

Underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 442

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

ANNA MARIE CROOK

AN ACT

RELATING TO BOATING; ADDING DEFINITIONS TO THE BOAT ACT;
REQUIRING EQUIPMENT TO BE CARRIED ON VESSELS; AMENDING SECTIONS
OF THE NMSA 1978.

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

Section 1. Section 66-12-3 NMSA 1978 (being Laws 1959,
Chapter 338, Section 3, as amended) is amended to read:

"66-12-3. DEFINITIONS. --As used in the Boat Act:

A. "vessel" means every description of watercraft,
other than a seaplane on the water, used or capable of being
used as a means of transportation on water;

B. "motorboat" means any vessel propelled, by
machinery, including one or more sails, whether or not machinery
is the principal source of propulsion, but does not include a
sailboard or wind surfboard or vessel which has a valid marine

Underscored material = new
[bracketed material] = delete

1 document issued by the bureau of customs of the United States
2 government or any federal agency successor [~~thereto; "motorboat"~~
3 ~~includes any vessel propelled or designed to be propelled by~~
4 ~~sail and which does not have a valid document issued by a~~
5 ~~federal agency, but does not include a sailboard or windsurf~~
6 ~~board]~~ to that bureau;

7 C. "owner" means a person, other than a lienholder,
8 having the [~~property~~] majority ownership interest in or title to
9 a motorboat [~~"owner"~~] and includes a person entitled to the use
10 or possession of a motorboat subject to [~~an~~] a security interest
11 in another person, reserved or created by agreement and securing
12 payment or performance of an obligation, but excludes a lessee
13 under a lease not intended as security;

14 D. "waters of this state" means any waters within
15 the territorial limits of this state;

16 E. "person" means an individual, partnership, firm,
17 corporation, association or other entity;

18 F. "operate" means to navigate or otherwise use a
19 motorboat or a vessel;

20 G. "state agency" means any department, institution,
21 board, bureau, commission, district or committee of the
22 government of this state and means every office or officer of
23 any state agency;

24 H. "subdivision of the state" means every county,
25 county institution, board, bureau or commission, incorporated

Underscored material = new
[bracketed material] = delete

1 city, town or village, drainage, conservancy, irrigation or
2 other district and every office or officer of any subdivision of
3 this state;

4 I. "division" means the state park and recreation
5 division of the energy, minerals and natural resources
6 department;

7 J. "boat" means a motorboat ~~[which]~~ that is ten feet
8 in length or longer;

9 K. "dealer" means any person who engages in whole or
10 in part in the business of buying, selling or exchanging new and
11 unused motorboats or used motorboats, or both, either outright
12 or on conditional sale, bailment, lease, chattel mortgage or
13 otherwise and who has an established place of business for sale,
14 trade and display of motorboats; "dealer" includes a yacht
15 broker;

16 L. "lien" means every chattel mortgage, conditional
17 sales contract, lease, purchase lease, sales lease, contract,
18 security interest under the Uniform Commercial Code or other
19 instrument in writing having the effect of a mortgage or lien or
20 encumbrance upon, or intended to hold the title to any boat in
21 the former owner, possessor or grantor;

22 M. "manufacturer" means any person engaged in the
23 business of manufacturing or importing new and unused motorboats
24 for the purpose of sale or trade;

25 N. "freeboard" means the vertical distance measured

Underscored material = new
[bracketed material] = delete

1 on a vessel's side from the waterline to the gunwale;

2 0. "personal watercraft" means a motorboat, except
3 for a vessel propelled by sail, less than sixteen feet in
4 length, having no enclosure to house the operator and designed
5 to be operated by a person sitting or kneeling on the vessel;
6 and

7 P. "sailboard" or "wind surfboard" means a board
8 with a mast and sail, fixed or detachable, designed to be
9 operated by a standing person. "

10 Section 2. Section 66-12-5.3 NMSA 1978 (being Laws 1987,
11 Chapter 245, Section 4) is amended to read:

12 "66-12-5.3. PROHIBITED ACTS--PENALTIES. --

13 [~~A. It is unlawful for any person to take, receive~~
14 ~~or transfer a vessel without the consent of the owner.~~

