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SENATE BILL 620

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Elizabeth "Liz" Stefanics and Nathan P. Small

AN ACT

RELATING TO THE ENVIRONMENT; PROHIBITING CERTAIN USES OF LIGHT
FIXTURES THAT CAUSE LIGHT TRESPASS OR A HAZARDOUS GLARE;
INCREASING PENALTIES.

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

SECTION 1. Section 74-12-1 NMSA 1978 (being Laws 1999,
Chapter 197, Section 1) is amended to read:

"74-12-1. SHORT TITLE.--~~[This act]~~ Chapter 74, Article 12
NMSA 1978 may be cited as the "Night Sky Protection Act"."

SECTION 2. Section 74-12-2 NMSA 1978 (being Laws 1999,
Chapter 197, Section 2) is amended to read:

"74-12-2. PURPOSE.--The purpose of the Night Sky
Protection Act is to regulate outdoor night lighting fixtures
to preserve and enhance the state's dark sky while promoting
public safety and health, conserving energy and preserving the

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1 aesthetic, cultural and scientific value of the nighttime
2 environment [~~for astronomy~~]."

3 SECTION 3. Section 74-12-3 NMSA 1978 (being Laws 1999,
4 Chapter 197, Section 3) is amended to read:

5 "74-12-3. DEFINITIONS.--As used in the Night Sky
6 Protection Act:

7 A. "hazardous glare" means an emission of light
8 from a fixture that creates a brightness that substantially
9 affects or requires a person to divert the person's vision;

10 B. "light trespass" means an emission of light from
11 a fixture that is not properly shielded, causing the light to
12 extend beyond the property of its origin;

13 [~~A-~~] C. "outdoor lighting fixture" means an outdoor
14 artificial illuminating device, whether permanent or portable,
15 used for illumination or advertisement, including searchlights,
16 spotlights and floodlights, whether for architectural lighting,
17 parking lot lighting, landscape lighting, billboards or street
18 lighting; and

19 [~~B-~~] D. "shielded" means a fixture that is shielded
20 in such a manner that light rays emitted by the fixture, either
21 directly from the lamp or indirectly from the fixture, are
22 projected below a horizontal plane running through the lowest
23 point on the fixture where light is emitted."

24 SECTION 4. Section 74-12-4 NMSA 1978 (being Laws 1999,
25 Chapter 197, Section 4) is amended to read:

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1 "74-12-4. SHIELDING OF OUTDOOR LIGHT FIXTURES.--All
2 outdoor lighting fixtures installed after [~~January 1, 2000~~]
3 July 1, 2019 shall be shielded, except incandescent fixtures
4 [~~of one hundred fifty watts or less and other sources of~~
5 ~~seventy watts~~] that emit one thousand eight hundred lumens or
6 less, are angled downward at least forty-five degrees and do
7 not create a light trespass."

8 SECTION 5. Section 74-12-7 NMSA 1978 (being Laws 1999,
9 Chapter 197, Section 7) is amended to read:

10 "74-12-7. EXEMPTIONS.--

11 A. Provided that a light source does not create a
12 hazardous glare, the following are exempt from the requirements
13 of the Night Sky Protection Act:

14 (1) outdoor lighting fixtures on advertisement
15 signs on interstates and federal primary highways;

16 (2) outdoor lighting fixtures existing and
17 legally installed prior to the effective date of the Night Sky
18 Protection Act; however, when existing lighting fixtures become
19 unrepairable, their replacements are subject to all the
20 provisions of the Night Sky Protection Act;

21 (3) navigational lighting systems at airports
22 and other lighting necessary for aircraft safety; and

23 (4) outdoor lighting fixtures that are
24 necessary for worker safety at farms, ranches, dairies,
25 feedlots or industrial, mining or oil and gas facilities.

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[bracketed material] = delete

1 B. The provisions of the Night Sky Protection Act
2 are cumulative and supplemental and shall not apply within any
3 county or municipality that, by ordinance or resolution, has
4 adopted provisions restricting light pollution that are equal
5 to or more stringent than the provisions of the Night Sky
6 Protection Act."

7 **SECTION 6.** Section 74-12-10 NMSA 1978 (being Laws 1999,
8 Chapter 197, Section 10) is amended to read:

9 "74-12-10. VIOLATIONS--PENALTY.--Any person, firm or
10 corporation violating the provisions of the Night Sky
11 Protection Act shall be punished as follows:

12 A. for a first offense, the offender may be issued
13 a warning; and

14 B. for a second offense or offense that continues
15 for thirty days from the date of the warning, [~~twenty-five~~
16 ~~dollars (\$25.00) minus the replacement cost~~] five hundred
17 dollars (\$500) for each offending fixture."

18 **SECTION 7.** EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2019.