

HOUSE BILL NO. 764

INTRODUCED BY HARP, MERCER, PHILLIPS, EUDAILY, JENKINS, LYNCH,
PECK, HANSON, MCCORMICK, HART, MONTAYNE, RAPP-SVRCEK, COBB,
REAM, GRADY, BACHINI, BRANDEWIE, LYBECK, MANNING, PAVLOVICH,
JACOBSON, J. BROWN, HAND, LANE, JANET MOORE, HIRSCH, CONOVER

IN THE HOUSE

February 11, 1985	Introduced and referred to Committee on Fish and Game.
February 20, 1985	Committee recommend bill do pass as amended. Report adopted.
February 21, 1985	Bill printed and placed on members' desks.
February 23, 1985	Second reading, do pass. Considered correctly engrossed.
February 26, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 4, 1985	Introduced and referred to Committee on Fish and Game.
March 27, 1985	Committee recommend bill be concurrent in. Report adopted.
March 29, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in. Ayes, 47; Noes, 1. Returned to House.

IN THE HOUSE

April 2, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 764

Don Moore

INTRODUCED BY *HARP Mendenhall* *Endailey* *James*
McLinnick *W. Harrison* *M. Hart* *W. McLeod* *Rapp* *Strick* *W. W. Beaman*
Peck *J. Brown*

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW HUNTING BY
DISABLED PERSONS FROM WITHIN A VEHICLE PARKED ON THE
SHOULDER, BERM, OR BORROW-PIT RIGHT-OF-WAY OF A PUBLIC
HIGHWAY, EXCEPT A STATE OR FEDERAL HIGHWAY, AMENDING
SECTIONS 61-8-369, 87-2-803, AND 87-3-101, MCA.

Donny Beckwith
Harold Bunker
Parlament Jacobsen
Sybil A. Beckwith *Manning* *LANE* *Harold*
Conover

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-369, MCA, is amended to read:

"61-8-369. Shooting from or across highway. No Except as provided in 87-2-803(4), no person shall shoot any firearm from or across the roadway of any state or federal highway or county road."

Section 2. Section 87-2-803, MCA, is amended to read:

"87-2-803. Disabled persons. (1) Disabled persons are entitled to fish and to hunt game birds with only a conservation license if they are residents of Montana not residing in an institution and are certified as disabled as prescribed by departmental rule.

(2) A resident of Montana who is certified as disabled by the department and who is not residing in an institution may purchase regular resident deer and elk licenses at one-half the fee paid by a resident who is 15 years old or

older and who is under 62 years of age.

(3) Such disabled persons shall carry a permit on a form prescribed by the department.

(4) A disabled person carrying a permit as required in subsection (3) may hunt by shooting a firearm from the shoulder, berm, or borrow-pit right-of-way of a public highway, as defined in 61-1-202, except a state or federal highway, or may hunt by shooting a firearm from within a self-propelled or drawn vehicle parked on such shoulder, berm, or borrow-pit right-of-way in a manner that will not impede traffic or endanger motorists. Nothing in this subsection allows such disabled person to shoot across the roadway of any public highway or to hunt on private property without permission of the landowner. A disabled person who hunts as authorized in this subsection must have a companion to assist in immediately dressing any killed game animal.

Section 3. Section 87-3-101, MCA, is amended to read:

"87-3-101. General restrictions. It Except as provided in 87-2-803(4), it is unlawful for anyone to take, capture, shoot, kill, or attempt to take, capture, shoot, or kill any game animal or game bird from any self-propelled or drawn vehicle or on or from any public highway in the state of Montana or by the aid or with the use of any set gun, jacklight or other artificial light, trap, snare, or salt lick; nor may any such set gun, jacklight or other

LC 1150/01

1 artificial light, trap, snare, salt lick, or other device to
2 entrap or entice game animals or game birds be used, made,
3 or set."

4 NEW SECTION. Section 4. Extension of authority. Any
5 existing authority of the department of fish, wildlife, and
6 parks to make rules on the subject of the provisions of this
7 act is extended to the provisions of this act.

-End-

APPROVED BY COMM.
ON FISH AND GAME

HOUSE BILL NO. 764

INTRODUCED BY HARP, MERCER, PHILLIPS, EUDAILY,
JENKINS, LYNCH, PECK, HANSON, MCCORMICK, HART,
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J. BROWN, HAND, LANE, JANET MOORE, HIRSCH, CONOVER

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW HUNTING BY
CERTAIN DISABLED PERSONS FROM WITHIN A SELF-PROPELLED
VEHICLE AND FROM WITHIN A VEHICLE PARKED ON THE SHOULDER,
BERM, OR BORROW-PIT RIGHT-OF-WAY OF A PUBLIC HIGHWAY, EXCEPT
A STATE OR FEDERAL HIGHWAY; AMENDING SECTIONS 61-8-369,
87-2-803, AND 87-3-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-8-369, MCA, is amended to read:

"61-8-369. Shooting from or across highway. No Except
as provided in 87-2-803(4), no person shall shoot any
firearm from or across the roadway of any state or federal
highway or county road."

