

MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF ENFORCEMENT



2009
Uncased Firearms
Report

Report to the Minnesota Legislature
Transportation of Firearms in a Motor Vehicle Law
2008 Chapter 368 (SF 2651), Article 2, Section 78

Uncased Firearms Report

The purpose of this report is to comply with Laws, 2008, Chapter 368 (SF 2651), Article 2, Section 78:

(a) The commissioner of natural resources shall submit a report funded by the game and fish fund to the legislature by January 1, 2009, on uncased firearms for the purposes of hunting, predator control, and trapping.

(b) The report must comply with Minnesota Statutes, sections 3.195 and 3.197, and be submitted to the chairs of the house and senate committees with jurisdiction over the environment and natural resources. The commissioner may include additional information that the commissioner feels is important to this issue.

Costs: In accordance with Minnesota Statute 3.197, the following estimated costs are associated with the research, development, and delivery of this report to the legislature as required by Laws of 2008 Chapter 368, Article 2, Section 7. Staff: \$2,807.56. Miscellaneous office supplies and materials: \$75.00.

Executive Summary

Date: December 23, 2008

To: Chairs of the House and Senate
Environment and Natural Resources Committees

From: Mark Holsten
Commissioner of Natural Resources

“UNCASED FIREARMS REPORT”

REPORT TO THE MINNESOTA LEGISLATURE

TRANSPORTATION OF FIREARMS IN A MOTOR VEHICLE LAW

This report focuses on uncased firearms (long guns) in motor vehicles for the purposes of hunting. Predator control hunting and trapping related hunting were not specifically addressed, because they also fall under the general category of hunting and uncased firearms in motor vehicles. The primary research data was gathered from the states of Minnesota, Wisconsin, Iowa, North Dakota, and South Dakota, although other states were researched.

Statistical data was gathered from the International Hunter Education (IHEA) Hunter Incident Clearinghouse and State Hunter Education Sections relating to firearms accidents that occurred in or around motor vehicles. The data set used was for a ten-year period, from 1998 to 2007.

The data charts on page 5 clearly indicate states that DO NOT have a cased firearms in a motor vehicle requirement have a significantly higher firearms related accident rate.

If the law is modified to allow uncased firearms in motor vehicles, there is substantial statistical evidence this change will greatly increase the incidents of accidental firearms related injury and death of hunters in and around motor vehicles.

Statistical data for one year was gathered from the Minnesota State Court System to evaluate state, county, and local law enforcement agencies utilization of the current statute. Data clearly indicates that state, county and local law enforcement agencies rely on the current statute as a law enforcement tool and as a method of providing for officer safety.

If this law is modified to allow for uncased firearms in motor vehicles, those cities and counties who have a need to control firearms and are concerned for public safety and officer safety will enact local ordinances and regulations that will create disjointed requirements. The possible result will create confusion by citizens/hunters traveling from one area of the state to another.

Historical information gathered clearly indicates that using a motor vehicle as a means or platform for hunting is not considered "Fair Chase" by the general public and therefore, is perceived an unethical means of hunting or poaching.

Modification of the current law risks changing the general public's acceptance of hunting in Minnesota.

Table of Contents

Introduction	1
Historical Background	1
The Current Law and Related Laws.....	2
Legislative Intent and Benefits	3
Questions and Answers	4
Summary.....	8
Attachments	8

REPORT TO THE MINNESOTA LEGISLATURE

TRANSPORTATION OF FIREARMS IN A MOTOR VEHICLE LAW

Uncased Firearms Report

Introduction

This report has been compiled at the direction of the Minnesota State Legislature. The Minnesota State Legislature has directed the Commissioner of Natural Resources to provide information about Minnesota's firearms transportation law. The Department looked nationally at firearms transportation laws as they apply to hunting. The Department evaluated the original intent of the law and modifications made over the years. In addition, firearms accident data from the International Hunter Education Association (IHEA), information from U.S. Fish and Wildlife Service (USFWS), as well as violation information compiled from the Minnesota state court system. A section of the report is broken down by topics in a question and answer format that was originally contained in HF 3330 Authored by Representatives Dill and Cornish. It should be noted for this report that the Department only examined transportation of (long gun) firearms restrictions as it pertains to hunting. This report includes an attachment of neighboring states laws on firearms transportation and associated penalties and data from the IHEA.

Historical Background

Minnesota's Firearms Transportation Law (Minnesota Statutes, Section 97B.045)

The law has been modified several times over the past 91 years. In 1917 the first legislation was passed that said it was unlawful for any person to hunt, take, shoot or kill game, birds, or animals from a motor vehicle. Apparently there were some problems with that law, because two years later, in 1919 as part of a major recodification of the game and fish laws, that provision was expanded to prohibit a loaded/uncased firearm from being carried in/on a motor vehicle.



For many years, the law continued to read, "No person while in a motor vehicle shall take game, nor discharge any firearm there from at any wild animal, nor carry a gun or other firearm, except a pistol or revolver, in a motor vehicle unless the same be unloaded in both barrels and magazine and taken apart or contained in a case."

A 1941 Attorney General's opinion relating to the transportation of uncased/loaded firearms provided some interesting discussion on the transition of motor vehicles at that time period, and states that it is their opinion that the law has a dual purpose. "One as a safety provision, the other as a measure to afford protection to game which is comparatively unsuspecting of moving vehicles through being long accustomed to their passing." This brings in the concept of "Fair Chase" which is now one of the primary reasons that hunting is tolerated by the non-hunting public.

Other modifications have occurred over the years. These modifications include transportation in airplanes, restrictions on archery equipment, exemptions for the disabled hunters, and handguns carried in compliance with sections 624.714 and 624.715. The recodification of Minnesota's game and fish laws back in the mid-1980's split the historical language into three parts - including Minnesota Statutes, Sections 97B.045, 97B.051, and 97B.055, subd 2.

The Current Law and Related Laws

97B.045 TRANSPORTATION OF FIREARMS.

