

This is an amendment to 18.17.2 NMAC, adding new Section 18 and amending Sections 3, 7, 8, 9, 11, 12, 13, 15 and 16, effective 04/25/2023.

18.17.2.3 STATUTORY AUTHORITY: ~~[NMSA 1978,]~~ Section 66-12-18 NMSA 1978 authorizes the state parks division to promulgate ~~[regulations]~~ rules to carry into effect the provisions of the Boat Act, ~~[NMSA 1978,]~~ Sections 66-12-1 *et seq.* NMSA 1978.
[12/31/96; 12/31/98; 18.17.2.3 NMAC - Rn, 18 NMAC 17.2.3, 9/15/2006; A, 1/01/2007; A, 04/25/2023]

18.17.2.7 DEFINITIONS:

A. "Certificate of number" means the registration certificate required to operate a motorboat on the waters of New Mexico.

B. "Combination lights" means lights required on vessels operating on the waters of New Mexico in the hours of darkness, green on the starboard (right) side and red on the port (left) side and shall throw the lights from dead ahead to two points abaft of the beam on their respective sides.

C. "Department" means the energy, minerals and natural resources department.

D. "Director" means the director of the energy, minerals and natural resources department, state parks division.

E. "Division" means the energy, minerals and natural resources department, state parks division.

F. ~~["Flotation assist device" means a wet suit or wearable flotation device in good condition capable of providing flotation to the wearer on the water's surface.~~

~~_____ **G.**]~~ **"Person"** means an individual, partnership, firm, corporation, association, joint venture or other entity.

~~[**H.**]~~ **G. "Personal flotation device"** means a U.S. coast guard approved [life preserver, buoyant vest, hybrid device, ring buoy or buoyant cushion] personal floatation device used in accordance with its U.S. coast guard approved label.

~~[**H.**]~~ **H. "Personal watercraft"** means a class A motorboat less than 16 feet, designed to be operated by a person sitting, standing or kneeling on the vessel rather than the operator sitting or standing inside the vessel. Examples include jet skis, sea doos, wave runners and similar devices.

~~[**J.**]~~ **I. "Power driven vessel"** means any vessel propelled by machinery at the time of operation.

~~[**K.**]~~ **J. "Registration"** means the process by which motorboats owned by persons domiciled in New Mexico and motorboats not registered in another state nor by the United States, which are operated on the waters of this state are numbered as evidenced by a certificate of number issued by the New Mexico taxation and revenue department under a joint powers agreement with the department.

~~[**L.**]~~ **K. "Right of way"** means the right of a vessel, which is proceeding on an established forward course at a relatively constant speed to continue such course unchanged without reducing speed, turning, veering or reversing.

~~[**M.**]~~ **L. "Secretary"** means the secretary of the energy, minerals and natural resources department.

~~[**N.**]~~ **M. "Superintendent"** means a division employee who is in charge of a specific park.

~~[**O.**]~~ **N. "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.

~~[**P.**]~~ **O. "Wake"** means white water created from wave action breaking off the vessel's bow or sides.
[7/17/67...12/31/96; 12/31/98; 18.17.2.7 NMAC - Rn, 18 NMAC 17.2.7, 9/15/2006; A, 1/01/2007; A, 04/25/2023]

18.17.2.8 REGISTRATION:

A. Certificate of number: In accordance with the Boat Act, boats operating on waters of the state shall be numbered and the certificate of number shall be available for inspection at all times when the motorboat is in operation. Every certificate of number except those issued to dealers and manufacturers expires on December 31 of the third calendar year of registration. Registration shall be renewed triennially. Refunds shall not be made for any unused period of a certificate of number due to non-use of a vessel or change in ownership. No person shall transfer or authorize the transfer of a registration validation decal from one vessel to another.

B. Registration number: A motorboat's registration number shall be painted on or permanently affixed to each side of the motorboat's forward half, and no other number shall be displayed on that part of the motorboat. Numbers shall: read from left to right; be in plain vertical block characters; be of a color contrasting

with the background; be distinctly visible and legible; be not less than three inches in height; and have spaces or hyphens that are equal to the width of a letter between the letter and number groupings. Example: NM 0000 AA or NM--0000--AA. The validation sticker shall be affixed within six inches to the right of the registration number on the port side of the vessel.

C. Dealer registrations: A dealer's certificate of number shall be on board each vessel being demonstrated. Dealer numbers shall be displayed and mounted temporarily on such vessels. The dealer number shall not be affixed permanently on a vessel. An individual dealer shall not demonstrate more than three vessels at any one time.

