

TITLE 14 HOUSING AND CONSTRUCTION
CHAPTER 15 ELEVATOR SAFETY CODE
PART 1 GENERAL PROVISIONS

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

14.15.1.2 SCOPE: This rule applies to all the administration, interpretation, and enforcement of contracting work performed in New Mexico subject to the jurisdiction of the Elevator Safety Act and the Construction Industries Licensing Act. This rule applies to all work performed in New Mexico on or after July 1, 2025, involving the erecting, constructing, installing, altering, servicing, testing, repairing, maintaining, removing, or dismantling conveyances contained within a building or structure or inspection of that work is subject to the jurisdiction of CID.
[14.15.1.2 NMAC – 09/12/2025]

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

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

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

14.15.1.6 OBJECTIVE: The purpose of this rule is to set forth general provisions as the statewide minimum standards for governing the erection, construction, installation, alteration, servicing, testing, repairing, maintaining, removing, or dismantling conveyances contained within a building or structure as defined in the Elevator Safety Act, Sections 60-13B-1 *et seq.* NMSA 1978, in New Mexico.
[14.15.1.6 NMAC – 09/12/2025]

14.15.1.7 DEFINITIONS: The definitions in this section are used throughout the elevator safety rules and construction industries division rules contained in Chapters 15 of Title 14.

- A.** **ANSI** means the American National Standards Institute.
- B.** **ASME** means the American Society of Mechanical Engineers.
- C.** **ASME A17.1** means ASME A17.1 Safety Code for Elevators and Escalators.
- D.** **ASSE** means the American Society of Safety Engineers.
- E.** **AWS** means the American Welding Society.
- F.** **Apprentice** means an individual who is learning a particular trade from a validly licensed employer. CID recognizes apprentices registered in an apprenticeship program recognized by the United States department of labor or by the New Mexico state apprenticeship council pursuant to the New Mexico department of workforce solutions.
- G.** **“Authority having jurisdiction” “AHJ”** means the state construction industries division, elevator safety bureau.
- H.** **“CID”** and **division** mean the construction industries division of the regulation and licensing department.
- I.** **“CID rules”** means the rules compiled in Title 14, Chapter 5 through 15 of the New Mexico Administrative Code.
- J.** **“CILA”** means the Construction Industries Licensing Act, Sections 60-13-1 *et seq.* NMSA 1978.
- K.** **“Code”** means the statewide elevator codes adopted by the division.
- L.** **“Commercial”** means a structure that is classified as having a use identified in the New Mexico Commercial Building Code, including but not limited to, assembly, business including a public building, educational, institutional, mercantile, storage or utility.
- M.** **“Contracting”** has the same meaning as defined in Section 60-13-3 NMSA 1978.