Subdivision 1. Restrictions. A person may not transport a firearm in a motor vehicle unless the firearm is:

- (1) unloaded and in a gun case expressly made to contain a firearm, and the case fully encloses the firearm by being zipped, snapped, buckled, tied, or otherwise fastened, and without any portion of the firearm exposed;
- (2) unloaded and in the closed trunk of a motor vehicle; or
- (3) a handgun carried in compliance with sections (624.714 and 624.715).

Subd. 2. Exception for disabled persons. The restrictions in subdivision 1 do not apply to a disabled person if:

- (1) the person possesses a permit under section 97B.055, subdivision 3;
- (2) the person is participating in a hunt sponsored by a nonprofit organization under a permit from the commissioner or is hunting on property owned or leased by the person; and
- (3) the firearm is not loaded in the chamber until the vehicle is stationary, or is a hinge action firearm with the action open until the vehicle is stationary.

97B.051 TRANSPORTATION OF ARCHERY BOWS.

Except as specified under section 97B.055, subdivision 2, a person may not transport an archery bow in a motor vehicle unless the bow is:

- (1) unstrung;
- (2) completely contained in a case; or
- (3) in the closed trunk or rear-most enclosed portion of a motor vehicle that is not accessible from the passenger compartment.

97B.055 DISCHARGING FIREARMS AND BOWS AND ARROWS.

Subdivision 1. Restrictions related to highways. (a) A person may not discharge a firearm or an arrow from a bow on, over, or across an improved public highway at a big game animal. A person may not discharge a firearm or bow and arrow within the right-of-way of an improved public highway at a big game animal. The commissioner may by rule extend the application of this subdivision to the taking of migratory waterfowl in designated locations.

(b) A person may not discharge a firearm or an arrow from a bow on, over, across, or within the right-of-way of an improved public highway at a decoy of a big game animal that has been set out by a licensed peace officer.

Subd. 2. Restrictions related to motor vehicles. A person may not take a wild animal with a firearm or by archery from a motor vehicle except as permitted in this section.

Notwithstanding section 97B.091, a person may transport a bow uncased while in an electric motor-powered boat and may take rough fish while in the boat.

Subd. 3. Hunting from vehicle by disabled hunters. (a) The commissioner may issue a special permit, without a fee, to discharge a firearm or bow and arrow from a stationary motor vehicle to a person who obtains the required licenses and who has a permanent physical disability that is more substantial than discomfort from walking. The permit recipient must be:

(1) unable to step from a vehicle without aid of a wheelchair, crutches, braces, or other mechanical support or prosthetic device; or

(2) unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing.

(b) The permanent physical disability must be established by medical evidence verified in writing by a licensed physician or chiropractor. The commissioner may request additional information from the physician or chiropractor if needed to verify the applicant's eligibility for the permit. Notwithstanding section 97A.418, the commissioner may, in consultation with appropriate advocacy groups, establish reasonable minimum standards for permits to be issued under this section. In addition to providing the medical evidence of a permanent disability, the applicant must possess a valid disability parking certificate authorized by section 169.345 or license plates issued under section 168.021.

(c) A person issued a special permit under this subdivision and hunting deer may take a deer of either sex, except in those antlerless permit areas and seasons where no antlerless permits are offered. This subdivision does not authorize another member of a party to take an antlerless deer under section 97B.301, subdivision 3.

(d) A permit issued under this subdivision is valid for five years.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this section for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this section is guilty of a misdemeanor. A physician or chiropractor who fraudulently certifies to the commissioner that a person is permanently disabled as described in this section is guilty of a misdemeanor.

Subd. 4. Taking bounty animals from airplanes and snowmobiles.

The commissioner may issue a special permit, without fee, to take animals that the state pays a bounty for, from an airplane or a snowmobile.

Also recognized is **Federal Law § 926A. Interstate transportation of firearm:** Notwithstanding any other provision of any law or any rule or regulation of a State or any political subdivision thereof, any person who is not otherwise prohibited by this chapter [18 USCS §§ 921 et seq.] from transporting, shipping, or receiving a firearm shall be entitled to transport a firearm for any lawful purpose from any place where he may lawfully possess and carry such firearm to any other place where he may lawfully possess and carry such firearm if, during such transportation the firearm is unloaded, and neither the firearm nor any ammunition being transported is readily accessible or is directly accessible from the passenger compartment of such transporting vehicle: Provided, that in the case of a vehicle without a compartment separate from the driver's compartment the firearm or ammunition shall be contained in a locked container other than the glove compartment or console.

Legislative Intent and Benefits

The original intent of the firearms transportation law was to reduce poaching opportunities and provide for "Fair Chase". That intent still holds true today. Poaching from motor vehicles and taking of wild animals on private property along roadways has been a problem for private property owners and game managers as long as there have been motor vehicles and game management laws.

A proven side benefit of the firearms transportation law is the lowering risk of firearms related accidents in motor vehicles. The confined space in a motor vehicle does not allow for proper muzzle control of firearms and greatly increases the risk of injury or death to the occupants if a firearm should be discharged in the confines of a passenger compartment. An evaluation of firearms accident data from the IHEA contained in this report, demonstrates laws like Minnesota's greatly reduce this risk. An additional benefit is police officer safety when dealing with drivers and passengers of motor vehicles.

Questions and Answers

Q: How many other states have laws like Minnesota's governing uncased firearms?

A: There are eight other states that have transportation of firearms laws similar to Minnesota's. Those states are Illinois, Iowa, Maryland, Massachusetts, Michigan, New Jersey, Wisconsin, and Hawaii. There are at least 16 other states that have transportation of firearms laws that require no case, but require the firearm to be unloaded while being transported in a motor vehicle. In these states "unloaded" is defined as no live ammunition in the chamber of the firearm or live ammunition in attached clip or magazine. These states are California, Colorado, Connecticut, Delaware, Indiana, Maine, Nebraska, New Hampshire, New York, North Dakota, Oklahoma, Rhode Island, South Dakota, Texas, Pennsylvania, and Vermont. Many states have different regulations with the transportation and possession of handguns in motor vehicles. Some of these states require permits to carry a handgun as well. We also found in researching this report that some local government units have passed ordinances regulating the possession and transportation of firearms within their jurisdictions.



