

SENATE BILL No. 758

October 7, 2003, Introduced by Senator BARCIA and referred to the Committee on Natural Resources and Environmental Affairs.

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~~
2 ~~department order authorized under section 40107 for a specified~~
3 **an order authorized under this part applicable to a specific**
4 animal, a person shall not use ~~an~~ **a spotlight, headlight, or**
5 **other** artificial light in taking game. ~~or in an area frequented~~
6 ~~by animals; throw or cast the rays of a spotlight, headlight, or~~
7 ~~other~~ **except as otherwise provided by law, a person shall not**
8 **use an** artificial light in a field, woodland, or forest
9 **frequented by animals** while having a bow or firearm or other
10 weapon capable of shooting a projectile in the person's

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

6 (2) Except as otherwise provided in ~~a department order~~
7 ~~authorized under section 40-107~~ **an order authorized under this**
8 **part**, a person shall not throw, cast, or cause to be thrown or
9 cast, the rays of an artificial light from ~~December 1 to October~~
10 ~~31~~ **January 1 to August 31** between the hours of 11 p.m. and 6
11 a.m. **in a field, woodland, or forest frequented by animals** for
12 the purpose of locating animals. Except as otherwise permitted
13 by law or an order ~~of the department, from November 1 to~~
14 ~~November 30~~ **authorized under this part, from September 1 to**
15 **December 31**, a person shall not ~~throw, cast, or cause to be~~
16 ~~thrown or cast, the rays of a spotlight, headlight, or other~~ **use**
17 **an artificial light in a field, woodland, or forest frequented by**
18 **animals** for the purpose of locating animals. ~~This subsection~~
19 **On or before December 31, 2007, a person shall not cast an**
20 **artificial light onto a barn or other building used in farm**
21 **operations, onto any occupied dwelling, or onto land within 450**
22 **feet of, and not separated by a street, road, or highway from, a**
23 **barn or other building used in farm operations or any occupied**
24 **dwelling for the purpose of locating animals without the written**
25 **consent of the owner or lessee of the barn or other building or**
26 **dwelling. Furthermore, if land is posted in a conspicuous manner**
27 **"No Shining", then, on or before December 31, 2007, a person**

1 shall not cast an artificial light from or onto that land for the
2 purpose of locating animals without the written consent of the
3 owner or lessee of the land. The minimum letter height on the
4 posting signs shall be 1 inch. Each posting sign shall be not
5 less than 50 square inches, and the signs shall be spaced to
6 enable a person to observe not less than 1 sign at any point of
7 entry upon the property. Upon the demand of a peace officer, a
8 person shall exhibit any written consent required by this
9 subsection.

10 (3) Subsection (2) does not require a person using an
11 artificial light to obtain the written consent of a member of
12 that person's immediate family or of the owner or lessee of
13 publicly-owned land. ~~This subsection~~ Subsection (2) does not
14 apply to any of the following:

15 (a) A peace officer while in the performance of the officer's
16 duties.

17 (b) A person operating an emergency vehicle in an emergency.

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

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

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

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

26 ~~(g) A person using an artificial light from November 1 to~~
27 ~~November 30 on property that is owned by that person or by a~~

1 ~~member of that person's immediate family.~~

2 (4) ~~—(3)—~~ The operator of a vehicle from which the rays of an
3 artificial light have been cast in a clear attempt to locate game
4 shall immediately stop the vehicle upon the request of a
5 uniformed peace officer or when signaled by a peace officer with
6 a flashing signal light or siren from a marked patrol vehicle.