

STATE OF NEW MEXICO

State-Specific Boating Safety Requirements

1. Law Enforcement Authority

The officers of the State Parks Division enforce the provisions of the Boat Act and regulations adopted in the State of New Mexico. They have full authority to stop and/or board any vessel, and:

- To inspect boats for compliance with the equipment requirements of the Boat Act and regulations adopted by the Division implementing the Boat Act.
- Advise the vessel owner/operator of any requirement not met in accordance with the inspection.
- Terminate the unsafe operation of a vessel until the condition is corrected.

The U.S. Coast Guard (USCG) also has enforcement authority on all federally controlled waters.

2. Age Restrictions

No person under the age of 13 shall operate a motorboat unless he/she is under the onboard supervision of an adult.

3. Boater Safety Education Requirements

Effective January 1, 2007 - A person born after January 1, 1989 who operates a motorboat on the waters of this state shall:

- have completed a safe boating education course that is approved by the national association of state boating law administrators and certified by the division or passed an equivalency examination that was proctored and that tested the knowledge of information included in the curriculum of the course and have received a certificate of completion of the certified course or passage of the equivalency examination;
- possess a valid license to operate a vessel issued for maritime personnel by the United States coast guard pursuant to 46 CFR Part 10 or a marine certificate issued by the Canadian government; or
- have received, as an authorized operator of a rented or leased motorboat, instructions regarding the safe operation of the motorboat and a summary of the statutes and rules governing the operation of a motorboat from a person in the business of renting or leasing motorboats. The instructions shall be valid only for the period of the rental agreement not to exceed thirty days; and
- a person in the business of renting or leasing motorboats for a period not exceeding thirty days shall:
 - o not rent or lease a motorboat to a person for operation on the waters of this state unless the person meets the provisions of Subsection A of this section;
 - o maintain rental or lease records that include the name and age of each person who is authorized to operate the rented or leased motorboat; and
 - o provide each authorized operator of a rented or leased motorboat with instructions regarding the safe operation of the motorboat and a summary of the statutes and regulations governing the operation of a motorboat.

4. Vessel Registration

All boats operating on New Mexico waters must be numbered and the certificate of number must be carried onboard and available for inspection at all times the motorboat is in operation. Every certificate of number, except those issued to dealers and manufacturers, expires on December 31 of the third calendar year of registration, and all registrations are renewed

triennially. There are no refunds for any unused period of a certificate of number due to non-use of a vessel or change in ownership. A registration validation decal may not be transferred from one vessel to another. The following are exempt from numbering in New Mexico:

- A motorboat federally numbered;
- A motorboat from a country other than the United States temporarily using the water of this state;
- A motorboat owned by the United States, a state or a subdivision.
- A ship's lifeboat; or
- A motorboat belonging to a class of boats that has been exempted from numbering by the New Mexico State Parks Division.

A motorboat's registration number must be painted on or permanently attached to each side of the forward half of the motorboat. No other number may be displayed on that part of the motorboat.

5. Maximum Loading and Horsepower

No vessel operator may carry more people on board than the number stated on a vessel's capacity plate or as computed by multiplying the vessel's length times its width and dividing by 15.

To review federal regulations, refer to the section on Capacity Plates included in Chapter 1 of this course.

The following information was approved by NASBLA and is included in Chapter 1 of the Boater101 Course:

Capacity Plates

It is required for all mono-hull boats under 20 feet built on or after November 1, 1972 to have a capacity plate approved by the U.S. Coast Guard (USCG). In addition some manufacturers voluntarily install capacity plates on boats larger than 20 feet. This plate must be visible from the operator's station. The capacity plate lists a safe motor size; the maximum number of persons to be carried onboard and the total weight the boat can carry including persons, motor and gear. When operating your boat be sure to adhere to the restrictions listed on the capacity plate. Not only is it dangerous to overpower or overload a small boat since they can swamp or capsize more easily but also illegal. In many states, there are fines and penalties for exceeding capacity recommendations, including carrying more than the maximum number of people.

6. Equipment and Lighting Requirements

Personal Flotation Devices (PFDs)

The USCG sets minimum safety standards for vessels and associated equipment. To meet these standards, some of the equipment must be USCG-approved. All vessels must carry a USCG-approved wearable personal flotation device (PFD) of proper size for each person on board or being towed as a skier, plus one USCG-approved throwable device, cushion or ring buoy. PFDs and throwable devices must be in serviceable condition, readily accessible for use and must bear evidence of USCG approval.

