AN ACT

RELATING TO TORT CLAIMS; PROVIDING IMMUNITY FROM TORT
LIABILITY FOR CERTAIN ENTITIES ENGAGING IN SPACE FLIGHT
ACTIVITIES.

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

Section 1. SHORT TITLE.--This act may be cited as the
"Space Flight Informed Consent Act".

Section 2. DEFINITIONS.--As used in the Space Flight
Informed Consent Act:

A. "participant" means a space flight participant
as that term is defined in 49 U.S.C. Section 70102;

B. "space flight activities" means launch services
or reentry services as those terms are defined in 49 U.S.C.

Section 70102; and

C. "space flight entity" means a public or private
entity holding a United States federal aviation
administration launch, reentry, operator or launch site
license for space flight activities.

Section 3. CIVIL IMMUNITY FOR SPACE FLIGHT ENTITIES.--

A. Except as provided in Subsection B of this
section, a space flight entity is not liable for injury to or
death of a participant resulting from the inherent risks of
space flight activities so long as the warning contained in

Section 4 of the Space Flight Informed Consent Act is
distributed and signed as required. Except as provided in Subsection B of this section, a participant or participant's representative may not maintain an action against or recover from a space flight entity for the loss, damage or death of the participant resulting exclusively from any of the inherent risks of space flight activities.

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

(1) commits an act or omission that constitutes gross negligence or willful or wanton disregard for the safety of the participant and that act or omission proximately causes injury, damage or death to the participant;

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

(3) intentionally injures the participant.

C. The limitation on legal liability provided to a space flight entity by the Space Flight Informed Consent Act is in addition to any other limitation of legal liability otherwise provided by law.
A. A space flight entity providing space flight activities to a participant, whether the activities occur on or off the site of a facility capable of launching a suborbital flight, shall have each participant sign a warning statement. The warning statement shall contain, at a minimum, the following statement:

"WARNING AND ACKNOWLEDGMENT

I understand and acknowledge that under New Mexico law, there is no liability for injury to or death sustained by a participant in a space flight activity provided by a space flight entity if the injury or death results from the inherent risks of the space flight activity. Injuries caused by the inherent risks of space flight activities may include, among others, death, bodily injury, emotional injury or property damage. I assume all risk of participating in this space flight activity."

B. Failure to provide the warning statement requirements in this section to a participant shall prevent a space flight entity from invoking the immunity provided by this section with regard to that participant.

Section 5. DELAYED REPEAL.--The Space Flight Informed Consent Act is repealed effective July 1, 2018.