New Mexico: The Legal Requirements of Boating

Your Vessel’s Certificate of Number and Decal

Requirements for vessel registration vary from state to state. 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

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) at the following address. After your application is processed, you will receive your certificate and decal. The registration number for your vessel will be on the certificate.

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

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 (no script).
- 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 the 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.

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 Registering Your Vessel

- Every motorboat that is 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 MVD within 60 days after the old certificate’s expiration date. MVD does not notify owners of their validation decal expiration automatically.

Certificate of Number

The Certificate of Number must be carried on board the vessel whenever the vessel is operated. It is similar to your car registration.

Display of Registration Number and Validation Decal (Port Side Only)

Spaces or hyphens should appear here.

PWCs also are required to display the registration number and validation decal.

Title

A legal document of ownership that allows for purchasing a vessel on credit (lien title) or transferring ownership of a vessel upon its sale.
State Law

- If ownership of the vessel changes, the new owner must file an application and receive a new Certificate of Number before the vessel can be operated.
- If a numbered vessel is destroyed, abandoned, or sold, the owner must notify MVD within 15 days.
- 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 Associated Fees

<table>
<thead>
<tr>
<th>Class Motorboat</th>
<th>Length</th>
<th>Three-Year Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Less than 16 ft.</td>
<td>$28.50</td>
</tr>
<tr>
<td>1</td>
<td>16 ft. to less than 26 ft.</td>
<td>$36.00</td>
</tr>
<tr>
<td>2</td>
<td>26 ft. to less than 40 ft.</td>
<td>$43.50</td>
</tr>
<tr>
<td>3</td>
<td>40 ft. to less than 65 ft.</td>
<td>$51.00</td>
</tr>
<tr>
<td></td>
<td>65 ft. or over</td>
<td>$66.00</td>
</tr>
</tbody>
</table>

Fee for original, duplicate, corrected, or transfer of Title $10.00
Fee for 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.

Stay up-to-date on new boating laws!
Be sure to stay abreast of new boating laws and requirements.
For state boating law information, contact the Boating Safety Section of the New Mexico State Parks Division:
- 505-476-3390
- www.nmparks.com

For federal boating laws, visit the U.S. Coast Guard’s boating safety website:
- www.uscgboating.org

Information in the manual does not replace what is specifically legal for boating in New Mexico, which is found in New Mexico Statutes (state laws), federal laws, and the New Mexico Administrative Code (state regulations).
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.

Unlawful Operation of a Vessel

New Mexico law states that the following 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

- **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.

- **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.

The U.S. Coast Guard Auxiliary and U.S. Power Squadrons will perform a Vessel Safety Check (VSC) of your vessel and equipment free of charge. This inspection covers federal and state requirements. If your vessel meets all VSC requirements, you will receive a VSC decal. If your vessel fails to meet all requirements, no report is made to any law enforcement agency.
Alcohol and Drugs

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. Don’t drink and boat—it’s against the law.

Alcohol and drugs cause impaired balance, blurred vision, poor coordination, impaired judgment, and slower reaction times. Alcohol is a major contributor to boating accidents and fatalities. Read more about the effects and risks of consuming alcohol in Chapter 5.

◆ 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.

Obstructing Navigation

Vessel operators should always be considerate of other vessel operators even when stopping to anchor or moor. Keep in mind that it is illegal to:

◆ Operate any vessel in such a way that it will interfere unnecessarily with the safe navigation of other vessels on the waterway.

◆ 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.

◆ 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.

Homeland Security Restrictions

Recreational boaters have a role in keeping our waterways safe and secure.

◆ Observe and avoid all security zones, especially around military vessels and including restricted areas near dams and power plants. Do not stop or anchor beneath bridges or in the channel. Violators can expect a swift and severe response.

