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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:

"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 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;

(2) 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

(3) have received, as an authorized operator

1 of a rented or leased motorboat, instructions regarding the
2 safe operation of the motorboat and a summary of the statutes
3 and rules governing the operation of a motorboat from a
4 person in the business of renting or leasing motorboats. The
5 instructions shall be valid only for the period of the rental
6 agreement not to exceed thirty days; and

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

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

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

15 (3) provide each authorized operator of a
16 rented or leased motorboat with instructions regarding the
17 safe operation of the motorboat and a summary of the statutes
18 and regulations governing the operation of a motorboat."

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

21 "PERSONAL FLOTATION DEVICES REQUIRED.--The operator of a
22 vessel being used for recreational purposes shall require a
23 child age twelve or under who is aboard the vessel to wear a
24 personal flotation device approved by the United States coast
25 guard while the vessel is underway, unless the child is below

1 deck or in an enclosed cabin."

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

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