

HOUSE BILL No. 4897

May 6, 2009, Introduced by Rep. Sheltroun and referred to the Committee on Tourism, Outdoor Recreation and Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 40116 (MCL 324.40116), as amended by 2004 PA
325.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 40116. (1) A person shall not take game during the
2 established daylight shooting hours from August 15 through April 30
3 unless the person wears a cap, hat, vest, jacket, or rain gear of
4 ~~the highly visible color commonly referred to as~~ hunter orange.
5 Hunter orange includes ~~blaze orange, flame orange, or fluorescent~~
6 ~~blaze orange, and~~ camouflage that is not less than 50% hunter
7 orange. The garments that are hunter orange shall be the hunter's
8 outermost garment and shall be visible from all sides of the
9 hunter.

(2) Subsection (1) does not apply to a person engaged in the taking of deer with a bow **OR CROSSBOW** during archery deer season, a person taking bear with a bow **OR CROSSBOW**, ~~or~~ a person engaged in the taking of turkey or migratory birds other than woodcock, **A PERSON ENGAGED IN THE SPORT OF FALCONRY, OR A PERSON WHO IS STATIONARY AND IN THE ACT OF HUNTING BOBCAT, COYOTE, OR FOX.**

(3) **A PERSON SHALL NOT USE A BLIND TO TAKE DEER WITH A FIREARM UNLESS 144 SQUARE INCHES OF HUNTER ORANGE IS VISIBLE ON THE EXTERIOR SURFACE OF THE BLIND FROM ALL SIDES.**

(4) ~~(3)~~—The failure of a person to comply with this section is not evidence of contributory negligence in a civil action for injury to the person or for the person's wrongful death.

(5) **AS USED IN THIS SECTION:**

(A) **"BLIND" MEANS AN ENCLOSURE USED TO HELP CONCEAL OR DISGUISE THE OCCUPANT FOR THE PURPOSES OF TAKING GAME.**

(B) **"HUNTER ORANGE" MEANS THE HIGHLY VISIBLE COLOR COMMONLY REFERRED TO AS HUNTER ORANGE AND INCLUDES BLAZE ORANGE, FLAME ORANGE, AND FLUORESCENT BLAZE ORANGE.**