

SUBSTITUTE FOR
SENATE BILL NO. 388

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40113 (MCL 324.40113), as added by 1995 PA
57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40113. (1) Except as otherwise provided in a depart-
2 ment order authorized under section 40107 for a specified animal,
3 a person shall not use ~~an~~ A SPOTLIGHT, HEADLIGHT, OR OTHER
4 artificial light in taking game. ~~or in an area frequented by~~
5 ~~animals; throw or cast the rays of a spotlight, headlight, or~~
6 ~~other~~ EXCEPT AS OTHERWISE PROVIDED BY LAW, A PERSON SHALL NOT
7 USE AN artificial light in a field, woodland, or forest
8 FREQUENTED BY ANIMALS while having a bow or firearm or other
9 weapon capable of shooting a projectile in the person's
10 possession or under the person's control. ~~unless otherwise~~

1 ~~permitted by law.~~ A HOWEVER, A licensed hunter may use an
2 artificial light 1 hour before and 1 hour after shooting hours
3 while in possession of any unloaded firearm or bow and traveling
4 afoot to and from the licensed hunter's hunting location.

5 (2) Except as otherwise provided in a department order
6 authorized under section 40107, a person shall not throw, cast,
7 or cause to be thrown or cast, the rays of an artificial light
8 from ~~December 1 to October 31~~ JANUARY 1 TO AUGUST 31 between
9 the hours of 11 p.m. and 6 a.m. IN A FIELD, WOODLAND, OR FOREST
10 FREQUENTED BY ANIMALS for the purpose of locating animals.
11 Except as otherwise permitted by law or an order of the depart-
12 ment, from ~~November 1 to November 30~~ SEPTEMBER 1 TO DECEMBER
13 31, a person shall not ~~throw, cast, or cause to be thrown or~~
14 ~~cast, the rays of a spotlight, headlight, or other~~ USE AN arti-
15 ficial light IN A FIELD, WOODLAND, OR FOREST FREQUENTED BY
16 ANIMALS for the purpose of locating animals. ON OR BEFORE
17 DECEMBER 31, 2003, A PERSON SHALL NOT CAST AN ARTIFICIAL LIGHT
18 ONTO A BARN OR OTHER BUILDING USED IN FARM OPERATIONS, ONTO ANY
19 OCCUPIED DWELLING, OR ONTO LAND WITHIN 450 FEET OF, AND NOT SEPA-
20 RATED BY A STREET, ROAD, OR HIGHWAY FROM, A BARN OR OTHER BUILD-
21 ING USED IN FARM OPERATIONS OR ANY OCCUPIED DWELLING FOR THE PUR-
22 POSE OF LOCATING ANIMALS WITHOUT THE WRITTEN CONSENT OF THE OWNER
23 OR LESSEE OF THE BARN OR OTHER BUILDING OR DWELLING.
24 FURTHERMORE, IF LAND IS POSTED IN A CONSPICUOUS MANNER "NO
25 SHINING", THEN, ON OR BEFORE DECEMBER 31, 2003, A PERSON SHALL
26 NOT CAST AN ARTIFICIAL LIGHT FROM OR ONTO THAT LAND FOR THE
27 PURPOSE OF LOCATING ANIMALS WITHOUT THE WRITTEN CONSENT OF THE

1 OWNER OR LESSEE OF THE LAND. THE MINIMUM LETTER HEIGHT ON THE
2 POSTING SIGNS SHALL BE 1 INCH. EACH POSTING SIGN SHALL BE NOT
3 LESS THAN 50 SQUARE INCHES, AND THE SIGNS SHALL BE SPACED TO
4 ENABLE A PERSON TO OBSERVE NOT LESS THAN 1 SIGN AT ANY POINT OF
5 ENTRY UPON THE PROPERTY. UPON THE DEMAND OF A PEACE OFFICER, A
6 PERSON SHALL EXHIBIT ANY WRITTEN CONSENT REQUIRED BY THIS
7 SUBSECTION. This subsection does not require a person using an
8 artificial light to obtain the written consent of a member of
9 that person's immediate family or of the owner or lessee of
10 publicly-owned land. This subsection does not apply to any of the
11 following:

12 (a) A peace officer while in the performance of the
13 officer's duties.

14 (b) A person operating an emergency vehicle in an
15 emergency.

16 (c) An employee of a public or private utility while working
17 in the scope of his or her employment.

18 (d) A person operating a vehicle with headlights in a lawful
19 manner upon a street, highway, or roadway.

20 (e) A person using an artificial light to identify a house
21 or mailbox number.

22 (f) The use of artificial lights used to conduct a census by
23 the department.

24 (g) ~~A person using an artificial light from November 1 to~~
25 ~~November 30 on property that is owned by that person or by a~~
26 ~~member of that person's immediate family.~~ FARMING, HORTICULTURE,
27 SILVICULTURE, LUMBERING, AND RANCHING ACTIVITIES CONDUCTED BY A

SB 388, As Passed Senate, May 4, 2000

Senate Bill No. 388

4

1 PERSON ON LAND OWNED OR LEASED BY THAT PERSON, BY A MEMBER OF
2 THAT PERSON'S IMMEDIATE FAMILY, OR BY THAT PERSON'S EMPLOYER,
3 UNLESS CONDUCTED FOR THE PURPOSE OF LOCATING ANIMALS.

4 (3) The operator of a vehicle from which the rays of an
5 artificial light have been cast in a clear attempt to locate game
6 shall immediately stop the vehicle upon the request of a uni-
7 formed peace officer or when signaled by a peace officer with a
8 flashing signal light or siren from a marked patrol vehicle.