

Legislative Analysis



HUNTER ORANGE EXCEPTIONS

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House Bill 4897 as enrolled

Public Act 65 of 2009

Sponsor: Rep. Joel Sheltroun

Committee: Tourism, Outdoor Recreation and Natural Resources

Second Analysis (9-15-09)

BRIEF SUMMARY: The bill amended Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to add exceptions to "hunter orange" requirements for persons engaged in falconry, persons hunting bear or deer with crossbows (archery deer seasons only), and for coyote, fox, and bobcat hunters while in the act of hunting from a stationary location.

FISCAL IMPACT: The bill would have no impact on the state or on local governmental units.

THE APPARENT PROBLEM:

In Michigan, most hunters are required to wear hunter orange garments or caps to make them more visible to others, reducing the possibility that they will be accidentally shot. However, not all hunters are required to wear hunter orange, and this bill expanded those exceptions.

First, it was suggested that a hunter using a crossbow during an archery deer season should not have to wear hunter orange because hunters using other kinds of bows during an archery deer season do not have to wear hunter orange. It was also suggested that persons hunting bear with crossbows should not have to wear hunter orange because persons hunting bear with other types of bows do not.

In addition, it was suggested that hunter orange requirements should be modified for hunters of certain predators (bobcat, coyote, and fox) because these animals apparently see hunter orange better than was previously thought. Accordingly, the bill does not require people hunting bobcat, coyote, or fox to wear hunter orange *while stationary and in the actual act of hunting*, but they would still be required to wear hunter orange when walking in the woods to and from the stationary location.

Finally, it was suggested that persons engaging in the sport of falconry should be exempt from hunter orange requirements.

THE CONTENT OF THE BILL:

In general, Section 40116 of the Natural Resources and Environmental Protection Act (MCL 324.40116) requires hunters taking game between August 15 and April 30 during established daylight shooting hours to wear a cap, hat, vest, jacket, or raingear of the highly visible color commonly referred to as "hunter orange" (including blaze orange,

flame orange, and fluorescent blaze orange). The hunter orange must be on the hunter's outermost garment and be visible from all sides.

Exceptions. Currently, archery deer and bear hunters and people hunting turkey or migratory birds other than woodcock are exempt from the hunter orange requirements. The bill would expand the exceptions to include all of the following, with new exceptions listed in *italics*:

- Persons hunting deer with a bow *or a crossbow* during archery deer season.
- Persons hunting bear with a bow *or a crossbow*.
- Persons hunting turkey or migratory birds other than woodcock.
- *Persons engaged in the sport of falconry.*
- *Persons who are stationary and in the act of hunting bobcat, coyote, or fox.*

Blinds. As introduced, the bill would have required deer hunters hunting from a ground blind on public land during firearms season to have 144 square inches of hunter orange visible on the exterior surface of the blind from all sides. This provision was removed. As enacted, the bill does not require hunting blinds to display hunter orange.

ARGUMENTS:

For:

Crossbows and other types of bows have shorter ranges than do hunting rifles, making the risk of an accidental shooting lower during an archery season as compared to a firearm season. Because of this, it is less critical for deer hunters, whether using a crossbow or another type of bow, to wear hunter orange during an archery season. A hunter using a crossbow during a firearm deer season would still need to wear hunter orange.

Predators such as bobcat, coyote, and fox apparently have better eyesight than was previously thought, particularly for luminescence; the luminescent quality of hunter orange caps and garments makes hunters stand out to them. Requiring hunters of these predators to wear hunter orange while in movement but allowing them to remove their hunter orange when stationary and in the act of hunting strikes a balance between hunter safety and hunter success.

Against:

What is the rationale for excluding falconers from hunter orange requirements? If there is any overlap between falconry seasons and firearm game seasons, as is apparently the case, why should falconers not have to wear hunter orange at least during any portion of their season that overlaps with a firearm season to help prevent accidental shootings?

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