Welcome to New Mexico’s Waterways and State Parks

Thank you for your interest in boating laws and park regulations! The New Mexico State Parks Division is pleased to provide you with The Handbook. This handbook contains both New Mexico boating laws and state park regulations. Always make sure you have a current edition, and check with the New Mexico State Parks Division or the specific park you are interested in for any other specific information.

State parks and other locations provide outstanding recreational boating opportunities throughout New Mexico. From Elephant Butte Lake’s sandy beaches to Navajo Lake’s pine mountain shores, the beautiful terrain and waters of the “Land of Enchantment” beckon—offering exciting and memorable experiences for you, your family, and your friends.

Whether you own a boat, camp with friends, or just love spending time within New Mexico’s waterways and state parks, The Handbook will help ensure a safe and enjoyable boating and park experience. This handbook is designed for use as a field guide to prepare and use for a trip on the water or a visit to a state park. Marine enforcement officers and park rangers at New Mexico State Parks and in our Santa Fe headquarters are available to answer any questions that you may have. State Parks staff is also available to teach boating safety classes and make group presentations in your community.

This handbook, and any other state park information you might have, however, is just a first step. You should become familiar with your state parks, share what you know with others, and periodically refresh your knowledge. If you wish to improve your skills on the water, groups such as the U.S. Coast Guard Auxiliary offer additional courses. For more information on boating safety and park regulations, or to check boating conditions at state parks, contact New Mexico State Parks or visit our website at www.nmparks.com.

The goal of the State Parks Division, which administers boating laws in New Mexico, is zero boating-related injuries and fatalities each year. Unfortunately, the tragedy that often surrounds boating accidents points to the need for better educated boat operators. In fact, in the majority of states in the U.S., including New Mexico, some form of boating safety education is now mandatory in order to be an operator.

Thanks again for making a personal commitment to improve your boating safety skills and enjoy your state parks. And remember: Boat Smart and Safe in New Mexico!

Sincerely,
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A Division of the Energy, Minerals, and Natural Resources Department
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The Handbook is designed to be a guide to New Mexico’s boating laws and park regulations. Information in this handbook does not replace what is specifically legal for boating or park use in New Mexico, which is found in New Mexico Statutes (state laws), federal laws, and the New Mexico Administrative Code (state regulations).

References to the actual statutes and regulations are shown beside the appropriate sections within “It’s the Law.” For example:

- (66-12-4 NMSA 1978) refers to New Mexico Statutes Annotated 1978, Section 66-12-4.
- (BAR 18.17.2 NMAC 8.D) refers to New Mexico Administrative Code, Title 18, Chapter 17, Part 2 (known as “Boat Act Regulations”), Section 8.D.

The publication BOAT NEW MEXICO-Your Guide to Responsible Boating gives additional information on safe boat handling and practices. For more advanced information, see:

- U.S. Coast Guard’s Navigation Rules
- Chapman Piloting: Seamanship and Boat Handling by Elbert S. Maloney
- The Annapolis Book of Seamanship by Mark Smith and John Rousmaniere

To stay up-to-date on new boating laws, contact the Boating Safety Section of the New Mexico State Parks Division. Call 505-476-3390 or visit www.nmparks.com.
Before going out on the water, take steps to make the outing safe and enjoyable.

**Vessel Length Classes**
- A vessel’s length class determines the equipment necessary to comply with federal and state laws.
- Vessels are divided into length classes:
  - Less than 16 feet
  - 16 feet to less than 26 feet
  - 26 feet to less than 40 feet
  - 40 feet to less than 65 feet
- Length is measured from the tip of the bow in a straight line to the stern. This does not include outboard motors, brackets, rudders, bow attachments, or swim platforms and ladders that are not a molded part of the hull.

**Vessel Capacity**
- Always check the capacity plate, which is usually found near the operator’s position or on the vessel’s transom. This plate indicates the maximum weight capacity and maximum number of people that the vessel can carry safely.
- If no capacity plate is available, the number of persons is found by multiplying the boat length times its width and then dividing that number by 15. (BAR 18.17.2 NMAC 11.D)
- PWCs and some other vessels are not required to have a capacity plate. Always follow the recommended capacity in the owner’s manual and on the manufacturer’s warning decal.
Fueling a Vessel

Never fuel at night unless it is an emergency. If you must refuel after dark, use only electric lights. Try to refuel away from the water or on a commercial fueling ramp.

◆ **Before beginning to fuel:**
  - Dock the boat securely and ask all passengers to exit.
  - Do not allow anyone to smoke or strike a match.
  - Check all fuel lines, connections, and fuel vents.
  - Turn off anything that might cause a spark—engines, fans, or electrical equipment.
  - Shut off all fuel valves and extinguish all open flames, such as galley stoves and pilot lights.
  - Close all windows, ports, doors, and other openings to prevent fumes from entering the boat.
  - Remove portable fuel tanks and fill them on the dock.

◆ **While filling the fuel tank:**
  - Keep the nozzle of the fuel-pump hose in contact with the tank opening to prevent producing a static spark.
  - Avoid spilling fuel into the boat’s bilge or the water.
  - Never fill a tank to the brim—leave room to expand.

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**The most important safe fueling practice …**

Open your engine compartment and check for fumes or loose lines. If your vessel is equipped with a power ventilation system, turn it on for at least four minutes after fueling and before starting your engine to remove gas vapors in the bilge.

◆ **After fueling:**
  - Wipe up any spilled fuel.
  - Open all windows, ports, doors, and other openings.

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**Additional Safety Procedures for PWCs**

◆ Do not tip the PWC in order to fill it all the way up. If the tank is overfilled, the fuel may expand and spill into the water.

◆ After fueling, open the door of the engine compartment and sniff to check for any evidence of gas fumes. Do this before starting the engine. If you do smell gas fumes, determine the source and make repairs immediately.
Fuel Selector Switch on a PWC

This switch can help you avoid becoming stranded without fuel.

♦ Use the “Off” position when the PWC’s engine is turned off.
♦ Use the “On” position while you are underway.
♦ Use the “Reserve” position if you run out of fuel while underway. This will allow you to return to shore. Don’t forget to switch back to “On” after refueling.

Preventing Theft

Defend against theft of your vessel and equipment.

♦ Store your vessel so that it is not easily accessed.
  • Store your vessel and trailer in a locked garage or storage area.
  • Park another vehicle in front of the trailer, or lock the trailer to a fixed object in a well-lighted area.
  • Secure the vessel and trailer to a fixed object with a good quality chain and lock. If moored, secure the vessel to the dock with a steel cable and lock.
  • Remove a trailer wheel if parked for an extended time.
  • Purchase a quality trailer hitch lock and use it.
♦ Chain and lock the motor and fuel tanks to the vessel.
♦ Mark or engrave all equipment with an identifier such as your driver’s license number.
♦ Photograph or videotape the interior and exterior of your vessel, showing all installed equipment and additional gear and equipment. Make a complete inventory of your equipment, vessel, and trailer.
♦ Remove expensive electronics or other valuables if the vessel is left unattended.
♦ Cover your vessel and always remove the keys.
♦ Title and register your vessel.
Trailering Your Vessel Safely

◆ **Before leaving home:**
  • Secure all gear in the vessel and arrange it so that the weight is evenly distributed in the vessel.
  • Properly secure the vessel with several tie-down straps and/or safety lines to prevent it from shifting.
  • Tilt and secure the engine to increase clearance.
  • Crisscross the safety chains when attaching them to the towing vehicle.
  • Make sure the trailer brakes and lights are working.

◆ **On the road:**
  • Think farther ahead on the road than usual: anticipate changes in traffic flow in advance; make wider turns at corners and curves; allow extra time and distance for stopping and for passing other vehicles; and remember the length added by your trailer.
  • Be aware that there may be lower speed limits for vehicles with trailers.

◆ **Launching your vessel from a trailer:**
  • Prepare your vessel well away from the boat ramp.
  • Back the vessel into the water until the lower unit of the engine can be submerged while on the trailer.
  • Once the engine is warmed up, back the trailer further until the vessel floats. Then back slowly off the trailer.

◆ **Retrieving your vessel:**
  • Back the trailer into the water so that approximately two-thirds of the rollers or bunks are submerged.
  • Move the vessel onto the trailer far enough to attach the winch line to the bow eye of the vessel. Finish pulling it onto the trailer by cranking the winch. Never “power load” the vessel on the trailer—this can create a large hole at the end of the ramp.
  • Tow the vessel off the ramp out of the way of others.
  • While at the ramp area, remove all weeds from the vessel, remove the drain plug, and drain live wells.
## Filing a Float Plan

Before going out on a vessel, it is always a good idea to leave a float plan with a relative or friend, or at least with a local marina. A float plan should:

- Describe the vessel, including its registration number, length, make, horsepower, and engine type. Describe the tow vehicle and tell where it will be.
- State where you are going, the detailed route, your planned departure time, and your expected return time.
- Give the name, address, and telephone number of each person on board and an emergency contact.

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### Float Plan

Complete this form before going out on your boat and leave it with a reliable person who can be depended upon to notify the Coast Guard or other rescue organization in case you do not return as scheduled. Do not file this form with the Coast Guard. A word of caution: In case you are delayed and it is not an emergency, inform those with your float plan, the police, and/or Coast Guard of your delay in order to avoid an unnecessary search.

| 1. Name of person filing this plan: | ______________________________________________________________________ |
| 2. Description of boat: | Registration number: _______________ Type: ___________ Make: _______________ Length: ___________ Name: _______________ |
| 3. Names of persons on board: | Age: Address: |
| 4. Description of engine: | Type: ___________ Horsepower: ___________ \# of engines: ___________ Fuel capacity: ___________ |
| 5. Survival equipment on board: | Check as appropriate: Life jackets (PFDs) Flares Flashlight Signal mirror EPIRB Anchor(s) Smoke signals Horn Water Paddles Rkt or dinghy Food |
| 6. Radio: Yes No | Type: ___________ Frequencies: ___________ Call sign: ___________ |
| 7. Trip expectations: | Leaving from: ___________ / ___________ date time departing on: ___________ / ___________ am pm |
| 8. Other pertinent information: | Going to: ___________ / ___________ date time returning: ___________ / ___________ am pm |
| 9. Description of automobile: | And in no event, returning later than: ___________ / ___________ date time |
| 10. If not returned by: | Other pertinent information: ______________________________________________________________________ |

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Pre-Departure Checklist

You can help assure a good time while operating your vessel by performing this pre-departure check.

✓ Check the weather forecast for the area and time frame during which you will be boating.

✓ Make sure that the steering and throttle controls operate properly and all lights are working properly.

✓ Check for any fuel leaks from the tank, fuel lines, and carburetor.

✓ Check the engine compartment for oil leaks.

✓ Check hose connections for leaks or cracks, and make sure hose clamps are tight.

✓ Drain all water from the engine compartment, and be sure the bilge plug is replaced and secure.

✓ Check to be sure you have a fully charged engine battery and fire extinguishers.

✓ If so equipped, make sure the ignition safety switch and wrist lanyard are in good order.

✓ Make sure you have the required number of personal flotation devices (PFDs), and check that they are in good condition.

✓ Leave a float plan with a reliable friend or relative.
Safe navigation on New Mexico waterways is everyone’s responsibility. All operators are equally responsible for taking action necessary to avoid collisions.

Encountering Other Vessels

Even though no vessel has the “right-of-way” over another vessel, there are some rules that every operator should follow when encountering other vessels. It is the responsibility of both operators to take the action needed to avoid a collision. The next page shows what to do when encountering another vessel.

To prevent collisions, every operator should follow the three basic rules of navigation.

- Practice good seamanship.
- Keep a sharp lookout.
- Maintain a safe speed and distance.

Encountering Vessels With Limited Maneuverability

- When operating a power-driven vessel, you must give way to:
  - Any vessel not under command, such as an anchored or disabled vessel
  - Any vessel restricted in its ability to maneuver, such as a vessel towing another or laying cable, or one constrained by its draft, such as a large ship in a channel
  - A vessel engaged in commercial fishing
  - A sailboat under sail unless it is overtaking

- When operating a vessel under sail, you must give way to:
  - Any vessel not under command
  - Any vessel restricted in its ability to maneuver
  - A vessel engaged in commercial fishing
Navigation Rules

There are two terms that help explain these rules.