◆ Keep a sharp eye out for anything that looks peculiar or out of the ordinary. Report all suspicious activities to local authorities or the U.S. Coast Guard.
Personal Flotation Devices (Life Jackets)

All vessels must be equipped with U.S. Coast Guard (USCG)–approved life jackets, also called personal flotation devices (PFDs). The quantity and type depend on the length of your vessel and the number of people on board and/or being towed. Each PFD must be in good condition, be the proper size for the intended wearer, and very importantly, be readily accessible! Readily accessible means you must be able to put the PFD on in a reasonable amount of time in an emergency (vessel sinking, on fire, etc.). Life jackets and other PFDs should not be stowed in plastic bags or in locked or closed compartments, and they should not have other gear stowed on top of them.

Vessel operators should ask everyone on their vessel to wear a PFD whenever on the water. **PFDs can save lives, but only if they are worn!**

### PFD Requirements

- 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 in order 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.

- All life jackets and other PFDs must be in good and serviceable condition and readily accessible. The PFDs must be of the proper size for the intended wearer. Sizing for PFDs is based on body weight and chest size.

- 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.

### PFD/Life Jacket Descriptions

**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 assistance or rescue is likely. Type II vests will turn some unconscious wearers face up in the water, but the turning is not as pronounced as with a Type I.

**TYPE III: Flotation Aids**

These vests or full-sleeved jackets are good for calm waters when quick assistance or rescue is likely. They are not recommended for rough waters since they will not turn most unconscious persons face up. Type III PFDs are used for water sports such as water-skiing and swimming. Some Type III PFDs are designed to inflate when you enter the water.

**TYPE IV: Throwable Devices/Not Wearable**

These cushions and ring buoys are designed to be thrown to someone in trouble. Since a Type IV PFD 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. Some Type V PFDs are designed to inflate when you enter the water. To be acceptable, Type V PFDs must be used in accordance with their label.

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### Types of Personal Flotation Devices

Read and follow the label restrictions on all life jackets and other PFDs.
Fire Extinguishers

- Extinguishers are classified by a letter and number symbol. The number indicates the relative size of the extinguisher, and the letter indicates the type of fire it will extinguish.
  - Type A fires are of combustible solids like wood.
  - Type B fires are of flammable liquids like gasoline or oil.
  - Type C fires are electrical fires.
- 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.

<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 feet</td>
<td>one B-I</td>
<td>None</td>
</tr>
<tr>
<td>26 feet to less than 40 feet</td>
<td>two B-I or one B-II</td>
<td>one B-I</td>
</tr>
<tr>
<td>40 feet or more</td>
<td>three B-I or one B-II and one B-I</td>
<td>two B-I or one B-II</td>
</tr>
</tbody>
</table>

* refers to a permanently installed fire extinguisher system

- 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.
- Fire extinguishers must be maintained in usable condition. Inspect extinguishers regularly to ensure the following.
  - Seals and tamper indicators are not broken or missing.
  - Pressure gauges or indicators read in the operable range.
  - There is no physical damage, corrosion, leakage, or clogged nozzles.

Remember ...

Keep bilges clean and free of trash in order to reduce the risk of fire.
**Backfire Flame Arrestors**

Because boat engines may **backfire**, all powerboats (except outboards) that are fueled with gasoline must have an approved backfire flame arrestor on each carburetor. Backfire flame arrestors look like an air filter but are made of mesh and metal. They are designed to prevent the ignition of gasoline vapors in case the engine backfires.

- Backfire flame arrestors must be:
  - In good and serviceable condition
  - U.S. Coast Guard–approved (must comply with SAE J-1928 or UL 1111 standards)
- Periodically clean the flame arrestor(s) and check for any damage.

**Ventilation Systems**

Ventilation systems are crucial. Their purpose 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. At least one exhaust duct must extend from the open atmosphere to the lower bilge. At least one intake duct must extend from a point at least midway to the bilge or below the level of the carburetor air intake.
- 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 in either of these situations:
  - After fueling
  - Before starting the 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.

