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SENATE BILL 279

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

INTRODUCED BY

Steve Komadi na

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

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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  
4 examination;

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

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

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

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

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

24 (3) provide each authorized operator of a  
25 rented or leased motorboat with instructions regarding the

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1 safe operation of the motorboat and a summary of the statutes  
2 and regulations governing the operation of a motorboat. "

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

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

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

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