

**TITLE 14        HOUSING AND CONSTRUCTION**  
**CHAPTER 15    ELEVATOR SAFETY CODE**  
**PART 5         CONTRACTOR'S LICENSE REQUIREMENTS**

**14.15.5.1        ISSUING AGENCY:** The Construction Industries Division (CID) of the Regulation and Licensing Department.  
[14.15.5.1 NMAC - 09/12/2025]

**14.15.5.2        SCOPE:** This rule applies to individuals seeking to obtain a license issued by CID.  
[14.15.5.2 NMAC – 09/12/2025]

**14.15.5.3        STATUTORY AUTHORITY:** Section 60-13B-4 NMSA 1978.  
[14.15.5.3 NMAC – 09/12/2025]

**14.15.5.4        DURATION:** Permanent.  
[14.15.5.4 NMAC – 09/12/2025]

**14.15.5.5        EFFECTIVE DATE:** September 12, 2025, unless a later date is cited at the end of a section.  
[14.15.5.5 NMAC – 09/12/2025]

**14.15.5.6        OBJECTIVE:** The purpose of this rule is to set forth general provisions governing elevator contractor licensing in New Mexico.  
[14.15.5.6 NMAC – 09/12/2025]

**14.15.5.7        DEFINITIONS:** See Section 60-13B-2 NMSA 1978 and 14.15.1 NMAC for definitions.  
[14.15.5.7 NMAC – 09/12/2025]

**14.15.5.8        LICENSE AND QUALIFYING PARTY REQUIREMENTS:**

**A.        General information.**

(1) A person, sole proprietor, partnership, corporation or other entity shall not perform, contract to perform or advertise to perform work covered by this chapter unless they possess an elevator contractor license issued pursuant to Section 60-13B-5 NMSA 1978. A licensed elevator contractor shall employ at least one elevator mechanic licensed under this chapter.

(2) No business entity, the majority of which is owned by an individual who is 17 years of age or younger, is eligible for licensure.

(3) May bid and contract as the prime contractor of an entire project provided the elevator contractor's portion of the contract, based on dollar amount, is the major portion of the contract.

(a) A journeyman certificate of competence in the appropriate trade classification is required of all individuals performing conveyance work; however, that an apprentice, as defined in Section 60-13B-2 NMSA 1978, may work under the direct supervision of a validly certified journeyman, as defined in Section 60-13B-6 NMSA 1978. Journeyman certification shall be issued such that the certificates parallel with the elevator license classification. A journeyman may engage in the trade authorized by the certificate of competence issued to the journeyman only when employed by a contractor validly licensed to perform the type of work for which the journeyman is certified.

(b) The ratio of certified journeyman to apprentices must not exceed one journeyman supervising and overseeing work of two apprentices.

(4) Contractor licenses issued by CID:

(a) Are issued only to qualified business entities which employ or are owned by one or more qualifying parties;

(b) Grants only the authority to engage in contracting in the classification specified on the license issued to the entity;

(c) Are not transferable and may not be used by any person other than entity to which it is issued. Any entity that permits another person to use its license, or knows that its license is being used

another person and fails to promptly notify CID of such use, shall be subject to disciplinary action, up to and including revocation of the license; and

(d) Authorizes only the entity as named on the license to engage in contracting. An entity using a name other than the name that is shown on the license issued by CID shall be subject to disciplinary action, up to and including revocation of the license.

(5) No license shall be issued to an entity that is using a name containing word(s) identifying a construction or contracting trade, craft, discipline, or expertise that is not covered by the classification of license for which the entity is qualified.

(6) In the event a licensee loses its qualifying party, through termination of employment or otherwise, both the licensee and the qualifying party must notify CID or its designee in writing of the separation within 30 days thereof.

(7) CID shall mail written communication to the licensee to its address of record which is shown on the application or any different address of which CID has received written notice from the licensee. A licensee shall report in writing to CID or its designee any change of address within 30 days after such change. Failure to do so is cause for disciplinary action.

(8) Violations of ESA or its rules by the licensee or qualifying party may subject the licensee to disciplinary action, including, but not limited to, the suspension or revocation of the license.

