

2011 Wis. ACT 51
Revisions to Laws Governing
Firearms, Bows & Crossbows in Vehicles
Questions & Answers

Revised on November 10, 2011

Q1: Do firearms still have to be in a *case* before they are placed in or on a motorized vehicle, including ATVs, UTVs, snowmobiles and farm implements?

A: No. Effective Nov. 19, 2011 for rifles, shotguns and muzzleloaders, and Nov. 1, 2011 for handguns, firearms no longer have to be in a case in order to place them in or on a vehicle, or to transport them unloaded in or on a vehicle.

Q2: Do firearms still have to be *unloaded* before they can be placed in or on a motorized vehicle, including ATVs, UTVs, snowmobiles and farm implements?

A: If the firearm is a loaded rifle, shotgun or muzzleloader, it can only be placed on the top or exterior of a vehicle which is **stationary**. It is important to be aware that it remains illegal to place a loaded rifle, shotgun or muzzleloader **inside** any motorized vehicle or to actually load any rifle, shotgun, or muzzleloader while the firearm or person loading the firearm is still inside the vehicle. All long guns must be outside of a motorized vehicle before a person may load these firearms. A loaded firearm can be set down on the top or exterior of a stationary vehicle, but it must be unloaded before the firearm is placed inside or transported in or on the vehicle.

Q2a: Since it is now legal to lay a loaded firearm "ON" a stationary vehicle. Does this include the open tailgate or the bed of a pickup that is not enclosed with a cap, topper or camper?

A: The open tailgate, whether the vehicle has a cap, topper or camper on it or not, is considered the exterior surface of the vehicle. Therefore, it is legal to place a loaded firearm **on** an open tailgate as well as **on** the surface of the open bed of a stationary pickup.

Q3: Is there anytime when a person is allowed to actually load a firearm when they are still in or on a motorized vehicle?

A: Yes. Handguns can be loaded by a person in or on a motorized vehicle. In addition, certain disabled individuals who hold a Class A or B hunt from a vehicle permit are still allowed to load a firearm and hunt from a stationary motorized vehicle.

Q4: Now that it is legal to place a loaded uncased firearm on a vehicle, is it also legal for a person to be sitting on the exterior of the vehicle holding the loaded uncased firearm.

A: Yes, provided the vehicle remains stationary.

Q5: Since the law has changed to allow a person to possess a loaded uncased firearm when they are sitting on the exterior of a stationary motorized vehicle, does this mean a person can hunt and shoot from their parked and stationary motorized vehicle?

A: No. Except for the pre-existing exemption for certain disabled hunters with the proper permit, it is still illegal to discharge a firearm in or from a motorized vehicle. The laws regulating hunting and discharge of a firearm in or from a vehicle and within 50 feet of the center of a roadway have not changed.

Q6: Can I use my truck or car as a shooting platform to rest my firearm on when sighting in my firearm or shooting at a deer?

A: No. It is not legal to discharge a firearm in or from a vehicle.

Q7: In the past it was only legal to lean an unloaded firearm against a vehicle. Is this still true?

A: No. Now that it is legal to place a loaded firearm on a vehicle, this means it is also legal to lean a loaded firearm against a vehicle. Caution should be taken as vehicles can easily be jarred when a person opens or closes a door, or gets in or out of a vehicle, which might cause the firearm to fall to the ground. If loaded, this could lead to an accidental discharge.

Q8: Must the vehicles engine be turned off in order to place or possess a loaded firearm on the exterior or against a vehicle?

A: No. It is legal to have the motor/engine running, as long as the vehicle is not put in motion.

Q9: Since firearms generally no longer have to be placed in a case when in or on a vehicle, can a person roll up their firearm in a blanket, towel or sleeping bag to protect it from getting damaged if they do not have a firearm case?

A: Yes, however it is generally not legal to be armed with a concealed rifle or shotgun, and only with a handgun if authorized to possess a concealed weapon. So unless you are authorized by law to possess a concealed weapon and the firearm is a handgun, you need to place a firearm which is hidden from view in a location where it will not be within reach of a person while it is concealed in this manner.

Q10: Are there any situations or locations where a person is still required to have their firearm unloaded and enclosed within a case?

A: Yes. With some exceptions, firearms possessed within 1,000 ft of a school grounds (K-12) must be unloaded and either cased or locked in a firearm rack on a motor vehicle. Also with some exceptions, firearms possessed or being transported in a state park, state fish hatchery and state wildlife refuge must be unloaded and cased. Therefore, visitors to a state park will need to be sure to have their firearms unloaded and cased before entering the park property. In areas of a state parks which are open to hunting, a person may uncase and load their firearm for the purpose of hunting after removing it from their vehicle at the location they will be hunting. Note: under 2011 Act 35, persons with a CCW license can possess a loaded uncased handgun in these areas, but not on the grounds of a school.

Q10a: Do the changes in the firearms in vehicles laws also apply to me when I am hunting on Fort McCoy military base?

A: No. The 2011 Wis. Act 51 law changes do not change the restrictions on firearms being placed, possessed or transported in vehicles on Fort McCoy. All weapons must continue to be unloaded and cased when in or on a vehicle at Fort McCoy. Concealed weapons otherwise authorized under 2011 Wis. Act 35 are also strictly prohibited on Fort McCoy.

