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BILL



ANALYSIS

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Senate Bill 1045 (as enacted)

PUBLIC ACT 246 of 2012

Sponsor: Senator John J. Gleason

Senate Committee: Outdoor Recreation and Tourism

House Committee: Natural Resources, Tourism, and Outdoor Recreation

Date Completed: 7-30-12

CONTENT

The bill amended Parts 401 (Wildlife Conservation) and 811 (Off-Road Recreation Vehicles) to do the following with regard to activities on a State-licensed game bird hunting preserve:

- **Create an exception for a person with a disability to requirements regarding the transport and possession of a firearm in a vehicle.**
- **Allow a person with a disability to possess a loaded firearm and discharge it to take an animal from in or upon a vehicle, other than a car or truck, if the vehicle is not moving.**
- **Create an exception to crash helmet and eyewear requirements for off-road recreation vehicle (ORV) users, if an ORV is operated at a maximum speed of 10 miles per hour.**

The bill took effect on July 2, 2012.

Disabled Hunting

Under Part 401, except as otherwise provided, an individual may not transport or possess a firearm in or upon a vehicle, unless the firearm is unloaded and enclosed in a case, carried in the vehicle's trunk, or unloaded in a motorized boat. The bill, however, allows a person with a disability to transport or possess a firearm in or upon a vehicle, except for a car or truck, on a State-licensed game bird hunting preserve, if the firearm is unloaded and the vehicle is operated at a maximum speed of 10 miles per hour. In addition, the bill allows a person with a disability to possess a loaded firearm and discharge it to take an animal

from in or upon a vehicle, except for a car or truck, on a State-licensed game bird hunting preserve if the vehicle is not moving. The Department of Natural Resources may demand proof of eligibility, which the individual must possess and furnish upon the request of a peace officer.

Under the bill, "person with a disability" means a disabled person as that term is defined in Section 19a of the Michigan Vehicle Code, who possesses a certificate of identification, windshield placard, or special registration plate issued to a disabled person under the Code. (Under Section 19a, "disabled person" means a person who is determined by a physician, physician assistant, or optometrist to have one or more of the following characteristics:

- Blindness.
- Inability to walk more than 200 feet without stopping to rest.
- Inability to use one or both legs or feet; and to walk without the use of a wheelchair, walker, crutch, brace, prosthetic, or other device, without another person's assistance.
- A lung disease or cardiovascular condition that meets standards prescribed in the Code.
- An arthritic, neurological, or orthopedic condition that severely limits the person's ability to walk.
- The persistent reliance upon an oxygen source other than ordinary air.)

The bill specifies that "unloaded", for a break-action firearm, means that the action is open with the breech exposed, whether or

not the breech contains a shell. For a firearm that is not break action, the term means that the barrel does not contain a shell.

ORV Operation

Part 811 prohibits a person from operating an ORV unless he or she and any passenger are wearing a crash helmet and protective eyewear approved by the U.S. Department of Transportation. This provision does not apply to the operator of or a passenger in a vehicle equipped with a roof that meets or exceeds crash helmet standards if each person is wearing a properly adjusted and fastened safety belt. The bill also creates an exception for the operator of or a passenger in an ORV that is operated on a State licensed game bird hunting preserve at a maximum speed of 10 miles per hour.

Part 811 also prohibits a person from operating an ORV while transporting a bow unless unstrung or encased; or a firearm unless unloaded and securely encased, or equipped with and made inoperative by a manufactured keylocked trigger housing mechanism. Under the bill, this provision applies except as otherwise provided in Section 40111 (the section of Part 401 that the bill amended).

MCL 324.40111 & 324.81133

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill will 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.