15 [~~B. It is unlawful for any person to damage, tamper~~
16 ~~with, alter or change hull identification numbers or serial~~
17 ~~numbers.]~~

18 A. A person who with fraudulent intent defaces,
19 removes, covers, destroys or alters a manufacturer's serial or
20 engine number placed on a motorboat or its engine by the
21 manufacturer or an identification number placed on a motorboat
22 pursuant to the requirements of Section 66-12-5 NMSA 1978 is
23 guilty of a fourth degree felony and shall be sentenced pursuant
24 to the provisions of Section 31-18-15 NMSA 1978.

25 B. A person who with fraudulent intent places,

Underscored material = new
[bracketed material] = delete

1 stamps or marks a serial, engine or other number on a motorboat
2 or its engine other than the numbers reflected in that
3 motorboat's registration of number on file with the division is
4 guilty of a fourth degree felony and shall be sentenced pursuant
5 to the provisions of Section 31-18-15 NMSA 1978.

6 C. The provisions of Subsections A and B of this
7 section do not prohibit the restoration by an owner of an
8 original serial, engine or other number or mark when the
9 restoration is made under permit issued by the division and do
10 not prevent a manufacturer from placing, in the ordinary course
11 of business, numbers or marks on motorboats."

12 Section 3. Section 66-12-7 NMSA 1978 (being Laws 1959,
13 Chapter 338, Section 6, as amended) is amended to read:

14 "66-12-7. EQUIPMENT. --

15 A. Every vessel shall have aboard:

16 (1) one life preserver, buoyant vest, ring buoy
17 or buoyant cushion bearing the mark of approval of the United
18 States coast guard and in serviceable condition for each person
19 on board;

20 (2) one oar or paddle, unless the vessel is:

21 (a) over twenty-six feet in length;

22 (b) a sailboat with a removable

23 centerboard;

24 (c) a vessel with thirty or more inches

25 of freeboard; or

Underscored material = new
[bracketed material] = delete

1 (d) a personal watercraft, sailboard or
2 wind surfboard;

3 (3) one bailing bucket with a capacity of at
4 least one gallon or a hand-operated bilge pump unless the
5 construction of the vessel is such that water cannot enter or be
6 retained in any portion of the vessel without the use of plugs
7 or manual or mechanical equipment; and

8 (4) a length of stout rope at least equal to
9 the length of the vessel, unless the vessel is a sailboard or a
10 wind surfboard.

11 B. Every motorboat, during the hours of darkness,
12 shall carry:

13 (1) a bright white light aft to show around the
14 horizon; and

15 (2) a combined light on [~~fore-part~~] forepart of
16 the vessel and lower than the white light and showing green to
17 the starboard and red to the port and so fixed as to throw the
18 light from right ahead to two points abaft the beam on their
19 respective sides. No other light shall be shown except as
20 specifically prescribed by the United States coast guard for the
21 particular class of boats.

22 C. If carrying or using any inflammable or toxic
23 fluid in any enclosure for any purpose and if that enclosure is
24 not entirely open, [~~every~~] the vessel shall have an efficient
25 natural or mechanical ventilation system capable of removing

Underscored material = new
~~[bracketed material] = delete~~

1 resulting gases prior to and during the time the vessel is
2 occupied by any person.

3 D. No privately owned vessel shall carry a siren
4 unless specifically authorized in writing by the director of the
5 division.

6 E. No person shall operate or give permission for
7 the operation of a vessel which is not equipped as required by
8 this section. "

State of New Mexico
House of Representatives

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 18, 1997

Mr. Speaker:

Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to
whom has been referred

HOUSE BILL 442

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Respectfully submitted,

Gary King, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Rios, Vaughn, Vigil

Absent: None

M \ H0442

Underscored material = new
[bracketed material] = delete

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 7, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 442

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Thomas P. Foy, Chairman

Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Rios, Sanchez, Stewart

Absent: None

M \H0442

Underscored material = new
~~[bracketed material] = delete~~