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AN ACT

RELATING TO CONSTRUCTION INDUSTRIES; ENACTING THE ELEVATOR SAFETY ACT; PROVIDING FOR INSPECTION AND REGISTRATION OF ELEVATORS.

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

SECTION 1. SHORT TITLE.--This act may be cited as the "Elevator Safety Act".

SECTION 2. DEFINITIONS.--As used in the Elevator Safety Act:

A. "apprentice" means an individual who is learning a trade from a licensed employer and participates in a registered apprenticeship program;

B. "certificate of operation" means a document issued by the division that indicates the conveyance has passed the required safety inspection and tests and fees have been paid as set forth in the Elevator Safety Act;

C. "contractor" means a person that:

(1) is engaged in the trade of erecting, constructing, installing, altering, servicing, testing, repairing, maintaining, removing or dismantling conveyances contained within a building or structure;

(2) is properly licensed as a contractor by the division pursuant to the Elevator Safety Act; and

(3) employs mechanics and apprentices

1 pursuant to the Elevator Safety Act;

2 D. "conveyance" means:

3 (1) a hoisting and lowering mechanism
4 equipped with a car or platform that moves between two or
5 more landings, including elevators, escalators, moving
6 sidewalks, platform lifts or stairway chair lifts for
7 carrying persons between landings; and

8 (2) a hoisting and lowering mechanism that
9 is equipped with a car, that serves two or more landings and
10 that is restricted to carrying materials by its limited size
11 and limited access;

12 E. "director" means the director of the division;

13 F. "division" means the construction industries
14 division of the regulation and licensing department;

15 G. "inspector" means a person certified by the
16 division in the trade of elevator safety to conduct
17 inspections and ensure that work performed by a contractor
18 complies with applicable standards and codes and is employed
19 by the division or a county, municipality or other political
20 subdivision;

21 H. "mechanic" means an individual who:

22 (1) possesses a journeyman elevator
23 mechanic's certificate pursuant to the provisions of the
24 Elevator Safety Act; and

25 (2) is engaged in erecting, constructing,

1 installing, altering, servicing, testing, repairing,
2 maintaining, removing or dismantling conveyances covered by
3 the Elevator Safety Act;

4 I. "standards" means national standards developed
5 for the installation, use or maintenance of conveyances and
6 adopted by division rule; and

7 J. "temporarily dormant" means a conveyance that
8 is placed out of service as specified in the Elevator Safety
9 Act.

10 SECTION 3. EXEMPTIONS.--The following are exempted from
11 the provisions of the Elevator Safety Act:

12 A. material hoists;

13 B. boom lifts;

14 C. mobile scaffolds, towers and platforms;

15 D. powered platforms and equipment for exterior
16 and interior maintenance;

17 E. conveyors and related equipment;

18 F. cranes, derricks, hoists, hooks, jacks and
19 slings;

20 G. industrial trucks;

21 H. portable equipment, except for portable
22 escalators that are covered by the standards;

23 I. tiering or piling machines that are used to
24 move materials to and from storage and that are located and
25 operating entirely within one story;

1 J. equipment for feeding or positioning materials
2 at machine tools, printing presses and similar equipment;

3 K. furnace hoists;

4 L. skips or hoists subject to the regulation of
5 the United States department of labor's mine safety and
6 health administration;

7 M. wharf ramps;

8 N. railroad car lifts or dumpers;

9 O. line jacks, false cars, shafters, moving
10 platforms and similar equipment used for installing a
11 conveyance by a contractor licensed in this state;

12 P. conveyances within a single family dwelling;
13 and

14 Q. services provided by a person who is licensed
15 as an architect or engineer in the state.

16 **SECTION 4. DIVISION POWERS--RULES.--**The division shall:

17 A. enforce and administer the provisions of the
18 Elevator Safety Act in accordance with the Uniform Licensing
19 Act; and

20 B. adopt rules in accordance with the State Rules
21 Act to enforce and administer the Elevator Safety Act.

22 **SECTION 5. ELEVATOR MECHANICS, CONTRACTORS AND**
23 **INSPECTORS--REQUIREMENTS.--**

24 A. A person shall not erect, construct, install,
25 service, test, repair, alter, maintain, remove or dismantle

1 any conveyance contained within a building or structure
2 unless the person is a contractor licensed by the division to
3 perform such work. A contractor shall not allow a person to
4 perform work in connection with the erection, construction,
5 repair, alteration, installation, service, testing,
6 maintaining, removing or dismantling of a conveyance
7 contained within a building or structure unless that person
8 is a mechanic or an apprentice working under the supervision
9 of a mechanic.