D. Registration fees:

CLASS	MOTORBOAT LENGTH	THREE YEAR COST
A	Less than 16 ft.	\$28.50
1	16 ft. to less than 26 ft.	\$36.00
2	26 ft. to less than 40 ft.	\$43.50
3	40 ft. to less than 65 ft.	\$51.00
	65 ft. or over	\$66.00
	Duplicate Registration	\$ 5.00

[2/24/75...12/31/96; 12/31/98; 18.17.2.8 NMAC - Rn, 18 NMAC 17.2.8, 9/15/2006; A, 1/01/2007; A, 04/25/2023]

18.17.2.9 EQUIPMENT REQUIRED TO OPERATE A VESSEL: No person shall operate or give permission to operate a vessel on the waters of this state that is not equipped as required by 18.17.2.9 NMAC and the Boat Act.

A. Flotation devices:

(1) Vessels shall carry a U.S. coast guard approved wearable personal flotation device of proper size and fit for each person on board or being pulled as a skier, plus one U.S. coast guard approved throwable device [~~-, cushion or ring buoy~~]. A throwable device is not required for personal watercraft, kayaks, canoes, paddleboards, [~~or rubber rafts~~] wind sail boards, inner tubes, air mattresses, float tubes, rubber rafts or other inflatable watercraft. Personal flotation devices and throwable devices shall be in serviceable condition readily accessible for use and shall bear evidence of U.S. coast guard approval. Personal flotation devices and throwable devices shall be carried and used in accordance with any requirements on the approval label.

(2) Skiers and those being pulled on a floating object shall wear a U.S. coast guard approved [~~type I, II or III~~] wearable personal flotation device while being pulled by a vessel.

(3) Vessels that carry passengers for hire shall provide a U.S. coast guard approved [~~type I life preserver~~] wearable personal flotation device for each person on board. Vessels shall carry an additional number of approved [~~type I life preservers~~] wearable personal flotation devices of children size equal to at least 10 percent of the total number of persons carried unless the service is such that children are never carried. [~~U.S. coast guard type II, III or IV devices will not suffice for 18.17.2.9 NMAC.~~]

(4) Persons engaged in boating on a river or in boat races or persons using ice sailboats, personal watercraft, kayaks, canoes, paddleboards and rubber rafts on any waters of this state shall wear a U.S. coast guard approved wearable personal flotation device.

(5) Persons using wind sail boards, inner tubes, air mattresses, float tubes or other inflatable devices not covered in Paragraph (4) of Subsection A of 18.17.2.9 NMAC on waters of this state shall wear [~~a flotation assist device or~~] a U.S. coast guard approved wearable personal flotation device of the proper size and fit and in accordance with any requirements on the approved label.

(6) The operator of a vessel used for recreational purposes shall require children age 12 or under who are aboard the vessel to wear a personal flotation device approved by the United States coast guard while the vessel is underway, unless the child is below deck or in an enclosed cabin.

B. Fire extinguisher:

(1) Vessels constructed with any of the following characteristics shall be equipped with serviceable U.S. coast guard approved marine fire extinguisher of a size and in a quantity set forth in Paragraph (2) of Subsection B of 18.17.2.9 NMAC:

- (a) inboard engine;
- (b) closed compartments under thwarts and seats where portable fuel tanks may be stored;
- (c) double bottoms not sealed to the hull or that are not completely filled with flotation material;
- (d) closed living spaces;

(e) closed storage compartments in which combustible or flammable materials may be stored; or

(f) permanently installed fuel tanks.

(2) Fire extinguisher requirements by boat length:

CLASS	LENGTH OF MOTORBOAT	NUMBER OF EXTINGUISHERS REQUIRED	SIZE OF FIRE EXTINGUISHERS
A	Less than 16 feet	One	[B-I] 5-B
1	16 feet to less than 26 feet	One	[B-I] 5-B
2	26 feet to less than 40 feet	Two or One	[B-Is] 5-Bs or [B-II] 20-B
3	40 feet or more	Three or One [each]	[B-Is] 5-Bs or [B-II and B-I] 20-B

(3) Disposable (non-rechargeable) fire extinguishers meeting this requirement shall be not more than 12 years old from the date stamped on the bottle.

C. **Sound producing devices:** Vessels shall carry on board a sound producing device in accordance with the following minimum requirements:

(1) less than 26 feet (this includes kayaks, canoes, paddleboards and rubber rafts): mouth, hand or power operated whistle or other sound producing mechanical device capable of producing a blast of two second duration and audible for at least one-half mile;

(2) 26 feet but less than 40 feet: hand or power operated horn or whistle capable of producing a blast of two seconds or more duration and audible for a distance of at least one mile and a bell;

(3) 40 feet or more: power operated horn or whistle capable of producing a blast of two seconds or more duration and audible for a distance of at least one mile and a bell.

