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SENATE BILL 72

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Clinton D. Harden

AN ACT

RELATING TO BOATING; AMENDING A SECTION OF THE MOTOR VEHICLE  
CODE TO PROVIDE FOR NOTIFICATION 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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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 immediately notify, by the most prompt means of  
8 communication, the division, the nearest law enforcement agency  
9 or the state police of the incident. If the operator of a  
10 vessel is under the age of eighteen, the operator's parent or  
11 legal guardian shall immediately notify the division, the  
12 nearest law enforcement agency or the state police of the facts  
13 relating to the collision, accident or other casualty.

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