- N.** “**Direct supervision**” means supervision, inspection, and evaluation by a certified journeyman, working in the immediate proximity of a trainee or apprentice, overseeing all classification activities as they occur while providing direction, feedback, assistance evaluation of the work of the apprentice.
- O.** “**Director**” has the same meaning as defined in Section 60-13-7 NMSA 1978.
- P.** “**Disqualifying criminal conviction**” has the same meaning as defined in Subsection E of Section 61-1-36 NMSA 1978.
- Q.** “**ESA**” means the Elevator Safety Act, Sections 60-13B-1 *et seq.* NMSA 1978
- R.** “**Electrical wiring**” means installation, alteration, connection, service and maintenance, demolition, or repair of raceways, conduits, conductors, cables, boxes, fittings, wiring devices, luminaires, overcurrent devices, distribution equipment, or other equipment or apparatus that is used as part of, or in connection with, an electrical installation.
- S.** “**Formal hearing**” means a hearing held under the ULA, Sections 61-1-1 through 61-1-31 NMSA 1978.
- T.** “**Gross incompetence**” or “**Gross negligence**” means, but shall not be limited to, a significant departure from the prevailing industry standard, manufacturer specifications or any provision of CILA, ESA, or rules adopted by the division.
- U.** “**Inspector**” means a person certified by one or more trade bureaus to conduct inspections of permitted work, in the jurisdiction of the AHJ employing said inspector to ensure that all work performed by a contractor complies with the ESA and its administrative codes.
- V.** “**License**” means a license, registration, certificate of registration, or certificate.
- W.** “**Licensing fee**” has the same meaning as set forth in Section 13B of ESA, NMSA 1978.
- X.** “**Maintenance**” means the process of routine examination, lubrication, cleaning and adjustment of parts, components or subsystems, to ensure performance pursuant to these rules and the ASME.
- Y.** “**Military service member**” has the same meaning as defined in Subsection F of Section 60-13-14.1 NMSA 1978.
- Z.** “**NMCBC**” means 14.7.2 NMAC, currently adopted New Mexico Commercial Building Code, which adopts by reference and amends the designated IBC.
- AA.** “**NMEBC**” means 14.7.7 NMAC, the currently adopted New Mexico Existing Building Code, which adopts by reference and amends the designated International Existing Building Code.
- BB.** “**NMEC**” means 14.10.4 NMAC, the currently adopted New Mexico Electrical Code, which adopts by reference and amends the designated National Electrical Code.
- CC.** “**NMMC**” means 14.9.2 NMAC, the currently adopted New Mexico Mechanical Code, which adopts by reference and amends the designated Uniform Mechanical Code.
- DD.** “**NMPC**” means 14.8.2 NMAC, the currently adopted New Mexico Plumbing Code, which adopts by reference and amends the designated Uniform Plumbing Code.
- EE.** “**NMSCEE**” means 14.15.8 NMAC, the currently adopted New Mexico Safety Code for Elevators and Escalators, which adopts by reference and amends the designated Safety Code for Elevators and Escalators.
- FF.** “**Notice of investigation**” “**(NOI)**” means a notice of investigation prepared by a division employee.
- GG.** “**Notice of contemplated action**” “**(NCA)**” means the official notice to a licensee that the division is seeking to take action against a licensee for alleged violations of the ESA or rules.
- HH.** “**Published code**” means any code or standard published by an entity other than the state of New Mexico and adopted by reference or referred to as a standard in the ESA rules or in this chapter.
- II.** “**QEI**” means qualified elevator inspector.
- JJ.** “**Registered apprentice**” means an individual who is learning a trade from a validly licensed employer and participates in a registered apprenticeship program.
- KK.** “**School**” means a public school, a school district, a regional educational cooperative, shared maintenance program, charter school, or private school, recognized by the New Mexico public education department that offers grade levels from kindergarten through twelfth grade only.
- LL.** “**State serial number**” means a unique number assigned by the bureau chief to each individual elevator, dumbwaiter, escalator, or moving walkways.
- MM.** “**Substantially equivalent**” means the determination by the construction industries division that the education, examination, and experience requirements contained in the statutes and rules of another jurisdiction are comparable to, or exceed the education, examination, and experience requirements of the Elevator Safety Act.

NN. “Technically infeasible” means an alteration of a facility that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces or features which are in full and strict compliance with the minimum requirements for new construction and which are necessary to provide accessibility.

OO. “Trade bureau chief” “(TBC)” means the administrative head of a New Mexico CID trade bureau charged with the administration and enforcement of the trade bureau’s state adopted codes and standards. The trade bureau chief is the ultimate authority having jurisdiction to determine and render interpretations of their trade codes. The trade bureau chief shall recommend to the division all minimum standards and codes, for their specific trade(s), for adoption.

PP. “ULA” means the Uniform Licensing Act, Sections 61-1-1 *et seq.* NMSA 1978.

QQ. “Veteran” has the same meaning as defined in Subsection F of Section 60-13-14.1 NMSA 1978.

RR. “Wire seal” means a small, metal security seal made from flexible wire that is used to secure access panels or components on a conveyance.

[14.15.1.7 NMAC – 09/12/2025]

14.15.1.8 RESPONSIBILITY FOR COMPLIANCE:

A. Every person who performs work in connection with the erection, construction, installation, alteration, servicing, testing, repairing, maintaining, removing, or dismantling conveyances contained within a building or structure or inspection of conveyances as defined by Section 60-13B-2 NMSA 1978 or Sections 60-13-1 *et seq.* NMSA 1978 and regulated by the division’s statutes and rules is responsible for complying with all statutes and rules.

B. When a violation of the statutes or code is alleged, the AHJ shall investigate the allegations to obtain sufficient evidence or proof to determine whether a violation has occurred. The AHJ may require tests, at no cost to the AHJ, to determine compliance. Such test shall be conducted in conformance with nationally recognized testing standards, or if no standards have been established, in conformance with such specifications as the AHJ shall approve.

[14.15.1.8 NMAC – 09/12/2025]

14.15.1.9 CONFLICTS:

A. Between current New Mexico construction codes. When the provisions of one New Mexico construction code specifies different materials, methods, construction, or requirements than other New Mexico construction codes, the general rule of legal interpretation shall be applied that the most specific provision shall govern.

