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HOUSE BILL 299

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

INTRODUCED BY

Ambrose Castellano and Stefani Lord

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. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Elevator Safety Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Elevator Safety Act:

A. "apprentice" means an individual who is learning a trade from a licensed employer and is registered or unregistered with an 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

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1 paid as set forth in the Elevator Safety Act;

2 C. "contractor" means a person that:

3 (1) is engaged in the trade of erecting,  
4 constructing, installing, altering, servicing, testing,  
5 performing electrical work on, repairing, maintaining, removing  
6 or dismantling conveyances contained within a building or  
7 structure;

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

10 (3) employs mechanics and apprentices pursuant  
11 to the Elevator Safety Act;

12 D. "conveyance" means:

13 (1) a hoisting and lowering mechanism equipped  
14 with a car or platform that moves between two or more landings,  
15 including elevators, escalators, moving sidewalks, platform  
16 lifts or stairway chair lifts for carrying persons between  
17 landings; and

18 (2) a hoisting and lowering mechanism that is  
19 equipped with a car, that serves two or more landings and that  
20 is restricted to carrying materials by its limited size and  
21 limited access;

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

23 F. "division" means the construction industries  
24 division of the regulation and licensing department;

25 G. "inspector" means a person certified by the

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1 division in the trade of elevator safety to conduct inspections  
2 and ensure work performed by a contractor complies with  
3 applicable standards and codes and is employed by the division  
4 or a county, municipality or other political subdivision;

5 H. "mechanic" means an individual who:

6 (1) possesses a journeyman elevator mechanic's  
7 certificate pursuant to the provisions of the Elevator Safety  
8 Act; and

9 (2) is engaged in erecting, constructing,  
10 installing, altering, servicing, testing, performing electrical  
11 work on, repairing, maintaining, removing or dismantling  
12 conveyances covered by the Elevator Safety Act;

13 I. "standards" means national standards developed  
14 for the installation, use or maintenance of conveyances and  
15 adopted by division rule;

16 J. "state apprenticeship agency" means the state  
17 apprenticeship agency within the workforce solutions  
18 department; and

19 K. "temporarily dormant" means a conveyance that is  
20 placed out of service as specified in the Elevator Safety Act.

21 SECTION 3. [NEW MATERIAL] EXEMPTIONS.--The following are  
22 exempted from the provisions of the Elevator Safety Act:

23 A. material hoists;

24 B. boom lifts;

25 C. mobile scaffolds, towers and platforms;

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1           D. powered platforms and equipment for exterior and  
2 interior maintenance;

3           E. conveyors and related equipment;

4           F. cranes, derricks, hoists, hooks, jacks and  
5 slings;

6           G. industrial trucks;

7           H. portable equipment, except for portable  
8 escalators that are covered by the standards;

9           I. tiering or piling machines that are used to move  
10 materials to and from storage and that are located and  
11 operating entirely within one story;

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

14           K. skip or furnace hoists;

15           L. wharf ramps;

16           M. railroad car lifts or dumpers;

17           N. line jacks, false cars, shafters, moving  
18 platforms and similar equipment used for installing a  
19 conveyance by a contractor licensed in this state;

20           O. conveyances within a single family dwelling; and

21           P. services provided by a person who is licensed as  
22 an architect or engineer in the state.

23           SECTION 4. [NEW MATERIAL] DIVISION POWERS--RULES.--

24           A. The division shall establish fee schedules for  
25 licenses, permits and certificates.

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B. The division shall adopt rules:

- (1) to provide standards for the installation, use or maintenance of conveyances;
- (2) for the renewal of journeyman elevator mechanic's certificates; and
- (3) to set the amount of the nonrefundable permit fee.

SECTION 5. [NEW MATERIAL] ELEVATOR MECHANICS, CONTRACTORS AND INSPECTORS--REQUIREMENTS.--

A. A person shall not erect, construct, install, service, test, perform electrical work on, alter, maintain, remove or dismantle any conveyance contained within a building or structure unless the person is a contractor licensed by the division to perform such work. A contractor shall not allow a person to perform work in connection with the erection, construction, repair, replacing, maintaining, modifying, removing or dismantling of a conveyance contained within a building or structure unless that person is a mechanic or an apprentice working under the supervision of a mechanic. No other licenses or certificates shall be required for this work.

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

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1 is permitted therein.

2 C. A person shall not inspect a conveyance within a  
3 building or structure unless the person is an inspector  
4 certified by the division pursuant to the Elevator Safety Act.

5 SECTION 6. [NEW MATERIAL] CONTRACTOR LICENSING--  
6 MECHANIC'S AND INSPECTOR'S CERTIFICATIONS.--

7 A. A person wishing to engage in the trade of  
8 installing, altering, servicing, repairing, testing, performing  
9 electrical work on, erecting, maintaining, removing or  
10 dismantling a conveyance contained within a building or  
11 structure shall apply for the appropriate license with the  
12 division on forms established by the division.