Q: Are there any studies that prove that uncased firearms laws like Minnesota's reduce firearm-related accidents?

A: Researching this question, we found no specific studies have been undertaken which prove or disprove that laws like Minnesota's transportation of firearms in motor vehicles regulation reduces firearm-related accidents. The Department compared IHEA hunting related firearms accident data for all states neighboring Minnesota: North Dakota, South Dakota, Wisconsin, and Iowa. The Department looked at two major factors criteria when it compared IHEA data for a ten-year period (1998 to 2007):

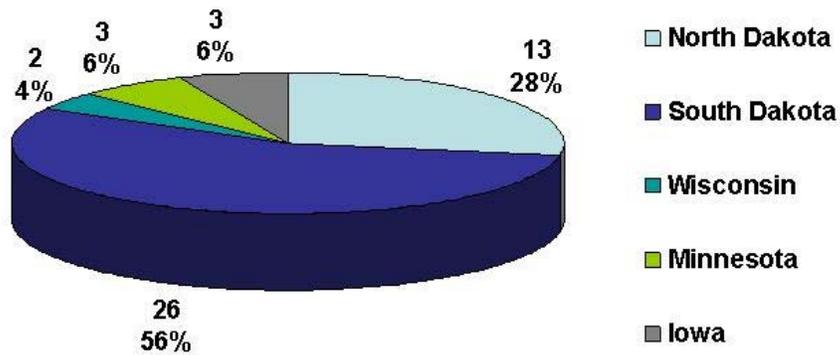
- Discharged firearm in or on a motor vehicle; and
- Remove or place a firearm in a motor vehicle.

The States of Iowa and Wisconsin have almost identical transportation of firearm laws as Minnesota. North Dakota allows uncased firearms to have loaded magazine, but no ammunition in the chamber. South Dakota allow for transportation of uncased loaded firearms. In the ten-year period, Minnesota and Iowa each recorded only three firearm related accidents with these two major factors. Wisconsin recorded two firearm related accidents with the two major factors. However, looking at the same ten-year period,

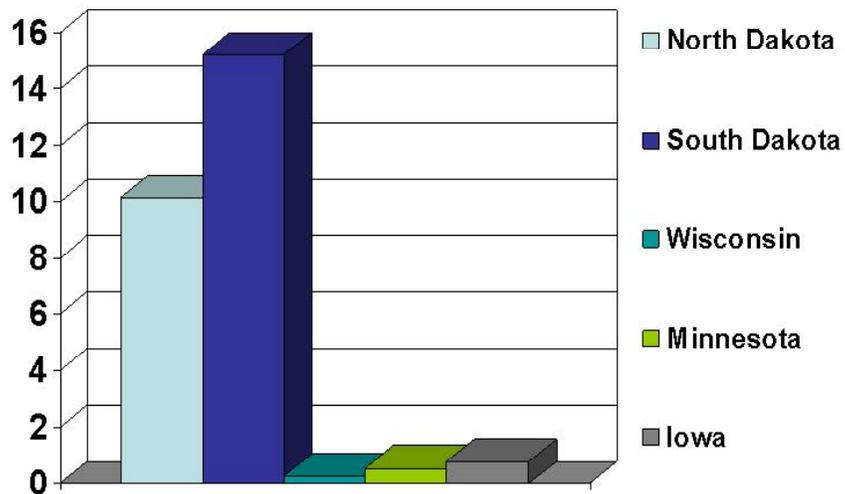
South Dakota recorded 26 firearm related accidents. North Dakota recorded 13 firearm related accidents using the same two major factors criteria.

The statistical data from the IHEA represented in the graphs below clearly show that Minnesota, Wisconsin, and Iowa transportation of firearms laws reduce firearms related accidents when comparing two major factors criteria. North Dakota and South Dakota accounted for 84% of the accidents whereas Minnesota only accounted for six percent of the accidents. When comparing the accident rate per 100,000 hunters for the five states, it is very evident that those states that have firearms transportation laws similar to Minnesota's have a much lower accident rate.

**Number and Percentage of Hunting Related
Firearms Accidents
In or Around Motor Vehicles by State
(IHEA Data from 1998 to 2007)**



**Vehicle Related Firearms Hunting Accidents Per
100,000 Hunters by State**





Q: Is there evidence that more accidents occur loading and unloading firearms and putting firearms in and out of cases than would occur if the firearm were not required to be cased?

A: There is no specific data for comparison. Anytime firearms are handled and fired they need to be loaded. When and where they are loaded is usually the choice of the person using the firearm. A proportional percentage of firearms accidents do occur while loading and unloading in a field, side of the road, before crossing a fence, at a vehicle, unloading in a group setting, or cleaning in the basement of a home.

Q: Are there any studies to prove that having a cased gun law reduces other criminal violations?

A: Researching this question we found no specific study related to the above question. However, a number of studies nationwide have been done relating to firearms, firearm violence, and crime. The Harvard School of Public Health has a number of research studies related to firearms. One of these studies examined firearms possession in motor vehicles as it relates to road rage. Major findings from this study concluded that the self reporting of hostile actions such as obscene gestures, cursing, shouting, and aggressive driving were more common by young men, young adults, and individuals who carried a firearm in their motor vehicle. **Publication:** Miller, Matthew; Azrael, Deborah; Hemenway, David; Solop, Frederic I. "Road Rage in Arizona: Armed and Dangerous?" *Accident Analysis and Prevention*. 2002; 34:807-814.

Q: Is there any proof that by issuing tickets Minnesota is stopping other crimes?