B. With prior New Mexico construction codes. The code adopted at the time a structure is built or modified governs. If modifications are made under a subsequent code, that code governs the areas modified. If all or any part of the structure is determined to be unsafe, 14.15.1.11 NMAC shall apply.

C. Between current New Mexico construction codes and codes adopted by other state agencies. The NMCBC establishes the type of structure, the design, construction, and the occupancy classification of a building. These codes shall govern over any codes concerning construction adopted by other agencies which conflict as to type of structure, the design, construction, and the occupancy classification. The construction codes adopted and enacted by the CID shall govern if the construction is specifically required in the enacted code.

D. With requirements of other agencies. All licensees, qualifying parties and journeymen must follow all regulatory agency laws when said agency has jurisdiction over certain aspects of a project. These may include, but are not limited to, compliance with fire code standards enforced by the state fire marshal, any local fire code enforcement agency; or any other applicable code or standard enforced by the state environment department, the state health department, state human services department, transportation department, public regulation commission, homeland security and emergency management department, the governor’s committee on the concerns of the handicapped, historical authorities, and local zoning.

E. With referenced and incorporated codes and standards. The provisions of any published code or standard referenced in the CID rules shall be deemed to be incorporated into and made part of the CID rules, including all modifications and amendments to the referenced codes and standards. If the reference results in a conflict between the provision of the published code or standard and the CID rules, the CID rules shall govern.

[14.15.1.9 NMAC – 09/12/2025]

14.15.1.10 TRADE BUREAU CHIEF:

A. Powers and duties. The trade bureau chief is the ultimate authority and is authorized to render interpretations of the trade bureau's adopted New Mexico codes and standards and to establish procedures for the interpretation and application of those codes.

B. Alternative materials and methods of construction. The trade bureau chief is authorized to permit a variance or approve an alternative material or method of construction as provided in this section.

C. Variances. If the circumstances of a particular construction project make strict compliance with state adopted code(s) and standards technically infeasible or impracticable, the trade bureau chief responsible for enforcing that code has the authority to approve a variance. No variance shall be valid or have force or effect unless issued in writing and signed by the trade bureau chief.

D. Alternatives. The trade bureau chief is responsible for approving materials, designs, and methods of construction that are not expressly specified in that particular code.

E. Supporting data. The trade bureau chief may require supporting data be supplied by the requestor.

[14.15.1.8 NMAC – 09/12/2025]

14.15.1.11 UNSAFE STRUCTURES OR OTHER LIFE SAFETY HAZARD:

A. For purposes of this section, an unsafe condition is any condition that poses an actual threat to the health, safety, or welfare of persons or property and constitutes a violation of the ESA or its rules.

B. When conducting an inspection, if an inspector discovers an unsafe condition or a life safety hazard, the inspector shall take the following action:

(1) If the unsafe condition or hazard results from construction in progress, issue a correction notice and stop work order as is applicable to abate the unsafe condition or hazard; if a stop work order is appropriate the inspector shall notify the TBC for authorization to issue the stop work order unless the correction is for life safety. In such circumstances, the stop work order shall be issued by the inspector providing notification to the TBC.

(2) If the unsafe condition or hazard is in an existing building not related to construction in progress, complete a correction notice detailing the observed unsafe condition or hazard. Either a correction notice or report shall be provided to the AHJ and the owner, agent or person in control or possession of the structure when the identity of the owner, agent or person cannot be readily determined. The report shall be provided no later than 48 hours after the observation of the unsafe condition.

(3) If the unsafe condition or hazard relates to any utility service the inspector shall proceed in accordance with Subsections A through D of Section 60-13-42 NMSA 1978; any service disconnected pursuant to this rule shall not be reconnected without the prior written approval of TBC.

C. If requested by a condemning authority, the TBC will inspect or designate an inspector to inspect the property within its jurisdiction and report findings to the condemning authority pursuant to Paragraph (2) of Subsection B of this section.

[14.15.1.9 NMAC – 09/12/2025]

14.15.1.12 TECHNICAL ADVISORY COMMITTEE:

A. Each TBC may create a technical advisory committee and appoint members to assist the TBC in an advisory capacity on technical aspects of the particular industry.

B. The committee will meet at the call of the TBC.

C. The members serve at the pleasure of the TBC.

[14.15.1.10 NMAC – 09/12/2025]

History of 14.15.1 NMAC: [RESERVED]

Pre-NMAC History: