

SUBSTITUTE FOR
SENATE BILL NO. 1258

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 40102 and 40115 (MCL 324.40102 and
324.40115), section 40102 as amended by 1998 PA 86 and section
40115 as added by 1995 PA 57, and by adding section 40115a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 40102. (1) "Animals" means wild birds and wild
2 mammals.
- 3 (2) "Bag limit" means the number of animals that may be
4 taken and possessed as determined by the department.
- 5 (3) "Bow" means a device for propelling an arrow from a
6 string drawn, held, and released by hand where the force used to
7 hold the string in the drawn position is provided by the archer's
8 muscles.

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1 (4) "Buy" or "sell" means an exchange or attempt or offer to
2 exchange for money, barter, or anything of value.

3 (5) "Chase" means to follow animals with dogs or other wild
4 or domestic animals trained for that purpose.

5 (6) "CROSSBOW" MEANS THAT TERM AS DEFINED IN SECTION 40115.

6 (7) ~~-(6)-~~ "Disability" means a determinable physical charac-
7 teristic of an individual that may result from disease, injury,
8 congenital condition of birth, or functional disorder.

9 (8) ~~-(7)-~~ "Firearm" means a weapon from which a dangerous
10 projectile may be propelled by using explosives, gas, or air as a
11 means of propulsion. Firearm does not include a smooth bore
12 rifle or handgun designed and manufactured exclusively for pro-
13 pelling BB's not exceeding .177 caliber by means of a spring or
14 air or gas.

15 (9) "VISUALLY DISABLED PERSON" MEANS A PERSON WITH A SERIOUS
16 VISUAL DISABILITY AS DEFINED BY THE DEPARTMENT OF COMMUNITY
17 HEALTH.

18 Sec. 40115. (1) As used in this section:

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

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

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1 (B) ~~(c)~~ "Physician" means a person licensed by the state
2 to engage in the practice of medicine or the practice of osteo-
3 pathic medicine and surgery under article 15 of the public health
4 code, ~~Act No. 368 of the Public Acts of 1978~~ 1978 PA 368, MCL
5 333.16101 TO 333.18838.

6 (2) The department may issue a permit to a person who is
7 certified as being permanently disabled by a physician as pro-
8 vided in this section. That permit shall be issued without cost
9 to the applicant and shall authorize that person to take game
10 with a crossbow during the open season for that game if that
11 person holds a license to take that game issued pursuant to
12 part 435 and complies with all other laws and rules for the
13 taking of game.

14 (3) An applicant for a permit under this section shall
15 submit to the department a signed certification from a physician
16 indicating that the physician received from a ~~physical~~
17 ~~therapist~~ QUALIFIED MEDICAL PROFESSIONAL AS DETERMINED BY THE
18 DEPARTMENT and reviewed and confirmed objective test findings
19 indicating the percentage of disability determined to be present
20 in the permit applicant by the ~~physical therapist~~ QUALIFIED
21 MEDICAL PROFESSIONAL. Based on the test findings, the physician
22 may certify that the applicant is permanently disabled as
23 required by this section if the physician finds that the permit
24 applicant has at least 80%, in combination or individual impair-
25 ment, of a hand, elbow, or shoulder. In support of such a deter-
26 mination, the physician and the ~~physical therapist~~ QUALIFIED

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1 MEDICAL PROFESSIONAL shall utilize the following standards and
2 criteria:

3 (a) If applicable, muscle weaknesses with a grade of fair or
4 below for involved upper extremity muscle groups will be used to
5 determine if a person is eligible for a permit under this
6 section. ~~Testing by the physical therapist will use as a guide-~~
7 ~~line "Techniques of Manual Muscle Testing", by Daniels and~~
8 ~~Worthingham,~~ DANIELS, LUCILLE AND CATHERINE WORTHINGHAM, "MUSCLE
9 TESTING: TECHNIQUES OF MANUAL EXAMINATION", 5TH EDITION,
10 SAUNDERS (PHILADELPHIA 1986) or other guidelines accepted by the
11 American medical association SHALL BE USED AS A GUIDELINE.

12 (b) Impaired range of motion ~~— Goniometric~~ SHALL BE
13 ASSESSED THROUGH GONIOMETRIC measurements using ~~the "American~~
14 ~~medical association guide to evaluation and permanent impairment~~
15 ~~rating"~~ "GUIDES TO THE EVALUATION OF PERMANENT IMPAIRMENT", 4TH
16 EDITION, AMERICAN MEDICAL ASSOCIATION, or other guidelines
17 accepted by the American medical association.

18 (c) Peripheral nerve involvement ~~, using the "American med-~~
19 ~~ical association guide to evaluation and permanent impairment~~
20 ~~rating"~~ SHALL BE ASSESSED USING "GUIDES TO THE EVALUATION OF
21 PERMANENT IMPAIRMENT", 4TH EDITION, AMERICAN MEDICAL ASSOCIATION,
22 or other guidelines accepted by the American medical
23 association.

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

1 (e) ~~Unilateral~~ TO ASSESS UNILATERAL hand weakness
2 disabilities, ~~—In~~ IN addition to manual muscle testing, a
3 grip dynamometer, pinch grip, and lateral grip measurements
4 ~~will~~ SHALL be used to compare dominant to nondominant hand. A
5 5% deficit is standard acceptance for the nondominant hand.
6 Bilateral hand weaknesses or bilateral upper extremity weak-
7 nesses, or both, are subject to manual muscle testing only.