13 B. A journeyman elevator mechanic shall:

14 (1) demonstrate a combination of documented  
15 experience and education credits and complete a written  
16 examination approved by the division on the most recent  
17 standards;

18 (2) provide a certificate of completion of and  
19 successful passing of the mechanic's examination of a  
20 nationally recognized training program for the elevator  
21 industry, such as the national elevator industry educational  
22 program or its equivalent as approved by the division;

23 (3) provide a certificate of completion of a  
24 federal department of labor-approved apprenticeship program for  
25 the elevator industry approved by the federal department of

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1 labor or the workforce solutions department; or

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

6 SECTION 7. [NEW MATERIAL] ISSUANCE AND RENEWAL OF  
7 LICENSES AND CERTIFICATES--FEES--CONTINUING EDUCATION.--

8 A. The division may issue a license or certificate  
9 pursuant to the Elevator Safety Act that is valid for up to  
10 four years.

11 B. The renewal of a journeyman elevator mechanic's  
12 certificate shall consist of not less than eight hours of  
13 continuing education instruction.

14 C. The courses shall be taught through continuing  
15 education providers that are approved by the division and may  
16 include association seminars and labor training programs.

17 SECTION 8. [NEW MATERIAL] REGISTRATION OF EXISTING  
18 CONVEYANCES.--By January 1, 2025, the owner or lessee of every  
19 existing conveyance shall register with the division a  
20 conveyance owned and operated by the owner or lessee and  
21 provide the type of conveyance, its rated load and speed, the  
22 name of the manufacturer, its location, the purpose for which  
23 it is used and any additional information that the division  
24 requires. After January 1, 2025, all conveyances shall be  
25 registered at the time they are completed and placed in

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1 service.

2 SECTION 9. [NEW MATERIAL] COMPLIANCE WITH STATE FIRE  
3 PREVENTION AND BUILDING CODES.--A contractor licensed pursuant  
4 to the Elevator Safety Act shall ensure that installation or  
5 service and maintenance of conveyances are performed in  
6 compliance with all laws, ordinances and rules, including fire  
7 and building codes.

8 SECTION 10. [NEW MATERIAL] PERMITS.--A person shall not  
9 erect, construct, service, test, repair, perform electrical  
10 work on, install, alter, remove or dismantle a conveyance  
11 within a building or structure unless a permit has been  
12 obtained from the division before the work is commenced. The  
13 conveyance, and any alteration thereto, shall conform to all  
14 applicable standards. The division shall issue permits to  
15 contractors properly licensed pursuant to the Elevator Safety  
16 Act. A copy of the permit shall be kept at the construction  
17 site at all times while the work is in progress.

18 SECTION 11. [NEW MATERIAL] INSPECTIONS--CERTIFICATES OF  
19 OPERATION--REGISTRATIONS.--

20 A. A certified elevator mechanic shall perform all  
21 work required for inspections and the associated tests of a  
22 conveyance. A certified elevator inspector shall be physically  
23 present to witness the tests and verify the test results.

24 B. New conveyance installations shall be performed  
25 by a contractor properly licensed pursuant to the Elevator

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1 Safety Act. Prior to a conveyance being used, a property owner  
2 or lessee shall obtain an inspection and a report certifying  
3 that the conveyance has been installed in compliance with all  
4 applicable codes and standards. An inspector who is certified  
5 by the division pursuant to the Elevator Safety Act shall  
6 conduct the inspection and write the report. A property owner  
7 or lessee, prior to any new conveyance being used, shall obtain  
8 a certificate of operation from the division.

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

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

25 (1) ensure that the required tests are

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1 performed at intervals in compliance with standards and codes;

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

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

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

15 SECTION 12. [NEW MATERIAL] TEMPORARILY DORMANT  
16 CONVEYANCES.--

17 A. A conveyance shall be put into temporarily  
18 dormant status by:

19 (1) disconnecting the conveyance from the  
20 power supply by removing the fuses;

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

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

25 B. A temporarily dormant conveyance shall not be

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1 used until it has been put in safe running order. Temporarily  
2 dormant status may be renewable on an annual basis and shall  
3 not exceed five years.

4 SECTION 13. [NEW MATERIAL] ENFORCEMENT.--The director or  
5 the director's designee may enforce by injunction in district  
6 court the laws relating to conveyances and rules adopted by the  
7 division.

8 SECTION 14. [NEW MATERIAL] APPRENTICESHIP TRAINING  
9 PROGRAM.--An apprenticeship training program for an elevator  
10 mechanic shall be registered with and approved by the federal  
11 department of labor or the workforce solutions department for  
12 providing education and skills training in the conveyance  
13 industry.

14 SECTION 15. EFFECTIVE DATE.--The effective date of the  
15 provisions of this act is July 1, 2025.