

HOUSE BILL 77

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO AVIATION; REQUIRING STANDARDS FOR THE PAINTING AND MARKING OF CERTAIN METEOROLOGICAL EVALUATION TOWERS; PROVIDING A PENALTY.

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

SECTION 1. A new section of Chapter 64 NMSA 1978 is enacted to read:

"[NEW MATERIAL] METEOROLOGICAL EVALUATION TOWERS--

.223273.2AIC February 2, 2023 (11:26am)

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PENALTIES.--

A. A meteorological evaluation tower shall:

(1) be painted immediately upon installation with an odd number of equal alternating bands of aviation orange and white, beginning with orange at the top of the tower;

(2) be repainted within a reasonable amount of time if the paint becomes faded or otherwise deteriorated;

(3) display two aviation orange spherical markers on each outer guy wire, if applicable, that are at least twenty inches in diameter;

(4) display two high-visibility sleeves on each outer guy wire, if applicable; and

(5) comply with any applicable county and municipal standards.

B. The aviation division of the department of transportation shall adopt rules to create a registry of meteorological evaluation towers in the state and require a person who owns, operates or erects a meteorological evaluation tower to provide notice to the aviation division of the existence of or intent to erect a meteorological evaluation tower.

C. A person who owns, operates or erects a meteorological evaluation tower in violation of this section is guilty of a misdemeanor punishable pursuant to Section 31-19-1

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NMSA 1978.

D. A meteorological evaluation tower erected before July 1, 2023, shall be in compliance with the provisions of this section by January 1, 2024.

E. As used in this section, "meteorological evaluation tower":

(1) means a structure that:

(a) stands more than fifty feet above the ground and less than two hundred feet above the ground;

(b) has a base that is not more than six feet in diameter; and

(c) HCEDC→**is**←HCEDC HCEDC→**carries**
meteorological measuring instruments such as thermometers
and instruments to measure wind speed and may be←HCEDC

associated with the development or study of wind-powered electric generation, commonly known as a "MET tower"; and

(2) does not include a structure that is located in the curtilage of a residence or adjacent to a building, barn or electric utility substation."