10 B. A licensed contractor and a permit are required
11 for removing or dismantling a conveyance that is destroyed as
12 a result of a complete demolition of a secured building or
13 structure or where the hoistway or wellway is demolished back
14 to the basic support structure and for safety reasons no
15 access is permitted therein.

16 C. A person shall not inspect a conveyance within
17 a building or structure unless the person is an inspector
18 certified by the division pursuant to the Elevator Safety
19 Act.

20 **SECTION 6. CONTRACTOR LICENSING--MECHANIC'S AND**
21 **INSPECTOR'S CERTIFICATIONS.--**

22 A. A person wishing to engage in the trade of
23 installing, altering, servicing, repairing, testing,
24 erecting, maintaining, removing or dismantling a conveyance
25 contained within a building or structure shall apply for the

1 appropriate license with the division on forms established by
2 the division.

3 B. A journeyman elevator mechanic shall:

4 (1) demonstrate a combination of documented
5 experience and education credits and complete a written
6 examination approved by the division on the most recent
7 standards;

8 (2) provide a certificate of completion of
9 and successful passing of the mechanic's examination of a
10 nationally recognized training program for the elevator
11 industry, such as the national elevator industry educational
12 program or its equivalent as approved by the division;

13 (3) provide a certificate of completion of a
14 United States department of labor-approved apprenticeship
15 program for the elevator industry approved by the United
16 States department of labor or the workforce solutions
17 department; or

18 (4) hold a valid journeyman elevator
19 mechanic's license or certification from another state having
20 standards substantially equal to those of the Elevator Safety
21 Act.

22 C. A journeyman elevator mechanic may receive a
23 journeyman elevator mechanic certification without
24 examination if the journeyman elevator mechanic furnishes the
25 division, before January 1, 2026, with an acceptable

1 combination of documented experience and education credits,
2 including not less than four years of work experience in the
3 elevator industry in construction, maintenance, service or
4 repair, as verified by current and previous employers, and:

5 (1) the work was performed without direct
6 and immediate supervision;

7 (2) the work was for a contractor; and

8 (3) three of the four years of the work were
9 performed after July 1, 2022.

10 D. An inspector shall:

11 (1) possess a certification from a
12 nationally recognized professional association for mechanical
13 engineering as a qualified elevator inspector; and

14 (2) hold a valid journeyman elevator
15 mechanic's certification as approved by the division.

16 **SECTION 7. ISSUANCE AND RENEWAL OF LICENSES AND**
17 **CERTIFICATES--FEES--CONTINUING EDUCATION.--**

18 A. The division may issue a license or certificate
19 pursuant to the Elevator Safety Act that is valid for up to
20 four years.

21 B. The renewal of a journeyman elevator mechanic's
22 certificate shall consist of not less than eight hours of
23 continuing education instruction.

24 C. The courses shall be taught through continuing
25 education providers that are approved by the division and may

1 include association seminars and labor training programs.

2 **SECTION 8. REGISTRATION OF EXISTING CONVEYANCES.--**By
3 January 1, 2026, the owner or lessee of every existing
4 conveyance shall register with the division a conveyance
5 owned and operated by the owner or lessee and provide the
6 type of conveyance, its rated load and speed, the name of the
7 manufacturer, its location, the purpose for which it is used
8 and any additional information that the division requires.
9 The division shall inspect the conveyance and issue, within
10 ninety days, a certificate of operation or a written
11 inspection report detailing all code violations. The owner
12 or lessee of the conveyance shall have sixty days from the
13 date of the inspection report to remedy any violations set
14 forth in the inspection report. After January 1, 2026, all
15 conveyances shall be registered at the time they are
16 completed and issued a certificate of operation before being
17 placed in service.

18 **SECTION 9. COMPLIANCE WITH STATE FIRE PREVENTION AND**
19 **BUILDING CODES.--**

20 A. A contractor licensed pursuant to the Elevator
21 Safety Act shall ensure that installation or service and
22 maintenance of conveyances are performed in compliance with
23 all laws, ordinances and rules, including fire and building
24 codes.

25 B. All electrical work performed pursuant to the

1 Elevator Safety Act shall be performed pursuant to the
2 Construction Industries Licensing Act.

3 SECTION 10. PERMITS.--A person shall not erect,
4 construct, service, test, repair, maintain, install, alter,
5 remove or dismantle a conveyance within a building or
6 structure unless a permit has been obtained from the division
7 before the work is commenced. The conveyance, and any
8 alteration thereto, shall conform to all applicable
9 standards. The division shall issue permits to contractors
10 properly licensed pursuant to the Elevator Safety Act. A
11 copy of the permit shall be kept at the construction site at
12 all times while the work is in progress.

