



The Legislature
of the
State of New Mexico

49th Legislature, Second Session

LAWS 2010

CHAPTER 8

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR

SENATE BILL 9

Introduced by



CHAPTER 8

AN ACT

RELATING TO TORT CLAIMS; PROVIDING IMMUNITY FROM TORT LIABILITY FOR CERTAIN ENTITIES ENGAGING IN SPACE FLIGHT ACTIVITIES.

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

Section 1. SHORT TITLE.--This act may be cited as the "Space Flight Informed Consent Act".

Section 2. DEFINITIONS.--As used in the Space Flight Informed Consent Act:

A. "participant" means a space flight participant as that term is defined in 49 U.S.C. Section 70102;

B. "space flight activities" means launch services or reentry services as those terms are defined in 49 U.S.C. Section 70102; and

C. "space flight entity" means a public or private entity holding a United States federal aviation administration launch, reentry, operator or launch site license for space flight activities.

Section 3. CIVIL IMMUNITY FOR SPACE FLIGHT ENTITIES.--

A. Except as provided in Subsection B of this section, a space flight entity is not liable for injury to or death of a participant resulting from the inherent risks of space flight activities so long as the warning contained in Section 4 of the Space Flight Informed Consent Act is

1 distributed and signed as required. Except as provided in
2 Subsection B of this section, a participant or participant's
3 representative may not maintain an action against or recover
4 from a space flight entity for the loss, damage or death of
5 the participant resulting exclusively from any of the
6 inherent risks of space flight activities.

7 B. Subsection A of this section does not prevent
8 or limit the liability of a space flight entity if the space
9 flight entity:

10 (1) commits an act or omission that
11 constitutes gross negligence or willful or wanton disregard
12 for the safety of the participant and that act or omission
13 proximately causes injury, damage or death to the
14 participant;

15 (2) has actual knowledge or reasonably
16 should have known of a dangerous condition on the land or in
17 the facilities or equipment used in the space flight
18 activities and the danger proximately causes injury, damage
19 or death to the participant; or

20 (3) intentionally injures the participant.

21 C. The limitation on legal liability provided to a
22 space flight entity by the Space Flight Informed Consent Act
23 is in addition to any other limitation of legal liability
24 otherwise provided by law.

25 Section 4. WARNING AND ACKNOWLEDGMENT REQUIRED.--

1 A. A space flight entity providing space flight
2 activities to a participant, whether the activities occur on
3 or off the site of a facility capable of launching a
4 suborbital flight, shall have each participant sign a warning
5 statement. The warning statement shall contain, at a
6 minimum, the following statement:

7 "WARNING AND ACKNOWLEDGMENT

8 I understand and acknowledge that under New Mexico law,
9 there is no liability for injury to or death sustained by a
10 participant in a space flight activity provided by a space
11 flight entity if the injury or death results from the
12 inherent risks of the space flight activity. Injuries caused
13 by the inherent risks of space flight activities may include,
14 among others, death, bodily injury, emotional injury or
15 property damage. I assume all risk of participating in this
16 space flight activity."

17 B. Failure to provide the warning statement
18 requirements in this section to a participant shall prevent a
19 space flight entity from invoking the immunity provided by
20 this section with regard to that participant.

21 Section 5. DELAYED REPEAL.--The Space Flight Informed
22 Consent Act is repealed effective July 1, 2018. _____

Diane D. Denish

Diane D. Denish, President
Senate

Lenore M. Naranjo

Lenore M. Naranjo, Chief Clerk
Senate

Ben Lujan

Ben Lujan, Speaker
House of Representatives

Stephen R. Arias

Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 1st day of March, 2010

Bill Richardson

Governor Bill Richardson
State of New Mexico

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