

NEW MEXICO ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
STATE PARKS DIVISION  
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TITLE 18                                   TRANSPORTATION AND HIGHWAYS  
CHAPTER 17                               NAVIGATION AND BOATING  
PART 2                                     BOATING OPERATION AND SAFETY

1       **ISSUING AGENCY:** Energy, Minerals and Natural Resources Department [12-31-96 ]

2       **SCOPE:** This Part applies to all persons using vessels in the waters of New Mexico.  
[12-21-89, 12-31-96]

3       **STATUTORY AUTHORITY:** Section 66-12-18 NMSA 1978 authorizes the State  
Parks Division to promulgate regulations to carry into effect the provisions of the Boat  
Act, Sections 66-12-1 et seq. NMSA 1978. [12-31-96, A, 12-31-98]

4       **DURATION:** Permanent [12-31-96 ]

5       **EFFECTIVE DATE:** December 31, 1996 unless a different date is cited at the end of a  
Section or Paragraph. [12-31-96 ]

6       **OBJECTIVE:** The objective of this Part is to set forth registration requirements for  
vessels and to promote safety for persons and property in and connected with the use,  
operation and equipment of vessels. [12-31-96 ]

7       **DEFINITIONS:**

7.1     **"Certificate of Number"** means the registration certificate required to operate a  
motorboat on the waters of New Mexico. [12-31-96]

7.2     **"Combination Lights"** means lights required on all 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) and shall throw the lights from dead ahead to two points  
abaft of the beam on their respective sides. [12-31-96]

7.3     **"Department"** means the Energy, Minerals and Natural Resources Department.  
[12-21-89]

- 7.4 **"Director"** means the Director of the State Parks Division of the Energy, Minerals and Natural Resources Department. [7-17-67 . . . 12-31-96; A, 12-31-98]
- 7.5 **"Division"** means the State Parks Division of the Energy, Minerals and Natural Resources Department. [7-31-79 . . . 12-21-89; A, 12-31-98]
- 7.6 **"Flotation Assist Device"** means a wet suit or wearable flotation device in good condition capable of providing flotation to the wearer on the surface of the water. [5-20-92]
- 7.7 **"Person"** means an individual, partnership, firm, corporation, association, joint venture or other entity. [7-17-67 . . . 12-21-89]
- 7.8 **"Personal Flotation Device"** means a Coast Guard Approved life preserver, buoyant vest, hybrid device, ring buoy or buoyant cushion. [12-21-89 . . . 5-20-92]
- 7.9 **"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. [5-20-92]
- 7.10 **"Registration"** means the process by which motorboats owned by persons domiciled in New Mexico and motorboats not registered in any other 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 Energy, Minerals and Natural Resources Department. [12-21-89 . . . 12-31-96]
- 7.11 **"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. [5-6-87 . . . 12-31-96]
- 7.12 **"Secretary"** means the Secretary of the Energy, Minerals and Natural Resources Department. [12-21-89]
- 7.13 **"Superintendent"** means an employee of the State Parks Division who is in charge of a specific park(s). [12-31-96, A, 12-31-98]
- 7.14 **"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. [12-31-96]

7.15 **"Wake"** means white water created from wave action breaking off the bow or sides of the vessel. [5-20-92]

## 8 REGISTRATION:

8.1 **CERTIFICATE OF NUMBER:** In accordance with the Boat Act, all 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. [5-17-82 . . . 12-31-96]

8.2 **REGISTRATION NUMBER:** A motorboat's registration number must be painted on or permanently affixed to each side of the forward half of the motorboat, and no other number may 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. [12-31-96]

8.3 **DEALER REGISTRATIONS:** A dealer's certificate of number must be on board each vessel being demonstrated. Dealer numbers shall be displayed and mounted temporarily on such vessels. The dealer number is not to be affixed permanently on any vessel. No more than three vessels should be demonstrated at any one time by an individual dealer. [2-24-75 . . . 12-31-96]

8.4 **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

[7-31-79 . . . 12-31-96]