13 SECTION 11. INSPECTIONS--CERTIFICATES OF OPERATION--
14 REGISTRATIONS.--

15 A. A certified elevator mechanic shall perform all
16 work required for inspections and the associated tests of a
17 conveyance. A certified elevator inspector shall be
18 physically present to witness the tests and verify the test
19 results.

20 B. New conveyance installations shall be performed
21 by a contractor properly licensed pursuant to the Elevator
22 Safety Act. Prior to a conveyance being used, a property
23 owner or lessee shall obtain an inspection and a report
24 certifying that the conveyance has been installed in
25 compliance with all applicable codes and standards. An

1 inspector who is certified by the division pursuant to the
2 Elevator Safety Act shall conduct the inspection and write
3 the report. A property owner or lessee, prior to any new
4 conveyance being used, shall obtain a certificate of
5 operation from the division.

6 C. A certificate of operation shall be renewed
7 annually. The owner or lessee of a new or existing
8 conveyance located in a building or structure shall have the
9 conveyance inspected annually by an inspector certified by
10 the division pursuant to the Elevator Safety Act. Subsequent
11 to inspection, the inspector shall supply a property owner or
12 lessee and the division with a written inspection report
13 detailing all code violations, if any. It shall be the
14 responsibility of the division to enforce code compliance.
15 Property owners or lessees shall have sixty days from the
16 date of the published inspection report to remedy any
17 violations set forth in the inspection report. The division
18 shall not renew a certificate of operation without a receipt
19 of a report from a certified inspector indicating that no
20 code violations exist or that all code violations have been
21 remedied.

22 D. The owner or lessee of a conveyance shall:

23 (1) ensure that the required tests are
24 performed at intervals in compliance with standards and
25 codes;

1 (2) have all tests performed by a properly
2 certified mechanic; and

3 (3) have a properly certified inspector
4 present to physically witness all testing.

5 E. If an inspector finds that a conveyance is in a
6 dangerous condition, there is an immediate hazard to those
7 riding or using the conveyance or the design or the method of
8 operation in combination with the devices used is inherently
9 dangerous, the division shall notify the owner or lessee of
10 the condition, order alterations or additions that are
11 necessary to eliminate the dangerous condition and direct
12 that the conveyance may not be used until the dangerous
13 condition has been remedied.

14 F. Any order for alterations or additions or
15 direction that the conveyance not be used until the dangerous
16 condition is remedied shall be considered a final decision of
17 the division subject to appeal pursuant to Section 39-3-1.1
18 NMSA 1978.

19 **SECTION 12. TEMPORARILY DORMANT CONVEYANCES.--**

20 A. A conveyance shall be put into temporarily
21 dormant status by:

22 (1) disconnecting the conveyance from the
23 power supply by removing the fuses;

24 (2) placing a padlock on the mainline
25 disconnect switch that has been set to the off position; and

1 (3) having a certified inspector install a
2 wire seal on the mainline disconnect switch.

3 B. A temporarily dormant conveyance shall not be
4 used until it has been put in safe running order.
5 Temporarily dormant status may be renewable on an annual
6 basis and shall not exceed five years.

7 **SECTION 13. FEES.--**

8 A. The division shall establish, charge and
9 collect:

10 (1) an initial license or renewal fee for a
11 four-year contractor license, not to exceed one thousand
12 dollars (\$1,000);

13 (2) an inspection fee per inspection of an
14 elevator, not to exceed three hundred dollars (\$300); and

15 (3) an elevator permit fee per permit per
16 elevator, not to exceed one thousand dollars (\$1,000).

17 B. All money collected by the division under the
18 Elevator Safety Act shall be deposited in the construction
19 industries division publications revolving fund.

20 **SECTION 14. ENFORCEMENT.--**The director or the
21 director's designee may enforce by injunction in district
22 court the laws relating to conveyances and rules adopted by
23 the division.

24 **SECTION 15. APPRENTICESHIP TRAINING PROGRAM.--**An
25 apprenticeship training program for an elevator mechanic

1 shall be registered with and approved by the United States
2 department of labor or the workforce solutions department for
3 providing education and skills training in the conveyance
4 industry.

5 SECTION 16. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2025. _____

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