D. **Flame arrestor:** Enclosed gasoline engine carburetors (except outboard motors) installed in a vessel shall be equipped with a U.S. coast guard approved backfire flame arrestor that is marked with a U.S. coast guard approval number or in compliance with UL 1111 tests or the standard SAE J-1928, MARINE.

E. **Water closets:** No person shall maintain or operate a vessel on the waters of this state equipped with a water closet unless the closet is self-contained and incapable of discharging directly into the water.

F. **Lights:**

(1) ~~[Motorboats]~~ Power driven vessels operating one-half hour after sunset to one-half hour before sunrise or during times of poor visibility shall display a combination light on the vessel's fore part and a white light aft to show 360 degrees around the vessel's horizon and above the combination light. The combination light shall be green on the starboard (right) side and red on the port (left) side and shall throw the lights from dead ahead to two points abaft of the beam on their respective sides.

(2) A sailing vessel underway one-half hour after sunset to one-half hour before sunrise or during times of poor visibility shall exhibit lights as required below or by U.S. coast guard rule.

(a) A sailing vessel of seven meters in length or more shall exhibit sidelights and a sternlight.

(b) A sailing vessel of less than seven meters in length shall, if practicable, exhibit sidelights and a sternlight, but if she does not, she shall exhibit an all-round white light or have ready at hand an electric torch or lighted lantern showing a white light, which shall be exhibited in sufficient time to prevent collision.

(c) A sailing vessel of 12 meters or more in length proceeding under sail when also being propelled by machinery shall exhibit forward, where it can best be seen, a conical shape, apex downward. A sailing vessel of less than 12 meters in length is not required to exhibit this shape but may do so.

~~[(2)]~~ (3) Vessels [not covered by Paragraph (1) of Subsection F of 18.17.2.9 NMAC] under oar or paddle shall when underway or anchored in a non-designated mooring area one-half hour after sunset to one-half hour before sunrise or during times of poor visibility have ready at hand an electric torch or lighted lantern showing a white light, which shall be exhibited in sufficient time to prevent collision.

(4) The display of red, green and white lights contrary to Subsection F of 18.17.2.9 NMAC or U.S. coast guard regulations is prohibited.

G. Other equipment: Persons engaged in canoeing, kayaking, paddle boarding or rubber rafting and persons using wind sail boards, inner tubes, air mattresses, float tubes or other inflatable devices are not required to have a bailing bucket, bilge pump or any length of stout rope. [7/17/1967...12/31/1996; 12/31/1998; 18.17.2.9 NMAC - Rn, 18 NMAC 17.2.9, 9/15/2006; A, 1/01/2007; A, 1/01/2013; A, 04/25/2023]

18.17.2.11 PROHIBITED OPERATIONS: The operator of a vessel operating on the waters of this state shall not engage the vessel in prohibited activities nor allow passengers to engage in activities prohibited by 18.17.2 NMAC or the Boat Act.

A. Riding the foredeck and gunwales of vessels:

(1) Except when casting off, mooring or when otherwise necessary such as for water rescue, picking up a swimmer or retrieving articles blown overboard, when a vessel is underway no vessel operator shall allow a person to ride or sit on the ~~[gunwales or on the bow]~~ bow, gunwales, transom, seats on raised decks or any other place not intended for the carrying of passengers ~~[of a vessel when under way]~~, unless the vessel is equipped with adequate guard rails designed to prevent a person from slipping under or rolling over the rail.

(2) Except when casting off, mooring or when otherwise necessary such as for water rescue, picking up a swimmer or retrieving articles blown overboard, when a vessel is underway no person shall ride or sit on the bow, gunwales, transom, seats on raised decks or any other place not intended for the carrying of passengers, unless the vessel is equipped with adequate guard rails designed to prevent a person from slipping under or rolling over the rail.

(3) Persons shall not sit on a seat back while the vessel is underway or allow their legs to hang overboard at any time.

(4) Persons shall not ride outside the railing of a pontoon boat when underway.

(5) Persons shall not ride on the elevated fishing seats of the vessel while the vessel is underway.

B. Trolling: Trolling or drift fishing is prohibited within 150 feet of a marina, boat ramp or courtesy dock.

C. Speed:

(1) Vessel operators shall not operate vessels at a speed greater than is reasonable or proper according to conditions prevailing at the time of operation.

(2) Vessel operators shall operate vessels at speeds controlled as necessary to avoid swamping or collision with any watercraft or person.