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

9.1 FLOTATION DEVICES:

- 9.1.1 All vessels must carry a U.S. Coast Guard Approved wearable personal flotation device of proper size for each person on board or being pulled as a skier, plus one U.S. Coast Guard Approved throwable device, cushion or ring buoy. Personal flotation devices and throwable devices must be in serviceable condition readily accessible for use and must bear evidence of U.S. Coast Guard Approval.
- 9.1.2 Skiers and those being pulled on any floatation object shall wear a U.S. Coast Guard approved type I, II, III personal flotation device while being pulled by a vessel.
- 9.1.3 Vessels which carry passengers for hire shall provide a U.S. Coast Guard Approved type I life preserver for each person on board. An additional number of approved type I life preservers of children size equal to at least ten percent of the total number of persons carried must be provided, unless the service is such that children are never carried. U.S. Coast Guard type II, III or IV devices will not suffice for this regulation.
- 9.1.4 A U.S. Coast Guard Approved wearable personal flotation device shall be worn by all persons engaged in boating on a river and in all boat races and by persons using ice sailboats, personal watercraft, kayaks, canoes and rubber rafts on any waters of this state.
- 9.1.5 A flotation assist device may be worn in lieu of a personal flotation device by persons using wind sail boards, inner tubes, air mattresses, float tubes or other inflatable devices not covered in Paragraph 9.1.4 of this regulation, on any waters of this state.

[10-17-68 . . . 12-31-96; A, 12-31-98]

9.2 FIRE EXTINGUISHER:

- 9.2.1 All vessels constructed with any of the following characteristics must be equipped with serviceable U.S. Coast Guard Approved marine fire extinguisher of a size and in a quantity set forth in Paragraph 9.2.2:

- < Inboard engine;
- < Closed compartments under thwarts and seats where portable fuel tanks may be stored;
- < Double bottoms not sealed to the hull or which are not completely filled with flotation material;
- < Closed living spaces;
- < Closed storage compartments in which combustible or flammable materials may be stored; or
- < Permanently installed fuel tanks.

9.2.2 Fire Extinguisher Requirements by Boat Length

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

[9-11-69...12-31-96]

9.3 SOUND PRODUCING DEVICES: All vessels must carry on board a sound producing device in accordance with the following minimum requirements:

- 9.3.1 Less than 26 feet                      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.
- 9.3.2 26 feet 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.

9.3.3 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.

[9-11-69 . . . 12-31-96]

9.4 FLAME ARRESTOR: Each carburetor of every enclosed gasoline engine (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 in compliance with the standard SAE J-1928, MARINE. [11-10-71 . . . 12-31-96]

9.5 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. [11-10-71 . . . 12-21-89]

9.6 LIGHTS:

9.6.1 All motorboats operating one-half hour after sunset to one-half hour before sunrise shall display a combination light on the fore part of the vessel and a white light aft to show 360 degrees around the horizon of the vessel and above the combination light. The combination light shall be green on the starboard (right) side and red on the port (left) and shall throw the lights from dead ahead to two points abaft of the beam on their respective sides.

9.6.2 Vessels not covered by Paragraph 9.6.1 shall when underway or anchored in a non-designated mooring area one-half hour after sunset to one-half hour before sunrise exhibit a white light or lantern to show 360 degrees around the horizon and a distance of at least one-half mile.

[7-17-67 . . . 12-31-96]

## **10 BOAT RENTALS:**

10.1 RECORDS: The owner of a boat rental facility shall keep a record of the name and address of all persons borrowing or hiring any vessel, the identification number thereof, the departure date and time and the expected date and time of return. The owner of a boat rental facility shall preserve the record for at least six months. [12-21-89, 12-31-96]

10.2 EQUIPMENT: Neither the owner of a boat rental facility nor any agent nor employee thereof shall permit any motorboat or any borrowed or hired vessel to depart from the facility unless it is provided with the equipment required by Section 9 and the Boat Act. [12-31-96]

**11 PROHIBITED OPERATIONS:** The operator of every 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 this regulation or the Boat Act. [12-21-89 . . . 12-31-96]

11.1 RIDING THE FOREDECK AND GUNWALES OF VESSELS: Except when casting off, mooring or when otherwise necessary, no vessel operator shall allow any person to ride or sit on the gunwales or on the bow 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. No person shall sit on a seat back while the vessel is underway or allow his/her legs to hang overboard at any time. [7-17-67 . . . 12-31-96]

11.2 TROLLING: Trolling or drift fishing is prohibited within 150 feet of any marina, boat ramp or courtesy dock. [7-17-67 . . . 12-31-96]

11.3 SPEED:

11.3.1 All vessels shall be operated at a speed no greater than is reasonable or proper according to conditions prevailing at the time of operation.