A: We have included data for the year 2007 compiled by the Minnesota State Court System. This data is represented in the chart below. The data indicates that many other law enforcement agencies such as local police, County Sheriff, and State Patrol are writing citations for violations of Minnesota's firearms transportation law (Minnesota Statutes, Section 97B.045). It is likely that these law enforcement officers are responding to other complaints and may have issued a number of these citations in conjunction with other crimes.

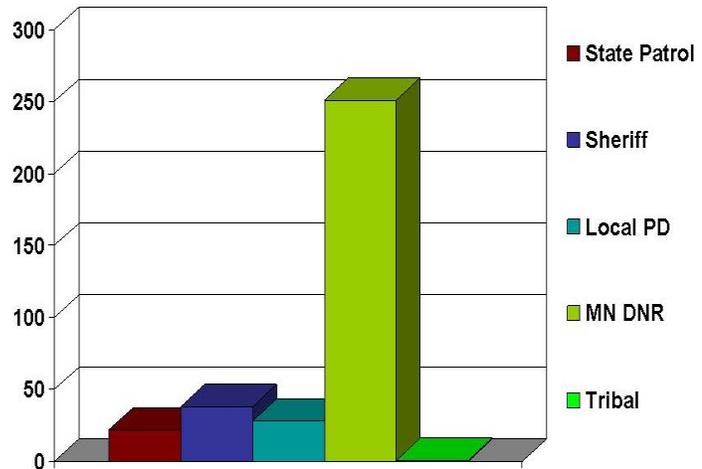


Sometimes the issuances of these tickets are not related to game and fish enforcement at all. Some of these citations are related to stopping other crimes and criminal behavior. An example case provided by a Minnesota police chief is where his officer stopped a person who was enroute to another person's home during a domestic quarrel. In this example, the officer stopping this person discovered a loaded uncased firearm in the vehicle. The officers were able to enforce Minnesota Statutes, Section 97B.045 and

thereby defuse this dangerous situation. This same chief of police felt strongly that there is a significant peace officer safety issue if Minnesota Statutes, Section 97B.045 were to be changed or abolished.

Also when individuals are cited by conservation officers for violations, Minnesota Statutes, Section 97B.045, they are often in violation of other game and fish violations. Other firearms related crimes include shooting from or across the roadways, shooting near residential homes, and criminal damage to property and trespass.

2007 Convictions By Agency



Q: If the state cannot verify that it is reducing accidents or reducing criminal violations by writing uncased gun tickets, why is the state writing them?

A: The statistical data on hunting related firearms accidents information compiled by the IHEA, clearly indicates that Minnesota, which has a cased unloaded gun law, has fewer accidents in and around motor vehicles than neighboring states which have no such requirement. This was demonstrated in the number of accident and accidents per 100,000 comparisons in a previous question. The Minnesota requirement for hunters to unload and case their firearms before transporting them in motor vehicles does save lives and reduce accidents. The unloaded cased firearm law greatly reduces the opportunity to commit other game and fish violations, trespass, damage to property (shooting signs), shooting from down or across the roadways, deer shining, and road hunting. In addition, this law also preserves the perception of "fair case" which is very important to both the hunting and non-hunting public.

Q: If the state is reducing other wildlife crimes such as shooting from the roadway, how is it doing this?

A: The current law is the State's best law enforcement and citizen complaint management tool for reducing trespass, shooting down, from, or across a roadway, damage to signs, and firearm accident reduction in or around motor vehicles. Often when individuals are cited for violations, Minnesota Statutes, Section 97B.045, they are also in violation of other game and fish violations. An example of this is shooting at a deer decoy placed by a conservation officer. In many of these cases, individuals are shooting on or across roadways at a deer decoy placed on private property behind a "no trespassing sign" during closed season or closed hours. This can also be the case when the deer decoy is placed in an area where conservation officers received complaints about shining.

The Department considers the enforcement of Minnesota Statutes, Section 97B.045, field contacts by staff, public service announcements, and Department attendance at sportsmen's club meetings and other statewide hunting and outdoor recreation related events as another way of reducing other wildlife crimes.

Lastly, the Department places a high emphasis on its hunter education programs for the public. These educational efforts, along with the Department's Hunter Education Firearm Safety Training program which certifies over 23,000 students every year, are good examples of Department's continuing commitment to reduce wildlife crimes through quality educational programs.



Summary

The data charts on page 5 clearly indicate States that DO NOT have a cased firearms in a motor vehicle requirement have a significantly higher firearms related accident rate.

If the law is modified to allow uncased firearms in motor vehicle, there is substantial statistical evidence this change will greatly increase the incidents of accidental firearms related injury and death of hunters in and around motor vehicles.

Data clearly indicates that state, county and local law enforcement agencies rely on the current statute as a law enforcement tool and as a method of providing for officer safety.

If this law is modified to allow for uncased firearms in motor vehicles, those cities and counties who have a need to control firearms and are concerned for public safety and officer safety will enact local ordinances and regulations that will create disjointed requirements. The possible result will create confusion by citizens/hunters traveling from one area of the state to another.

Historical information clearly indicates that using a motor vehicle as a means or platform for hunting is not considered "Fair Chase" by the general public and therefore an unethical means of hunting.

Modification of the current law risks changing the general public's acceptance of hunting in Minnesota.

Attachments

Firearms Transportation Laws from Wisconsin, North Dakota, Iowa, and South Dakota.

Statistical data from the International Hunter Education Hunter Incident Clearinghouse and State Hunter Education Sections relating to firearms accidents that occurred in or around motor vehicles.

Summary of Laws

Wisconsin, North Dakota, Iowa, South Dakota

Wisconsin

167.31 Arms Transportation

It is illegal to:

- possess, place or transport in or on any vehicle, whether moving or stationary, any firearm, bow or crossbow unless the firearm is unloaded and completely enclosed within a carrying case (see page 5 for definition) with no portion of the firearm visible and the bow or crossbow is unstrung or enclosed within a carrying case.

Arms Transportation, cont.