◆ **Stand-on vessel:** The vessel that should maintain its course and speed
◆ **Give-way vessel:** The vessel that must take early and substantial action to avoid collision by stopping, slowing down, or changing course

**Meeting Head-On**

**Power vs. Power:** Neither vessel is the stand-on vessel. Both vessels should keep to the starboard (right).

**Power vs. Sail:** The powerboat is the give-way vessel. The sailboat is the stand-on vessel.

**Crossing Situations**

**Power vs. Power:** The vessel on the operator’s port (left) side is the give-way vessel. The vessel on the operator’s starboard (right) side is the stand-on vessel.

**Power vs. Sail:** The powerboat is the give-way vessel. The sailboat is the stand-on vessel.

**Overtaking**

**Power vs. Power:** The vessel that is overtaking another vessel is the give-way vessel. The vessel being overtaken is the stand-on vessel.

**Power vs. Sail:** The vessel that is overtaking another vessel is the give-way vessel. The vessel being overtaken is the stand-on vessel.
Nighttime Navigation

Be on the lookout for the lights of other vessels when boating at night. Several types of lights serve as navigational aids at night. There are four common navigation lights. They are required to be on from sunset to sunrise.

- **Sidelights**: These red and green lights are called sidelights (also called combination lights) because they are visible to another vessel approaching from the side or head-on. The red light indicates a vessel’s port (left) side; the green indicates a vessel’s starboard (right) side.

- **Sternlight**: This white light is seen from behind the vessel.

- **Masthead Light**: This white light shines forward and to both sides and is required on all power-driven vessels. A masthead light must be displayed by all vessels when under engine power. The absence of this light indicates a sailboat under sail.

- **All-Round White Light**: On power-driven vessels less than 39.4 feet in length, this light may be used to combine a masthead light and sternlight into a single white light that can be seen by other vessels from any direction. This light serves as an anchor light when sidelights are extinguished, and must be located 3.3 feet (one meter) higher than any visual obstruction.
Encountering a Sailboat at Night

When you see **only a red light or only a green light**, you may be approaching a sailboat under sail and you must give way. The sailboat under sail is always the stand-on vessel!
U.S. Aids to Navigation System (ATON)

Boats and markers are the “traffic signals” that guide vessel operators safely along some waterways. They also identify dangerous or controlled areas and give directions and information. As a recreational boat or PWC operator, you will need to know the lateral navigation markers and non-lateral markers of the U.S. Aids to Navigation System. It is illegal to anchor from, deface, or relocate a buoy.

**Lateral Markers**

These navigation aids mark the edges of safe water areas; for example, directing travel within a channel. The markers use a combination of colors and numbers, which may appear either on buoys or permanently placed markers.

- **Red colors, red lights, and even numbers** indicate the right side of the channel as a boater enters from the open sea or heads upstream.

- **Green colors, green lights, and odd numbers** indicate the left side of the channel as a boater enters from the open sea or heads upstream.

- **Red and green colors and/or lights** indicate the preferred (primary) channel. If green is on top, the preferred channel is to the right as a boater enters from the open sea or heads upstream; if red is on top, the preferred channel is to the left.

**Red Right Returning** is a reminder of the correct course when returning from open waters or heading upstream.
Nuns are red cone-shaped buoys marked with even numbers.

Cans are green cylindrical-shaped buoys marked with odd numbers.

Lighted Buoys use the lateral marker colors and numbers discussed above; in addition, they have a matching colored light.

Daymarks are permanently placed signs attached to structures, such as posts, in the water. Common daymarks are red triangles (equivalent to nuns) and green squares (equivalent to cans). They may be lighted also.

Non-Lateral Markers

Non-lateral markers are navigational aids that give information other than the edges of safe water areas. The most common are regulatory markers which are white and use orange markings and black lettering. These markers are found on lakes and rivers.

Information

Squares indicate where to find food, supplies, repairs, etc. and give directions and other information.

Exclusion

Crossed diamonds indicate areas off-limits to all vessels such as swimming areas, dams, and spillways.

Controlled

Circles indicate a controlled area such as speed limit, no fishing or anchoring, ski only or no skiing, or “slow, no wake.”

Danger

Diamonds warn of dangers such as rocks, shoals, construction, dams, or stumps. Always proceed with caution.
Weather Emergencies

Weather can change very rapidly and create unexpected situations for boat operators. Even meteorologists have trouble predicting rapid weather changes. You should always monitor weather developments. One way is to tune a VHF radio to the frequencies that broadcast NOAA weather reports.

What To Do If Caught in Severe Weather

- Prepare the boat to handle severe weather.
  - Slow down, but keep enough power to maintain headway and steering.
  - Close all hatches, windows, and doors to reduce the chance of swamping.
  - Stow any unnecessary gear.
  - Turn on your boat’s navigation lights. If there is fog, sound your fog horn.
  - Keep bilges free of water. Be prepared to remove water by bailing.
  - If there is lightning, disconnect all electrical equipment. Stay as clear of metal objects as possible.

- Prepare your passengers for severe weather.
  - Have everyone put on a USCG–approved life jacket (PFD). If passengers are already wearing their PFDs, make sure they are secured properly.
  - Have your passengers sit on the vessel floor close to the centerline for their safety and to make the boat more stable.

- Decide whether to go to shore or ride out the storm.
  - If possible, head for the nearest shore that is safe to approach. If already caught in a storm, it may be best to ride it out in open water rather than try to approach the shore in heavy wind and waves.
  - Head the bow into the waves at a 45-degree angle. PWCs should head directly into the waves.
  - If the engine stops, drop a “sea anchor” on a line off the bow to keep the bow headed into the wind and reduce drifting while you ride out the storm. In an emergency, a bucket will work as a sea anchor.
  - If the sea anchor is not sufficient, anchor using your conventional anchor to prevent your boat from drifting into dangerous areas.
Other Boating Emergencies
A safe boater knows how to prevent and respond to other boating emergencies.

Falling Overboard
◆ To prevent persons from falling overboard:
  • Don’t sit on the gunwale, bow, seat backs, motor cover, or any other area not designed for seating.
  • Don’t sit on pedestal seats when underway at greater than idle speed.
  • Don’t stand up in or lean out from the boat.
  • Don’t move about the boat when underway.
◆ If someone on your boat falls overboard:
  • Reduce speed and toss the victim a throwable PFD.
  • Turn your boat around and slowly pull alongside the victim, approaching the victim from downwind or into the current, whichever is stronger.
  • Turn off the engine. Pull the victim on board over the stern, keeping the weight in the boat balanced. Practice this at least once a season.

Capsizing or Swamping
◆ To reduce the risk of capsizing or swamping:
  • Don’t overload your boat. Balance the load.
  • Slow your boat appropriately when turning.
  • Secure the anchor line to the bow, never to the stern.
  • Don’t boat in rough water or in bad weather.
◆ If you capsize or swamp your boat, or if you have fallen overboard and can’t get back in:
  • Stay with the boat.
  • Try to reboard or climb onto it in order to get as much of your body out of the cold water as possible. You generally have less than 10 minutes to get your body out of the water before swim/muscle failure occurs.
◆ If the boat sinks or floats away, don’t panic.
  • If wearing a PFD, remain calm and await help.
  • If you aren’t wearing a PFD, look around for one or for other buoyant items to use as a flotation device.
  • In cold water, float rather than tread.
Hypothermia

◆ If you are boating in cold water:
  • Dress in several layers of clothing under your PFD or (wear a wetsuit with a drytop or drysuit). Dress for the temperature of the water, not the air temperature.
  • Learn to recognize the symptoms of hypothermia. Symptoms begin with shivering and bluish lips and nails, and progress to a coma and, ultimately, death.

◆ To reduce the effects of hypothermia:
  • Put on a PFD if not wearing one. It helps you to float without excessive movement and insulates your body.
  • Get as much of your body out of the water as possible. Water removes heat 25 times faster than air.
  • Don’t take your clothes off unless necessary—clothes can help you float and provide insulation.
  • Don’t thrash or move about. Excess motion consumes energy and increases loss of body heat.
  • Draw your knees to your chest and your arms to your sides, protecting the major areas of heat loss.
  • If others are in the water with you, huddle together with your arms around their shoulders.

Carbon Monoxide Poisoning

Carbon monoxide is an invisible, odorless, tasteless gas that can be deadly. To prevent carbon monoxide poisoning, keep air flowing through the boat and take extreme caution when running a generator at a dock or at anchor.

◆ Whenever people are using a swim platform or are in the water close to the stern, turn off all gasoline-powered generators with transom exhaust ports.

◆ Swimmers should never enter the cavity between the swim platform and the stern of the boat. Never allow a person who is attached to the boat in any fashion to be towed within 30 feet of the boat.

◆ When boating, be careful running downwind as exhaust gases may blow back on board. On cabin cruisers, be aware that exhaust gases can blow back into the stern when traveling into the wind.
Although a personal watercraft (PWC) is considered an inboard vessel and comes under the same rules and requirements of any other vessel, there are specific considerations for the PWC operator.

### Steering and Stopping a PWC

- PWCs are propelled by drawing water into a pump and then forcing it out under pressure through a steering nozzle at the back of the unit. This “jet” of pressurized water is directed by the steering control—when the steering control is turned, the steering nozzle turns in the same direction. For example, if the steering control is turned right, the nozzle turns right and the jet of water pushes the back of the vessel to the left, which causes the PWC to turn right.

**Remember—no power means no steering control …**

You always must have power in order to maintain control. If you allow the engine to return to idle or shut off during operation, you lose all steering control. The PWC will continue in the direction it was headed before the engine was shut off, no matter which way the steering control is turned.

- **Most PWC’s have no braking system.** Always allow plenty of room for stopping. Just because you release the throttle or shut off the engine does not mean you will stop immediately.

### Ignition Safety Switches

- Most PWCs and powerboats come equipped by the manufacturer with an important device called an emergency ignition safety switch. This is a safety device that is designed to shut off the engine if the operator is thrown from the proper operating position.
Boating Basics

A lanyard is attached to the safety switch and the operator’s wrist or PFD. The safety switch shuts off the engine if the operator falls off the PWC or out of the powerboat. If your vessel does not come equipped with an ignition safety switch, you should have one installed.

In many states, it is illegal to ride your PWC without attaching the lanyard properly between the switch and yourself.

Reboarding a Capsized PWC

After a fall, the PWC could be overturned completely. You should be familiar with the proper procedure to right the PWC and reboard.

Most manufacturers have placed a decal at the rear or bottom of the craft that indicates the direction to roll your PWC to return it to an upright position. If no decal exists, check your owner’s manual or ask the dealer. If you roll it over the wrong way, you could damage your PWC.

Practice reboarding with someone else around to make sure you can handle it alone. Don’t ride your PWC if you are very tired because reboarding would be difficult. Also, avoid riding where there are strong currents or winds, which could hamper your reboarding efforts.

Courtesy When Encountering Other Vessels

Jumping the wake of a passing boat, or riding too close to another PWC or boat, creates risks and is restricted or even prohibited in some states. The vessel making the wake may block the PWC operator’s view of oncoming traffic and also conceal the PWC operator from approaching vessels.

Excessive noise from PWCs often makes them unwelcome with other vessel operators and people on shore. Be a courteous PWC operator.

- Vary your operating area, and do not keep repeating the same maneuver.
- Avoid congregating with other PWC operators near shore, which increases annoying noise levels.
- Avoid making excessive noise near residential and camping areas, particularly early in the morning.
• Avoid maneuvers that cause the engine exhaust to lift out of the water because that increases noise levels.
• Do not modify your engine exhaust system if it increases the noise. Improperly modified exhausts will not make your PWC faster and may raise the noise to an illegal level.

Environmental Considerations

When operating your personal watercraft, consider the effect you may have on the environment.

◆ Make sure that the water you operate in is at least 30 inches deep. Riding in shallow water can cause bottom sediments or aquatic vegetation to be sucked into the pump, damaging your PWC and the environment.

◆ Avoid causing erosion by operating at slow speed and by not creating a wake when operating near shore or in narrow streams or rivers.