Q11: Are there any circumstances where a person would have to still case their bow or crossbow?

A: Yes. With some exceptions, bows and crossbows must be unstrung or enclosed in a carrying case while in any state park, fish hatchery, or within 100 yards of any state campground, picnic area or other special use area designated by the DNR by posted notice. A crossbow, if left in a cocked position, must also be unloaded and encased before it may be placed in or on a motorized vehicle.

Q12: In the past, it was not legal to possess or transport a loaded firearm in a motor boat with the motor running. Has this changed?

A: No. All firearms, except handguns, must be unloaded whenever the boats motor is running.

Q13: In the past, when a person wanted to hunt from a hay wagon or a hunting blind built on a trailer frame, these devices had to have the wheels removed and put up on blocks so they would not be considered a vehicle. Is this still true?

A: No. A new exception has been created to allow hunters who are lawfully hunting, to load and discharge a firearm, bow or crossbow from a **stationary non-motorized vehicle** that is **not** attached to a motor vehicle.

Q14: I can legally hunt with a crossbow. What must I do before I place or transport my crossbow in or on a vehicle?

A: The arrow/bolt must be removed from the crossbow and:

- The crossbow may not be cocked, OR
- If left cocked, the crossbow must be enclosed within a carrying case before it is placed, possessed or transported in or on any motorized.

Q15: I use a motor boat to get to the area where I normally archery hunt for deer. Do I still need to unstring my bow or put it in a carrying case?

A: No. However, you may not have an arrow nocked when the boats motor is running, unless the bow is being used for Bowfishing for rough fish.

Q16: Can a person operating or riding in or on a tractor, combine or other farm implement possess a loaded uncased firearm in or on these vehicles with them?

A: No. Except for handguns, all other firearms must be unloaded when in or on a tractor, combine or other implement which is in motion. Long guns must also be unloaded when inside the cab of a stationary motorized farm implement. It is also still not legal to discharge any firearm from any such implement, moving or stationary.

Q17: Can a person possess a loaded uncased firearm in a horse drawn cart, carriage or wagon?

A: When the horse drawn device is in motion, firearms may be uncased, but may not be loaded unless the firearm is a handgun.

Q18: Can a person shoot a firearm from a horse drawn cart, carriage or wagon?

A: Only when stationary and for the purpose of hunting, as it would be considered a non-motorized vehicle.

Q19: When is a firearm considered unloaded?

A: "Unloaded" means:

1. **Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.**
2. In the case of a cap lock muzzle-loading firearm, having the cap removed.
3. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.
4. In the case of an electronic ignition muzzle-loading firearm, having the battery removed and disconnected from

What has & has not changed:

1. Vehicles, including ATV's, UTV's, Snowmobiles, Bicycles, Horse & Buggy, etc:

BOWS & CROSSBOWS:

- **NEW** - It is now legal to possess and transport uncased bows and crossbows, however, bows may not have an arrow nocked and a crossbow may not be cocked unless it is unloaded and cased.

FIREARMS (other than handguns):

NEW - It is now legal to possess long guns such as rifles, shotguns and muzzleloaders in or on a vehicle in the following manner:

1. When a vehicle is in motion, long guns can be uncased in or on the vehicle, **but must still be unloaded.**
 2. When a vehicle which is stationary, long guns **can be uncased when placed in or on the vehicle, and can remain loaded when placed on top or against the exterior of the vehicle.**
 3. A stationary vehicle can have the motor running. "Stationary" means not moving, regardless of whether the motor is running.
- It remains illegal to place a loaded firearm inside any vehicle, or to load or discharge a firearm in or from any moving or a stationary motorized vehicle. The exemption for certain disabled hunters with proper permits remains the same (no change).

2. Non-motorized Vehicles:

BOWS, CROSSBOWS & FIREARMS:

- **NEW** - When lawfully hunting, it is now legal to load, possess when loaded, and discharge firearms (including handguns), bows and crossbows from a stationary nonmotorized vehicle that is not attached to a motor vehicle. This addresses the issue of hunting from hay wagons, blinds on wheels or utility trailers, so they no longer need to be put up on blocks or have the wheels removed.

3. Motor Boats:

BOWS & CROSSBOWS:

- **NEW** - It is now legal to possess and transport uncased bows and crossbows, **however**, bows may not have an arrow nocked and a crossbow may not be cocked unless it is unloaded and cased.

- The exception for shooting rough fish from a motor boat with the motor running remains in place (no change).

FIREARMS:

- It is still legal to possess uncased firearms in boat with the motor running, moving or stationary (no change).
- It is still legal to load and discharge a firearm from a boat without the motor running (no change).
- It remains illegal to load a firearm (other than a handgun) or discharge any firearm (including handguns) from a boat with the motor running (no change).

4. Aircraft (commercial & non-commercial):

BOWS, CROSSBOWS & FIREARMS:

- no change.

5. Definition of Unloaded for Electronic Muzzleloaders:

- **NEW** - The definition under s. 167.31(1)(g) of what it means to be unloaded for most firearms was amended to include a clarification for an electronic ignition muzzle-loading firearm. Such firearms will be considered unloaded when the battery is removed and is disconnected from the firearm. This allows a person to leave the ball and powder in such muzzle-loading firearms, similar to what is allowed for cap lock and flint lock type muzzle-loading firearms.