- possess, place or transport in or on any motor driven boat while the motor is running, any firearm, bow or crossbow unless the firearm is unloaded (see below) and bow or crossbow is unstrung or enclosed within a carrying case. Exception: Possession of a strung, uncased bow in a boat while using a motor is legal for Bow fishing only. See Fishing Regulations for additional restrictions.

Unloaded means any of the following:

1. Having no shell or cartridge in the chamber of a firearm or in the magazine, clip, or cylinder attached to a firearm.
2. Having the cap removed from a percussion muzzleloading firearm.
3. Having the flashpan cleaned of powder from a flintlock muzzleloading firearm.
4. Having the powder and projectile removed from the barrel of an electronic.

North Dakota

62.1-02-10. Carrying Loaded Firearm in Vehicle - Penalty - Exceptions.

No person may keep or carry a loaded firearm in or on any motor vehicle in this state. Any person violating this section is guilty of a class B misdemeanor. This prohibition does not apply to:

1. A member of the armed forces of the United States or National Guard, organized reserves, state defense forces, or state guard organizations while possessing the firearm issued to the member by the organization and while on official duty. Page No. 3

2. A law enforcement officer, except while the officer is engaged in hunting or trapping activities with a rifle or shotgun.

3. Any person possessing a valid North Dakota concealed weapons license or a valid license issued by another state authorizing the person to carry a dangerous weapon concealed if that state permits a holder of a valid North Dakota concealed weapons license to carry a dangerous weapon concealed in that state without obtaining a similar license from that state, except while that person is in the field engaged in hunting or trapping activities.

4. Any person in the field engaged in lawful hunting or trapping of nongame species or fur-bearing animals.

5. A security guard or private investigator licensed to carry firearms by the attorney general.

6. Any person possessing a valid special permit issued pursuant to section 20.1-02-05.

Iowa

83A.36 Manner of Conveyance.

No person, except as permitted by law, shall have or carry a gun in or on a vehicle on a public highway, unless the gun is taken down or totally contained in a securely fastened case, and its barrels and magazines are unloaded.

Fine for violations of this manner of conveyance section are as follows (both situations are "scheduled" fines and payable through the mail;

Assembled, unloaded gun:
Fine = \$25.00
32% Surcharge = \$8.00
Total Fine + 32% surcharge + court costs = \$83.00
Bond = \$99.50

Loaded Gun:
Fine = \$50.00
32% Surcharge = \$16.00
Total Fine + 32% surcharge + court costs = \$116.00
Bond = \$149.00

South Dakota

32-20-6.6. Carrying Firearm on Motorcycle or Off-Road Vehicle.

Exception for holder of concealed pistol permit or disabled hunter permit-- Enforcement--Violation as misdemeanor. No person, other than a law enforcement officer or conservation officer, or any person on the person's own land or land leased by the person, may operate or ride on any motorcycle or off-road vehicle with any firearm in the person's possession unless the firearm is completely unloaded and within a carrying case which encloses the entire firearm. However, this section does not apply to any person who is carrying a pistol and possesses a permit to carry a concealed pistol issued pursuant to chapter 23-7. This section does not apply to any person who holds a permit issued pursuant to § 41-8-37 while engaged in hunting from an off-road vehicle in accordance with the provisions of the permit. This section shall be enforced by all law enforcement officers including conservation officers. A violation of this section is a Class 2 misdemeanor.

22-1-2.

(6) "Concealed," any firearm that is totally hidden from view. If any part of the firearm is capable of being seen, it is not concealed; South Dakota small game hunting from road restrictions.

41-9-1.5. Motorized vehicles not to be used in hunting from highways.

Restrictions. In order to protect the public safety, it is the intent of the Legislature that hunting from highways or other public rights-of-way be accomplished without the use of motorized vehicles. Therefore, the following restrictions apply to such hunting:

(1) No person hunting small game from any highway or other public right-of-way pursuant to § 41-9-1.1 may discharge a firearm at any small game animal unless the motor vehicle by which the person has been transported to the hunting location has, to the maximum extent practical, been parked off the main traveled portion of the highway

or public right-of-way in a manner that does not create an unreasonable risk of injury or damage to other persons or property using the highway or public right-of-way;

(2) If the person who discharges the firearm is more than fifty yards from the vehicle, the doors on the side of the vehicle nearest the roadway shall be closed, but the engine may be running; and

(3) If the person who discharges the firearm is less than fifty yards from the vehicle, all of the vehicle doors shall be closed and the engine shall be turned off.

A violation of this section is a Class 2 misdemeanor.

41-9-1.2. Big Game Hunting on Highways and Public Rights-of-Way Prohibited Exceptions.

Violation as misdemeanor. No person may hunt big game on interstate highways or controlled access facilities as defined in § 31-8-1 within this state.

No person may discharge a firearm, muzzleloader, crossbow, or bow and arrow at any big game animal, except turkey to be taken with a shotgun using shot shells or with a bow and arrow, from within the right-of-way of an improved public highway. However, any person who possesses a disabled hunter permit issued by the department to shoot from a vehicle as provided in § 41-8-37 may hunt on public rights-of-way adjoining publicly-owned hunting areas and on rights-of-way adjoining private lands with the written permission of the owner or lessee.

Retrieval of lawfully taken big game is permitted on all public rights-of-way.

A violation of this section is a Class 2 misdemeanor.