Section 2. Section 87-2-803, MCA, is amended to read:

"87-2-803. Disabled persons. (1) Disabled persons are
entitled to fish and to hunt game birds with only a
conservation license if they are residents of Montana not
residing in an institution and are certified as disabled as

prescribed by departmental rule.

(2) A resident of Montana who is certified as disabled
by the department and who is not residing in an institution
may purchase regular resident deer and elk licenses at
one-half the fee paid by a resident who is 15 years old or
older and who is under 62 years of age.

(3) Such disabled persons shall carry a permit on a
form prescribed by the department. A DISABLED PERSON ISSUED
A PERMIT UNDER THIS SUBSECTION IS ENTITLED TO HAVE THE
DEPARTMENT STAMP SUCH A PERMIT WITH "PERMISSION TO HUNT FROM
A VEHICLE" IF THE PERSON ESTABLISHES TO THE SATISFACTION OF
THE DEPARTMENT THAT HE IS PERMANENTLY PHYSICALLY HANDICAPPED
AND NONAMBULATORY OR HIS MOBILITY IS SUBSTANTIALLY IMPAIRED.

(4) A disabled person carrying a permit as required in
subsection (3), UPON WHICH IS STAMPED PERMISSION TO HUNT
FROM A VEHICLE, may hunt by shooting a firearm from the
shoulder, berm, or borrow-pit right-of-way of a public
highway, as defined in 61-1-202, except a state or federal
highway, or may hunt by shooting a firearm from within a
self-propelled or drawn vehicle parked on such shoulder,
berm, or borrow-pit right-of-way in a manner that will not
impede traffic or endanger motorists OR MAY HUNT BY SHOOTING
A FIREARM FROM WITHIN A SELF-PROPELLED OR DRAWN VEHICLE
PARKED IN AN AREA, NOT A PUBLIC HIGHWAY, WHERE HUNTING IS
PERMITTED. Nothing in this subsection allows such disabled

1 person to shoot across the roadway of any public highway or
2 to hunt on private property without permission of the
3 landowner. A disabled person who hunts as authorized in this
4 subsection must have a companion to assist in immediately
5 dressing any killed game animal. ANY VEHICLE FROM WHICH A
6 DISABLED PERSON IS HUNTING MUST BE CONSPICUOUSLY MARKED WITH
7 AN ORANGE-COLORED INTERNATIONAL SYMBOL OF THE HANDICAPPED ON
8 THE FRONT, REAR, AND EACH SIDE OF SUCH VEHICLE."

9 Section 3. Section 87-3-101, MCA, is amended to read:
10 "87-3-101. General restrictions. It Except as provided
11 in 87-2-803(4), it is unlawful for anyone to take, capture,
12 shoot, kill, or attempt to take, capture, shoot, or kill any
13 game animal or game bird from any self-propelled or drawn
14 vehicle or on or from any public highway in the state of
15 Montana or by the aid or with the use of any set gun,
16 jacklight or other artificial light, trap, snare, or salt
17 lick; nor may any such set gun, jacklight or other
18 artificial light, trap, snare, salt lick, or other device to
19 entrap or entice game animals or game birds be used, made,
20 or set."

21 NEW SECTION. Section 4. Extension of authority. Any
22 existing authority of the department of fish, wildlife, and
23 parks to make rules on the subject of the provisions of this
24 act is extended to the provisions of this act.

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 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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 22 "87-2-803. Disabled persons. (1) Disabled persons are
 23 entitled to fish and to hunt game birds with only a
 24 conservation license if they are residents of Montana not
 25 residing in an institution and are certified as disabled as

1 prescribed by departmental rule.

2 (2) A resident of Montana who is certified as disabled
 3 by the department and who is not residing in an institution
 4 may purchase regular resident deer and elk licenses at
 5 one-half the fee paid by a resident who is 15 years old or
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14 (4) A disabled person carrying a permit as required in
 15 subsection (3), UPON WHICH IS STAMPED PERMISSION TO HUNT
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 17 shoulder, berm, or borrow-pit right-of-way of a public
 18 highway, as defined in 61-1-202, except a state or federal
 19 highway, or may hunt by shooting a firearm from within a
 20 self-propelled or drawn vehicle parked on such shoulder,
 21 berm, or borrow-pit right-of-way in a manner that will not
 22 impede traffic or endanger motorists OR MAY HUNT BY SHOOTING
 23 A FIREARM FROM WITHIN A SELF-PROPELLED OR DRAWN VEHICLE
 24 PARKED IN AN AREA, NOT A PUBLIC HIGHWAY, WHERE HUNTING IS
 25 PERMITTED. Nothing in this subsection allows such disabled

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