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SENATE BILL 118

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Steve Komadina

FOR THE WATER AND NATURAL RESOURCES COMMITTEE

AN ACT

RELATING TO BOATING; ENACTING NEW SECTIONS OF THE BOAT ACT TO REQUIRE RULES FOR SAFE BOATING EDUCATION AND TO REQUIRE USE OF PERSONAL FLOTATION DEVICES FOR CHILDREN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Boat Act is enacted to read:

"[NEW MATERIAL] SAFE BOATING RULES.--The division shall adopt safe boating education rules that require that:

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

(1) 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

underscored material = new
[bracketed material] = delete

1 tested the knowledge of information included in the curriculum
2 of the course and have received a certificate of completion of
3 the certified course or passage of the equivalency examination;

4 (2) possess a valid license to operate a
5 vessel issued for maritime personnel by the United States coast
6 guard pursuant to 46 CFR Part 10 or a marine certificate issued
7 by the Canadian government; or

8 (3) have received, as an authorized operator
9 of a rented or leased motorboat, instructions regarding the
10 safe operation of the motorboat and a summary of the statutes
11 and rules governing the operation of a motorboat from a person
12 in the business of renting or leasing motorboats. The
13 instructions shall be valid only for the period of the rental
14 agreement not to exceed thirty days; and

15 B. a person in the business of renting or leasing
16 motorboats for a period not exceeding thirty days shall:

17 (1) not rent or lease a motorboat to a person
18 for operation on the waters of this state unless the person
19 meets the provisions of Subsection A of this section;

20 (2) maintain rental or lease records that
21 include the name and age of each person who is authorized to
22 operate the rented or leased motorboat; and

23 (3) provide each authorized operator of a
24 rented or leased motorboat with instructions regarding the safe
25 operation of the motorboat and a summary of the statutes and

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underscoring = new
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1 regulations governing the operation of a motorboat."

2 Section 2. A new section of the Boat Act is enacted to
3 read:

4 "[NEW MATERIAL] PERSONAL FLOTATION DEVICES REQUIRED.--The
5 operator of a vessel being used for recreational purposes shall
6 require a child age twelve or under who is aboard the vessel to
7 wear a personal flotation device approved by the United States
8 coast guard while the vessel is underway, unless the child is
9 below deck or in an enclosed cabin."

10 Section 3. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is January 1, 2007.