◆ Do not dock or beach your PWC in reeds and grasses. This could damage fragile environments.

◆ Take extra care when fueling your PWC in or near the water. Oil and gasoline spills are very detrimental to the aquatic environment. Fuel on land if possible.

◆ Never use your PWC to disturb, chase, or harass wildlife.

Other PWC Considerations

◆ Remember that everyone on board a PWC must wear a life jacket (PFD).

◆ Keep hands, feet, loose clothing, and hair away from the pump intake area. Before cleaning debris away from the pump intake, shut off the engine.

◆ Keep everyone clear of the steering nozzle unless the PWC is shut off. The water jet can cause severe injuries.

◆ Frequently inspect your PWC’s electrical systems (e.g., starter and engine gauge connections) to ensure there is no potential for electrical spark. Gas fumes could collect in the engine compartment and an explosion could occur. After fueling, sniff the engine compartment for gas fumes.

◆ Never exceed the manufacturer’s recommended capacity for your PWC.

◆ Know your limits, and ride according to your abilities.

◆ See page 44 for other requirements specific to PWCs.
All operators are required to obey laws that regulate your vessel’s registration and operation.

**Registering Your Vessel** (66-12-4 NMSA 1978; 66-12-5 NMSA 1978; 66-12-8 NMSA 1978; BAR 18.17.2 NMAC 8)

- In New Mexico, all motorboats operating on state waters must be numbered and the Certificate of Number must be carried on board the vessel whenever the vessel is operated. The only exceptions are:
  - Motorboats owned by the United States, New Mexico, or any subdivision of those governments
  - Motorboats from another state using New Mexico waters for less than 90 consecutive days
  - Motorboats from another country using New Mexico waters temporarily
  - Vessels documented by the U.S. Coast Guard with documents on board.
- The Certificate of Number is obtained by submitting the proper applications, titles, and fees by mail or in person to the Motor Vehicle Division (MVD). After your application is processed, you will receive your certificate, number, and decal.
- *The Certificate of Number (registration card) must be on board and available for inspection by an enforcement officer whenever the boat or PWC is operated.*

**Where To Title and Register Your Vessel**

You can carry out your registration and titling transactions by mail, in person at a local MVD office or at the:

- New Mexico Motor Vehicle Division
- Joseph Montoya Building
- P.O. Box 1028
- 1100 South St. Francis Drive
- Santa Fe, NM 87504-1028

Or you can call the MVD at: 1-888-MVD-INFO
The registration number and validation decal must be displayed as follows.
- Number must be painted, applied as a decal, or otherwise affixed to both sides of the bow.
- Number must read from left to right on both sides of the bow.
- Number must be in at least three-inch-high **BLOCK** letters.
- Number must be maintained to be legible.
- Number’s color must contrast sharply with its background.
- Letters must be separated from the numbers by a space or hyphen equal to the width of a letter: **NM 3717 AA** or **NM-3717-AA**.
- No other numbers may be displayed on either side of the bow.
- Decal must be placed on the port (left) side of the vessel and six inches to the right (rear) of the registration number. Please remember to remove old decals.

If your vessel requires registration, it is illegal to operate it or allow others to operate your vessel unless it is registered and numbered as described above.

**Other Facts About Titling and Registration**

(66-12-4 NMSA 1978; 66-12-5 NMSA 1978; 66-12-6 NMSA 1978; BAR 18.17.2 NMAV 8)

- Every motorboat operating on New Mexico waters and owned by a person who lives in the state must be titled.
  - You must apply for a title within 30 days of the purchase or transfer.
  - If a vessel requires titling, the Certificate of Number will not be issued or renewed unless the boat is titled.
  - The fee for the title also includes any excise tax due on the vessel.
- Every Certificate of Number, except those issued to dealers and manufacturers, expires on December 31 of the third calendar year of its registration. The boat’s registration number will remain assigned to that boat for the life of the boat, except when a boat is transferred out of state, destroyed, or abandoned.
The Certificate of Number is renewed every three years. Renewals must be received by Motor Vehicle Division (MVD) within 60 days after the old certificate's expiration date. MVD does not notify owners of their validation decal expiration automatically.

If a vessel’s Certificate of Number or title is lost, stolen, mutilated, or destroyed, the owner must apply to the MVD for duplicates and pay the proper fees for duplicates.

If ownership of the vessel changes, the new owner must file an application and receive a new Certificate of Number before the vessel may be operated.

If a numbered vessel is destroyed, abandoned, or sold, the owner must notify MVD within 15 days. It is a good idea to remove the validation decal and numbers at that time.

If you change your address, you must provide the MVD with the new address, the current Certificate of Number, and the proper fee. You will receive a new Certificate of Number that shows your new address, but the boat’s registration number will not change.

Larger recreational vessels, owned by U.S. citizens, may (at the option of the owner) be documented by the U.S. Coast Guard (USCG). Call the USCG at 1-800-799-8362 for more information.

### Registration and Titling Fees

**Registration and Titling Fees** *(66-12-5.2 NMSA 1978; 66-12-6.1 NMSA 1978; BAR 18.17.2 NMAC 8.D)*

Registration fees are for each three-year period and are the same for a first time and for all renewals. The fees are based on the length of the vessel.

<table>
<thead>
<tr>
<th>Motorboat Length</th>
<th>Three-Year Registration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 16 feet</td>
<td>$28.50</td>
</tr>
<tr>
<td>16 feet to less than 26 feet</td>
<td>$36.00</td>
</tr>
<tr>
<td>26 feet to less than 40 feet</td>
<td>$43.50</td>
</tr>
<tr>
<td>40 feet to less than 65 feet</td>
<td>$51.00</td>
</tr>
<tr>
<td>65 feet or longer</td>
<td>$66.00</td>
</tr>
</tbody>
</table>

Cost of original, duplicate, corrected, or transfer of Title.......$10.00

Cost of duplicate Registration ..................................................$5.00

**Excise Tax:** Applicable to boats that must be registered. Excise tax is five percent (5%) of sales price less trade-in. Credit is given for tax paid to another state.

**Gross Receipt Tax:** Applicable to motorboats under 10 feet.
Buying or Selling a Vessel (66-12-5.2 NMSA 1978; 66-12-6 NMSA 1978)

The procedure for buying or selling a vessel is essentially the same whether the “seller” is a marine dealer or an individual or the “buyer” is an individual purchasing either a pre-owned boat from an individual “seller” or a new or pre-owned boat from a dealer.

- If a vessel that is subject to registration and/or titling is sold or transferred to another person:
  - The “buyer” must possess the title (or, in the case of a new boat, the certificate of origin) in order to transfer ownership.
  - The “seller” must assign the title to the new owner (or, in the case of a new boat, assign the certificate of origin).
  - The “buyer” must apply to the MVD and pay the proper fees for the Certificate of Number and/or title to be transferred to his or her name within 30 days from the date of purchase.
- You may not sell or buy a vessel that requires titling without properly transferring the title.

Hull Identification Number (66-12-5.3 NMSA 1978)

- The Hull Identification Number (HIN) is a unique, 12-digit or 17-digit number assigned by the manufacturer to vessels built after 1972.
- Hull Identification Numbers:
  - Distinguish one vessel from another.
  - Are engraved in the fiberglass or on a metal plate permanently attached to the transom.
- You should write down your HIN and put it in a place separate from your vessel in case warranty problems arise or your vessel is stolen.
- It is illegal to damage, tamper with, alter, or change your HIN.

Local Regulations (66-12-16 NMSA 1978; BAR 18.17.2 NMAC 16)

Local waterways may have specific equipment and operational restrictions in addition to those covered in this chapter. For example, motorized boating is limited to no-wake operation only on Heron Lake, Santa Cruz, and Cochiti Lake. Be sure to check for local regulations before you go boating. Special restrictions apply on the San Juan River, Bottomless Lakes, Morphy Lake, Fenton Lake, Lake Maloya, and Lake Alice.
Mandatory Boater Education and Operator Age Requirements (66-12-18.1 MNSA 1978; BAR 18.7.4 NMAC 88; BAR 18.7.4 NMAC 9)

- All persons born on or after January 1, 1989, must pass an approved boater education course or a proctored examination before they may operate a motorboat legally.
- Operators are exempt if they:
  - Possess a valid license issued by the U.S. Coast Guard or …
  - Are renting the motorboat for 30 days or fewer and have received instructions on safe boat operation and a summary of the boating laws from the rental company.
- All persons must be at least 13 years of age to operate a sailboat, motorboat, or PWC unless they are under the direct, on board supervision of an adult. Those under 13 years of age must have their Boater Education Certificate on board even when operating under direct supervision.
- The boater education certificate must be carried on board the vessel whenever it is operated by someone required to have a certificate. For renters, the instructions on safe boat operation provided by the rental company serve as a temporary certificate for 30 days.
- No person, including a parent or the owner of a vessel, may authorize or knowingly permit a child under the age of 13 to operate a motorboat without direct, on board supervision of an adult.

Marine Events (66-12-15 NMSA 1978)

- Authorization must be obtained from New Mexico State Parks in order to hold a regatta, race, marine parade, tournament, or exhibition on any New Mexico waters.
- The application for the marine event must be submitted at least 30 days in advance and must give the date, time, and location where the event is proposed to be held.
- It is illegal to hold a marine event without written authorization from New Mexico State Parks.
- Permits for events held on federally controlled waters are granted through the U.S. Coast Guard by applying at least 30 days in advance.
**Enforcement** *(66-12-22 NMSA 1978; 66-12-23 NMSA 1978; BAR 18.17.2 NMAC 17)*

- The following persons have full authority of a peace officer to enforce the boating laws of New Mexico.
  - Officials from the New Mexico State Parks Division—the Director, park custodians, and other employees designated in writing by the Director
  - Every sheriff in his or her respective county
  - Every member of the New Mexico State Police
- U.S. Coast Guard officers also patrol and have enforcement authority on federally controlled waters.
- The law enforcement officers listed above are authorized to stop and board your vessel to check that you are complying with state and federal laws.
- It is illegal to refuse to follow the directive of a person with law enforcement authority. An operator who has received a visual or audible signal from a law enforcement officer must bring his or her vessel to a stop.
- Every person who violates or fails to comply with laws in the New Mexico Boat Act is guilty of a misdemeanor.

**Boat Rentals** *(66-12-9 NMSA 1978, BAR 10; 18 NMAC 17.4.13)*

- No owner, agent, or employee may allow any vessel belonging to the boat rental facility to leave unless all of the equipment required by the Boat Act rules and regulations is on board.
- Rental facilities must record and keep the following information on file for six months:
  - Name and address of the person who is borrowing or hiring the vessel
  - The vessel’s identification number
  - The time and date of departure and expected return
- Someone from the rental facility must check the identification of anyone wanting to rent a vessel. No one born on or after January 1, 1989, is allowed to rent a boat unless they have a boater education certificate.
- Someone from the rental facility must explain how to operate the vessel safely and complete a safety checklist. The operator must initial and/or sign the checklist and carry it on board the vessel.
When preparing to go out on a vessel, the operator (and/or vessel owner who gives permission to operate the vessel) must check that the legally required equipment is on board. (66-12-7 NMSA 1978; BAR 18.7.2 NMAC 9)

**Personal Flotation Devices (PFDs)** (66-12-7 NMSA 1978; BAR 18.17.2 NMAC 9.A)
- All vessels must carry at least one USCG–approved Type I, II, III, or V life jacket (PFD) for each person on board. If the USCG label requires it to be worn to be counted as having a PFD on board, then it must be worn.
- In addition to the requirement for life jackets, all vessels, including PWCs, must carry at least one USCG–approved Type IV (throwable) PFD.
- Children 12 years old and younger must _wear_ a Type I, II, or III USCG–approved PFD while underway, unless they are below deck or in an enclosed cabin.
- Each person on board a PWC, kayak, canoe, or rubber raft must _wear_ a USCG–approved Type I, II, III, or V PFD.
- Each person being towed behind a vessel—on skis or any floating object—must _wear_ a USCG–approved Type I, II, or III PFD.
- Besides being USCG–approved, all life jackets and other PFDs must be:
  - **In good and serviceable condition.**
  - **Readily accessible,** which means you are able to put the PFD on quickly in an emergency.
  - **Of the proper size for the intended wearer.** Sizing for PFDs is based on body weight and chest size.
**TYPE I: Offshore Life Jackets**
These vests are geared for rough or remote waters where rescue may take awhile. They provide the most buoyancy, are excellent for flotation, and will turn most unconscious persons face up in the water.

