



AN ACT CREATING A PROVISIONAL HUNTER SAFETY AND EDUCATION CERTIFICATE FOR PERSONS WITH CERTAIN DEVELOPMENTAL DISABILITIES; ESTABLISHING CONDITIONS OF LICENSURE FOR PERSONS WHO USE A PROVISIONAL CERTIFICATE WHEN OBTAINING A HUNTING LICENSE; AMENDING SECTION 87-2-105, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

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

**Section 1. Provisional hunter safety and education certificate for person with developmental disability -- conditions of licensure -- definition.** (1) A person with a diagnosed developmental disability who satisfactorily completes the classroom portion and field course of the firearms safety course but who is unable to pass the written or an alternate-format exam portion of the course because of a developmental disability may be issued a provisional hunter safety and education certificate. The certificate is valid only when used according to this section.

(2) A person with a developmental disability may obtain a hunting license with a provisional hunter safety and education certificate.

(3) Each person who uses a provisional hunter safety and education certificate must be in the company of and assisted by the person's parent or guardian or by an adult designated by the person or by the person's parent or guardian when hunting and shall conduct all hunting within the terms and conditions of the license issued. A person who is accompanying and assisting a person with a disability :

- (a) must have successfully completed a hunter safety and education course pursuant to 87-2-105(1);
- (b) must have as the sole priority the direct supervision of the person with a disability at all times;
- (c) may only be actively engaged in hunting a game animal that may be taken with the license of the person with a disability; and
- (d) must be able to immediately intervene and control the firearm of the person with a disability at any time.

(4) (a) This section does not entitle a person to possess a firearm if the person is otherwise prohibited

from possessing a firearm under state or federal law or a court order.

(b) A person may not knowingly authorize or permit a person with a developmental disability who is incapable of safely possessing a firearm to possess a firearm for hunting in this state.

(5) As used in this section, "developmental disability" means a developmental disability as defined in 53-20-102.

**Section 2.** Section 87-2-105, MCA, is amended to read:

**"87-2-105. Safety instruction required.** (1) Except for a youth who qualifies for a license pursuant to 87-2-805(4), a hunting license may not be issued to a person who is born after January 1, 1985, unless the person authorized to issue the license determines proof of completion of:

(a) a Montana hunter safety and education course established in subsection (4) or (6); ~~or~~

(b) a hunter safety course in any other state or province; or

(c) a Montana hunter safety and education course that qualifies the person for a provisional certificate as provided in [section 1].

(2) A hunting license may not be issued to a member of the regular armed forces of the United States or to a member of the armed forces of a foreign government attached to the armed forces of the United States who is assigned to active duty in Montana and who is otherwise considered a resident under 87-2-102(1) or to a member's dependents, as defined in 15-30-113, who reside in the member's Montana household, unless the person authorized to issue the license determines proof of completion of a hunter safety course approved by the department or a hunter safety course in any state or province.

(3) A bow and arrow license may not be issued to a resident or nonresident unless the person authorized to issue the license receives an archery license issued for a prior hunting season or determines proof of completion of a bowhunter education course from the national bowhunter education foundation or any other bowhunter education program approved by the department. Neither the department nor the license agent is required to provide records of past archery license purchases. As part of the department's bow and arrow licensing procedures, the department shall notify the public regarding bowhunter education requirements.

(4) The department shall provide for a hunter safety and education course that includes instruction in the safe handling of firearms and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of hunter safety and education. The department may designate as an instructor

any person it finds to be competent to give instructions in hunter safety and education, including the handling of firearms. A person appointed shall give the course of instruction and shall issue a certificate of completion from Montana's hunter safety and education course to a person successfully completing the course.

(5) The department shall provide for a course of instruction from the national bowhunter education foundation or any other bowhunter education program approved by the department and for that purpose may cooperate with any reputable organization having as one of its objectives the promotion of safety in the handling of bow hunting tackle. The department may designate as an instructor any person it finds to be competent to give bowhunter education instruction. A person appointed shall give the course of instruction and shall issue a certificate of completion to any person successfully completing the course.

(6) The department may develop an adult hunter safety and education course.

(7) The department may adopt rules regarding how a person authorized to issue a license determines proof of completion of a required course."

**Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 1, and the provisions of Title 87, chapter 2, part 1, apply to [section 1].

**Section 4. Effective date.** [This act] is effective March 1, 2010.

- END -

I hereby certify that the within bill,  
HB 0172, originated in the House.

---

Chief Clerk of the House

---

Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

---

President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

HOUSE BILL NO. 172  
INTRODUCED BY E. ARNTZEN

AN ACT CREATING A PROVISIONAL HUNTER SAFETY AND EDUCATION CERTIFICATE FOR PERSONS WITH CERTAIN DEVELOPMENTAL DISABILITIES; ESTABLISHING CONDITIONS OF LICENSURE FOR PERSONS WHO USE A PROVISIONAL CERTIFICATE WHEN OBTAINING A HUNTING LICENSE; AMENDING SECTION 87-2-105, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.