

# HOUSE BILL No. 4239

February 25, 2015, Introduced by Reps. Smiley, Dianda, Cochran, Bumstead, Brunner, Phelps, Kivela, LaFontaine, Faris, Schor, Neeley, Clemente and Kosowski and referred to the Committee on Tourism and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending section 40111 (MCL 324.40111), as amended by 2012 PA 340.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 40111. (1) Except as otherwise provided in subsection  
2 (3), ~~or~~(4), **OR (5)**, this part, or in a department order authorized  
3 under section 40107, an individual shall not take an animal from in  
4 or upon a vehicle.

5           (2) Except as otherwise provided in subsection (3), ~~or~~(4), **OR**  
6 (5), this part, or in a department order authorized under section  
7 40107, an individual shall not transport or possess a firearm in or  
8 upon a vehicle, unless the firearm is unloaded in both barrel and  
9 magazine and enclosed in a case, carried in the trunk of a vehicle,  
10 or unloaded in a motorized boat.

1           (3) A person with a disability may transport or possess a  
2 firearm in or upon a vehicle, except for a car or truck, on a state  
3 licensed game bird hunting preserve if the firearm is unloaded and  
4 the vehicle is operated at a speed of not greater than 10 miles per  
5 hour. A person with a disability may possess a loaded firearm and  
6 may discharge that firearm to take an animal from in or upon a  
7 vehicle, except for a car or truck, on a state licensed game bird  
8 hunting preserve if the vehicle is not moving. The department may  
9 demand proof of eligibility under this subsection. An individual  
10 shall possess proof of his or her eligibility under this subsection  
11 and furnish the proof upon the request of a peace officer.

12           (4) An individual may transport or possess an unloaded firearm  
13 in or upon a vehicle on a sporting clays range.

14           **(5) AN INDIVIDUAL HOLDING A VALID PERMIT TO HUNT FROM A  
15 STANDING VEHICLE UNDER SECTION 40114 MAY TRANSPORT OR POSSESS AN  
16 UNCASED FIREARM WITH A LOADED MAGAZINE ON A PERSONAL ASSISTIVE  
17 MOBILITY DEVICE IF THE ACTION IS OPEN. AN INDIVIDUAL HOLDING A  
18 VALID PERMIT TO HUNT FROM A STANDING VEHICLE UNDER SECTION 40114  
19 MAY POSSESS A LOADED FIREARM AND MAY DISCHARGE THAT FIREARM TO TAKE  
20 GAME FROM A PERSONAL ASSISTIVE MOBILITY DEVICE IF EACH OF THE  
21 FOLLOWING APPLIES:**

22           **(A) THE PERSONAL ASSISTIVE MOBILITY DEVICE IS NOT MOVING.**

23           **(B) THE INDIVIDUAL HOLDS A VALID BASE LICENSE UNDER SECTION  
24 43523A, HOLDS ANY OTHER NECESSARY LICENSE UNDER PART 435, AND  
25 COMPLIES WITH ALL OTHER LAWS AND RULES FOR THE TAKING OF GAME.**

26           (6) ~~(5)~~—Except as otherwise provided in this part, an  
27 individual shall not transport or possess a bow in or upon a

1 vehicle, unless the bow is unstrung, enclosed in a case, or carried  
2 in the trunk of a vehicle.

3 (7) ~~(6)~~—An individual shall not hunt or discharge a firearm  
4 within 150 yards of an occupied building, dwelling, house,  
5 residence, or cabin, or any barn or other building used in  
6 connection with a farm operation, without obtaining the written  
7 permission of the owner, renter, or occupant of the property.

8 (8) ~~(7)~~—As used in this section:

9 (a) "Person with a disability" means a disabled person as that  
10 term is defined in section 19a of the Michigan vehicle code, 1949  
11 PA 300, MCL 257.19a, and who is in possession of 1 of the  
12 following:

13 (i) A certificate of identification or windshield placard  
14 issued to a disabled person under section 675 of the Michigan  
15 vehicle code, 1949 PA 300, MCL 257.675.

16 (ii) A special registration plate issued to a disabled person  
17 under section 803d of the Michigan vehicle code, 1949 PA 300, MCL  
18 257.803d.

19 **(B) "PERSONAL ASSISTIVE MOBILITY DEVICE" MEANS ANY DEVICE,**  
20 **INCLUDING, BUT NOT LIMITED TO, ONE THAT IS BATTERY-POWERED, THAT IS**  
21 **DESIGNED SOLELY FOR USE BY AN INDIVIDUAL WITH MOBILITY IMPAIRMENT**  
22 **FOR LOCOMOTION AND IS CONSIDERED AN EXTENSION OF THE INDIVIDUAL.**

23 (C) ~~(b)~~—"Unloaded" means, for a break-action firearm, that the  
24 action is open with the breech exposed, whether or not the breech  
25 contains a shell. Unloaded means, for a non-break-action firearm,  
26 that the barrel of the firearm does not contain a shell.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.