate movements, caused by central nervous disorders, including, but not limited to, Parkinson's disease, cerebral palsy, hemiplegia, hemiparesis, and closed head trauma; or by progressive neuromuscular diseases, such as muscular dystrophy, multiple sclerosis, and amyotrophic lateral sclerosis. Purpose: to assess the ability of muscles or groups of muscles to work together to perform a task. For safety considerations, this test will eliminate severely involved applicants from qualifying for a permit.

(4) A person shall not seek diagnosis from a physical therapist or a physician for purposes of meeting the requirements of this section on more than 2 occasions within a 6-month period. A person who seeks a diagnosis from a physical therapist and the results of the testing do not meet the requirements of this section for eligibility for a permit, may do either of the following:

(a) Within 30 days of obtaining the test results seek another opinion from the same or a different physical therapist.

(b) After 180 days or more seek another opinion from the same or a different physical therapist.

(5) A permit issued under this section to a person who is eligible for that permit because he or she has a progressive neuromuscular disease or a central nervous disorder shall be issued for 2 years and then is renewable only upon reapplication pursuant to this section. All other crossbow permits issued pursuant to this section are valid unless revoked pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(6) Arrows, bolts, and quarrels used for taking deer, bear, elk, and turkey with a crossbow under a permit issued under this section are required to have a broadhead hunting type of point not less than 7/8 inch wide and must be a minimum of 14 inches in length.

(7) A person who falsely obtains or uses a permit authorized in this section is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not less than \$200.00 or more than \$1,000.00, or both, and the cost of prosecution.

This act is ordered to take immediate effect.

Secretary of the Senate.

Co-Clerk of the House of Representatives.

Approved -----

Governor.