

Senate Fiscal Agency
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SFA



BILL ANALYSIS

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Senate Bill 1220 (Substitute S-1 as reported)
Sponsor: Senator Christopher D. Dingell
Committee: Hunting, Fishing and Forestry

Date Completed: 6-16-00

RATIONALE

The Natural Resources and Environmental Protection Act (NREPA) generally prohibits a person from hunting from in or upon a vehicle. The NREPA also prohibits a person from transporting or possessing a firearm or bow in or upon a vehicle, unless the firearm is unloaded in both barrel and magazine, or the bow is unstrung, and the firearm or bow is enclosed in a case, or carried in the trunk of a vehicle, or the firearm is unloaded in a motorized boat.

In addition, according to the 1999-2000 Hunting and Trapping Guide, rifles, shotguns, muzzleloading firearms, and bows and arrows carried in or on any type of motor vehicle must be unloaded in both barrel and magazine, and either enclosed in a case or carried in a trunk. These rules apply whether the vehicle is parked, stopped, or moving, or is on private or public property.

Despite these restrictions, a permanently disabled person who cannot walk may obtain a permit under the Act to hunt from a standing vehicle. Some people believe that such an individual also should be allowed to hunt from a moving vehicle, in certain situations.

CONTENT

The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to allow a disabled individual to hunt from a moving vehicle under certain circumstances. Currently, under Section 40114, the Department of Natural Resources may issue a permit to a person who is unable to walk due to being a paraplegic or an amputee, or being permanently disabled and unable to walk because of other disease or injury. The permit authorizes the person to take game during its open season from or upon a standing vehicle if he or she holds a license to take that game and complies with all other laws and orders for taking game.

The bill provides that a permittee under Section 40114 and the driver of a vehicle could possess and transport an uncased and loaded firearm on a moving vehicle, and the permittee would be authorized to hunt from the moving vehicle, if all of the following applied:

- The person possessing the uncased and loaded firearm on the vehicle was the permittee.
- The permittee was not within the passenger compartment of the vehicle.
- The permittee was hunting on lands that were licensed under Part 417 (Private Shooting Preserves) of the NREPA as a private shooting preserve.
- The person operating the vehicle was the owner of the licensed shooting preserve or the owner's authorized agent.

MCL 324.40114

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would allow a permanently disabled person who is unable to walk to transport a loaded firearm and hunt from a moving vehicle under specific circumstances. This would expand the opportunities for disabled individuals to participate fully in the sport of hunting.

For example, some bird hunting practices require the hunter to follow the birds before shooting at them. The bill would allow disabled hunters who cannot walk to follow the birds and hunt them down from a vehicle. The bill, however, would limit hunting from a moving vehicle by restricting it to private shooting preserves, in order to maintain the safety of the public on public lands.

Legislative Analyst: N. Nagata

FISCAL IMPACT

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

Fiscal Analyst: P. Graham

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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.