**TYPE II: Near-Shore Vests**
These vests are good for calm waters when quick rescue is likely. A Type II may not turn some unconscious wearers face up in the water.

**TYPE III: Flotation Aids**
These vests or full-sleeved jackets are good for calm waters when quick rescue is likely. They are not recommended for rough waters since they will not turn most unconscious persons face up.

**TYPE IV: Throwable Devices**
These cushions and ring buoys are designed to be thrown to someone in trouble. Since a Type IV is not designed to be worn, it is neither for rough waters nor for persons who are unable to hold onto it.

**TYPE V: Special-Use Devices**
These vests, deck suits, hybrid PFDs, and others are designed for specific activities such as windsurfing, kayaking, or water-skiing. To be acceptable, Type V PFDs must be used in accordance with their label.
**Navigation Lights** *(66-12-7 NMSA 1978; BAR 18.7.2 NMAC 9.F)*

The required navigation lights must be displayed between sunset and sunrise and during periods of restricted visibility.

**Power-Driven Vessels When Underway**

If less than **65.6 feet long**, these vessels must exhibit the lights as shown in illustration 1. Remember, power-driven vessels include sailboats operating under engine power. The required lights are:

- Red and green sidelights visible from a distance of at least two miles away—or if less than 39.4 feet long, at least one mile away—on a dark, clear night.
- An all-round white light or both a masthead light and a sternlight. These lights must be visible from a distance of at least two miles away on a dark, clear night. The all-round white light (or the masthead light) must be at least 3.3 feet higher than the sidelights.

**Unpowered Vessels When Underway**

Unpowered vessels are sailboats or vessels that are paddled, poled, or rowed.

- **If less than 65.6 feet long**, these vessels must exhibit the lights as shown in illustration 2. The required lights are:
  - Red and green sidelights visible from at least two miles away—or if less than 39.4 feet long, at least one mile away.
  - A sternlight visible from at least two miles away.
- **If less than 23.0 feet long**, these vessels should:
  - If practical, exhibit the same lights as required for unpowered vessels less than 65.6 feet in length.
  - If not practical, have on hand at least one lantern or flashlight shining a white light as in illustration 3.

**All Vessels When Not Underway**

All vessels are required to display a white light visible for at least one-half mile in all directions whenever they are moored or anchored outside a designated mooring area between sunset and sunrise.
1. Power-Driven Vessels Less Than 65.6 Feet

The masthead light and sternlight may be combined as an all-round white light on vessels less than 39.4 feet long.

2. Unpowered Vessels Less Than 65.6 Feet

An alternative to the sidelights and sternlight is a combination red, green, and white light, which must be exhibited near the top of the mast.

3. Unpowered Vessels Less Than 23.0 Feet

Vessel operators should never leave shore without a flashlight. Even if you plan to return before dark, unforeseen developments might delay your return past nightfall.
Fire Extinguishers (BAR 18.17.2 NMAC 9.B)

- All vessels are required to have a Type B, U.S. Coast Guard–approved fire extinguisher on board if any of these conditions exist:
  - Inboard engine
  - Closed compartments under seats where portable fuel tanks may be stored
  - Double bottoms that are not sealed to the hull or that are not completely filled with flotation material
  - Closed living spaces
  - Closed storage compartments in which combustible or flammable materials may be stored
  - Permanently installed fuel tanks

- Approved types of fire extinguishers are identified by the following marking on the label—“Marine Type USCG Approved”—followed by the type and size symbols and the approval number.

- Extinguishers should be placed in an accessible area—not near the engine or in a compartment, but where they can be reached immediately. Be sure you know how to operate them, and inspect extinguishers regularly to ensure they are in working condition and fully charged.

- Use the following chart to determine the size and quantity required for your vessel.

---

### Fire Extinguisher Requirements

<table>
<thead>
<tr>
<th>Classification type &amp; size</th>
<th>Foam minimum gallons</th>
<th>Carbon Dioxide minimum pounds</th>
<th>Dry Chemical minimum pounds</th>
</tr>
</thead>
<tbody>
<tr>
<td>B-I</td>
<td>1¼</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>B-II</td>
<td>2½</td>
<td>15</td>
<td>10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Length of Vessel</th>
<th>Without Fixed System</th>
<th>With Fixed System*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 26 ft.</td>
<td>one B-I</td>
<td>None</td>
</tr>
<tr>
<td>26 ft. to less than 40 ft.</td>
<td>two B-I or one B-II</td>
<td>one B-I</td>
</tr>
<tr>
<td>40 ft. to less than 65 ft.</td>
<td>three B-I or</td>
<td>two B-I or</td>
</tr>
<tr>
<td></td>
<td>one B-II and one B-I</td>
<td>one B-II</td>
</tr>
</tbody>
</table>

* refers to a permanently installed fire extinguisher system
**Ventilation Systems (66-12-7 C. NMSA 1978)**

The purpose of ventilation systems is to avoid explosions by removing flammable gases. Properly installed ventilation systems greatly reduce the chance of a life-threatening explosion.

- All gasoline-powered vessels, constructed in a way that would entrap fumes, must have at least two ventilation ducts fitted with cowls to remove the fumes.
- The ventilation system must be capable of removing fumes before and during the time the vessel is occupied by any person.
- If your vessel is equipped with a power ventilation system, turn it on for at least four minutes both after fueling and before starting your engine.
- If your vessel is not equipped with a power ventilation system (for example, a personal watercraft), open the engine compartment and sniff for gasoline fumes before starting the engine.

**Backfire Flame Arrestors (BAR 18.17.2 NMAC 9.D)**

Backfire flame arrestors are designed to prevent the ignition of gasoline vapors in case the engine backfires.

- All powerboats (except outboards) that are fueled with gasoline must have an approved backfire flame arrestor on each carburetor.
- Backfire flame arrestors must be:
  - In good and serviceable condition _and..._
  - U.S. Coast Guard–approved (must comply with SAE J-1928 or UL 1111 standards).
- Periodically clean the flame arrestor(s) and check for damage.

**Mufflers (66-12-10 NMSA 1978)**

Vessel operators may not hear sound signals or voices if the engine is not adequately muffled.

- All vessel engines must be equipped with an effective muffling device, which may include (but is not limited to) mufflers, exhaust restrictors, and water-injected exhaust headers.
- The use of cutouts or non-muffled headers is prohibited, except for motorboats that are competing in an approved regatta or boat race.
Visual Distress Signals (VDSs)

Visual Distress Signals (VDSs) allow vessel operators to signal for help in the event of an emergency. Vessels on federally controlled waters must be equipped with visual distress signals that are U.S. Coast Guard–approved, in serviceable condition, and readily accessible.

- All vessels, regardless of length or type, are required to carry night signals when operating between sunset and sunrise. Most vessels must carry day signals also; exceptions to the requirement for day signals are:
  - Recreational vessels that are less than 16 feet in length
  - Non-motorized open sailboats that are less than 26 feet in length
  - Manually propelled vessels
- If pyrotechnic VDSs are used, a minimum of three must be on board.
- It is prohibited to display VDSs while on the water unless assistance is required to prevent immediate or potential danger to persons on board.
- VDSs are classified as day signals (visible in bright sunlight), night signals (visible at night), or both day and night signals. VDSs are either pyrotechnic (smoke and flames) or non-pyrotechnic (non-combustible).

### Pyrotechnic Visual Distress Signals

- **Orange Smoke**
  - Day Signal
- **Red Meteor**
  - Day and Night Signal
- **Red Flare**
  - Day and Night Signal

### Non-Pyrotechnic Visual Distress Signals

- **Electric Light**
  - Night Signal
- **Orange Flag**
  - Day Signal
- **Arm Signal**

*Although the arm signal does not meet VDS equipment requirements, wave your arms to summon help if you do not have other distress signals on board.*
Sound-Producing Devices (BAR 18.17.2 NMAC 9.C; 66-12-7 NMSA)

In periods of reduced visibility or whenever a vessel operator needs to signal his or her intentions or position, a sound-producing device is essential.

### If on New Mexico State Waters

<table>
<thead>
<tr>
<th>Length</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 26 feet long (includes PWCs)</td>
<td>Must carry a mouth-, hand-, or power-operated whistle or other mechanical device audible for at least one-half mile</td>
</tr>
<tr>
<td>26 feet to less than 40 feet long</td>
<td>Must carry a hand- or power-operated horn or whistle audible for at least one mile and a bell</td>
</tr>
<tr>
<td>40 feet long or longer</td>
<td>Must carry a power-operated horn or whistle audible for at least one mile and a bell</td>
</tr>
</tbody>
</table>

### If on Federally Controlled Waters

<table>
<thead>
<tr>
<th>Length</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 65.6 feet long (includes PWCs)</td>
<td>Must carry a whistle or horn audible for at least one-half mile</td>
</tr>
<tr>
<td>65.6 feet long or longer</td>
<td>Must carry a whistle or horn and a bell audible for at least one mile</td>
</tr>
</tbody>
</table>

Vessels may not carry a siren unless so authorized in writing by the Director of the State Parks Division.

**Federally Controlled Waters**

Vessels must observe federal requirements on these waters:
- Coastal waters
- The Great Lakes
- Territorial seas
- Waters which are two miles wide or wider and are connected directly to one of the above
**Diver-Down Flag** *(BAR 18.17.2 NMAC 15.G; BAR 19.5.2 NMAC 118)*

- Scuba divers and snorkelers must display a diver-down flag to mark their diving area. Divers must stay within a 150-foot radius of the flag. Vessel operators must not operate within 150 feet of a diver-down flag.
- Two types of flags are used to indicate diving activity.

![Divers Flag](image)

A rectangular red flag with a white diagonal stripe must be displayed on a vessel or flotation device while diving on state waters.

![Alfa Flag](image)

A blue and white International Code Flag A (or Alfa flag), at least 3.3 feet (one meter) high and visible from all directions, must be displayed on vessels on federally controlled waters.

**Skier-Down Flag** *(BAR 18.17.2 NMAC 13.B)*

New Mexico law states that vessels towing a person(s) on water skis or other similar devices must carry and use a bright red or orange skier-down flag, at least 12 x 12 inches in size, whenever the towed person(s) is in the water. The flag must be displayed so that it is visible in all directions.

**Emergency Equipment** *(66-12-7 NMSA 1978)*

In addition to the equipment described elsewhere in this handbook, every vessel must carry:

- One oar or paddle (PWC operators may carry collapsible paddles)
- One bailing bucket with a capacity of at least one gallon or a hand-operated bilge pump
- A stout rope whose length is at least equal to the length of the vessel
In addition to the laws mentioned previously, here are some other New Mexico regulations that apply when vessel operators are on the water.

**Unlawful Operation** *(66-12-11 NMSA 1978; BAR 18.17.2 NMAC 11 A-D; BAR 18.17.2 NMAC 13; BAR 18.17.2 NMAC 14.B; BAR 18.17.2 NMAC 15.G)*

New Mexico law states that these dangerous operating practices are illegal.

- **Reckless or Negligent Operation** of a vessel or the reckless manipulation of water skis, surfboards, or similar devices is the failure to exercise the care necessary to prevent the endangerment of life, limb, or property of any person. Examples of reckless operation include:
  - Boating in restricted areas without regard for other boaters or persons, posted speeds and wake restrictions, diver-down flags, etc.
  - Mooring or anchoring within 150 feet of a marina, boat ramp, or courtesy dock
  - Weaving your vessel through congested waterway traffic
  - Heading toward another vessel and swerving at the last possible moment in order to avoid collision
  - Jumping the wake of another vessel in a manner that endangers human life, human physical safety, or property
  - Causing damage from the wake of your vessel
  - Chasing, harassing, or disturbing wildlife with your vessel

**Remember …** as an owner of a vessel, you are responsible for any injury or damage caused by the negligent operation of your vessel by others you knowingly allow to operate it. It will be assumed that you have given consent if your vessel is operated by an immediate family member. *(66-12-17 NMSA 1978)*

- **Improper Speed or Distance** is not maintaining a proper speed or distance while operating a motorboat or PWC or while towing a person on water skis, surfboards, or similar devices. Specifically, it is unlawful to:
  - Operate at any speed greater than is reasonable or proper according to conditions prevailing at the time.
  - Operate at any speed that would not allow the operator to avoid swamping or colliding with any other watercraft or person.
• Operate at greater than “slow, no wake speed” within 150 feet of launch ramps, docks, mooring lines, beached or anchored vessels that are within 150 feet of shore, swimmers, fishermen, or areas designated for no-wake boating.