**Mufflers**

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.
Navigation Lights

- Vessel operators must make sure that their vessels are equipped with the proper navigation lights and use the lights during these conditions:
  - When away from the dock between sunset and sunrise
  - During periods of restricted visibility such as fog or heavy rain
- The different types of navigation lights are described in “Navigation Lights” in Chapter 3. No other lights that may be mistaken for required navigation lights may be exhibited. *Note:* Blue or red flashing lights are restricted to use by law enforcement vessels only.
- The required navigation lights differ depending on the type and size of your vessel. The common lighting configurations for recreational vessels are discussed below. For other configurations and requirements for larger vessels, see the U.S. Coast Guard’s *Navigation Rules*.

**Power-Driven Vessels Less Than 65.6 Feet Long When Underway**

If less than 65.6 feet (20 meters) 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 (12 meters) long, at least one mile away—on a dark, clear night.
- An all-round white light (if less than 39.4 feet long) 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 (one meter) higher than the sidelights.

**Unpowered Vessels When Underway**

Unpowered vessels are sailing vessels 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 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.
  - A sternlight visible from a distance of at least two miles away.
- If less than 23.0 feet (7 meters) 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 shown 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.

**3. Unpowered Vessels Less Than 23 Feet**

To prevent a collision, 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.
Visual Distress Signals

Visual Distress Signals (VDSs) allow vessel operators to signal for help in the event of an emergency. 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).

- Vessels on federally controlled waters must be equipped with U.S. Coast Guard–approved visual distress signals. 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
- VDSs must be U.S. Coast Guard–approved, in serviceable condition, and readily accessible.

U.S. Coast Guard–Approved Visual Distress Signals

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

If pyrotechnic VDSs are used, a minimum of three must be carried in the vessel. Also, pyrotechnic VDSs must be dated and may not be carried past their expiration date.

The following combinations of signals are examples of VDSs that could be carried on board to satisfy U.S. Coast Guard requirements:
- Three handheld red flares (day and night)
- One handheld red flare and two red meteors (day and night)
- One handheld orange smoke signal (day), two floating orange smoke signals (day), and one electric light (night only)

It is prohibited to display visual distress signals while on the water unless assistance is required to prevent immediate or potential danger to persons on board a vessel.

Pyrotechnic Devices

- Pyrotechnics are excellent distress signals. However, there is potential for injury and property damage if not handled properly. These devices produce a very hot flame, and the residue can cause burns and ignite flammable materials.
- Pistol-launched and handheld parachute flares and meteors have many characteristics of a firearm and must be handled with caution. In some states, they are considered a firearm and are prohibited from use.
- Pyrotechnic devices should be stored in a cool, dry, and prominently marked location.

Non-Pyrotechnic Devices

- The distress flag is a day signal only. It must be at least 3 x 3 feet with a black square and ball on an orange background.
- The electric distress light is accepted for night use only and must flash the international SOS distress signal automatically.

Arm Signal

Although this signal does not meet VDS equipment requirements, wave your arms to summon help if you do not have other distress signals on board.

federally controlled waters

Waters on which vessels must observe federal requirements, including VDS requirements; these waters include:
- Coastal waters
- The Great Lakes
- Territorial seas
- Bodies of water connected directly to one of the above, up to a point where the body of water is less than two miles wide
Common Sound Signals
Some common sound signals that you should be familiar with as a recreational boater are as follows.

Changing Direction
- **One short blast** tells other boaters “I intend to pass you on my port (left) side.”
- **Two short blasts** tell other boaters “I intend to pass you on my starboard (right) side.”
- **Three short blasts** tell other boaters “I am backing up.”

Restricted Visibility
- **One prolonged blast** at intervals of not more than two minutes is the signal used by power-driven vessels when underway.
- **One prolonged blast plus two short blasts** at intervals of not more than two minutes is the signal used by sailing vessels.

Warning
- **One prolonged blast** is a warning signal (for example, used when coming around a blind bend or exiting a slip).
- **Five (or more) short, rapid blasts** signal danger or signal that you do not understand or that you disagree with the other boater’s intentions.

Sound-Producing Devices
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. The navigation rules for meeting head-on, crossing, and overtaking situations described in Chapter 3 are examples of when sound signals are required.