Skiers and those being pulled on any floatation object shall wear a USCG-approved Type I, II, III PFD while being pulled by a vessel.

Vessels, which carry passengers for hire, shall provide a USCG-approved type I life preserver for each person on board, an additional number of approved type I life preservers of children size equal to at least 10 percent of the total number of persons carried must be provided, unless the service is such that children are never carried. USCG type II, III or IV devices will not suffice for this regulation.

Effective January 1, 2007 - The operator of a vessel being used for recreational purposes shall require a child age twelve or under who is aboard the vessel to wear a personal flotation

device approved by the United States coast guard while the vessel is underway, unless the child is below deck or in an enclosed cabin.

Fire Extinguisher

All vessels constructed with any of the following characteristics must be equipped with a serviceable USCG-approved marine fire extinguisher:

- Inboard engine;
- Closed compartments under thwarts and seats where portable fuel tanks may be stored;
- Double bottoms not sealed to the hull or which are not completely filled with flotation material;
- Closed living spaces;
- Closed storage compartments in which combustible or flammable materials may be stored; or
- Permanently installed fuel tanks.

The quantity and size of the fire extinguishers required depends on the class and size of the boat:

- Vessels up to 26 feet in length must carry one type B-I fire extinguisher.
- Vessels from 26 feet to less than 40 feet must carry two type B-I or one type B-II fire extinguisher.
- A vessel longer than 40 feet must carry onboard at least three type BI fire extinguishers or one type B-II and one type B-I.

Sound Producing Device

All vessels must carry on board a sound-producing device in accordance with the following minimum standards:

- A vessel less than 26 feet in length must carry a mouth, hand or power operated whistle or other sound producing mechanical device capable of producing a blast of two-second duration and audible for at least one-half mile.
- A vessel from 26 feet to less than 40 feet in length must carry a hand or power-operated horn or whistle capable of producing a blast of two seconds or more duration and audible for a distance of at least one mile and a bell.
- A vessel of 40 feet or more in length must carry a power-operated horn or whistle capable of producing a blast of two seconds or more duration and audible for a distance of at least one mile and a bell.

No privately owned vessels may carry a siren unless specifically authorized in writing by the director of the Division.

Backfire Flame Arrestors

Each carburetor of every enclosed gasoline engine (except outboard motors) installed in a vessel must be equipped with a USCG-approved backfire flame arrestor that is:

- Marked with a USCG approval number; or
- In compliance with UL 1111 tests; or
- In compliance with the standard SAE J-1928 marine.

Navigational Lights

All motorboats operating from one half-hour after sunset to one half-hour before sunrise must display a combination light on the fore part of the vessel and a white light aft to show 360 degrees around the horizon of the vessel and above the combination light. The combination light must be green on the starboard (right) side and red on the port (left) and shall throw the lights from dead ahead to two points abaft of the beam on their respective sides.

Sailboats when underway or anchored vessels in a non-designated mooring area must exhibit a white light or lantern to show 360 degrees around the horizon and a distance of at least one-half mile between one half-hour after sunset and one half-hour before sunrise.

Ventilation Systems

All gasoline powered boats with an enclosed engine and fuel tank compartments, or not entirely open, are required to have an efficient natural or mechanical ventilation system capable of removing flammable gases. Ventilations ducts must be at least two inches in diameter. The intake ducting must extend midway to the bilge, or at least below carburetor air intake level. Exhaust ducting must extend from the lower bilge to cowls in the open air.

Additional required equipment:

Every vessel operated in the State of New Mexico must have aboard:

- One oar or paddle;
- One bailing bucket with a capacity of at least one gallon, or hand-operated bilge pump; and
- A length of stout rope at least equal to the length of the vessel.

7. Marine Sanitation Devices

A vessel equipped with a water closet may not be operated on the waters of the State of New Mexico unless the closet is self-contained and incapable of discharging directly into the water. No person can deposit or discharge liquid or solid waste or other refuse into the waters of this state.