• Operate within 150 feet of swimmers, water-skiers, fishermen, and diver-down flags—unless you also are participating in the same activity.

• Tow a water-skier or persons on similar devices such that the towed object comes within 150 feet of any public dock (other than a ski dock), mooring line, launching ramp, boat, fisherman, swimmer, or person not also engaged in the same activity.

• Fish from a vessel that is drifting or trolling within 150 feet of any marina, boat ramp, or courtesy dock.

“Slow, no wake speed” means the slowest speed at which it is still possible to maintain steering and which does not produce white water created from wave action breaking off the vessel’s bow or sides. If adverse conditions exist, “slow, no wake speed” is the minimum speed necessary to maintain a safe course.

♦ Overloading is loading the vessel beyond its allowable capacity for number of persons. To determine the total number of passengers allowed, either:

• Look at the capacity plate installed by the vessel’s manufacturer or …

• Multiply the vessel’s length times its width and divide that result by 15.

♦ Riding on the Bow, Deck, or Gunwales is allowing passengers to ride where there may be a chance of falling overboard. Specifically, the following practices are unlawful when a vessel is underway:

• Sitting or riding on the bow or gunwales, unless the vessel has adequate guard rails. However, a person may sit or ride in these areas temporarily when casting off, when mooring, or when otherwise necessary.

• Sitting on a seat back.

• Allowing a person’s legs to hang overboard.

It is illegal to:
◆ Operate any vessel in such a way that it will interfere unnecessarily with the safe navigation of other vessels.
◆ Anchor a vessel in the traveled portion of a river or channel in a way that will prevent or interfere with any other vessel passing through the same area.
◆ Moor or attach a vessel to a buoy (other than a mooring buoy), beacon, light, or any other navigational aid placed on public waters by proper authorities.
◆ Anchor or moor a vessel at another person’s private dock.
◆ Move, displace, tamper with, damage, or destroy any navigational aid.
◆ Obstruct a pier, wharf, boat ramp, courtesy dock, or access to a marina or other facility by anchoring or mooring within 150 feet.
◆ Block or obstruct the movement of a vessel leaving a pier or dock.
◆ Troll or drift fish within 150 feet of any marina, boat ramp, or courtesy dock.

Homeland Security Restrictions
◆ Violators of the restrictions below can expect a quick and severe response.
   • Do not approach within 100 yards and slow to minimum speed within 500 yards of any U.S. Naval vessel. If you need to pass within 100 yards of a U.S. Naval vessel for safe passage, you must contact the U.S. Naval vessel or the U.S. Coast Guard escort vessel on VHF-FM channel 16.
   • Observe and avoid all security zones. Avoid commercial port operation areas, especially those that involve military, cruise-line, or petroleum facilities.
   • Observe and avoid other restricted areas near dams, power plants, etc.
   • Do not stop or anchor beneath bridges or in the channel.
◆ Keep a sharp eye out for anything that looks peculiar or out of the ordinary. Report all activities that seem suspicious to the local authorities, the U.S. Coast Guard, or the port or marina security.

- New Mexico law prohibits anyone from boating while intoxicated (BWI). This includes operating any vessel or using any water skis, wakeboard, kneeboard, or other similar device while under the influence of alcohol or any controlled substance.
- New Mexico law states that it is evidence of BWI if a person has a blood alcohol concentration (BAC) of 0.08% or more, based on chemical analysis of blood or breath. However, an operator may be considered under the influence at lower levels and prosecuted when his or her actions provide other competent evidence of intoxication.
- It is evidence of aggravated boating while under the influence of intoxicating liquor or drugs when a person has a BAC of 0.16% or more or causes bodily injury to any person as a result of BWI.
- New Mexico law establishes the following penalties for BWI.
  - A first conviction carries a fine of up to $500, jail time for up to 90 days, or both. In addition, those convicted must take an approved boating safety course.
  - Second or subsequent convictions carry a fine of up to $750, jail time for up to 364 days, or both.
  - Convictions for aggravated boating while under the influence of intoxicating liquor or drugs carry additional penalties.
- By operating a vessel on New Mexico waters, you have consented to be tested for alcohol or drugs if requested by a law enforcement official. If you refuse, you may be subject to increased penalties and may be found guilty of aggravated BWI.

Boating Accidents (66-12-12 NMSA 1978; BAR 18.17.2 NMAC 12)

- An operator involved in a boating accident must:
  - Stop his or her vessel immediately at the scene of the accident and …
  - Assist anyone injured or in danger from the accident, unless doing so would seriously endanger his or her own vessel or passengers and …
  - Give, in writing, his or her name, address, and vessel identification to anyone injured and to the owner of any property damaged by the accident.
- The operator also must:
  - Report the accident immediately to the local law enforcement agency and …
• File a New Mexico Boating Accident Report with the State Parks Division within 48 hours of the accident if it caused:
  - Death or personal injury that required more than standard first aid or …
  - Disappearance of any person under circumstances that indicate the possibility of death or injury or …
  - Damage to the vessel(s) or other property exceeding $100.

**Reporting an Accident**

Accident report forms are available from the address below or from the office of any state park with a lake. Accident report forms must be sent to:

New Mexico State Parks Division
P.O. Box 1147
Santa Fe, NM  87504-1147

Call 1-888-667-2757 for more information on how to report an accident.

**Discharge of Sewage and Waste** (BAR 18.17.2 NMAC 9.E; BAR 18.17.2 NMAC 11.E)

◆ It is illegal to discharge liquid or solid waste into New Mexico waters.
◆ If you have a recreational vessel with installed toilet facilities, it must have an operable marine sanitation device (MSD) on board.
  - Vessels 65 feet or less in length may use a Type I, II, or III MSD.
  - Vessels more than 65 feet in length must install a Type II or III MSD.
◆ All installed devices must be U.S. Coast Guard–certified.

**Types of MSDs**

There are three types of MSDs.

◆ Types I and II MSDs are usually found on large vessels. Waste is treated with special chemicals to kill bacteria before the waste is discharged. Types I and II MSDs with “Y” valves that would direct the waste overboard must be secured so that the valve cannot be opened. This can be done by placing a lock or non-reusable seal on the “Y” valve or by taking the handle off the “Y” valve in a closed position.
◆ Type III MSDs provide no treatment and are either holding tanks or portable toilets. Collected waste should be taken ashore and disposed of in a pump-out station or onshore toilet.
Discharge of Trash (BAR 18.17.2 NMAC 11.E)

It is illegal to dump refuse, garbage, or plastics into any state or federally controlled waters. Many forms of litter can kill birds, fish, and marine mammals.

- You must store trash in a container while on board and place it in a proper receptacle after returning to shore.
- If boating on federally controlled waters and your vessel is 26 feet or longer, you must display a Garbage Disposal Placard that is at least 4 x 9 inches and notifies passengers and crew about discharge restrictions.

Discharge of Oil and Other Hazardous Substances (BAR 18.17.2 NMAC 11.E)

- It is illegal to discharge oil or hazardous substances into the water.
- You are not allowed to dump oil into the bilge of the vessel without means for proper disposal.
- You must discharge oil waste to a reception facility. On recreational vessels, a bucket or bailer is adequate for temporary storage prior to disposing of the oil waste at an approved facility.
- If boating on federally controlled waters (see page 17) and your vessel is 26 feet or longer, you must display a 5 x 8-inch placard near the bilge pump switch stating the Federal Water Pollution Control Act’s law.

If your vessel discharges oil or hazardous substances into the water:

- Immediately call the U.S. Coast Guard at 1-800-424-8802.
- Also contact the New Mexico Environment Department by calling toll-free 1-800-219-6157.
Stop the Spread of Aquatic Pests!

- First discovered in the Great Lakes in the 1980s, zebra mussels and quagga mussels have spread to waters in more than 25 states by hitching a ride on vessels and trailers. Millions of dollars are spent annually to control and monitor these invasive species, which clog water pipes, foul boat motors, and kill native plants and wildlife by removing their food supplies. Although zebra mussels and quagga mussels have not been found in New Mexico, the mussels are in all bordering states except Texas. Once they contaminate open waters, they are impossible to remove.

- The New Mexico Aquatic Invasive Species Control Act gives officers with the Department of Game and Fish and the New Mexico State Parks Division authority to inspect vessels, trailers, or other equipment suspected of being contaminated with invasive species. The Act also requires that all vessels and equipment used in waters infested with invasive species be certified as decontaminated before entering New Mexico waters.

- To prevent invasive species from spreading to New Mexico:
  - Inspect your vessel and trailer. Remove visible mud, plants, fish, or other debris before leaving the area.
  - Drain all water from your boat and equipment before leaving the area.
  - Rinse and air-dry everything that came in contact with water, including boats, trailers, live wells, bait buckets, equipment, clothing, waders, dogs, etc.
  - Never release plants, fish, or other animals from one body of water into another.

STOP AQUATIC HITCHHIKERS!
Prevent the transport of nuisance species. Clean all recreational equipment.
www.ProtectYourWaters.net
PWC operators must obey laws that apply to other vessels as well as obey additional requirements that apply specifically to the operation of personal watercraft.

**Requirements Specific to PWCs**

(BAR 18.17.2 NMAC 9.A; BAR 18.17.2 NMAC 13)

- Everyone on board a PWC while underway must **wear** a U.S. Coast Guard–approved Type I, II, III, or V personal flotation device (PFD).
- An operator of a PWC equipped with a lanyard-type ignition safety switch must attach the lanyard to his or her person, clothing, or PFD.
- A PWC may not tow a water skier or a person(s) on a similar device unless:
  - The PWC has manufacturer-approved seating for at least three people **and...**
  - There is a vacant seat for the skier **and...**
  - An observer, in addition to the operator, is on board.
- It is illegal to chase, harass, or disturb wildlife with your PWC.

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Remember—there are age and boater education requirements for PWC operators: (BAR 18.17.2 NMAC 11.H; 66-12-18.1.A NMSA 1978; BAR 18.17.4 NMAC 8)

- If you were born on or after January 1, 1989, you must pass an approved boater education course or a proctored examination before you may operate a PWC legally.
- You must be at least 13 years of age to operate a PWC unless you are under the direct, on board supervision of an adult.
- The boater education certificate must be carried on board the PWC whenever it is operated by someone required to have a certificate.
Vessel operators towing a person(s) on water skis, surfboard, or any other device have additional laws.


- It is illegal to tow a person(s) between one hour after sunset and one hour before sunrise.
- All persons being towed must **wear** a U.S. Coast Guard–approved Type I, II, or III PFD.
- It is illegal to tow a person(s):
  - 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 the same activity
  - On a device other than a parasail such that the person becomes airborne
- The person operating the towing vessel must not operate the vessel in a manner that would cause the person or object being towed to collide with any other object or person.
- The vessel operator, water-skier, or person riding on the object being towed:
  - Must not manipulate the object so as to endanger the life, limb, or property of any person.
  - Must not be intoxicated due to alcohol or under the influence of any narcotic drug, barbiturate, or marijuana.
- Every motorboat (other than a PWC) towing a person(s) on water skis or a similar device must have:
  - An observer, in addition to the vessel operator, on board **or** ...
  - A device, such as a wide-angle rearview mirror, that gives the operator an unobstructed view of the person or object being towed.
- Every PWC towing a person(s) on water skis or a similar device must have:
  - Manufacturer-approved seating for at least three people with a vacant seat for the skier **and** ...
  - An observer on board, in addition to the operator.
Vessels towing a person(s) on water skis or similar device must carry on board a bright red or orange skier-down flag. The flag must be displayed whenever the towed person(s) is in the water and must be visible in all directions.