Showing 3 of 3 incidents found matching your query Query time: 0.20177221298218 seconds

Date	State	Animal Hunted	Class	Casualty Type	Self Inflicted	Equipment	Shooter Age(s)	Victim Age(s)	Shooter Violation	Victim Violation	Major Factor
2004-06-20	Minnesota	Other	A ?	Nonfatal	Y	Shotgun	23		N	N	Remove/place firearm in vehicle
<p>Summary: Victim/Shooter stated that he had been driving around looking for birds to shoot and found some by a block plant on Highway 59. He got out of the car and took the shotgun from the trunk and put in one shell. About this time a car was coming so he put the gun in the car and covered it with his jacket. After the car went by he had the gun lying on his lap and when he picked it up by the barrel he had his hand over the end and the gun went off causing a wound to his left hand.</p>											
2004-10-23	Minnesota	N/A	C ?	Nonfatal	N	Rifle	18	15	N	N	Remove/place firearm in vehicle
<p>Summary: Victim and shooter were getting into a vehicle and the shooter grabbed an uncased .22 rifle to move out of the way. While doing so, shooter touched the trigger and the loaded gun discharged striking the victim in the leg.</p>											
2005-09-10	Minnesota	Grouse	A ?	Nonfatal	N	Shotgun	45	53	N	N	Remove/place firearm in vehicle
<p>Summary: After hunting, shooter was taking shotgun out of gun case when the gun went off. Shot went through end/side of gun case through victim's leather gortex and 8 pellets entered victim's foot.</p>											

Searching on the following values:

- Year:**
All Years
- State:**
Minnesota
- Animal Hunted By Shooter:**
All Animals
- Casualty Type:**
All Casualty Types
- Major Factor:**
Safety/Law - Discharge firearm in/on vehicle
Safety/Law - Remove/place firearm in vehicle
- Classification: (what's this?)**
All Classifications
- Self Inflicted:**
All
- Land Type:**
All
- Shooter & Victim in Same Party:**
All
- Type of Shooting:**
All
- Treestand Used:**
All
- Equipment:**
All Equipment
- Date Range:**
From: -- **To:** --

The Hunter Incident Clearinghouse
 A project of the International Hunter Education Association in association with:
 The U.S. Fish and Wildlife Service: Wildlife Restoration Act,
 International Association of Fish and Wildlife Agencies,
 National Wild Turkey Federation,
 Silvertip Productions, Ltd..



Showing 3 of 3 incidents found matching your query Query time: 0.1909511089325 seconds

Date	State	Animal Hunted	Class	Casualty Type	Self Inflicted	Equipment	Shooter Age(s)	Victim Age(s)	Shooter Violation	Victim Violation	Major Factor
2003-01-09	Iowa	Deer	A ?	Nonfatal	Y	Other	61		N	N	Discharge firearm in/on vehicle
<p>Summary: Victim saw some deer standing along the road in front of him. Victim stated that he was trying to get the muzzleloader under the steering wheel of his vehicle in which he was still sitting in when the gun discharged shooting himself in the ankle. Victim also stated that the gun had been previously capped but the case was fully unzipped while he had been driving. Cause: Loaded and uncased firearm in the vehicle, careless or reckless gun handling.</p>											
2003-01-18	Iowa	Coyote	A ?	Nonfatal	Y	Shotgun	23		N	N	Discharge firearm in/on vehicle
<p>Summary: Victim received a call on his CB that there was a coyote headed towards him. He was sitting in his pickup when he pulled his shotgun out of the case and as the muzzle crossed his right calf, it discharged hitting him in the rear top of his calf. The blast from the shotgun blew off his right leg from the knee down. Cause: Loaded firearm in vehicle.</p>											
2006-10-14	Iowa	Squirrel	C ?	Nonfatal	N	Rifle	17	20	N	Y	Remove/place firearm in vehicle
<p>Summary: FOUR YOUTHS WERE TARGET SHOTING AND QUOTE "MESSING AROUND" ONE YOUTH SHOT UNTIL THE WEAPON WAS EMPTY THEN RELOADED AND HANDED TO ANOTHER YOUTH WHEN THE SECOND YOUTH SET THE GUN DOWN IT DISCHARGED HITTING THE VICTIM</p>											

Searching on the following values:

- Year:** All Years
- State:** Iowa
- Animal Hunted By Shooter:** All Animals
- Casualty Type:** All Casualty Types
- Major Factor:** Safety/Law - Discharge firearm in/on vehicle
Safety/Law - Remove/place firearm in vehicle
- Classification:** (what's this?)
All Classifications
- Self Inflicted:** All
- Land Type:** All
- Shooter & Victim in Same Party:** All
- Type of Shooting:** All
- Treestand Used:** All
- Equipment:** All Equipment
- Date Range:**
From: -- To: --

The Hunter Incident Clearinghouse

A project of the International Hunter Education Association in association with:
 The U.S. Fish and Wildlife Service: Wildlife Restoration Act,
 International Association of Fish and Wildlife Agencies,
 National Wild Turkey Federation,
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Showing 13 of 13 incidents found matching your query Query time: 0.22364902496338 seconds

