

1991 Assembly Bill 578

Date of enactment: **November 20, 1991**

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1991 WISCONSIN ACT 77

AN ACT to repeal 29.104 (4) (a) 1; to amend 29.09 (8m), 29.09 (9) (a) 2, 29.09 (9) (cg), 29.093 (2) (cr) (title), 29.103 (2) (ar), 29.104 (2), 29.104 (4) (b) (intro.), 167.31 (1) (h), 167.31 (2) (d), 167.31 (4) (c) and 346.55 (1); and to create 167.31 (1) (fm), 167.31 (4) (bn), 167.31 (4) (cg), 167.31 (4) (cm), 167.31 (4) (co), 167.31 (4) (cr) and 167.31 (4m) of the statutes, **relating to:** special hunting and fishing permits for certain disabled persons, hunting from stationary vehicles by holders of disabled hunting permits, the use of bows and crossbows in motorboats with electric motors and granting rule-making authority.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.09 (8m) of the statutes is amended to read:

29.09 (8m) DISABLED PERSONS; TROLLING PERMITS.

(a) After proper application, the department shall, after due investigation and without charging a fee, issue a trolling permit to any person who meets the requirements under ~~sub. (9) (e) or~~ s. 29.104 (4) (a) 2. or 4.

(b) A person holding a current fishing license and a trolling permit or a permit issued under sub. (9) (c) 1. may fish or troll in the waters of this state using an electric motor with no more than 36 pounds of thrust, notwithstanding any municipal ordinances or local regulations adopted under s. 30.77 (3) that prohibit the use of motor boats on navigable waters.

SECTION 1c. 29.09 (9) (a) 2. of the statutes is amended to read:

29.09 (9) (a) 2. "Class A permit" means a permit issued to a person with a permanent physical disability which authorizes the permit holder to shoot or hunt from a stationary vehicle, to fish or troll as authorized under sub. (8m) (b) and to hunt certain game with a crossbow as authorized under ss. 29.103 (2) (ar) and 29.104 (2).

SECTION 1g. 29.09 (9) (cg) of the statutes is amended to read:

29.09 (9) (cg) *Approval required.* In order to hunt, fish or troll after receiving a permit under this section, the permit holder must apply for and be issued, or must already hold, any type of approval required under this chapter for the type of hunting or fishing that he or she will be doing.

SECTION 1j. 29.093 (2) (cr) (title) of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:
29.093 (2) (cr) (title) *Permits for disabled persons.*

SECTION 1m. 29.103 (2) (ar) of the statutes, as created by 1991 Wisconsin Act 39, is amended to read:

29.103 (2) (ar) *Type of hunting authorized.* A license issued under this section authorizes hunting with a fire-arm or bow and arrow or with a crossbow if the holder of the license is a resident and has a permit issued under s. 29.09 (9) (c) 1. or has a crossbow permit issued under s. 29.104 (4) (a).

SECTION 1p. 29.104 (2) of the statutes, as affected by 1991 Wisconsin Act 39, is amended to read:

29.104 (2) A resident archer hunting license authorizes the hunting of all game, except bear and wild turkey, during the open seasons for hunting that game with bow and arrow established by the department. This license authorizes hunting with a bow and arrow only, unless hunting with a crossbow is authorized by a permit issued under s. 29.09 (9) (c) 1. or under sub. (4).

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SECTION 1s. 29.104 (4) (a) 1. of the statutes is repealed.

SECTION 1v. 29.104 (4) (b) (intro.) of the statutes is amended to read:

29.104 (4) (b) (intro.) Crossbows used in hunting with a permit under s. 29.09 (9) (c) 1. or under this subsection shall meet all of the following specifications:

SECTION 1w. 167.31 (1) (fm) of the statutes is created to read:

167.31 (1) (fm) “Street” means a highway that is within the corporate limits of a city or village.