**Hand Signals for Skiers**

Knowing proper hand signals will help the skier(s) communicate with their boat operator or the observer.

- **Skier OK**
- **Back to dock**
- **Skier down—watch!**
- **Speed up**
- **Slow down**
- **Speed OK**
- **Turn left**
- **Turn right**
- **Stop**
Avoiding Propeller Strike Injuries

Most propeller strike accidents result from operator error. Victims include swimmers, scuba divers, fallen water-skiers, and boat operators or passengers. Most propeller accidents can be prevented by following basic safe boating practices.

- Maintain a proper lookout. The primary cause of propeller strike accidents is operator inattention.
- Make sure the engine is off so that the propeller is not rotating when passengers are boarding or leaving a boat.
- Never start a boat with the engine in gear.
- Slow down when approaching congested areas and anchorages. In congested areas, always be alert for swimmers and divers.
- Learn to recognize warning buoys that mark swimming and hazardous areas.
- Keep the boat away from marked swimming and diving areas. Become familiar with the red and white or blue and white diver-down flags signaling that divers are below the surface.
- Make sure that passengers are seated properly before getting underway. Some operators of larger boats with several passengers have caused injuries by putting the engine in gear while people were still swimming or diving from the boat.
- Never ride on a seat back, gunwale, transom, or bow.

Devices that Reduce Propeller Strikes

There are several new technologies designed to reduce propeller strikes. The effectiveness of the devices varies, depending on the boat and the operating environment. For more information, read the article “Propeller Injury Intervention” on the U.S. Coast Guard’s boating safety website: www.uscgboating.org.
NEW MEXICO’S STATE PARK SYSTEM

New Mexico’s state park system, established in the 1930s, preserves a wide range of natural wonders, historic sites, and recreational resources. The 35 state parks are located throughout New Mexico, ranging from the high-mountain lakes and pine forests of the north, to the Chihuahuan Desert lowlands of the south. A full range of outdoor recreation opportunities awaits visitors to New Mexico’s diverse state parks. Vast reservoirs provide a full range of water sports, including boating, fishing, water skiing, wind surfing, and sailing. Most parks offer picnicking and camping facilities. Some parks include extensive interpretive exhibits to provide park visitors with a better understanding of the state’s spectacular natural resources and to describe the pageant of human events that shaped New Mexico’s history.

Even the most discerning outdoor enthusiasts and history buffs will discover the enchantment of New Mexico’s state parks. After all, where else can visitors catch record-sized trout and bass, walk alongside 100 million-year-old duckbill dinosaur tracks, trace the ambush route of Pancho Villa, and photograph orchids in the midst of a desert? By balancing resource development for outdoor recreation activities with protection and preservation of New Mexico’s natural treasures, New Mexico’s state parks are dedicated to serving the needs of today’s visitors as well as preserving these treasures for future generations.

NEW MEXICO OUTDOOR RECREATION ACT

SECTION 16-2-32 CRIMINAL OFFENSES

Any person who commits any of the following acts is guilty of a petty misdemeanor and upon conviction thereof before a court of competent jurisdiction shall be fined not less than five dollars ($5.00) nor more than one hundred dollars ($100), punished by imprisonment in the county jail for any term not more than thirty days, or both fined and imprisoned in the discretion of the court.

A cut, break, injure, destroy, take, or remove any tree, shrub, timber, plant, or natural object in any state park or recreation area;

B kill, cause to be killed, or pursue with intent to kill any bird or animal in any state park or recreation area, except in areas designated by the secretary and except in conformity with the provisions of general law and the regulations of the state game commission;
C take a fish from the waters of any state park or recreation areas, except in conformity
with the provisions of general law and the regulations of the state game commission;

D willfully mutilate, injure, deface, or destroy any guidepost, notice, tablet, fence,
enclosure, or work which is for the protection or ornamentation of a state park or
recreation area;

E light a fire in a state park and recreation area, except in those places as the secretary
has authorized, or willfully or carelessly permit any fire which he has lighted or
caused to be lighted or which is under his charge to spread or extend to or burn any
of the shrubbery, trees, timber, ornaments or improvements upon any state park or
recreation area or leave any campfire which he has lighted or which has been left in
his charge unattended by a competent person without extinguishing the same;

F place in a state park and recreation area or affix to any object therein contained,
without written license from the secretary, any word, character or device designed to
advertise any business, profession, article, thing, exhibitions, matter or event; or

G violate any rule or regulation adopted by the secretary pursuant to the provisions of
Chapter 16, Article 2 NMSA 1978.

NEW MEXICO STATE PARK GENERAL PROVISIONS
BAR 19.5.1 NMAC

7 DEFINITIONS

7.A “Boating and rafting excursions” means a guiding service for boating or rafting
trips offered to the general public.

7. B “Capital improvement” means a construction project by a concessionaire to the
concession premises that is not maintenance or repair and that costs at least $1000.

7. C “Commercial activity” means for-profit sales or services but does not include the
operation of vending machines unless the vending machine is operated as part of a
larger concession operation.

7. D “Commercial filming” means the use of motion picture, videotaping, sound
recording or other moving image or audio recording equipment that involves the
advertisement of an event, product or service; the creation of a product for sale
including film, videotape, television broadcast or documentary of participants in
commercial sporting or recreation events for the purpose of generating income; or
the use of actors, models, sets, or props.

7. E “Commercial photography” means still images taken with a camera that the
photographer intends to sell.

7. F “Concession” means commercial activity conducted within a park the department
has authorized in writing.

7. G “Concessionaire” means the owner or operator of a concession who operates
pursuant to a department-issued concession contract.

7. H “Concessions administrator” means a division employee who maintains records
and documentation concerning concession contracts and concession permits.
7. I “Concession contract” means an agreement between the department and a person, or business entity, which allows the concessionaire to provide services, merchandise, accommodations, or facilities within a park. The concessionaire shall occupy a permanent structure or location within the park. The concession contract’s term shall not exceed 30 years pursuant to NMSA 1978, Section 16-2-9.

7. J “Concession permit” means a permit the department issues to a person or business entity to provide services in a park for a time period of up to one year. The fee for a concession permit is established in 19.5.6 NMAC. Services the division may authorize under a concession permit include guiding and outfitting services for fishing, boating and rafting excursions; educational and park resource protection services; and other services, including commercial services, that enhance visitors’ experience and enjoyment, such as sales of firewood, propane, ice, food or refreshments.


7. L “Cultural property” means a structure, place, site or object having historic, archaeological, scientific, architectural or other cultural significance.

7. M “Department” means the energy, minerals and natural resources department.

7. N “Developed site” means a park camping site with at least one shelter, table or grill or a combination of two or more such facilities at the site. Sites with recreational vehicle utility hookups are considered developed regardless of the presence of shelters, tables or grills.

7. O “Director” means the director of the energy, minerals and natural resources department, state parks division.

7. P “Director designee” means persons the director appoints including deputy directors, bureau chiefs, regional managers and park superintendents.

7. Q “Division” means the energy, minerals and natural resources department, state parks division.

7. R “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.

7. S “Geocaching” means an outdoor treasure-hunting activity in which the participants use a global positioning system receiver or other navigational means to hide or find containers called “geocaches” or “caches”.

7. T “Gross receipts from sales and services” means the total amount of receipts from sales and services.

7. U “Guide” means an individual or an employee of an outfitter who is hired to escort or accompany clients in fishing, rafting or boating.

7. V “Letter boxing” means an outdoor hobby that combines elements of orienteering, art and puzzle solving. Letter boxers hide small, weatherproof boxes in publicly-accessible places and distribute clues to finding the boxes in printed catalogs, on websites or by word of mouth. The activity is characterized by the boxes containing a logbook and a rubber stamp. Letter boxers stamp the box’s logbook with personal
rubber stamps and use the box’s stamp to imprint their personal logbooks as proof they found the box.

7. W “Net receipts from sales and services” means the total amount of receipts from sales and services, less the amount of gross receipts taxes.

7. X “Off highway motor vehicle” means a motor vehicle operated or used exclusively off New Mexico’s highways and that is not legally equipped for operation on the highway; this includes all terrain vehicles.

7. Y “Outfitter” means a person or company who employs guides.

7. Z “Park” means an area designated as a state park within the state parks system and that the division manages or owns.

7. AA “Park management and development plan” means a plan used as a guide for expansion, services, programs and development for the park.

7. BB “Park support group” means an organization as defined in NMSA 1978, Section 6-5A-1 or an organized group of individuals that volunteers time, services or funds to promote and support the division or an individual park and whose principal purpose as authorized by the division is to complement, contribute to and support, aid the function of or forward the division’s or park’s purposes.

7. CC “Person” means an individual, partnership, firm, corporation, association, joint venture or other entity.

7. DD “Personal flotation device” means a coast guard approved life preserver, buoyant vest, hybrid device, ring buoy or buoyant cushion.

7. EE “Primitive site” means a camping site that offers no facilities except a cleared area for camping. Primitive sites may have trash receptacles, chemical toilets or parking.

7. FF “Rally” means a parking area or facility designated for group functions.

7. GG “Receipts” means consideration in money and in trade received from sales and charges for services.

7. HH “Regional manager” means a division employee responsible for several parks within a region.

7. II “Sales and services” means transactions by a concessionaire, or a concessionaire’s agents or employees, for which the concessionaire receives consideration in money or money’s worth in connection with the concession business operated pursuant to the concession contract.

7. JJ “Secretary” means the secretary of the department.

7. KK “Special use permit” means a permit the division has issued to a person, business entity, park support group or organized group to provide an event or activity within a park. Examples of special use events and activities include regattas, boat races, parades, races, fishing tournaments, exhibitions and educational activities. The term of a special use permit shall be for the duration of the approved event or activity but shall not be issued for a period of more than five consecutive calendar days.
NEW MEXICO STATE PARK VISITOR PROVISIONS

BAR 19.5.2 NMAC

8 DELEGATION

The secretary delegates concurrent authority to the director as contained in NMSA 1978, Section 16-2-32(B), (E) and (F).

9 RESTRICTED AREAS

9.A Access to parks, both land and water, shall be open to the public, except that each superintendent may close an area or facility by posting or otherwise designating the area as closed to entry. A superintendent may close an area for no more than five consecutive days without the director’s approval. The superintendent shall ensure areas designated for seasonal closure are posted indicating the closure period.

9. B The superintendent may set a visitor capacity limit for a park or areas within a park. State park officials shall enforce each park’s visitor capacity to protect visitors and to prevent damage to the park’s natural or cultural resources. Once capacity is reached, state park officials shall not admit additional visitors until some of the visitors already there have left.

9. C The superintendent may restrict or prohibit activities in certain areas of a park by posting or otherwise designating the prohibition or restriction.

10 HOURS

The director or the director designee establishes opening and closing times for every area and facility of the state parks system. Hours are posted at the established park entrances, offices or pay stations.

11 DAY USE

11.A Day use of a park area is from 6:00 a.m. to 9:00 p.m. unless the superintendent posts different hours or extends hours for special programs or events. Visitors shall pay day-use fees upon entering the park. See 19.5.6 NMAC.

11. B Visitors may picnic in parks. The division may close areas designated for picnicking to camping.

11. C Visitors shall maintain sites in parks in a clean and sanitary condition at all times. Visitors shall clean the site after use and dispose of trash and litter in appropriate waste receptacles.
12. CAMPING

12. A Visitors may camp in parks in designated areas, provided that they obtain a valid camping permit. Visitors shall obtain permits upon entry by paying appropriate fees. See 19.5.6 NMAC. Use of park properties and facilities between the hours of 9:00 p.m. and 6:00 a.m., or as posted by the superintendent, is camping. Check out time, the time the campsite is to be vacated, is 2:00 p.m.; however, the camping permit allows day use of the park until 9:00 p.m. or as posted by the superintendent. Camping is not available at Living Desert Zoo and Gardens State Park, Vietnam Veterans Memorial State Park, Rio Grande Nature Center State Park, Mesilla Valley State Park or Smokey Bear Historical Park.