Date	State	Animal Hunted	Class	Casualty Type	Self Inflicted	Equipment	Shooter Age(s)	Victim Age (s)	Shooter Violation	Victim Violation	Major Factor
2002-11-08	North Dakota	Deer	A ?	Nonfatal	N	Rifle	16		Y	N	Discharge firearm in/on vehicle
<p>Summary: Victim was passenger in a motor vehicle. Shooter was reportedly attempting to clear a jammed weapon, when it discharged in the motor vehicle, striking the victim in the left leg area between knee and ankle.</p>											
2003-10-24	North Dakota	Pheasant	A ?	Nonfatal	Y	Shotgun	30		N	N	Remove/place firearm in vehicle
<p>Summary: Shooter had returned to vehicle from a hunt, and place his shotgun in his vehicle. He then spotted a rooster in a ditch near the vehicle. Shooter reached into the vehicle to grab his shotgun without taking his eye off the pheasant. Shooter was preparing to chamber a round when the gun discharged and struck him in the left foot. Shooter believes he may have disengaged the safety while removing the gun from the vehicle. Shooter said he had a momentary lapse of judgment that led to the accident.</p>											
2003-10-20	North Dakota	Pheasant	A ?	Nonfatal	Y	Shotgun	51		N	N	Remove/place firearm in vehicle
<p>Summary: Shooter and companion were driving down a gravel road when they observed pheasants in a ditch. They stopped and exited the vehicle to shoot the pheasants, when the shooter's shotgun discharged and struck him in the left foot. Shooter was transported to hospital.</p>											
2003-11-09	North Dakota	Pheasant	A ?	Nonfatal	Y	Shotgun	59		Y	N	Discharge firearm in/on vehicle
<p>Summary: ROAD HUNTING AND EXITING VEHICLE TO SHOOT.</p>											
2005-10-08	North Dakota	Pheasant	A ?	Nonfatal	Y	Shotgun	40		Y	N	Discharge firearm in/on vehicle
<p>Summary: Shooter's shot struck his foot upon exiting his vehicle to shoot at a pheasant. Firearm was loaded as the hunter was road hunting.</p>											
2005-11-11	North Dakota	Deer	A ?	Nonfatal	N	Rifle	41	32	N	N	Discharge firearm in/on vehicle
<p>Summary: Victim and shooter were road hunting on the way to work in the morning. After arriving at the work location the shooter proceeded to unload the firearm near the vehicle when the firearm discharged and struck the passenger in both lower extremities.</p>											
2005-12-19	North Dakota	Pheasant	A ?	Nonfatal	Y	Shotgun	39		Y	N	Remove/place firearm in vehicle
<p>Summary: Two hunters were road hunting. The driver stopped, exited the vehicle and killed a pheasant. The driver handed the gun through the window to the passenger with a shell in the chamber and the muzzle first. The gun discharged as the passenger was repositioning the gun with the shot pellets striking his knee and lower leg.</p>											
2006-03-17	North Dakota	Raccoon/Opossum	A ?	Nonfatal	Y	Handgun	20		Y	N	Discharge firearm in/on vehicle
<p>Summary: Loaded handgun in a vehicle at night discharged while hunting raccoons. Projectile entered top of foot and exited the bottom of the foot. Dickey County.</p>											
2006-11-11	North Dakota	Coyote	A ?	Nonfatal	Y	Rifle	12		Y	N	Discharge firearm in/on vehicle
<p>Summary: Shooter was handling firearm in a vehicle while father was driving on a highway looking for coyotes. Firearm discharged and struck the person. This was a self-inflicted incident. Morton County.</p>											
2006-11-27	North Dakota	Pheasant	A ?	Nonfatal	Y	Shotgun	69		N	N	Remove/place firearm in vehicle
<p>Summary: This self-inflicted incident happened as the shooter/victim lost control of the firearm's muzzle when unloading the firearm before entering his vehicle. Divide County.</p>											
2006-11-12	North Dakota	Deer	A ?	Nonfatal	Y	Rifle	31		Y	N	Discharge firearm in/on vehicle

Summary: Two hunters had just walked deer cover and fired several times. Upon return to the vehicle and entry, the gun discharged into the transmission and the projectile exploded causing injury. Benson County.

2007- 10-25	North Dakota	Pheasant	A ?	Nonfatal	Y	Shotgun	58		Y	N	Discharge firearm in/on vehicle
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Summary: Recent California immigrant reached for his gun in his vehicle and the gun discharged into his hand as the muzzle was pointing upwards in the vehicle. Stutsman County.

2007- 11-17	North Dakota	Deer	A ?	Nonfatal	N	Rifle	54	82	Y	N	Discharge firearm in/on vehicle
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Summary: Shooter was placing firearm in vehicle. The firearm discharged and struck the victim who was seated in the vehicle in the lower leg. Wells County.

Searching on the following values:

Year:

All Years

State:

North Dakota

Animal Hunted By Shooter:

All Animals

Casualty Type:

All Casualty Types

Major Factor:

Safety/Law - Discharge firearm in/on vehicle
 Safety/Law - Remove/place firearm in vehicle

Classification: (what's this?)

All Classifications

Self Inflicted:

All

Land Type:

All

Shooter & Victim in Same Party:

All

Type of Shooting:

All

Treestand Used:

All

Equipment:

All Equipment

Date Range:

From: -- **To:** --

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Showing 18 of 18 incidents found matching your query Query time: 0.20002794265747 seconds

Date	State	Animal Hunted	Class	Casualty Type	Self Inflicted	Equipment	Shooter Age(s)	Victim Age(s)	Shooter Violation	Victim Violation	Major Factor
1993-01-02	South Dakota	Deer	A ?	Nonfatal	Y	Rifle			N	N	Remove/place firearm in vehicle
Summary:											
1994-01-30	South Dakota	Coyote	A ?	Nonfatal	N	Rifle			N	N	Discharge firearm in/on vehicle
Summary:											
1994-10-16	South Dakota	Pheasant	A ?	Nonfatal	Y	Shotgun			N	N	Remove/place firearm in vehicle
Summary:											
1995-10-21	South Dakota	Pheasant	A ?	Nonfatal	N	Shotgun			N	N	Discharge firearm in/on vehicle
Summary:											
1995-10-24	South Dakota	Pheasant	A ?	Nonfatal	N	Shotgun			N	N	Remove/place firearm in vehicle
Summary:											
1996-10-19	South Dakota	Pheasant	A ?	Nonfatal	-- unknown--	Shotgun			N	N	Discharge firearm in/on vehicle
Summary:											
1996-10-27	South Dakota	Duck/Geese	A ?	Nonfatal	Y	Shotgun			N	N	Discharge firearm in/on vehicle
Summary:											
1996-11-09	South Dakota	Other Small Game	A ?	Nonfatal	N	Rifle			N	N	Discharge firearm in/on vehicle
Summary:											
1996-11-28	South Dakota	Deer	A ?	Nonfatal	Y	Shotgun			N	N	Remove/place firearm in vehicle
Summary:											
1996-12-28	South Dakota	Coyote	A ?	Nonfatal	N	Shotgun			N	N	Discharge firearm in/on vehicle
Summary:											
1997-10-19	South Dakota	Pheasant	A ?	Nonfatal	Y	Shotgun			N	N	Remove/place firearm in vehicle
Summary:											
1997-11-16	South Dakota	Deer	A ?	Nonfatal	N	Rifle			N	N	Discharge firearm in/on vehicle
Summary:											
1998-10-18	South Dakota	Pheasant	A ?	Nonfatal	N	Shotgun			N	N	Remove/place firearm in vehicle
Summary:											
1998-11-08	South Dakota	Pheasant	A ?	Nonfatal	Y	Shotgun			N	N	Remove/place firearm in vehicle
Summary:											
1998-11-13	South Dakota	Pheasant	A ?	Fatal	N	Shotgun			N	N	Remove/place firearm in vehicle
Summary:											
1998-11-22	South Dakota	Deer	A ?	Nonfatal	N	Rifle			N	N	Remove/place firearm in vehicle
Summary:											
1999-11-27	South Dakota	Deer	A ?	Nonfatal	Y	Rifle			N	N	Remove/place firearm in vehicle
Summary:											
2005-11-05	South Dakota	Pheasant	A ?	Nonfatal	Y	Shotgun	54		N	N	Discharge firearm in/on vehicle
Summary: Gun was being stored in a soft case. The shooter had discharged the gun the day before and forgot to unload. Dog stepped on the gun several time and gun went off.											

