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SENATE BILL 185

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO BUILDING STANDARDS; ENACTING A NEW SECTION OF THE  
NMSA 1978 TO PROVIDE FOR PERMITTING OF ELEVATORS; PROVIDING  
PENALTIES; MAKING AN APPROPRIATION.

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

**SECTION 1.** [NEW MATERIAL] DEFINITIONS--REGISTRATION OF  
EXISTING ELEVATORS--COMPLIANCE WITH STATE FIRE PREVENTION AND  
BUILDING CODES--PERMITS--PENALTY.--

A. As used in this section:

(1) "director" means the director of the  
construction industries division of the regulation and  
licensing department;

(2) "elevator" means any hoisting and lowering  
mechanism that is equipped with a car or platform and that  
moves between two or more landings, including escalators,

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1 moving sidewalks, platform lifts or stairway chair lifts for  
2 carrying persons between landings; or a hoisting and lowering  
3 mechanism that is equipped with a car, that serves two or more  
4 landings and that is restricted to carrying materials by its  
5 limited size and limited access. "Elevator" does not include  
6 material hoists, manlifts, mobile scaffolds or towers and  
7 platforms; powered platforms and equipment for exterior and  
8 interior maintenance; conveyors and related equipment; cranes,  
9 derricks, hoists, hooks, jacks, slings, industrial trucks,  
10 portable equipment, or tiering or piling machines that are used  
11 to move materials to and from storage and that are located and  
12 operated entirely within one story; equipment for feeding or  
13 positioning materials at machine tools and printing presses or  
14 similar equipment; skip or furnace hoists; wharf ramps;  
15 railroad car lifts or dumpers; line jacks; false cars;  
16 shafters; or moving platforms and similar equipment used for  
17 installing an elevator; and

18 (3) "standards" means the American society of  
19 civil engineers' safety code for elevators and escalators, the  
20 performance-based safety standard for elevators and escalators,  
21 the safety code for existing elevators and escalators, the  
22 standard for the qualifications of elevator inspectors, the  
23 safety standard for platform lifts and stairway chair lifts and  
24 the standard for elevator suspension, compensation and governor  
25 systems.

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1           B. By January 1, 2015, the owner or lessee of every  
2 existing elevator shall register with the director each  
3 elevator owned and operated by the owner or lessee and shall  
4 provide the type of elevator, its rated load and speed, the  
5 name of its manufacturer, its location, the purpose for which  
6 it is used and any additional information that the director  
7 requires. After July 1, 2014, all elevators shall be  
8 registered at the time that they are completed and placed in  
9 service.

10           C. Owners shall ensure that installation or service  
11 and maintenance of elevators are performed in compliance with  
12 all laws, ordinances and rules, including fire and building  
13 codes.

14           D. No elevator shall be erected, constructed,  
15 installed or altered within buildings or structures unless a  
16 permit has been obtained from the director before the work is  
17 commenced and the device conforms to all applicable standards.  
18 A copy of the permit shall be kept at the construction site at  
19 all times while the work is in progress. The director shall  
20 set a nonrefundable permit fee to defray expenses of  
21 administering the permit program. Each application for a  
22 permit shall be accompanied by copies of specifications and  
23 accurately scaled and fully dimensioned plans and shall include  
24 the location of the installation in relation to the plans and  
25 elevation of the building; the location of the machinery room

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1 and the equipment to be installed, relocated or altered; and  
2 all structural supporting members, including foundations and  
3 all materials to be employed and all loads to be supported or  
4 conveyed. Permits may be revoked for false statements or  
5 misrepresentations as to the material facts in the application,  
6 plans or specifications on which the permit was based;  
7 violation of any law, code, ordinance or rule; work detailed  
8 under the permit that is not being performed in accordance with  
9 the provisions of the application, plans specifications or  
10 standards; or failure or refusal of the permittee to comply  
11 with a stop work order.

12 E. The term of the permit shall expire no later  
13 than six months after the date of issuance of the permit or if  
14 the work is suspended or abandoned for a period of sixty days.  
15 The director may provide a six-month extension of the term of  
16 the permit.

17 F. A person who is found to be in violation of any  
18 provision of this section shall be fined in an amount not to  
19 exceed one thousand five hundred dollars (\$1,500) or be  
20 imprisoned for a period not exceeding thirty days, or both.

21 SECTION 2. APPROPRIATION.--Two hundred fifty thousand  
22 dollars (\$250,000) is appropriated from the general fund to the  
23 regulation and licensing department for expenditure in fiscal  
24 year 2015 to administer the elevator permit program. Any  
25 unexpended or unencumbered balance remaining at the end of

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1 fiscal year 2015 shall revert to the general fund.

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