- The following requirements apply to vessels operating on New Mexico state waters.
  - Vessels less than 26 feet in length, which includes PWCs, must carry a mouth-, hand-, or power-operated whistle or other mechanical device audible for at least one-half mile.
  - Vessels that are 26 feet to less than 40 feet in length must carry a hand- or power-operated horn or whistle audible for at least one mile. The vessel also must carry a bell.
  - Vessels that are 40 feet or more in length must carry a power-operated horn or whistle audible for at least one mile. The vessel also must carry a bell.
  - These requirements apply to vessels operating on federally controlled waters.
  - Vessels less than 65.6 feet (20 meters) in length, which includes PWCs, are required to carry on board a whistle or horn or some other means to make an efficient sound signal audible for at least one-half mile.
  - Vessels that are 65.6 feet (20 meters) or more in length are required to carry on board a whistle or horn, and a bell that are audible for at least one mile.
  - Vessels may not carry a siren unless so authorized in writing by the Director of the State Parks Division.

Other Equipment and Regulations
- **Emergency Equipment:** In addition to the equipment described elsewhere in this chapter, every vessel must carry:
  - One oar or paddle
  - 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
- **Diver-Down Flags:** 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.
  - A rectangular red flag with a white diagonal stripe must be displayed on a vessel or flotation device while diving on state waters.
  - 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. This flag indicates that the vessel is involved in a diving activity.
- **Skier-Down Flag:** 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 is in the water. The flag must be displayed so that it is visible in all directions.
- **Local Regulations:** Local waterways may have specific equipment and operational restrictions in addition to those covered in this chapter. On Heron Lake, Santa Cruz, and Cochiti Lake, for example, motorized boating is limited to no-wake operation only. Be sure to check for local regulations before you go boating. Go to [www.nmparks.com](http://www.nmparks.com) and click on “Boating” and then “Boating Waters” for specific restrictions by lake.

Scuba divers and snorkelers should not place a flag in an area already occupied by other boaters or where their diving operation will impede the normal flow of waterway traffic. Divers also should follow all of the water safety rules themselves.

Vessels towing person(s) on water skis or similar devices must display a red or orange skier-down flag whenever the towed person(s) is in the water.
Requirements Specific to Personal Watercraft (PWCs)

In addition to adhering to all boating laws, personal watercraft (PWC) operators have requirements specific to their vessel.

- 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.
- There are age and boater education requirements for PWC operators. See page 26.
- 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.

Towing a Person With a Vessel Legally

Vessel operators towing a person(s) on water skis or any similar devices must obey these laws also.

- 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, barbituate, 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 a 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.

As an owner of a PWC, you may be held liable if you consent to allow anyone else to operate your PWC in such a way that it violates the laws of New Mexico.

If towing a skier with a PWC, the PWC must be rated for at least three people—the operator, the observer, and the retrieved skier.

Skiers Flag
Waste, Oil, and Trash Disposal in New Mexico and Federal Waters

- It is illegal to discharge waste, oil, or trash into any state or federally controlled waters. This is for very good reasons.
- Sewage carries disease and other pollutants that are harmful to people, aquatic plants, and animals.
- Trash thrown into the water can injure swimmers and wildlife alike. It also can plug engine cooling water intakes.
- Pollution is unsightly and takes away from your enjoyment of the water.

Vessel operators need to be aware of the following regulations for waste, oil, and trash disposal that apply to both federally controlled and state waters. The Refuse Act prohibits throwing, discharging, or depositing any refuse matter of any kind (including trash, garbage, oil, and other liquid pollutants) into the waters of the United States.

Discharge of Sewage and Waste

- 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.
- 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.
  - 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.
- 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.

Discharge of Trash

The Act to Prevent Pollution from Ships places limitations on the discharge of garbage from vessels. 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 in a prominent location. The Garbage Disposal Placard is a durable sign that is at least 4 x 9 inches and notifies passengers and crew about discharge restrictions.

