

1 or an agency of a federally recognized Indian nation, tribe
2 or pueblo located in whole or in part in New Mexico."

3 Section 2. REPEAL.--Section 27-6-18 NMSA 1978 (being
4 Laws 2005 (1st S.S.), Chapter 2, Section 2) is repealed.
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Chapter 232

AN ACT

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2 RELATING TO PROPERTY LAW; AMENDING THE DEFINITION OF "SOLAR
3 COLLECTOR" IN THE SOLAR RIGHTS ACT; INVALIDATING RESTRICTIONS
4 ON THE INSTALLATION OR USE OF SOLAR COLLECTORS.
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6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 Section 1. A new section of Chapter 3, Article 18 NMSA
8 1978 is enacted to read:

9 "LIMITATION OF COUNTY AND MUNICIPAL RESTRICTIONS ON
10 SOLAR COLLECTORS.--

11 A. A county or municipality shall not restrict the
12 installation of a solar collector as defined pursuant to the
13 Solar Rights Act, except that placement of solar collectors
14 in historic districts may be regulated or restricted by a
15 county or municipality.

16 B. A covenant, restriction or condition contained
17 in a deed, contract, security agreement or other instrument,
18 effective after July 1, 1978, affecting the transfer, sale or
19 use of, or an interest in, real property that effectively
20 prohibits the installation or use of a solar collector is
21 void and unenforceable."

22 Section 2. Section 47-3-1 NMSA 1978 (being Laws 1977,
23 Chapter 169, Section 1) is amended to read:

24 "47-3-1. SHORT TITLE.--Sections 47-3-1 through 47-3-5
25 NMSA 1978 may be cited as the "Solar Rights Act"."

Senate Bill 1031, aa
Approved April 2, 2007

1 Section 3. Section 47-3-3 NMSA 1978 (being Laws 1977,
 2 Chapter 169, Section 3) is amended to read:

3 "47-3-3. DEFINITIONS.--As used in the Solar Rights Act:

4 A. "solar collector" means a device, substance or
 5 element, or a combination of devices, substances or elements,
 6 that relies upon sunshine as an energy source and that is
 7 capable of collecting not less than twenty-five thousand
 8 British thermal units on a clear winter solstice day or that
 9 is used for the conveyance of light to the interior of a
 10 building. The term also includes any device, substance or
 11 element that collects solar energy for use in:

12 (1) the heating or cooling of a structure or
 13 building;

14 (2) the heating or pumping of water;

15 (3) industrial, commercial or agricultural
 16 processes; or

17 (4) the generation of electricity.

18 A solar collector may be used for purposes in addition
 19 to the collection of solar energy. These uses include, but
 20 are not limited to, serving as a structural member or part of
 21 a roof of a building or structure and serving as a window or
 22 wall; and

23 B. "solar right" means a right to an unobstructed
 24 line-of-sight path from a solar collector to the sun, which
 25 permits radiation from the sun to impinge directly on the

1 solar collector."