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AN ACT

RELATING TO TORT CLAIMS; EXPANDING THE APPLICATION OF THE SPACE FLIGHT INFORMED CONSENT ACT; AMENDING THE CIRCUMSTANCES UNDER WHICH A SPACE FLIGHT ENTITY IS LIABLE UNDER THE SPACE FLIGHT INFORMED CONSENT ACT; EXTENDING THE SUNSET PROVISION OF THE ACT.

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

SECTION 1. Section 41-14-1 NMSA 1978 (being Laws 2010, Chapter 8, Section 1) is amended to read:

"41-14-1. SHORT TITLE.--Chapter 41, Article 14 NMSA 1978 may be cited as the "Space Flight Informed Consent Act"."

SECTION 2. Section 41-14-2 NMSA 1978 (being Laws 2010, Chapter 8, Section 2) is amended to read:

"41-14-2. DEFINITIONS.--As used in the Space Flight Informed Consent Act:

A. "crew" means an employee of a space flight entity who performs activities in the course of that employment directly relating to the launch, reentry or other operation of or in a launch vehicle or reentry vehicle that carries human beings;

B. "launch" means placing or trying to place a launch vehicle or reentry vehicle and any payload, crew or participant in a suborbital trajectory, in earth orbit in

1 outer space or otherwise in outer space. "Launch" includes  
2 activities involved in the preparation of a launch vehicle or  
3 payload for launch when those activities take place at a  
4 launch site in New Mexico;

5 C. "launch vehicle" means:

6 (1) a vehicle built to operate in, or place  
7 a payload or human beings in, outer space; or

8 (2) a suborbital rocket;

9 D. "participant" means an individual who is not  
10 crew and who is carried within a launch vehicle or reentry  
11 vehicle;

12 E. "participant injury" means an injury sustained  
13 by a participant, including bodily injury, emotional  
14 distress, death, property damage or any other loss arising  
15 from the participant's participation in space flight  
16 activities;

17 F. "payload" means an object that a person  
18 undertakes to place in outer space by means of a launch  
19 vehicle or reentry vehicle, including components of the  
20 vehicle specifically designed or adapted for that object;

21 G. "reenter" or "reentry" means to purposefully  
22 return or attempt to return a reentry vehicle and its  
23 payload, crew or participants from earth orbit or from outer  
24 space to earth;

25 H. "reentry vehicle" means a vehicle, including a

1 reusable launch vehicle, designed to return from earth orbit  
2 or outer space to earth substantially intact;

3 I. "space flight activities" means:

4 (1) activities, including crew training,  
5 involved in the preparation of a launch vehicle, payload,  
6 crew or participant for launch;

7 (2) the conduct of a launch;

8 (3) activities, including crew training,  
9 involved in the preparation of a reentry vehicle and payload,  
10 crew or participant; and

11 (4) the conduct of a reentry; and

12 J. "space flight entity" means:

13 (1) a public or private entity holding a  
14 United States federal aviation administration launch,  
15 reentry, operator or launch site license, permit or other  
16 authorization for space flight activities; or

17 (2) a manufacturer or supplier of  
18 components, services or vehicles used by the entity that has  
19 been reviewed by the United States federal aviation  
20 administration as part of issuing such a license, permit or  
21 authorization."

22 SECTION 3. Section 41-14-3 NMSA 1978 (being Laws 2010,  
23 Chapter 8, Section 3) is amended to read:

24 "41-14-3. LIMITED LIABILITY.--

25 A. Except as provided in Subsection B of this

1 section, a space flight entity is not liable for injury to or  
2 death of a participant resulting from the inherent risks of  
3 space flight activities so long as the warning contained in  
4 Section 41-14-4 NMSA 1978 is distributed and signed as  
5 required. Except as provided in Subsection B of this  
6 section, a participant or participant's representative may  
7 not maintain an action against or recover from a space flight  
8 entity for the loss, damage or death of the participant  
9 resulting exclusively from any of the inherent risks of space  
10 flight activities.

11 B. Subsection A of this section does not prevent  
12 or limit the liability of a space flight entity if the space  
13 flight entity:

14 (1) commits an act or omission that  
15 constitutes willful, wanton or reckless disregard for the  
16 safety of the participant and that act or omission  
17 proximately causes injury, damage or death to the  
18 participant;

19 (2) has actual knowledge or reasonably  
20 should have known of a dangerous condition on the land or in  
21 the facilities or equipment used in the space flight  
22 activities and the danger proximately causes injury, damage  
23 or death to the participant; or

24 (3) intentionally injures the participant.

25 C. A space flight entity shall present to and

1 file with the spaceport authority a certificate of insurance  
2 coverage in the amount of at least one million dollars  
3 (\$1,000,000) that covers liability by the space flight entity  
4 for all space flight activities. No space flight entity that  
5 fails to maintain the insurance requirements of this section  
6 shall receive any of the protections afforded by the Space  
7 Flight Informed Consent Act.

8 D. The limitation on legal liability provided to  
9 a space flight entity by the Space Flight Informed Consent  
10 Act is in addition to any other limitation of legal liability  
11 otherwise provided by law."

12 SECTION 4. Laws 2010, Chapter 8, Section 5 is amended  
13 to read:

14 "DELAYED REPEAL.--The Space Flight Informed Consent Act  
15 is repealed effective July 1, 2021." \_\_\_\_\_

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