



Senate Fiscal Agency
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BILL ANALYSIS



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House Bill 4239 (as passed by the House)
Sponsor: Representative Charles Smiley
House Committee: Tourism and Outdoor Recreation
Senate Committee: Outdoor Recreation and Tourism

Date Completed: 9-8-15

CONTENT

The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to allow an individual to hunt with a firearm from a personal assistive mobility device if he or she had a valid permit to hunt from a standing vehicle and other conditions were met.

Except as otherwise provided, Part 401 prohibits an individual from taking an animal from in or upon a vehicle, or transporting or possessing a firearm in or upon a vehicle unless it is unloaded in both barrel and magazine and enclosed in a case, carried in the trunk, or unloaded in a motorized boat.

Under the bill, an individual who held a valid permit to hunt from a standing vehicle under Section 40114 could transport or possess an uncased firearm with a loaded magazine on a personal assistive mobility device if the action were open. (Section 40114 allows the Department of Natural Resources to issue a permit to take game during the open season for that game, from or upon a standing vehicle, to an individual who is unable to walk because he or she is a paraplegic or an amputee, or because a disease or injury has rendered the individual permanently disabled.)

An individual with a valid permit to hunt from a standing vehicle also could possess a loaded firearm, and could discharge that firearm to take game from a personal assistive mobility device if: a) the personal assistive mobility device were not moving, and b) the individual held a valid base license under Section 43523a, held any other necessary license under Part 435 (Hunting and Fishing Licensing), and complied with all other laws and rules for the taking of game.

(Section 43523a specifies that an individual may not hunt small game unless he or she possesses a base license, which authorizes the individual to take small game, and specified fur-bearing animals by means other than trapping during the open season for those animals.)

The bill would define "personal assistive mobility device" as any device, including but not limited to one that is battery-powered, that is designed solely for use by an individual with mobility impairment for locomotion and is considered an extension of the individual.

The bill would take effect 90 days after its enactment.

MCL 324.40111

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.