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

14 (g) Coordination ~~assessment. Coordination is the ability~~
15 ~~to execute smooth, accurate, controlled movement.~~ SHALL BE
16 TESTED TO ASSESS THE ABILITY OF MUSCLES OR GROUPS OF MUSCLES TO
17 WORK TOGETHER TO PERFORM A TASK. Incoordination or coordination
18 deficit describes abnormal motor function characterized by awk-
19 ward, extraneous, uneven, or inaccurate movements, caused by cen-
20 tral nervous disorders, including, but not limited to,
21 Parkinson's disease, cerebral palsy, hemiplegia, hemiparesis, and
22 closed head trauma; or by progressive neuromuscular diseases,
23 such as muscular dystrophy, multiple sclerosis, and amyotrophic
24 lateral sclerosis. ~~Purpose: to assess the ability of muscles~~
25 ~~or groups of muscles to work together to perform a task.~~ For
26 safety considerations, ~~this test will eliminate~~ COORDINATION
27 ASSESSMENT WILL DISQUALIFY severely impaired applicants from

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1 ~~qualifying~~ ELIGIBILITY for a permit. AS USED IN THIS
2 SUBDIVISION, "COORDINATION" MEANS THE ABILITY TO EXECUTE SMOOTH,
3 ACCURATE, CONTROLLED MOVEMENT.

4 (4) A person shall not seek diagnosis from a ~~physical~~
5 ~~therapist~~ QUALIFIED MEDICAL PROFESSIONAL or a physician for pur-
6 poses of meeting the requirements of this section on more than 2
7 occasions within a 6-month period. If a person seeks a diagnosis
8 from a ~~physical therapist~~ QUALIFIED MEDICAL PROFESSIONAL and
9 the results of the testing do not meet the requirements of this
10 section for eligibility for a permit, the person may do either of
11 the following:

12 (a) Within 30 days of obtaining the test results, seek
13 another opinion from the same or a different ~~physical therapist~~
14 QUALIFIED MEDICAL PROFESSIONAL.

15 (b) After 180 days or more, seek another opinion from the
16 same or a different ~~physical therapist~~ QUALIFIED MEDICAL
17 PROFESSIONAL.

18 (5) A permit issued under this section to a person who is
19 eligible for that permit because he or she has a progressive neu-
20 romuscular disease or a central nervous disorder shall be issued
21 for 2 years and then is renewable only upon reapplication pursu-
22 ant to this section. All other crossbow permits issued pursuant
23 to this section are valid unless revoked pursuant to the adminis-
24 trative procedures act of 1969, ~~Act No. 306 of the Public Acts~~
25 ~~of 1969, being sections 24.201 to 24.328 of the Michigan Compiled~~
26 ~~Laws~~ 1969 PA 306, MCL 24.201 TO 24.328.

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

6 (7) A person who falsely obtains or uses a permit authorized
7 in this section is guilty of a misdemeanor, punishable by impris-
8 onment for not more than 90 days, or a fine of not less than
9 \$200.00 or more than \$1,000.00, or both, and the cost of
10 prosecution.

11 SEC. 40115A. A VISUALLY DISABLED PERSON MAY USE A LASER
12 SIGHTING DEVICE TO TAKE AN ANIMAL WITH A CROSSBOW IF ALL OF THE
13 FOLLOWING CONDITIONS ARE MET:

14 (A) THE VISUALLY DISABLED PERSON HOLDS A LICENSE TO TAKE THE
15 ANIMAL UNDER PART 435 AND COMPLIES WITH ALL OTHER LAWS AND RULES
16 FOR THE TAKING OF THE ANIMAL.

17 (B) THE PERSON IS ACCOMPANIED AND ASSISTED BY A PERSON WHO
18 IS NOT VISUALLY DISABLED. THE PERSON WHO IS NOT VISUALLY DIS-
19 ABLED SHALL BE AT LEAST 18 YEARS OF AGE. THE PERSON WHO IS NOT
20 VISUALLY DISABLED SHALL POSSESS A HUNTING LICENSE ISSUED BY THIS
21 STATE, ANOTHER STATE, A PROVINCE OF CANADA, OR ANOTHER COUNTRY OR
22 A CERTIFICATE OF COMPLETION OF TRAINING IN HUNTER SAFETY ISSUED
23 BY THIS STATE, ANOTHER STATE, A PROVINCE OF CANADA, OR ANOTHER
24 COUNTRY. THE PERSON WHO IS NOT VISUALLY DISABLED SHALL FURNISH
25 THE LICENSE OR CERTIFICATE UPON THE REQUEST OF A PEACE OFFICER.

26 (C) THE VISUALLY DISABLED PERSON POSSESSES PROOF OF SERIOUS
27 VISUAL DISABILITY SUCH AS AN IDENTIFICATION CARD ISSUED UNDER THE

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1 AUTHORITY OF SECTION 2 OF 1972 PA 222, MCL 28.292, AND FURNISHES
2 THE PROOF OF SERIOUS VISUAL DISABILITY UPON THE REQUEST OF A
3 PEACE OFFICER.

4 (D) IF THE ANIMAL IS A DEER, BEAR, ELK, OR TURKEY, THE
5 ARROW, BOLT, OR QUARREL USED HAS A BROADHEAD HUNTING TYPE OF
6 POINT NOT LESS THAN 7/8 OF AN INCH WIDE AND IS AT LEAST 14 INCHES
7 LONG.