Garbage Disposal Placard

It is illegal for any vessel to dump plastic trash anywhere in the ocean or navigable waters of the United States. Annex V of the MARPOL TREATY is a new International Law for a cleaner, safer marine environment. Each violation of these requirements may result in civil penalties up to $25,000, a fine up to $50,000, and imprisonment up to 5 years.

U.S. lakes, rivers, bays, sounds, and 3 miles from shore

ILLEGAL TO DUMP:
Plastic Garbage
Paper
Metal
Rags
Crockery
Glass
Food

3 to 12 miles

ILLEGAL TO DUMP:
Plastic
Dunnage (lining & packing materials that float)
Also, if not ground to less than one inch:
Garbage
Paper
Crockery
Rags
Food
Glass

12 to 25 miles

ILLEGAL TO DUMP:
Plastic

Outside 25 miles

ILLEGAL TO DUMP:
Plastic

State and local regulations may further restrict the disposal of garbage.

Working together we can all make a difference!
Discharge of Oil and Other Hazardous Substances

Regulations issued under the Federal Water Pollution Control Act require all vessels with propulsion machinery to be able to retain oil mixtures on board.

- You are not allowed to discharge oil or hazardous substances. The penalty for illegal discharge may be a fine of up to $10,000.
- You are not allowed to dump oil into the bilge of the vessel without means for proper disposal. Fuel spills can be removed using absorbent bilge pads.
- You must dispose of oil waste at an approved 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.
- You must notify the U.S. Coast Guard immediately if your vessel discharges oil or hazardous substances in the water. Call toll-free 1-800-424-8802. Report the discharge’s location, color, source, substances, size, and time observed. You also must contact the New Mexico Environment Department and report the discharge; call toll-free 1-800-219-6157.
- If boating on federally controlled waters and your vessel is 26 feet or longer, you must display a 5 x 8-inch placard made of durable material, fixed in a conspicuous place in the machinery spaces or at the bilge pump control station, stating the following:

  **Discharge of Oil Prohibited**

  The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste upon or into any navigable waters of the U.S. The prohibition includes any discharge which causes a film or discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to substantial civil and/or criminal sanctions including fines and imprisonment.

Waste Management Plan

- Ocean-going vessels that are 40 feet or more in length with cooking and sleeping facilities must have a written Waste Management Plan.
- The captain of the vessel is responsible for implementing the Waste Management Plan.
- The Waste Management Plan, identifying the vessel’s name and home port, should be posted and should include directives to all persons on board about:
  - Discharging sewage and hazardous substances
  - Discharging garbage and other food waste
  - Disposing of plastics, bottles, and cans
  - Reading applicable placards for additional information
  - Advising the captain in case of oily discharges or diesel spills

What To Do in Case of Discharge

If your vessel discharges oil or hazardous substances into the water, notify the U.S. Coast Guard by calling:

- 1-800-424-8802.
- Also notify the New Mexico Environment Department by calling:
- 1-800-219-6157.

Stop the Spread of Aquatic Pests!

- First discovered in the Great Lakes in the 1980s, zebra muskels and quagga muskels 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 muskels and quagga muskels have not been found in New Mexico, the muskels 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 the 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 any mud, plants, fish, or other debris you see 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, propellers, trailers, live wells, bait buckets, equipment, clothing, waders, dogs, etc.
  - Never release plants, live bait, fish, or other animals from one body of water into another.

STOP AQUATIC HITCHHIKERS!™

www.ProtectYourWaters.net
Boating Accidents and Casualties... What the Law Requires You To Do

◆ 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.

◆ Accident report forms must be sent to the following address. The forms are available from this same address or from the office of any state park with a lake.
  New Mexico State Parks Division
  P.O. Box 1147
  Santa Fe, NM  87504-1147
  1-888-667-2757

◆ If an official accident report form is not immediately available, the list of required operator reporting information is on page 61 for your use.

Enforcement

◆ 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. Violators must appear before a magistrate to determine the fine and court costs.