(9) For additional information regarding journeymen certification, see 14.15.6 NMAC.

**B. Types of Entities.**

**(1) Corporations, limited liability companies (LLC), limited partnership (LP) and limited liability partnerships (LLP).**

(a) Corporations, LLCs, LPs, and LLPs are each required to be licensed even though one or more stockholders, members or partners have a license or qualifying party certificate.

(b) Corporations, LLCs, LPS, or LLPs must be legally authorized to do business in New Mexico in order to be eligible to apply for, renew or retain a license.

(c) Any license issued to a corporation, LLC, LP, or LLP shall automatically cancel with the entity ceases to exist under New Mexico law.

**(2) Joint ventures.**

(a) No two or more persons shall submit a joint bid or jointly engage in contracting unless operating as a validly licensed joint venture.

(b) To be eligible to apply for, renew or retain a license, each entity comprising the joint venture must hold a valid New Mexico contractor license and be legally authorized to do business in New Mexico.

(c) Any license issued to a joint venture entity shall automatically cancel with the entity ceases to exist under New Mexico law.

**(3) Partnerships.**

(a) A partnership must be legally authorized to do business in New Mexico in order to be eligible to apply for, renew or retain a license.

(b) Any license issued to a partnership shall automatically cancel when the partnership ceases to exist under New Mexico law.

**(4) Sole proprietorships.**

(a) A sole proprietorship must be legally authorized to do business in New Mexico in order to be eligible to apply for, renew or retain a license.

(b) On the death of a sole proprietor, the license shall automatically cancel.

**C. Application for licensure.**

(1) Every application for licensure and all requests for formal action to be on a license, such as a renewal or addition of a classification, must be made on the applicable form issued by CID or its designee and accompanied by the applicable fee as required by 14.15.4 NMAC.

(2) An incomplete or insufficient application shall be rejected and returned to the applicant, with a statement of the reason for the rejection.

(3) All requirements for licensing must be met within one year from the date the application is received by CID or its designee. Any application not completed within the one-year period shall expire and any fees paid in connection with the expired application shall automatically be forfeited.

(4) An application for licensure may be denied if the applicant or its qualifying party has been convicted of a felony enumerated as a disqualifying criminal conviction pursuant to Subsection E of 14.15.5.8 NMAC.

(5) CID may deny an application on the basis of an applicant's conduct to the extent that such conduct violated the ESA or its accompanying rules, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in Subsection E below.

(6) The form and content of the Elevator Contractor License shall require the applicant to provide the following information:

(a) If a person or sole proprietor, the name, residence and business address of the applicant;  
(b) If a partnership, the name, residence and business address of each partner;  
(c) If a domestic corporation, the name and business address of the corporation and the name and residence address of the principal officer of said corporation; if a corporation other than a domestic corporation, a copy of the New Mexico Secretary of State certificate with the name and address of an agent located locally who shall be authorized to accept service of process and/or official notices;

(d) The number of years the applicant has engaged in the business of installing, inspecting and/or maintaining or servicing elevators and other equipment or devices subject to this chapter;

**D. Qualifying party.**

(1) Qualifying party requirements:

(a) Must be 18 years of age or older; and

(b) Have not been a qualifying party for an ESA licensee who had its license revoked due to disciplinary action by the division;

(2) No qualifying party shall accept or engage in any employment that would conflict with responsibilities as a qualifying party for, or conflict with his/her responsibilities as a qualifying party for, or conflict with his ability to adequately supervise the work performed by the licensee while validly attached to, and qualifying a license.

(3) No individual may qualify for more than one licensed entity, other than a joint venture, unless there is at least thirty percent common ownership among the qualified entities. CID may require evidence of such ownership that is satisfactory to the director.

(4) A qualifying party may only perform work authorized by the license while validly attached to a validly licensed entity.

(5) Examination procedure.

(a) A qualifying party is not eligible to take a qualifying party examination until providing satisfactory work experience, as to four years within the ten years immediately prior to application, documentation to the division or its designee.

(b) Examinations shall be administered by CID or its designee.

(c) A passing exam score is seventy-five percent or higher.