(3) Vessel operators shall observe no-wake speeds when operating within 150 feet of launch ramps, docks, mooring lines, beached or anchored vessels within 150 feet of shore, swimmers, fishermen and areas designated for "no-wake" boating. Exception to no-wake operation: under adverse weather conditions, a vessel may maintain the minimum speed necessary to maintain a safe course.

D. Overloading: No vessel operator shall carry more people on board than the number stated on a vessel's capacity plate or as computed by multiplying the vessel's length times its width and dividing by 15.

E. Pollution: No person shall deposit or discharge liquid or solid waste or other refuse into this state's waters.

F. Buoys, water marking system: No person shall anchor from, deface or relocate a buoy placed by the division or any government agency for the purpose of aiding navigation. No person shall operate a vessel in a manner that will interfere unnecessarily with the safe navigation of other vessels or anchor a vessel in the traveled portion of a channel in a way that will prevent or interfere with any other vessel passing through the same area.

G. Operation while under the influence of alcohol or controlled substances: No person shall operate a motorboat or vessel, nor use water skis, surfboard or similar device, while under the influence of alcohol or any controlled substance.

H. Age restriction: No person under the age of 13 shall operate a motorboat unless under an adult's onboard supervision.

I. Use of airborne devices prohibited: No person, while being towed by a watercraft, shall use a device, except for a parasail, for the purpose of becoming airborne over the waters of this state. No person while operating a watercraft shall tow a person using a device, except for a parasail, for the purpose of becoming airborne over the waters of this state.

J. No person shall operate a motorized vessel less than 26 feet in length without having on or affixed to their person a line or link that activates the emergency cut off switch (ECOS) while on plane or above no-wake speed. Exceptions to this requirement include when

- (1) the vessel is not equipped with ECOS by the manufacturer;
- (2) the engine of the vessel is three horsepower or less;
- (3) while using the vessel for fishing or while docking or trailering the vessel; or
- (4) when the main helm of the vessel is in an enclosed cabin.

[7/17/1967...12/31/1996; 5/31/1997; 18.17.2.11 NMAC - Rn & A/E, 18 NMAC 17.2.11, 9/15/2006; A, 1/01/2007; A, 04/25/2023]

18.17.2.12 BOATING ACCIDENTS:

A. The operator or legal representative of a vessel involved in a collision, accident or other casualty on a water of this state shall:

- (1) report the collision, accident or other casualty immediately to the local law enforcement agency; and
- (2) file a [~~U.S. coast guard~~] boating accident report within 48 hours with the division if the collision, accident or other casualty resulted in a death, injury requiring more than standard first aid or property damage in excess of \$100; forms are available at offices of state parks with lakes; reports shall be sent to and forms are also available at: State Parks Division; 1220 South Saint Francis Drive, Santa Fe, New Mexico 87505; (505) 476-3355.

B. No person shall knowingly make false claims or statements when reporting a collision, accident or casualty.

[10/17/1968...12/31/1996; 12/31/1998; 18.17.2.12 NMAC - Rn, 18 NMAC 17.2.12, 9/15/2006; A, 1/01/2007; A, 1/01/2013; A, 04/25/2023]

18.17.2.13 WATER SKIING: Water skiing is permitted on the waters of this state; however, in the interest of public safety, the director or his designee may designate certain areas as closed to such activity and prohibit entry into these areas for water skiing.

A. Prohibited skiing activities:

- (1) Water skiing is prohibited within 150 feet of a public dock (other than a ski dock), mooring line, launching ramp, boat, fisherman, swimmer or a person not also engaged in water skiing.
- (2) No person shall intentionally obstruct or interfere with water skiers engaged in waterskiing.
- (3) The use of personal watercraft such as jet skis, sea-doo's, wave runners and similar devices to tow water skiers, surfboards, tubes or similar devices is prohibited except as provided in Paragraph (2) of Subsection B of 18.17.2.13 NMAC.

B. Skiing special requirements:

- (1) A person in the towing vessel shall raise an international fluorescent orange or a red warning flag whenever a person on water [~~skies~~] skis or other water device has fallen, dropped off or is starting, [~~in order~~] to warn other vessels away from the area. The flag shall be a minimum of 12 inches by 12 inches and displayed high enough to be visible 360 degrees around the vessel without obstruction.
- (2) No person shall pull a water skier with a personal watercraft unless:
 - (a) water skiing laws and rules are complied with;
 - (b) the personal watercraft pulling the skier has manufacturer recommended seating for at least three people;
 - (c) there is a vacant seat on the pulling vessel for the skier; and
 - (d) the personal watercraft has an observer on board in addition to the operator.