Searching on the following values:

Year:

State:

Animal Hunted By Shooter:

All Years

South Dakota All Animals

Casualty Type:

All Casualty Types

Major Factor:

Safety/Law - Discharge firearm in/on vehicle
Safety/Law - Remove/place firearm in vehicle

Classification: (what's this?)

All Classifications

Self Inflicted:

All

Land Type:

All

Shooter & Victim in Same Party:

All

Type of Shooting:

All

Treestand Used:

All

Equipment:

All Equipment

Date Range:

From: -- **To:** --

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South Dakota Vehicle Related Incidents While Hunting
From 1998 to 2007

1998-4
1999-1
2000-2
2001-2
2002-2
2003-5
2004-1
2005-2
2006-3
2007-4



Showing 9 of 9 incidents found matching your query Query time: 0.14429712295532 seconds

Date	State	Animal Hunted	Class	Casualty Type	Self Inflicted	Equipment	Shooter Age(s)	Victim Age(s)	Shooter Violation	Victim Violation	Major Factor
1989-11-05	Wisconsin	Squirrel	A ?	Nonfatal	N	Rifle	14	13	Y	N	Discharge firearm in/on vehicle
<p>Summary: three subjects on atv, all three got off, shooter grabbed .22 cal rifle which was wrapped in a sheet, shooter doesn't know if he hit the trigger or what, gun discharged shooting victim in arm.</p>											
1989-11-19	Wisconsin	Deer	A ?	Nonfatal	N	Rifle	30	24	Y	N	Remove/place firearm in vehicle
<p>Summary: Firearm discharged in vehicle, hitting victim.</p>											
1991-11-25	Wisconsin	Deer	A ?	Nonfatal	N	Handgun	38	25	Y	Y	Remove/place firearm in vehicle
<p>Summary: Shooter and victim had been drinking at tavern. Parties returned to cabin to pick up two handguns with intent to shoot at a deer in vehicle headlights. Victim handed revolver loaded with .38 to shooter in holster uncased. Shooter was unfamiliar with revolver and apparently was attempting to remove the holster when it accidentally discharged into victim. Parties traveled less than 3 miles from cabin and claimed had not seen any deer yet. Incident occurred inside vehicle shooter was in rear seat and victim was driver traveling on old hwy 32. Passenger in front seat removed vehicle from scene and took victim to sand trap tavern to call ambulance.</p>											
1991-11-26	Wisconsin	Deer	A ?	Nonfatal	Y	Shotgun	25		Y	N	Remove/place firearm in vehicle
<p>Summary: Shooter/victim claimed that his party was target practicing after deer hunting. He had put a loaded gun in the vehicle. He withdrew the gun and it went off an exploded in his hands.</p>											
1993-02-08	Wisconsin	Coyote	A ?	Nonfatal	N	Handgun	31	2	Y	N	Remove/place firearm in vehicle
<p>Summary: After shooting at running fox shooter straddled snowmobile behind son while placing pistol in son's lap area where it discharged.</p>											
1994-11-19	Wisconsin	Deer	A ?	Nonfatal	N	Rifle	44	22	Y	N	Remove/place firearm in vehicle
<p>Summary: Shooter was removing weapon from vehicle. Shooter states that he put bullet in rifle and closed the bolt when the rifle fired. Shooter was attempting to shoot at a deer he could see in the valley. Shooter said gun was unloaded and enclosed in gun case in the vehicle.</p>											
1994-11-25	Wisconsin	Deer	A ?	Nonfatal	N	Rifle	34	42	N	N	Remove/place firearm in vehicle
<p>Summary: Firearm discharged inside vehicle striking passenger in left leg.</p>											
2002-04-10	Wisconsin	Turkey SPRING	A ?	Nonfatal	Y	Shotgun	44		N	N	Remove/place firearm in vehicle
<p>Summary: Victim was road hunting turkey with a passenger in the truck. Shotgun was loaded on the left side of the victim. Firearm discharged into victim's foot and through the floor of the truck.</p>											
2002-11-23	Wisconsin	Deer	A ?	Nonfatal	N	Rifle	51	53	N	N	Remove/place firearm in vehicle
<p>Summary: Shooter was removing rifle from the ATV rack as it discharged hitting the victim. Safety was off.</p>											

Searching on the following values:

Year:

All Years

State:

Wisconsin

Animal Hunted By Shooter:

All Animals

Casualty Type:

All Casualty Types

Major Factor:

Safety/Law - Discharge firearm in/on vehicle

Classification: (what's this?)

Safety/Law - Remove/place firearm in vehicle

All Classifications

Self Inflicted:

All

Land Type:

All

Shooter & Victim in Same Party:

All

Type of Shooting:

All

Treestand Used:

All

Equipment:

All Equipment

Date Range:

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