## 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.
	I	N THE SENATE
March 4,	1985	Introduced and referred to Committee on Fish and Game.
March 27,	1985	Committee recommend bill be concurred 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

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Received from Senate. Sent to enrolling. Reported correctly enrolled. LC 1150/01

Jan's Moore <u>~ BILL NO. 764</u> 1 INTRODUCED BY HAR O 2 - 2 Lynch 4 BILL FOR AN ACT ENTITLED: TO ALLOW HUNTING BY "AN DISABLED PERSONS FROM WITHIN A VEHICLE PARKED THE ON 5 A PUBLIC HEM SHOULDER, BERM, OR 6 BORROW-PIT RIGHT-OF-WAY OF - AMENDING D 7 HIGHWAY, EXCEPT STATE OR FEDERAL HIGHWAY SECTIONS 61-8-369, 87-2-803, AND 87-3-101, MCA. 8 Jybeck Time 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Consul 11 Section 1. Section 61-8-369, MCA, is amended to read: "61-8-369. Shooting from or across highway. No Except 12 13 as provided in 87-2-803(4), no person shall shoot any firearm from or across the roadway of any state or federal 14 15 highway or county road."

16 Section 2. Section 87-2-803, MCA, is amended to read: 17 "87-2-803. Disabled persons. (1) Disabled persons are 18 entitled to fish and to hunt game birds with only a 19 conservation license if they are residents of Montana not 20 residing in an institution and are certified as disabled as 21 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 (4) A disabled person carrying a permit as required in subsection (3) may hunt by shooting a firearm from the 5 shoulder, berm, or borrow-pit right-of-way of a public 6 7 highway, as defined in 61-1-202, except a state or federal 8 highway, or may hunt by shooting a firearm from within a 9 self-propelled or drawn vehicle parked on such shoulder, berm, or borrow-pit right-of-way in a manner that will not 10 impede traffic or endanger motorists. Nothing in this 11 subsection allows such disabled person to shoot across the 12 13 roadway of any public highway or to hunt on private property without permission of the landowner. A disabled person who 14 15 hunts as authorized in this subsection must have a companion to assist in immediately dressing any killed game animal." 16 17 Section 3. Section 87-3-101, MCA, is amended to read: 18 "87-3-101. General restrictions. Ht Except as provided 19 in 87-2-803(4), it is unlawful for anyone to take, capture, shoot, kill, or attempt to take, capture, shoot, or kill any 20 game animal or game bird from any self-propelled or drawn 21 vehicle or on or from any public highway in the state of 22 Montana or by the aid or with the use of any set gun, 23 jacklight or other artificial light, trap, snare, or salt 24 25 lick; nor may any such set gun, jacklight or other

> -2- INTRODUCED BILL HB 764

### LC 1150/01

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

4 <u>NEW SECTION.</u> 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.

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#### APPROVED BY COMM. ON FISH AND GAME

1	HOUSE BILL NO. 764
2	INTRODUCED BY HARP, MERCER, PHILLIPS, EUDAILY,
3	JENKINS, LYNCH, PECK, HANSON, MCCORMICK, HART,
4	MONTAYNE, RAPP-SVRCEK, COBB, REAM, GRADY, BACHINI,
5	BRANDEWIE, LYBECK, MANNING, PAVLOVICH, JACOBSON,
6	J. BROWN, HAND, LANE, JANET MOORE, HIRSCH, CONOVER
7	
<b>. 8</b>	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW HUNTING BY
9	CERTAIN DISABLED PERSONS FROM WITHIN A SELF-PROPELLED
10	VEHICLE AND FROM WITHIN A VEHICLE PARKED ON THE SHOULDER,
11	BERM, OR BORROW-PIT RIGHT-OF-WAY OF A PUBLIC HIGHWAY, EXCEPT
12	A STATE OR FEDERAL HIGHWAY; AMENDING SECTIONS 61-8-369,
13	87-2-803, AND 87-3-101, MCA."
14	
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
16	Section 1. Section 61-8-369, MCA, is amended to read:
17	"61-8-369. Shooting from or across highway. No <u>Except</u>
18	as provided in 87-2-803(4), no person shall shoot any
19	firearm from or across the roadway of any state or federal
20	highway or county road."
21	Section 2. Section 87-2-803, MCA, is amended to read:
22	<b>*87-2-803.</b> 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