8. Muffling Devices

To reduce noise, motorboat engines must be equipped with factory-installed mufflers, exhaust water manifolds or other effective muffling system. The use of cutouts or non-muffled headers is prohibited, except on motorboats competing in a regatta or boat race approved by the Division, and for such motorboats while on trial runs during a period not to exceed 48 hours preceding the regatta or race.

9. Boating Accidents

If a boat is involved in an accident, the operator must give necessary assistance to the other vessel and passengers, as long as it will not personally endanger the operator, his or her passengers, or the vessel. Boating accidents must be reported immediately to the New Mexico State Parks Division. A boating accident report must be filed within 48 hours if the collision, accident or other casualty results in a death, injury requiring more than standard first aid, or property damage in excess of \$100.

Reports must be sent to and forms are available at: New Mexico State Parks Division; 2040 South Pacheco Street, Santa Fe, New Mexico 87505; (505) 827-7173.

No person may knowingly make false claims or statements when reporting a collision, accident or casualty.

10. Vessel Speed Restrictions

All vessels must be:

- Operated at a speed no greater than is reasonable or proper according to the conditions prevailing at the time of operation.
- Operated at speeds controlled as necessary to avoid swamping or collision with any watercraft or person.
- Operated at no-wake speeds within 150 feet of launch ramps, docks, mooring lines, beached or anchored vessels, shore, swimmers, fishermen, and areas designated for "no-wake" boating, except when operating under adverse weather conditions.

A vessel may maintain the minimum speed necessary to keep a safe course.

11. Mooring to Markers or Buoys

It is unlawful to moor or attach a vessel to a beacon, light, buoy or any other navigational aid installed on public waters by proper authorities. It is also unlawful to tamper with, move, displace, damage or destroy any navigational aid.

12. Reckless and Careless Operation

Reckless operation of a vessel, water skis or similar device is a serious offense. Reckless operation of a vessel or the reckless use of water skis, a surfboard or similar device is defined as the failure to exercise care needed to prevent the endangerment of life, limb, or property of any person. The operator of every vessel navigating on the waters of New Mexico shall not engage the vessel in prohibited activities or allow the passengers to engage in activities prohibited by the Boat Act. The following actions are not allowed:

- Riding or sitting on the gunwale or bow of the vessel when under way, or letting another person to do so.
- Sitting on a seat back while the vessel is underway or allowing a person's legs to hang overboard at any time.
- Drift fishing or trolling within 150 feet of any marina, boat ramp or courtesy dock.
- Weaving a vessel through congested waterway traffic or swerving at the last possible moment to avoid collision.
- Loading the vessel beyond the recommended capacity shown on the capacity plate installed by the manufacturer.

13. Interference with Navigation

It is unlawful to anchor a vessel in the traveled portion of a river or channel that will prevent or interfere with any other vessel passing through the same area. Anchoring or mooring a vessel within 150 feet of any marina, pier, wharf, boat ramp or access to any facility is prohibited.

14. Boating Under the Influence

No person shall operate any motorboat or vessel, nor use any water skis, surfboard or similar device, while under the influence of alcohol and/or any controlled substance. A person is considered under the influence with a blood alcohol concentration of 0.08%.

15. Mandatory Violator Education

New Mexico has no regulations for mandatory violator education at this time.

16. PWC Regulations

A personal watercraft it is considered Class A motorboat less than 16 feet, designed to be operated by a person sitting, standing or kneeling on the vessel and must be registered in the State of New Mexico. The operator of a PWC must wear a PFD and must operate it in a responsible manner. No person may pull a water skier with a PWC unless it has manufacturer recommended seating for at least three people.

17. Water Ski Regulations

Water skiing is permitted on the waters of New Mexico. However, for the public safety, certain areas may be designated as closed to such activity and entry into these areas for the purpose of water skiing is prohibited.

Water skiing is prohibited within 150 feet of any public dock (other than a ski dock), mooring line, launching ramp, boat, fisherman, swimmer or any person not also engaged in water skiing.

It is unlawful for any person to intentionally obstruct or interfere with water skiers engaged in water-skiing.

The use of personal watercraft such as jet skis, wave runners and similar devices to tow water skiers, surfboards, tubes or similar devices is prohibited except when:

- All water skiing laws and regulations are complied with;
- The personal watercraft pulling the skier has manufacturer recommended seating for at least three people;
- There is a vacant seat on the pulling vessel for the skier; and
- The personal watercraft has an observer on board in addition to the operator.