[7/17/1967...12/31/1996; 18.17.2.13 NMAC - Rn, 18 NMAC 17.2.13, 9/15/2006; A, 1/01/2007; A, 04/25/2023]

18.17.2.15 TRAFFIC CONTROL: When a person operating a vessel meets, overtakes or crosses another vessel's course, the operator shall take the appropriate action.

A. Meeting: When two vessels approach each other head-on or nearly so, each vessel shall steer to the starboard (right) so as to pass port (left) side to port side.

B. Passing on parallel courses: When the courses of two vessels approaching one another are so far on the starboard side of each other as not to be meeting head-on, the vessels shall pass on the starboard side of each other.

C. Overtaking: When one vessel is overtaking another, the vessel overtaking shall keep clear of the vessel being overtaken.

D. Crossing: When the courses of two vessels are such that their courses, if continued unchanged, will cross, the vessel approaching from the left shall give way by altering course, slowing down, stopping or reversing.

E. Power ~~operated~~ driven vessels: A power ~~operated~~ driven vessel shall yield the right-of-way to a ~~non-powered~~ non-power-driven vessel except when the non-power-driven vessel is passing the power-driven vessel from behind the power-driven vessel shall maintain course.

F. Vessel departure/arrival: A vessel leaving a pier or dock has the right-of-way over a vessel approaching a dock.

G. Distance: Vessels shall keep 150 feet away from swimmers, water skiers, fishermen, diver flags and others not participating in the same activity.

[7/1719/67...12/31/1996; 18.17.2.15 NMAC - Rn, 18 NMAC 17.2.15, 9/15/2006; A, 1/01/2007; A, 04/25/2023]

18.17.2.16 RESTRICTED OPERATION ON STATE WATERS: Limits to the size, type and operation of vessels on waters within the state are provided below. Officials of the division and other state and federal agencies authorized by the director or by law and who are on official duty are exempt from 18.17.2.16 NMAC while operating in an emergency condition.

A. Bottomless lakes: ~~[Operation of motorboats powered by more than three horsepower is prohibited.]~~ Only paddle craft, vessels under oar and float tubes are permitted.

B. ~~[Heron]~~ Clayton lake: Motorized boating activity is limited to no-wake operation only.

C. Cochiti lake: Motorized boating activity is limited to no-wake operation only.

D. Fenton lake: Only paddle craft, vessels under oar and float tubes are permitted.

E. Heron lake: Motorized boating activity is limited to no-wake operation only.

~~[D] E. ~~[Murphey]~~ Morphy lake:~~ Only vessels ~~[powered with oars or electric motors]~~ with electric motors, paddle craft, vessels under oar and float tubes are permitted.

~~[E. ~~Fenton lake:~~ Vessels with motors or sails are prohibited.~~

~~[F] G. San Juan river:~~ Motorized vessels are prohibited on the San Juan river, within Navajo Lake state park. The use of non-motorized vessels on the San Juan river within Navajo Lake state park is authorized from the ~~[San Juan]~~ Texas hole day use area downstream and is limited to the purpose of fishing unless otherwise authorized by the director.

~~[G] H. Santa Cruz:~~ Motorized boating activity is limited to no-wake operation only.

~~[H] I. Sugarite canyon:~~ ~~[Gas powered boats are prohibited on lake Maloya. All boating is prohibited on lake Alice.]~~ Only vessels with electric motors, paddle craft, vessels under oar and float tubes are permitted on lake Maloya. Only float tubes are permitted on lake Alice.

[7/17/1967...12/31/1996; 18.17.2.16 NMAC - Rn, 18 NMAC 17.2.16, 9/15/2006; A, 1/01/2007; A, 04/25/2023]

18.17.2.18 TERMINATION OF VOYAGE: Division law enforcement officers, sheriffs in their respective county and members of the state police may terminate the voyage of a vessel when they determine the continued use of the vessel will create hazardous conditions that constitute a danger to the health and safety of the occupants of the vessel or others. The officer may direct the operator of the vessel to return to mooring, remove the vessel from the water or prohibit launching of the vessel until the unsafe conditions end or are corrected. Reasons for termination of voyage include

A. operating a vessel contrary to the provisions of 18.17.2.9 NMAC;

B. operating a vessel contrary to the provisions of 18.17.2.11 NMAC or otherwise operating a vessel in a reckless or negligent manner;

C. operating a vessel in hazardous weather as to create an undue risk to the life of the occupants of the vessel; or

D. any other conditions a reasonable person would deem create a danger to the occupants of the vessel or others and only the immediate termination of the voyage would prevent serious injury or death.

[18.17.2.18 NMAC - N, 04/25/2023]