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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 may purchase regular resident deer and elk licenses at 4 one-half the fee paid by a resident who is 15 years old or 5 6 older and who is under 62 years of age. 7 (3) Such disabled persons shall carry a permit on a 8 form prescribed by the department. A DISABLED PERSON ISSUED A PERMIT UNDER THIS SUBSECTION IS ENTITLED TO HAVE THE 9 DEPARTMENT STAMP SUCH A PERMIT WITH "PERMISSION TO HUNT FROM 10 11 A VEHICLE" IF THE PERSON ESTABLISHES TO THE SATISFACTION OF 12 THE DEPARTMENT THAT HE IS PERMANENTLY PHYSICALLY HANDICAPPED AND NONAMBULATORY OR HIS MOBILITY IS SUBSTANTIALLY IMPAIRED. 13 14 (4) A disabled person carrying a permit as required in subsection (3), UPON WHICH IS STAMPED PERMISSION TO HUNT 15 16 FROM A VEHICLE, may hunt by shooting a firearm from the 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 PARKED IN AN AREA, NOT A PUBLIC HIGHWAY, WHERE HUNTING IS 24 PERMITTED. Nothing in this subsection allows such disabled 25

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SECOND READING

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ŀ	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."			

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21 <u>NEW SECTION.</u> 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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1	HOUSE BILL NO. 764	1	prescribed by departmental rule.
2	INTRODUCED BY HARP, MERCER, PHILLIPS, EUDAILY,	2	(2) A resident of Montana who is certified as disabled
3	JENKINS, LYNCH, PECK, HANSON, MCCORMICK, HART,	3	by the department and who is not residing in an institution
4	MONTAYNE, RAPP-SVRCEK, COBB, REAM, GRADY, BACHINI,	4	may purchase regular resident deer and elk licenses at
5	BRANDEWIE, LYBECK, MANNING, PAVLOVICH, JACOBSON,	5	one-half the fee paid by a resident who is 15 years old or
6	J. BROWN, HAND, LANE, JANET MOORE, HIRSCH, CONOVER	6	older and who is under 62 years of age.
7		7	(3) Such disabled persons shall carry a permit on a
8	A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW HUNTING BY	8	form prescribed by the department. A DISABLED PERSON ISSUED
9	CERTAIN DISABLED PERSONS FROM WITHIN A SELF-PROPELLED	9	A PERMIT UNDER THIS SUBSECTION IS ENTITLED TO HAVE THE
10	VEHICLE AND FROM WITHIN A VEHICLE PARKED ON THE SHOULDER,	10	DEPARTMENT STAMP SUCH A PERMIT WITH "PERMISSION TO HUNT FROM
11	BERM, OR BORROW-PIT RIGHT-OP-WAY OF A PUBLIC HIGHWAY, EXCEPT	11	A VEHICLE" IF THE PERSON ESTABLISHES TO THE SATISFACTION OF
12	A STATE OR FEDERAL HIGHWAY; AMENDING SECTIONS 61-8-369,	12	THE DEPARTMENT THAT HE IS PERMANENTLY PHYSICALLY HANDICAPPED
13	87-2-803, AND 87-3-101, MCA."	13	AND NONAMBULATORY OR HIS MOBILITY IS SUBSTANTIALLY IMPAIRED.
14		14	(4) A disabled person carrying a permit as required in
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15	subsection (3), UPON WHICH IS STAMPED PERMISSION TO HUNT
16	Section 1. Section 61-8-369, MCA, is amended to read:	16	FROM A VEHICLE, may hunt by shooting a firearm from the
17	"61-8-369. Shooting from or across highway. No Except	17	shoulder, berm, or borrow-pit right-of-way of a public
18	as provided in 87-2-803(4), no person shall shoot any	18	highway, as defined in 61-1-202, except a state or federal
19	firearm from or across the roadway of any state or federal	19	highway, or may hunt by shooting a firearm from within a
20	highway or county road."	20	self-propelled or drawn vehicle parked on such shoulder,
21	Section 2. Section 87-2-803, MCA, is amended to read:	21	berm, or borrow-pit right-of-way in a manner that will not
22	"87-2-803. Disabled persons. (1) Disabled persons are	22	impede traffic or endanger motorists OR MAY HUNT BY SHOOTING
23	entitled to fish and to hunt game birds with only a	23	A FIREARM FROM WITHIN A SELF-PROPELLED OR DRAWN VEHICLE
24	conservation license if they are residents of Montana not	24	PARKED IN AN AREA, NOT A PUBLIC HIGHWAY, WHERE HUNTING IS
25	residing in an institution and are certified as disabled as	25	PERMITTED. Nothing in this subsection allows such disabled