All skiers must wear ski belts or jackets. Water skiing is prohibited from one hour after sunset until one hour before sunrise.

An international fluorescent orange or a red warning flag must be raised by a person in the towing vessel whenever a person on water skies or other water device has fallen, dropped off or is starting, to warn other vessels away from the area. The flag shall be a minimum of 12 inches by 12 inches and displayed high enough to be visible 360 degrees around the vessel without obstruction.

18. Divers-down Flag

Federal navigation rules require vessels restricted in the ability to maneuver to display appropriate day shapes or lights. To meet this requirement, recreational vessels engaged in diving activities may exhibit a rigid replica of the international code flag "A" or a "Divers-Down" flag not less than one meter in height, or at night, display navigation lights 360 degrees red on top, white in middle and red on the bottom. Scuba divers, skin divers and snorkelers must mark their diving area by means of a diver's down flag.

In New Mexico, skin and scuba diving are prohibited within 150 feet of marinas, docks, and ramps except for official activities, and it is allowed only in groups of two or more divers. An additional diver or competent diver tender must remain above water at all times. The equipment used for scuba diving must have quick release fasteners and the scuba divers must be equipped with a buoyancy compensator. Only self-inflated (air-supplied canister) or tank inflated (direct connection to the tank supplied air) is allowed.

All boats must stay at least 150 feet away from a diver's down flag and must exercise special care in the vicinity of these warning flags.

19. Liveries (Rental Agencies)

The owner of a boat rental facility must keep a record of the name and address of all persons borrowing or hiring a vessel, the identification number, the departure date and time, and the expected date and time of return. The owner of a boat rental facility must keep this record for at least six months.

The owner of a boat rental facility, his or her agent or employee cannot permit any hired vessel to leave the facility without the required equipment.

20. Other State-Specific Regulations

The Boat Act of New Mexico provides for the adoption of local ordinances and regulations. The Division is also authorized to make special rules and regulations regarding the operation of vessels on waters within the territorial limits of any subdivision of New Mexico.

RESTRICTED OPERATION ON STATE WATERS

Limits to the size, type and operation of vessels on waters within the State are provided below. All officials of the Division and other state and federal agencies authorized by the Director or by law and who are on official duty are exempt from this restrictions while operating in an emergency condition.

BOTTOMLESS LAKES: Operation of motorboats powered by more than three horsepower is prohibited.

HERON LAKE: Motorized boating activity is limited to no-wake operation only.

COCHITI LAKE: Motorized boating activity is limited to no-wake operation only.

MURPHY LAKE: Only vessels powered with oars or electric motors are permitted.

FENTON LAKE: Vessels with motors or sails are prohibited.

SAN JUAN RIVER: Motorized vessels are prohibited on the San Juan River, within Navajo Lake State Park. The use of vessels on the San Juan River within Navajo Lake State Park is authorized from the San Juan Day Use Area downstream and is limited to the purpose of fishing unless otherwise authorized by the director of the State Parks Division of the Energy, Minerals and Natural Resources Department.

SANTA CRUZ: Motorized boating activity is limited to no-wake operation only.

SUGARITE CANYON: Gas powered boats are prohibited on Lake Maloya; all boating is prohibited on Lake Alice.

21. Environmental Awareness

With more than 1200 lakes and 200 miles of rivers, New Mexico is the place to find adventure whether it be kayaking, rafting, canoeing, motorboating, or sailing. Launching a watercraft into New Mexico waters and enjoying a relaxing day of fishing or jetskiing isn't all the state has to offer. New Mexico provides a unique and diverse landscape, ranging from sandy beaches to pristine mountain lakes.

Additional Information

For more information on New Mexico boating law refer to the New Mexico State Parks Department at <http://www.emnrd.state.nm.us/PRD/BOATINGWeb/boatingmainpage.htm>; and New Mexico Annotated Code, Title 18 – Transportation and Highways, Chapter 17 – Navigation and Boating, Part 2 – Boating Operation and Safety (18 NMAC 17.2) at <http://www.nmcpr.state.nm.us/nmac/parts/title18/18.017.0002.htm>.