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HOUSE BILL 77

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

INTRODUCED BY

Dayan Hochman-Vigil

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-- 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

underscored material = new
[bracketed material] = delete

1 time if the paint becomes faded or otherwise deteriorated;

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

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

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

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

16 C. A person who owns, operates or erects a
17 meteorological evaluation tower in violation of this section is
18 guilty of a misdemeanor punishable pursuant to Section 31-19-1
19 NMSA 1978.

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

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

25 (1) means a structure that:

.223273.2

underscoring material = new
~~[bracketed material] = delete~~

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(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) is 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."