(d) A qualifying party who fails to appear for a scheduled exam or fails to attain a passing score of seventy-five percent or higher may take another regularly scheduled exam, provided the qualifying party reapplies to take the exam, pays the fee(s), and does not repeat the same exam more than twice in any 30-day period.

(e) If CID or its designee determines that a qualifying party has cheated, the exam shall be deemed invalid, all fees shall be forfeited, and any license based on that exam shall be automatically and immediately voided. The qualifying party will not be eligible to take any exam administered by CID, or its designee, for one year after the date of such event.

**E. Potential denial of licensure based on disqualifying criminal conviction(s).**

(1) Pursuant to Section 28-2-4 NMSA 1978, the division may refuse to grant or renew a license if an applicant or qualifying party has been convicted of a felony and the criminal conviction directly relates to the particular trade, business, or profession.

(2) To deny an application for licensure or qualifying party based on a disqualifying criminal conviction the following must be considered:

(a) CID shall not consider an applicant or qualifying party's criminal conviction to deny licensure unless the conviction is one of the disqualifying criminal convictions listed in Paragraph (4) below.

(b) Should an applicant be denied a license based on a disqualifying criminal conviction, the applicant or qualifying party may submit a written justification providing evidence of mitigation or rehabilitation for reconsideration by the division.

(c) Should CID deny the license after receipt of the written justification stated above, the denial may be appealed and subject to a hearing pursuant to the ULA to determine whether the denial is properly based upon a disqualifying criminal conviction.

(3) In connection with an application for licensure, the division shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

- (a) A conviction that has been sealed, dismissed, expunged or pardoned;
- (b) A juvenile adjudication; or
- (c) Conviction for any crime other than the disqualifying criminal convictions in Paragraph (4), Subsection E of this rule.

(4) Disqualifying felony criminal convictions that may allow the denial of licensure or the denial of renewal of licensure, whether in New Mexico or their equivalent in any other jurisdiction include:

- (a) Conviction involving attempts to evade or defeat payment of tax that is owed or may be lawfully assessed,
- (b) Conviction involving physical harm to a person or for an attempt, conspiracy or solicitation to commit such crimes,
- (c) Robbery, larceny, burglary, fraud, forgery, embezzlement, arson, theft of identity, extortion, racketeering, or receiving stolen property or for an attempt, conspiracy or solicitation to commit such crimes,
- (d) Conviction involving bribery of a public officer or public employee or for an attempt, conspiracy, or solicitation to commit such crimes.

**F. Qualifying party process.**

(1) An individual applying as a qualifying party must provide proof of work experience as required in 14.15.5 NMAC, in the classification of contractor for which application is made. Training that is classified as technical training by an accredited college, university, manufacturer's accredited training program, technical vocational institute or an accredited apprenticeship program will be considered in lieu of work experience. Each year of equivalent training shall be applied as one-half year of experience, but in no case shall accredited training exceed one-half of the total work experience requirement.

**(2) Examination procedure.**

- (a) No applicant is eligible to take a qualifying party examination until providing satisfactory work experience, as to four years within the 10 years immediately prior to application, documentation to the division or its designee.
- (b) Examinations shall be administered by CID or its designee.
- (c) A passing exam score is seventy-five percent or higher.
- (d) An applicant who fails to appear for a schedule exam or fails to attain a passing score of seventy-five percent or higher may take another regularly scheduled exam, provided the applicant reapplies to take the exam, pays the fee(s), and does not repeat the same exam more than twice in any 30-day period.
- (e) If CID or its designee determines that an applicant has cheated, the exam shall be deemed invalid, all fees shall be forfeited, and any license or certificate issued based on that exam shall be automatically and immediately voided. The applicant will not be eligible to take any exam administered by CID, or its designee, for one year after the date of such event.
- (f) The director or bureau chief may waive the state specific written exam requirement for a qualifying party who has passed a nationally accredited elevator contractor or elevator mechanic journeymen examination when applying and successfully completing all other qualifying party requirements and journeymen certification requirements.