12. B Campers may not retain and leave vacant a campsite for more than 24 hours without the superintendent’s permission.

12. C Campers shall maintain campsites in a clean and sanitary condition at all times. Campers shall clean campsites after use and place litter only in appropriate disposal containers. Campers in remote areas shall carry out supplies and refuse, including human bioproducts, and dispose of these items properly in appropriate waste receptacles.

12. D Campers may reside in a park for a maximum of 14 calendar days during any 20-calendar day period unless the director otherwise decreases or waives this limit. Campers shall completely remove camping equipment and gear from the park for six calendar days during the 20-calendar day period.

12. E The division shall charge fees according to the facilities provided at each campsite, as provided in 19.5.6 NMAC, regardless of whether the camper uses the facilities at the campsite. For example, camping at a site with electricity requires payment of the fee for a developed site with electrical hookup even if the camper uses no electricity.

12. F Vehicles in a park between the hours of 9:00 p.m. and 6:00 a.m., or as posted by the superintendent, are individually subject to the appropriate camping fees. The division considers motor homes towing a vehicle or vehicles towing a camper a single vehicle for 19.5.2.12 NMAC’s purposes.

12. G The division may require visitors to pay fees for their entire stay in advance (rather than on a daily basis) for weekends, holidays or special events.

12. H Anchoring a boat or vessel overnight within a park constitutes camping and requires a valid camping permit for the anchored boat or vessel unless the visitor has paid camping fees for the towing vehicle. Visitors may not leave anchored boats or vessels vacant for more than 24 hours without the superintendent’s permission. Anchored boats or vessels may remain within a park for a maximum of 14 calendar days during any 20-calendar day period unless the director decreases or waives this limit. Visitors shall completely remove boats or vessels from the park for six calendar days during the 20 calendar-day period. Subsection H of 19.5.2.12 NMAC does not apply to boats or vessels moored at concession operated facilities such as marinas or buoy lines. Such boats or vessels are not subject to division camping permits and fees or time limits while they are moored at the concession facilities.
13 USE OF FACILITIES

13. A Facilities are available on a first come, first served basis with the exception of parks where the division has established a reservation program and a visitor has reserved the facility. Campers shall not save or reserve camping spaces for other individuals even by purchasing additional permits. Campers shall not have sole and continuing possession of a picnic or shade shelter or other park facility to the exclusion of other visitors except as provided in 19.5.2.11 or 19.5.2.12 NMAC unless the superintendent has granted permission.

13. B Visitors using a park facility shall keep it in a clean and sanitary manner and shall leave it in a clean and sanitary condition.

13. C The division has developed and designated special facilities for the use of individuals with disabilities. Individuals with disabilities shall have preferential use of these facilities over other persons.

13. D Visitors shall not remove water for domestic use from the park or deposit domestic trash generated outside the park within a park.

13. E Advance reservations are required for the use of meeting rooms. Meeting rooms are not available at all parks. A person who reserves a meeting room is responsible for setting up the room, cleaning the room after use and leaving the room in the same condition it was in before use. See 19.5.6 NMAC for meeting room fees.

13. F The director may designate areas within the state parks system for use by reservation.

13. G Advance reservations are required for the use of group shelters, group areas or reservation campsites. Users shall pay the appropriate day use or camping fees in addition to the reservation fee. The division may accept annual permits at reservation campsites if posted. See 19.5.6 NMAC for group shelter fees.

14 PARKING

14. A Visitors shall park vehicles only in established parking areas or parking turnouts where provided. It is illegal to park any vehicle in a manner that blocks access, restricts traffic or inhibits the free movement of other vehicles, persons or wheelchairs. At the superintendent’s discretion, the division may remove vehicles so parked at the owner’s expense.

14. B Visitors shall not park a vehicle in a designated disabled parking space unless the vehicle has registration plates or a state-issued placard indicating disability.

15 VEHICLE TRAFFIC

15. A Visitors shall drive vehicles within the state parks system only on established roads or areas authorized for vehicle traffic, provided that vehicle operation is at speeds at or below the posted limit and in a manner that is reasonable and prudent, with due regard for traffic, pedestrians and road surface conditions and width.

15. A (1) Visitors shall not operate vehicles in a manner that endangers the safety of persons, property or wildlife.

15. A (2) Visitors shall not operate vehicles at speeds greater than the posted limit and shall not exceed 30 miles per hour where no limit is posted.
15. B Vehicles operating within a park shall be registered and operated according to New Mexico motor vehicle laws.

15. C It is unlawful to ride or to allow anyone to ride in a boat loaded on a trailer, except when launching or loading a boat at an established boat ramp.

16 OFF-HIGHWAY MOTOR VEHICLES


16. B Visitors with disabilities who rely on off-highway motor vehicles to launch or dock boats or to transport themselves from the dock area or other specifically designated area to their vehicle or campsite may submit a written request for an exception to use an off-highway motor vehicle in specific areas to the director. The director may grant a written exception to use an off-highway motor vehicle, which shall specifically designate the areas to which the exception applies and conditions of use, so long as such use complies with other applicable laws and will not adversely affect park resources. In determining whether to grant an exception to Subsection A of 19.5.2.16 NMAC, the director shall consider the nature and extent of the individual's disability and available alternatives. Visitors the director authorizes to operate off-highway motor vehicles within the state parks system shall comply with federal, state and local laws governing off-highway motor vehicle use.

16. C State park officials may use off-highway motor vehicles for park operations and maintenance.

16. D Visitors' use of an off-highway motor vehicle pursuant to Subsections B of 19.5.2.16 NMAC is limited to established and customarily used roads, parking areas, boat ramps and approaches. Off-highway motor vehicle use is also subject to more stringent laws of a landowner (e.g. United States department of the interior, bureau of reclamation) from which the division leases the land or reservoir. Visitors and state park officials shall comply with laws of the landowner (e.g. United States department of the interior, bureau of reclamation; New Mexico department of game and fish; United States army corps of engineers, New Mexico state land office, etc.) when applicable.

17 SWIMMING

Swimming shall be at the swimmer's own risk. Swimming is prohibited within 150 feet of public or concession boat docks, launching ramps, above or below dams or where otherwise posted. Visitors using air mattresses, inner tubes, surfboards, sail or wind, styrofoam flotation devices or other similar articles shall wear a United States coast guard approved personal flotation device or a flotation assist device.

18 SKIN OR SCUBA DIVING

18. A Skin or scuba diving is at the diver's own risk and is prohibited within 150 feet of marinas, docks and ramps except for official activities and in other areas the superintendent designates.

18. B The division permits scuba diving only in groups of two or more divers. An additional scuba diver or competent diver-tender shall remain above water at all times.

18. C Equipment such as tanks, weight belts, etc. shall be equipped with quick-release fasteners.
18. D  Scuba divers shall be equipped with a buoyancy compensator. Scuba divers shall only use self-inflated, air supplied canister, or tank inflated, direct connection to the tank supplied air.

18. E  Divers shall use a diver’s flag to mark the point of submergence. Divers shall fly the diver’s flag from a boat or flotation device while diving. The flag shall be red with a white diagonal stripe running from the upper left corner to the lower right corner. Boats shall stay at least 150 feet away from a diver’s flag and shall exercise special care in the diver’s flags’ vicinity.

19  HORSEBACK RIDING
Visitors may ride horses only in designated areas within the state parks system. Visitors wishing to bring or ride horses in parks shall check with the superintendent in advance for approval, restrictions and area designations as some parks prohibit horses and horseback riding.

20  FIREARMS AND BOWS
Visitors shall not possess firearms, including concealed firearms, with a cartridge in any portion of the mechanism or discharge firearms, including concealed firearms, arrows and air or gas fired projectiles, weapons and other devices capable of causing injury to persons or animals or damage or destruction of property in the state parks system, except during designated hunting seasons or in authorized areas. No such activity is allowed within 300 yards of a developed park area or occupied campsite. 19.5.2.20 NMAC does not apply to on duty law enforcement officials.

21  ICE-SKATING AND ICE-FISHING
Visitors may ice-skate or ice-fish within parks at their own risk. Superintendents may prohibit or limit these activities as conditions require. Ice-fishing is permitted as regulated by the state game commission. Visitors shall not cut holes in the ice for ice-fishing larger than 12 inches in diameter.
22 LETTER BOXING AND GEOCACHING
Visitors shall not conduct letter boxing or geocaching activities in parks without the superintendent’s written permission.

23 METAL DETECTING
Metal detecting within a state park is prohibited unless a visitor obtains the superintendent’s permission to use metal detectors for scientific activities such as projects permitted through the New Mexico cultural properties review committee or to retrieve lost items.

24 NOISE LIMITATIONS
24.A Park “quiet hours” begin at 10:00 p.m. and end at 7:00 a.m. Visitors shall not operate generators, radios or unmuffled vehicles or engage in other loud activity disturbing others during this time period.

24.B Except in case of an emergency, creation of loud noise through the use of a loud-speaker requires the superintendent’s advance written approval. Visitors shall operate radios, tape players or other sound producing devices at a reasonable level during non-quiet hours so as not to disturb other visitors.

24.C Visitors shall not use fireworks within parks without the superintendent’s advance written approval.

25 CONDUCT
25.A Visitors are encouraged to enjoy park experiences without infringing upon other visitors’ ability to enjoy the same experiences. Threatening, abusive, boisterous, insulting or indecent language or behavior are prohibited. Solicitation, gambling and illegal discrimination are prohibited.

25. B Visitors shall not evade, disobey or resist a state park official’s lawful order.

25. C Parents, guardians or other adults in charge shall exercise constant direct supervision of minor children or adults who do not possess the intelligence or awareness to recognize possible danger.

25. D Law enforcement officers may forcibly eject a person who violates a state law or a department rule or a person who evades, disobeys or resists a state park official’s lawful order from a park. Based on the severity of conduct or reported incident, i.e., threatening or intimidating conduct toward visitors or park staff, the ejection may be permanent.

25. D (1) Permanent ejection requires the regional manager to issue written notification to the person being permanently ejected.

25. D (2) To request review of a permanent ejection a regional manager issues, an individual ejected from a park or parks shall submit a written request including the reasons for requesting review to the director within 15 calendar days of issuance and provide written notice to the regional manager.

25. D (3) The regional manager and the ejected individual shall submit written statements to the director within 10 working days of the submission of the request for review.
25. D (4) The director shall base his or her decision on the written statements unless the ejected individual or the regional manager requests the opportunity to call witnesses or make oral arguments within 10 working days of the request for review.

25. D (5) A request for hearing shall explain the need for any witness testimony or oral argument. If the ejected individual or regional manager asks to make oral arguments or call witnesses, the director may set a hearing to be held within 10 working days after receiving that request and provide notice of the hearing date, time and location to the regional manager and the ejected individual. Oral testimony shall be made under oath. A tape or stenographic record shall be made of any oral argument or witness testimony.

25. D (6) The director shall issue a written final decision, including findings of fact within 10 working days after the date for submission of written statements, or a hearing if any, and send copies to the ejected individual and the regional manager.

26. PETS

26. A Visitors with dogs, cats or other domestic pets in areas of the state parks system shall control their pets, so as not to cause a nuisance to others. Pet owners shall ensure pets are vaccinated in accordance with applicable municipal or county ordinances and state laws.

26. B Pet owners shall pick up after their pets and shall maintain the area in a clean and sanitary condition.

26. C Pet owners shall restrain pets on leashes that are not more than 10 feet in length, except in areas the superintendent designates. Subsection C of 19.5.2.26 NMAC does not apply to pets being used in authorized activities such as field trials, retriever training or hunting.

26. D Pet owners shall prevent their pets from excessive barking, howling and making loud noises, so as not to disturb others. Pet owners shall prevent their pets from biting or attacking any person or destroying property. Pet owners shall not leave their pets unattended in vehicles or campsites.

26. E Pets are prohibited, except disability assistance dogs with valid document that verifies the dog is an assistance dog that can be presented to the state park official at time of use, within visitor centers and at the following parks:

1. Rio Grande Nature Center State Park;
2. Living Desert Zoo and Gardens State Park; and

27. LITTERING

27. A Visitors shall not dispose of solid or liquid waste in the state parks system, except in receptacles provided for that purpose.