11.3.2 All vessels shall be operated at speeds controlled as necessary to avoid swamping or collision with any watercraft or person.

11.3.3 No-wake speeds shall be observed by all vessels 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.

[7-17-67 . . . 12-31-96]

11.4 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. [2-24-75 . . . 12-31-96]

11.5 POLLUTION: No person shall deposit or discharge liquid or solid waste or other refuse into the waters of this state. [11-10-71 . . . 12-31-96]

- 11.6 BUOYS, WATER MARKING SYSTEM: No person shall anchor from, deface or relocate a buoy placed by the Division for the purpose of aiding navigation. [12-21-89 . . . 12-31-96]
  - 11.7 OPERATION WHILE UNDER THE INFLUENCE OF ALCOHOL OR CONTROLLED SUBSTANCES: No person shall operate any motorboat or vessel, nor use any water skis, surfboard or similar device, while under the influence of alcohol and/or any controlled substance. [12-21-89 . . . 12-31-96]
  - 11.8 AGE RESTRICTION: No person under the age of 13 shall operate a motorboat unless under the onboard supervision of an adult. [5-31-97]
- 12 BOATING ACCIDENTS:** The operator or legal representative of any vessel involved in a collision, accident or other casualty on any waters of this state shall: [10-17-68 . . . 12-31-96]
- 12.1 Report the collision, accident or other casualty immediately to the local law enforcement agency; and [ 10-17-68 . . . 12-21-89]
  - 12.2 File a U.S. Coast Guard boating accident report within forty-eight 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 must be sent to and forms are also available at: State Parks Division; 2040 South Pacheco Street, Santa Fe, New Mexico 87505; (505) 827-7173. [ 10-17-68 . . . 12-31-96; A, 12-31-98]
  - 12.3 No person shall knowingly make false claims or statements when reporting a collision, accident or casualty. [12-31-96]
- 13 WATER SKIING:** Water skiing is permitted on the waters of this state; however, in the interest of public safety, certain areas may be designated as closed to such activity and entry into these areas for the purpose of water skiing is prohibited. [ 7-17-67 . . .12-31-96]
- 13.1 PROHIBITED SKIING ACTIVITIES:
    - 13.1.1 Water skiing is prohibited within 150 feet of any public dock (other than a ski dock), mooring line, launching ramp, boat, fisherman, swimmer or any person not also engaged in water skiing.



13.1.2 No person shall intentionally obstruct or interfere with water skiers engaged in waterskiing.

13.1.3 The use of personal watercraft such as jet skis, sea-doods, wave runners and similar devices to tow water skiers, surfboards, tubes or similar devices is prohibited except as provided in Paragraph 13.2.2.

[7-17-67 . . . 5-20-92]

**13.2 SKIING SPECIAL REQUIREMENTS:**

13.2.1 An international fluorescent orange or a red warning flag must be raised by a person in the towing vessel whenever a person on water skies 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.

13.2.2 No person shall pull a water skier with a personal watercraft unless:

- < All water skiing laws and regulations are complied with;
- < The personal watercraft pulling the skier has manufacturer recommended seating for at least three people;
- < There is a vacant seat on the pulling vessel for the skier; and
- < The personal watercraft has an observer on board in addition to the operator.

[5-17-82 . . . 5-20-92]

**14 SPECIAL REGULATIONS:**

**14.1 WEATHER:**

14.1.1 If at any time the Superintendent determines that the weather or the condition of a lake is dangerous for boats, he/she may prohibit the launching or use of boats for an indefinite period of time upon the posting of appropriate notice.

14.1.2 Boaters shall observe small craft weather warnings and seek shelter ashore when flags or lights have been activated to indicate adverse weather conditions.

