

**SENATE BILL NO. 388**

February 24, 1999, Introduced by Senators BENNETT, MC COTTER and EMMONS and referred to the Committee on Hunting, Fishing and Forestry.

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. for the purpose of locating  
10 animals. Except as otherwise permitted by law or an order of the  
11 department, from ~~November 1 to November 30~~ SEPTEMBER 1 TO  
12 DECEMBER 31, a person shall not ~~throw, cast, or cause to be~~  
13 ~~thrown or cast, the rays of a spotlight, headlight, or other~~ USE  
14 AN artificial light for the purpose of locating animals.  
15 FURTHERMORE, A PERSON SHALL NOT USE AN ARTIFICIAL LIGHT FOR THE  
16 PURPOSE OF LOCATING ANIMALS UNLESS THE PERSON HAS IN HIS OR HER  
17 POSSESSION THE WRITTEN CONSENT OF THE OWNER OR LESSEE OF THE LAND  
18 FROM WHICH THE LIGHT IS BEING CAST AND THE WRITTEN CONSENT OF THE  
19 OWNER OR LESSEE OF THE LAND ONTO WHICH THE LIGHT IS BEING CAST.  
20 THE PERSON SHALL EXHIBIT THE WRITTEN CONSENT UPON THE DEMAND OF A  
21 CONSERVATION OFFICER OR A LAW ENFORCEMENT OFFICER. This subsec-  
22 tion does not require a person using an artificial light to  
23 obtain the written consent of a member of that person's immediate  
24 family or of the owner or lessee of publicly-owned land. This  
25 subsection does not apply to any of the following:  
26 (a) A peace officer while in the performance of the  
27 officer's duties.

1 (b) A person operating an emergency vehicle in an  
2 emergency.

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

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

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

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

11 ~~(g) A person using an artificial light from November 1 to~~  
12 ~~November 30 on property that is owned by that person or by a~~  
13 ~~member of that person's immediate family.~~ FARMING, HORTICULTURE,  
14 SILVICULTURE, LUMBERING, AND RANCHING ACTIVITIES, UNLESS CON-  
15 DUCTED FOR THE PURPOSE OF LOCATING ANIMALS.

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