

HOUSE FLOOR SUBSTITUTE FOR
HOUSE BILL 143

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO BOATING; AMENDING A SECTION OF THE BOAT ACT TO
SHORTEN THE NOTIFICATION TIME TO A LAW ENFORCEMENT AUTHORITY OF
BOATING ACCIDENTS.

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

SECTION 1. Section 66-12-12 NMSA 1978 (being Laws 1959,
Chapter 338, Section 11, as amended) is amended to read:

"66-12-12. COLLISIONS--ASSISTANCE AND REPORTS.--

A. The operator of a vessel involved in a
collision, accident or other casualty, so far as ~~[he]~~ the
operator can do so without serious danger to ~~[his]~~ the
operator's own vessel, crew and passengers, shall:

(1) render to other persons affected by the
collision, accident or other casualty such assistance as
practicable and necessary in order to save them from, or

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underscored material = new
[bracketed material] = delete

1 minimize, any danger caused by the collision, accident or other
2 casualty; and

3 (2) give ~~[his]~~ the operator's name, address
4 and identification of ~~[his]~~ the operator's vessel in writing to
5 any person injured and to the owner of any property damaged in
6 the collision, accident or other casualty.

7 ~~[B. In case of collision, accident or other~~
8 ~~casualty involving a vessel and resulting in death or injury to~~
9 ~~a person or damage to property in excess of one hundred dollars~~
10 ~~(\$100), the operator of the vessel or his legal representative~~
11 ~~shall, within forty-eight hours, file with the division a full~~
12 ~~description of the collision, accident or other casualty,~~
13 ~~including all information that the division may require by~~
14 ~~regulation.~~

15 ~~G. All collision, accident or other casualty~~
16 ~~reports filed as required by this section shall be without~~
17 ~~prejudice to the individual making the report and are solely~~
18 ~~for the confidential use of the division except that the~~
19 ~~division may disclose the identity of a person involved in an~~
20 ~~accident when the identity is not otherwise known or when the~~
21 ~~person denies his presence at the accident. The report is~~
22 ~~inadmissible as evidence in any trial, civil or criminal,~~
23 ~~arising out of an accident except that the division may~~
24 ~~furnish, upon request, a certificate showing that a specified~~
25 ~~accident report has or has not been made as required by this~~

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1 ~~section.]~~

2 B. The operator of a vessel involved in a
3 collision, accident or other casualty involving a vessel and
4 resulting in death or injury to a person, disappearance of a
5 person from a vessel, public or private property damage in
6 excess of five hundred dollars (\$500) or complete loss of a
7 vessel shall, if physically capable, immediately notify, by the
8 most prompt means of communication, the nearest state park
9 office, the sheriff of the county where the incident occurred
10 or the state police of the incident. If the operator of a
11 vessel is under the age of eighteen, the operator's parent,
12 legal guardian or supervising adult shall immediately notify,
13 by the most prompt means of communication, the nearest state
14 park office, the sheriff of the county where the incident
15 occurred or the state police of the incident.

16 C. Whenever the operator of a vessel is physically
17 incapable of giving immediate notice of a collision, accident
18 or other casualty involving a vessel and resulting in death or
19 injury to a person, disappearance of a person from a vessel,
20 public or private property damage in excess of five hundred
21 dollars (\$500) or complete loss of a vessel, and there was
22 another occupant aboard the vessel at the time of the incident
23 that was capable of giving immediate notice, the other occupant
24 shall give, or cause to be given, notice, by the most prompt
25 means of communication, to the nearest state park office, the

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1 sheriff of the county where the incident occurred or the state
2 police.

3 D. Whenever the operator of a vessel is physically
4 incapable of giving immediate notice of a collision, accident
5 or other casualty involving a vessel and resulting in death or
6 injury to a person, disappearance of a person from a vessel,
7 public or private property damage in excess of five hundred
8 dollars (\$500) or complete loss of a vessel, and the operator
9 was not the owner of the vessel and there was no other person
10 aboard the vessel capable of giving immediate notice, the owner
11 of the vessel shall give notice to the nearest state park
12 office, sheriff of the county where the incident occurred or
13 the state police immediately after learning of the incident.

14 E. No person shall knowingly make false claims or
15 statements when reporting a vessel collision, accident or
16 casualty."