[7-17-67 . . . 12-31-96]

14.2 ANCHORING AND MOORING:

14.2.1 All vessels when not in use shall be firmly anchored, moored or otherwise secured so as to prohibit drifting or otherwise damaging the property of others. No vessel shall be moored or anchored within 150 feet of any marina, boat ramp or courtesy dock.

14.2.2 Private docks, buoys and the mooring of houseboats are prohibited unless authorized by the Director. Overnight anchoring of vessels is authorized provided it does not impede or present a hazard to navigation. Overnight anchoring of vessels within a state park is subject to overnight camping permits and fees, except for vessels moored at concession operated facilities such as marinas or buoy lines. Anchored vessels may not be left vacant for more than 24 hours without special permission from the Superintendent unless moored at an authorized marina or buoy line.

14.2.3 Courtesy docks are provided for the purpose of loading and unloading vessels. No vessel shall be left unattended at a courtesy dock for longer than 10 minutes.

[7-17-67 . . . 12-31-96; A, 12-31-98]

14.3 LAUNCHING: Boaters utilizing launching areas or launching ramps on any waters of this state must be prepared to launch or load their vessels promptly without undue delay to others. After the vessel is launched, the towing vehicle must be immediately driven well away from the launching area and parked in a designated location if such is provided. [7-17-67 . . . 12-21-89]

**15 TRAFFIC CONTROL:** When any person operating a vessel meets, overtakes or crosses the course of another vessel, the operator shall take the appropriate action.

15.1 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. [5-6-87 . . . 12-21-89]

15.2 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. [7-17-67 . . . 12-31-96]

15.3 OVERTAKING: When one vessel is overtaking another, the vessel overtaking or passing shall keep clear of the vessel being overtaken. [5-6-87 . . . 12-31-96]

- 15.4 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. [7-17-67 . . . 12-21-89]
- 15.5 POWER OPERATED VESSELS: A power operated vessel must yield the right-of-way to a non-powered vessel. [5-6-87 . . . 12-31-96]
- 15.6 VESSEL DEPARTURE/ARRIVAL: A vessel leaving a pier or dock has the right-of-way over a vessel approaching a dock. [7-17-67 . . . 12-31-96]
- 15.7 DISTANCE: All vessels shall keep 150 feet away from swimmers, water skiers, fisherman, diver flags and others not participating in the same activity. [7-17-67 . . . 12-31-96]

**16 RESTRICTED OPERATION ON STATE WATERS:** Limits to the size, type and operation of vessels on waters within the State are provided below. All 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 the Section 16 restrictions while operating in an emergency condition. [7-17-67 . . . 12-31-96]

- 16.1 BOTTOMLESS LAKES: Operation of motorboats powered by more than three horsepower is prohibited. [7-17-67 . . . 12-21-89]
- 16.2 HERON LAKE: Motorized boating activity is limited to no-wake operation only. [7-29-74 . . . 12-21-89]
- 16.3 COCHITI LAKE: Motorized boating activity is limited to no-wake operation only. [7-15-75 . . . 12-21-89]
- 16.4 MURPHY LAKE: Only vessels powered with oars or electric motors are permitted. [7-31-79 . . . 12-21-89]
- 16.5 FENTON LAKE: Vessels with motors or sails are prohibited. [5-6-87 . . . 12-21-89]
- 16.6 SAN JUAN RIVER: Motorized vessels are prohibited on the San Juan River, within Navajo Lake State Park. The use of vessels on the San Juan River within Navajo Lake State Park is authorized from the San Juan Day Use Area downstream and is limited to the purpose of fishing unless otherwise authorized by the Director. [5-6-87 . . . 12-31-96]

- 16.7 SANTA CRUZ: Motorized boating activity is limited to no-wake operation only. [12-21-89]
- 16.8 SUGARITE CANYON: Gas powered boats are prohibited on Lake Maloya; All boating is prohibited on Lake Alice. [5-6-87 . . . 12-31-96]
- 17 VESSEL INSPECTIONS:** All vessels operating on the waters of this state are subject to random inspections to verify registration, titling and that the proper safety equipment is on board. [10-17-68 . . . 12-21-89]