SECTION 1x. 167.31 (1) (h) of the statutes is amended to read:

167.31 (1) (h) “Vehicle” has the meaning given under s. 340.01 (74), and includes a snowmobile, as defined under s. 340.01 (58a), except that for purposes of subs. (4) (c) and (cg) and (4m) “vehicle” has the meaning given in s. 29.09 (9) (a) 4.

SECTION 2. 167.31 (2) (d) of the statutes is amended to read:

167.31 (2) (d) Except as provided in sub. (4) (a), (cg) and (e), no person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within 50 feet of the center of a roadway.

SECTION 2m. 167.31 (4) (bn) of the statutes is created to read:

167.31 (4) (bn) Subsection (2) (a) does not apply to a person using a bow or a crossbow for fishing from a motorboat that is propelled by an electric motor.

SECTION 3. 167.31 (4) (c) of the statutes is amended to read:

167.31 (4) (c) Subsection (2) (b) and (c) does not apply to the holder of a permit under s. 29.09 (9) (c) who is hunting from a standing stationary vehicle, ~~as defined in s. 29.09 (9) (a) 4., in accordance with s. 29.09 (9).~~

SECTION 4. 167.31 (4) (cg) of the statutes is created to read:

167.31 (4) (cg) A holder of a permit under s. 29.09 (9) (c) 1 who is hunting from a stationary vehicle may load and discharge a firearm or shoot a bolt or an arrow within 50 feet of the center of a roadway if all of the following apply:

1. The roadway is part of a county highway, a town highway or any other highway that is not part of a street or of a state trunk or federal highway.

2. The vehicle is located off the roadway and is not in violation of any prohibition or restriction that applies to the parking, stopping or standing of the vehicle under ss. 346.51 to 346.55 or under a regulation enacted under s. 349.06 or 349.13.

3. The holder of the permit is not hunting game to fill the tag of another person.

4. The holder of the permit has obtained permission from any person who is the owner or lessee of private property across or on to which the holder of the permit intends to discharge a firearm or shoot a bolt or an arrow.

5. The vehicle bears special registration plates issued under s. 341.14 (1), (1a), (1e), (1m) or (1r) or displays a sign that is at least 11 inches square on which is conspicuously written “disabled hunter”.

6. The holder of the permit discharges the firearm or shoots the bolt or arrow away from and not across or parallel to the roadway.

SECTION 5. 167.31 (4) (cm) of the statutes is created to read:

167.31 (4) (cm) For purposes of pars. (c) and (cg), the exemption from sub. (2) (b) under these paragraphs only applies to the firearm, bow or crossbow being used for hunting by the holder of the permit under s. 29.09 (9) (c) 1.

SECTION 5m. 167.31 (4) (co) of the statutes is created to read:

167.31 (4) (co) For purposes of par. (cg), a person may stop a vehicle off the roadway on the left side of the highway.

SECTION 6. 167.31 (4) (cr) of the statutes is created to read:

167.31 (4) (cr) For purposes of par. (cg) 4, “private property” does not include property leased for hunting by the public, land that is subject to a contract under subch. I of ch. 77, or land that is subject to an order designating it as managed forest land under subch. VI of ch. 77 and that is not designated as closed to the public under s. 77.83 (1).

SECTION 7. 167.31 (4m) of the statutes is created to read:

167.31 (4m) **RULES.** The department may further restrict hunting from stationary vehicles on county or town highways by promulgating rules designating certain county and town highways, or portions thereof, upon which a holder of a permit issued under s. 29.09 (9) (c) 1. may not discharge a firearm or shoot a bolt or an arrow from a bow or crossbow under sub. (4) (cg). For each restriction of hunting from a county or town highway contained in a rule to be promulgated under this subsection, the department shall submit a specific justification for the restriction with the rule submitted to legislative council staff for review under s. 227.15 (1).

SECTION 7m. 346.55 (1) of the statutes is amended to read:

346.55 (1) No person shall stop or leave standing any vehicle on the left side of a highway except as provided in ~~s.~~ ss. 167.31 (4) (co) 346.54.