**G. License renewals.**

- (1) CID or its designee shall mail to every licensee a renewal application form at least 30 days prior to the expiration of the license to the current address of record for that licensee. Whether or not the application form is received, it is the sole duty and responsibility of each licensee to timely renew its license.
- (2) The filing date of the renewal application shall be the date the envelope is postmarked or, if hand delivered, the date it is received by CID or its designee.
- (3) The signatures of all current qualifying parties on each license must appear on the renewal form.
- (4) If a renewal application is not timely received, or if received but is rejected for failure to comply with renewal requirements, the license shall be suspended.
- (5) An application for renewal of a license may be denied if the applicant or the qualifying party has been convicted of a felony enumerated as a disqualifying criminal conviction pursuant to Subsection E 14.15.5.8 NMAC.

**H. Change of name.**

- (1) The licensee must submit a written request for a name change accompanied by:

(a) An amended registration certificate from the New Mexico department of taxation and revenue, and

(b) If a corporation, LLC, LP, or LLP, a copy of the New Mexico certificate of amendment or other document issued by the state showing that the name change has been officially recorded.

(2) A change of name is not effective until approved and posted by CID or its designee. Conducting business under the new name prior to CID's approval and notification within CID's database may constitute a violation of Section 60-13B-4 NMSA 1978.

**I. Validity of licenses.**

(1) The following events may cause a license to be, or to become, invalid:

(a) Failure to renew pursuant to Section 60-13B-7 NMSA 1978 of the Act.

(b) Failure to comply with workers' compensation laws pursuant to Section 52-1-2 NMSA 1978.

(c) Failure to comply with the Parental Responsibility Act pursuant to Sections 40-5A-1 *et seq.* NMSA 1978.

(d) Failure of a license to be qualified by a qualifying party.

(e) Loss of authorization to conduct business in New Mexico.

(f) Death of a sole proprietor.

(g) Revocation or suspension of a license pursuant to Section 60-13B-4 NMSA 1978, or the Criminal Offender Employment Act pursuant to 14.15.5 NMAC.

(2) When a license ceases to be qualified by a qualified party, the license will be automatically cancelled, and the licensee may not bid or commence any new work in that classification. Any bid or new work commenced after a license is cancelled pursuant to this rule shall be considered unlicensed and will be subject the licensee to disciplinary action. Work in progress at the time of the cancellation may continue for not more than 120 days. After 120 days, any permit that was issued to the licensee for work in the affected classification shall be automatically cancelled, no inspection shall be conducted pursuant to any such cancelled permit, and any work continued or undertaken shall be deemed to be unlicensed activity and will subject the licensee to prosecution pursuant to Section 61-1-3.2 NMSA 1978.

(3) Any work in progress at the time a sole proprietor dies, or an entity ceases to exist or be authorized to do business, as described in subpart B of this rule, may continue for not longer than 120 days provided that CID receives written notice of the death or event that causes the entity to lose its authorization to do business within 30 calendar days thereafter. At the end of the 120 days, all permits issued to the entity shall be cancelled, no inspections on such permits shall be performed, and any work performed thereafter by the entity shall be deemed unlicensed activity and may be prosecuted under section 61-1-3.2 NMSA 1978. If the licensee, or the licensee's representative fails to notify CID as required in this rule, any work performed after the death of the sole proprietor or the termination of the entity's authorization to do business in New Mexico shall constitute unlicensed activity under this rule.

**14.15.5.9 PAYMENT OF ADMINISTRATIVE PENALTIES:**

A. A person whose license has been suspended or revoked pursuant to Section 60-13B-4 NMSA 1978 shall not be eligible for reinstatement of the license until all fees and administrative penalties assessed have been paid in full, except as allowed in Subsection B, below.

B. The director may authorize CID to establish a payment plan for administrative penalties assessed against a licensee. If the licensee demonstrates good faith in making payments, CID may issue a new license or reinstate a suspended license before full payment has been made. If a licensee obtains a license pursuant to this provision, and thereafter fails to remain current on payments, the licensee may be subject to additional disciplinary action, including suspension, revocation or the license and additional administrative penalties.

C. Nothing in this rule shall enable a person to apply for or be issued a license if ineligible for licensure under any other provision of the act or Title 14, NMAC.

[14.15.5.9 NMAC – 09/12/2025]

**History of 14.15.5 NMAC: [RESERVED]**