27. B Glass containers are prohibited outside vehicles, motor homes, campers, trailers and tents within the state parks system except on established commercial premises.

28. ABANDONED PROPERTY

Unless the visitor has obtained the superintendent’s prior written permission,
personal property left in any park for longer than 14 calendar days shall be deemed abandoned. State park officials shall remove property deemed abandoned at the owner's expense and dispose of it as provided by law.

29 PROHIBITION OF ALCOHOLIC BEVERAGES
The director may prohibit alcohol consumption or possession within a park or a designated area within a park and the superintendent shall post notice of the prohibition.

30 FEES AND CHARGES
30.A Upon entering a park, visitors shall pay fees and charges in accordance with 19.5.6 NMAC. The visitor shall display applicable permits in accordance with instructions provided with the permit. If a visitor fails to obtain a permit, state park officials may field collect fees and may include an administrative fee in addition to the required fee. See 19.5.6 NMAC. The visitor's failure to pay the administrative fee may result in civil damages, criminal action or eviction from the park.

30. B Visitors shall display permits at all times inside a park. Nonstop highway travel through a park on numbered state highways does not require a park use permit.

30. C The superintendent may waive or reduce park fees for government agencies. The superintendent or director may waive or reduce park fees for organized youth groups or special events and the director may waive or reduce park fees for special circumstances where the consideration for the reduced or waived fees is to the equal benefit of the division or the park through advertising, promotion, volunteer hours, etc.

30. D State park officials may issue rain checks for unused, prepaid daily camping activities or the cancellation of a group shelter reservation.

30. E The division or its contractors may charge fees in addition to the appropriate use fee for reservation processing and cancellation. The contractor or state park officials shall collect the reservation fee for those park sites where the division has established a reservation program. See 19.5.6 NMAC. Visitors shall pay the reservation fee in advance with applicable fees for camping, electricity or other service for the total reservation period.

30. F The division may charge fees in addition to the appropriate use fees for special events such as concerts, festivals, etc. The fee shall not exceed the value of admission to such event.

31 PERMITS AND CONCESSIONS
Concession-operated camp grounds do not accept division-issued permits.

32 DAY USE AND CAMPING PERMITS
32. A Day use permits.

32. A (1) Day use permits authorize visitors to use park facilities that do not require other fees, such as meeting rooms or group shelters, from 6:00 a.m. to 9:00 p.m.; unless the superintendent has posted different hours.

32. A (2) When purchasing the day use permit visitors shall comply with the instructions on the permit and provide, as requested, their name, address and vehicle license number
as well as the date of purchase and the amount enclosed and, if applicable, their site number. Visitors shall indicate that they are only paying for day use.

32. B Camping permits.
32. B (1) Subject to the availability of a campsite, camping permits authorize visitors to camp in a park.
32. B (2) When purchasing the camping permit visitors shall comply with the instructions on the permit and provide, as requested, their name, address and vehicle license number as well as their site number, the date of purchase, the amount enclosed and length of stay and, if applicable, their annual permit number. Visitors shall also indicate that they are camping.

33 ANNUAL PERMITS AND PASSES
33.A Annual day use passes.
33. A (1) Annual day use passes authorize the vehicle owner or individual to access and use the park at no additional charge during the times indicated in 19.5.2.11 NMAC. Visitors may use annual day use passes at all parks, except at the living desert zoo and gardens state park and Smokey Bear historical park.
33. A (2) When purchasing an annual day use pass visitors shall comply with the instructions on the pass and provide their name and address.
33. A (3) The division does not issue extra vehicle passes for annual day use passes.
33. B Annual camping permits.
33. B (1) Annual camping permits authorize the vehicle owner or individual to access and use the park at no additional charge except for utility hookups during the times indicated in 19.5.2.12 NMAC. The annual camping permit allows the visitor one sleeping unit. A motor home towing a vehicle or a vehicle towing a camping trailer is considered a sleeping unit. The visitor shall pay the per night camping fee for additional vehicles.
33. B (2) Annual camping permits are available for:
33. B (2) (a) New Mexico residents as documented with a current New Mexico driver’s license or other state of New Mexico issued photo identification;
33. B (2) (b) New Mexico residents 62 years of age or older as documented with a current New Mexico driver’s license or other state of New Mexico issued photo identification;
33. B (2) (c) New Mexico residents with physical disabilities who present a New Mexico handicap motor vehicle license plate or a blue handicap placard with a placard holder identification card the New Mexico taxation and revenue department, motor vehicle division issues containing their name and placard number to verify disability; a New Mexico game and fish department lifetime hunting and fishing card containing their name; or a photocopy of the award letter the United States department of veterans affairs issues indicating the veteran has a 100% service-connected disability; and
33. B (2) (d) all-out-of-state-residents including senior citizens and persons with disabilities.
33. B (3) When purchasing an annual camping permit, visitors shall comply with the instructions on the permit and provide their name; address; if applicable, proof of age or residency; and the license plate number of the vehicle for which the visitor is purchasing the permit.

33. B (4) Visitors may use annual camping permits at all parks, except at the living desert zoo and gardens state park and Smokey Bear historical park.

33. C Annual day use passes and annual camping permits expire 12 months after the date the division issues them. The division shall not make refunds or prorations for permits or passes that remain in effect for less than 12 months.

33. D Visitors may obtain replacement annual camping permits and stickers by submitting a signed affidavit describing the facts of the purchase and the permit’s loss or destruction and, if available, the original permit or proof of purchase. The division does not issue replacements for annual day use passes.

33. E The division may sell gift certificates for annual day use passes and annual camping permits.

34 DISABLED VETERANS PASSES

34. A Disabled veterans camping passes.

34. A (1) A disabled veterans camping pass authorizes New Mexico resident veterans with a 50% or greater service-connected disability to camp at a park at no charge for three nights, consecutive or non-consecutive, within a 12-month period.

34. A (2) To obtain the three one-night passes, an eligible veteran shall apply with the New Mexico department of veterans services for certification that verifies the veteran’s disability and residency (current address) and that the New Mexico department of veterans services forwards to the division.

34. A (3) Disabled veterans may obtain replacement camping passes and stickers by submitting a signed affidavit describing the facts of the issuance and loss or destruction of the pass and, if available, the original pass or proof of issuance.

34. B Disabled veterans annual day use passes.

34. B (1) Disabled veterans annual day use passes authorize New Mexico resident veterans with a permanent 50% or greater service-connected disability to obtain one annual day use pass at no charge for personal use only. An eligible veteran desiring more than one annual day use pass shall purchase additional annual day use passes at full price.

34. B (2) To obtain an annual day use pass, an eligible veteran shall apply with the New Mexico department of veterans services for certification that verifies the veteran’s disability and residency (current address) and that the New Mexico department of veterans services forwards to the division.

34. B (3) The division does not issue replacements for disabled veterans annual day use passes.

35 VETERANS’ DAY

On the federally designated legal holiday known as Veterans’ Day any New Mexico resident who provides satisfactory proof that the resident is currently serving or has
served in the United States armed forces, and the resident’s spouse and dependent children are entitled to free use of any park including the waiving of all day use, camping or other fees.

36  PARK PASSES

36.A Concessionaires. The director or director designee (see Subsection P of 19.5.7 NMAC) may issue park passes to concessionaires, concession permittees or their employees or commercial contractors, suppliers and agents for access to and from the concession. Concessionaires, concession permittees or their employees or commercial contractors, suppliers and agents using the park, lake or facilities away from the concession premise shall pay the appropriate fees.

36. B Contractors. The director or director designee (see Subsection P of 19.5.1.7 NMAC) may issue park passes to division contractors, suppliers or agents or other persons providing services to a park for access to the park.

36. C Complimentary park passes. The director or director designee (see Subsection P of 19.5.1.7 NMAC) may issue complimentary passes to legislators so that they may learn about park operations; to park advisory board members, volunteers or individuals who significantly contribute to the division; or in exchange for promotion of the division or advertising. The director or director designee may issue complimentary passes as rainchecks to visitors for unused services or to resolve visitor complaints.

37  SPECIAL USE PERMITS

37.A The division shall authorize short term events and activities within the state parks system, such as regattas, boat races, parades, races, fishing tournaments, exhibitions and educational activities only by a special use permit and only after payment of associated fees. See 19.5.6 NMAC. State park officials shall only issue special use permits for events and activities that provide a needed service to the park and that benefit the park. Persons shall submit applications for special use permits to the park where the event is proposed at least 15 calendar days prior to the event, or at least 30 calendar days prior to the event if the event is a regatta, motorboat or boat race, marine parade, tournament or exhibition. State park officials shall not issue a special use permit for a period of more than five consecutive calendar days. The park may charge fees in addition to the special use fee to cover costs of additional staff, facilities, etc. needed for the event.

37.B Persons shall complete the division-provided special use permit, which may include the park where the event or activity is proposed; the location of the proposed event or activity within the park; the date of the proposed event or activity; start and end times for the proposed event or activity; the number of people expected to attend; a detailed description of the proposed event or activity; the applicant’s name, address and phone number; a hold harmless requirement, insurance coverage; and designation of the type of the proposed event or activity (i.e. special use, marine event, park event, etc.).

37.C No person shall violate a condition or restriction attached to or indicated on the special use permit. The division may cancel a permit if the permit holder violates 19.5.2 NMAC.
# Boating Reference Table

## Things To Do Before Leaving the Dock
- Leave your Sail/Float Plan with a responsible person.
- Check your fuel supply—a good rule to follow is 1/3 out, 1/3 back, and 1/3 reserve.
- Make sure your boat is not overloaded and the load is distributed evenly.
- Check weather on television, AM/FM radio, or VHF radio. Monitor radio, sky, and water for changes.
- Complete a pre-departure maintenance check of your boat. Check your required equipment.
- Have all passengers try on their flotation devices for proper fit and wear. Inform them where they are stored.
- Make sure your drain plug is in.

## Exceptions and Notes:
- Things To Do Before Leaving the Dock
- Use this checklist prior to every departure to help ensure your boating safety.
- Stay on top!!

## Required Equipment

<table>
<thead>
<tr>
<th>Equipment Type</th>
<th>Motorboats (including electric motorized, sailing vessels under engine power, and jet skis)</th>
<th>Sailboats (if any type of motor attached, see motorboats)</th>
<th>Manually Propelled (no motor or sail)</th>
<th>Whitewater (canoe, kayak, raft)</th>
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## Notes:
1. Does not apply to sailboards or windsurf boards. Operators may have a flotation assist device worn in lieu of a PFD.
2. Does not apply to stand-up PWCs.
3. Approved PFDs (life jackets) must be properly worn by all persons on board and those being towed.
4. Required to be worn on U.S. Corps of Engineer lakes on all boats up to 16 feet long.
5. An extinguisher is required if a vessel has any of the following: inboard engine, closed compartments where portable fuel tanks may be stored, double bottoms not completely sealed or flotation filled, closed living spaces, closed storage areas in which combustible or flammable materials may be stored, or permanently installed fuel tanks.
6. Sailing vessels under power or under both power and sail use must display these lights.
7. If sidelights and sternlight are impractical, the vessel must have a lighted lantern showing a 360° white light visible for 1/2 mile.
8. Applies to all vessels, except a vessel of “open construction,” using any liquid of a volatile or toxic nature for any purpose.
9. Applies to all vessels with inboard motors (does not apply to outboards).
10. Lanyard of the ignition safety switch must be attached to the operator, operator’s clothing, or operator’s PFD, if equipped.

## Exceptions and Notes:
- The above requirements are subject to exceptions and special conditions based on the type, size, and use of the vessel.
- Refer to the booklet for more complete information on the boating statutes and regulations.
- Numbers beside the Xs indicate the equipment item is required.
- The chart is intended as a quick reference only. Refer to the booklet for any exceptions to the equipment requirement.

## Things you SHOULD HAVE on your boat:
- Map for boating area and a compass and/or GPS
- First-aid kit and manual
- Basic tool kit and spare parts
- Engine maintenance manual
- VHF radio or cell phone (Channel 16—distress/safety)

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**For more information please call 505-841-4780 or 1-888-NM-PARKS or visit our website at www.nmparks.com**
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Energy, Minerals, and Natural Resources Department
New Mexico State Parks
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