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# THIRD READING

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

9 Section 3. Section 87-3-101, MCA, is amended to read: 10 \*87-3-101. General restrictions. Ht Except as provided in 87-2-803(4), it is unlawful for anyone to take, capture, 11 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, jacklight or other artificial light, trap, snare, or salt 16 17 lick; nor may any such set gun, jacklight or other artificial light, trap, snare, salt lick, or other device to 18 19 entrap or entice game animals or game birds be used, made, 20 or set."

<u>NEW SECTION.</u> Section 4. Extension of authority. Any
 existing authority of the department of fish, wildlife, and
 parks to make rules on the subject of the provisions of this
 act is extended to the provisions of this act.

-End-

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1 HOUSE BILL NO. 764 2 INTRODUCED BY HARP, MERCER, PHILLIPS, EUDAILY, 3 JENKINS, LYNCH, PECK, HANSON, MCCORMICK, HART, MONTAYNE, RAPP-SVRCEK, COBB, REAN, GRADY, BACHINI, 4 5 BRANDEWIE, LYBECK, MANNING, PAVLOVICH, JACOBSON, J. BROWN, HAND, LANE, JANET MOORE, HIRSCH, CONOVER 6 7 8 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW HUNTING BY 9 CERTAIN DISABLED PERSONS FROM WITHIN & SELF-PROPELLED VEHICLE AND PROM WITHIN A VEHICLE PARKED ON THE SHOULDER, 10 11 BERM, OR BORROW-PIT RIGHT-OF-WAY OF A PUBLIC HIGHWAY, EXCEPT 12 A STATE OR PEDERAL HIGHWAY; AMENDING SECTIONS 61-8-369, 87-2-803, AND 87-3-101, MCA." 13 14 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 16 Section 1. Section 61-8-369, MCA, is amended to read: 17 "61-8-369. Shooting from or across highway. No Except 18 as provided in 87-2-803(4), no person shall shoot any 19 firearm from or across the roadway of any state or federal highway or county road." 20 21 Section 2. Section 87-2-803, MCA, is amended to read: 22 \*87-2-803. Disabled persons. (1) Disabled persons are entitled to fish and to hunt game birds with only a 23 conservation license if they are residents of Montana not 24 25 residing in an institution and are certified as disabled as

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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 subsection must have a companion to assist in immediately 4 5 dressing any killed game animal. ANY VEHICLE FROM WHICH A 6 DISABLED PERSON IS HUNTING MUST BE CONSPICUOUSLY MARKED WITH AN ORANGE-COLORED INTERNATIONAL SYMBOL OF THE HANDICAPPED ON 7 8 THE FRONT, REAR, AND EACH SIDE OF SUCH VEHICLE." Section 3. Section 87-3-101, MCA, is amended to read: 9 10 "87-3-101. General restrictions. It Except as provided in 87-2-803(4), it is unlawful for anyone to take, capture, 11 12 shoot, kill, or attempt to take, capture, shoot, or kill any game animal or game bird from any self-propelled or drawn 13 14 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, 15 16 jacklight or other artificial light, trap, snare, or salt 17 lick; nor may any such set gun, jacklight or other artificial light, trap, snare, salt lick, or other device to 18 19 entrap or entice game animals or game birds be used, made, 20 or set."

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