STATE OF NEW HAMPSHIRE

EMERGENCY RULE
Document #14742
Filed: 10/30/26 @ 4:27 pm
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OFFICE OF LEGISLATIVE SERVICES
ADMINISTRATIVE RULES

STATE HOUSE ANNEX
25 CAPITOL STREET, ROOM 234
CONCORD, NH 03301

Cover Sheet for Emergency Rule

Adoption Number: #14742

Rule Number: Lab 1305

1. **Agency:** Department of Labor
   Agency Address: 95 Pleasant Street
2. **RSA Authority:** RSA 157-B
3. **Federal Authority:** N/A
4. **Action(s):** Adoption, Readopt
5. **Filing Date:** 2026-10-30
6. **Short Title:** Elevators
7. **Contact person for copies and questions including requests to accommodate persons with disabilities:**

Name: Danielle N. Albert	**Title:** Deputy Commissioner
Address: 95 Pleasant Street Concord, NH 03301	**Phone Number:** (603) 271-8496
	FAX Number:
	Email: danielle.n.albert@dol.nh.gov

****PLEASE ATTACH THE FOLLOWING, numbered to correspond to the number on this sheet (a separate sheet is not required for every item):**

8. **An explanation of the nature of (a) the imminent peril to public health or safety, demonstrating that the emergency rule is necessary to prevent the imminent peril, or (b) the substantial fiscal harm to the state or its citizens which could otherwise occur if the rule were not adopted as an emergency rule.**
   The Department proposes this emergency rule to permit private licensed elevator inspectors to perform inspections for both new unit acceptances as well as for unit modifications and alterations in the event that Department inspectors are unable or unavailable to perform those functions. The Department will only have one part time and one full-time elevator inspector position on duty for at least the next 30 days due to staff being on extended leave. The Department believes that it must adopt these emergency rules as the Commissioner finds that both imminent peril to public health and safety as well as substantial fiscal harm to the state or its citizens could occur if new construction projects and elevator and accessibility unit safety upgrade approvals are unnecessarily delayed as a result of the Department being unable to perform these types of inspections.

9. **A summary of the effect if the rule were not adopted.**
   In the absence of the emergency rule authorizing private inspectors to perform inspections, there would be significant delay in inspection of elevator and accessibility lift units to certify them for operation. This will result in delay and cost to the business industry with construction projects, fiscal harm to those businesses, and impact on public safety on any unit that is not properly inspected yet remains in operation. In addition, access to units by the public who rely on elevators and accessibility lifts will be impacted, including those individuals with mobility impairment or other disability who rely on elevators and lifts to navigate.

10. **A description of those affected.**
    The business community and members of the public who rely on elevator and accessibility use and access will be impacted by this emergency rule.

**PLEASE SIGN THE FOLLOWING:

I, the adopting authority,* hereby certify that the attached is an accurate statement explaining why an emergency rule is necessary.

Date: 2026-10-30 **Name:** Danielle N. Albert **Title:** Deputy Commissioner
**('Adopting authority' is the official empowered by statute to adopt the rule, or a member of the group of individuals empowered by statute to adopt the rule.)*

Files Uploaded to Server:

1. Elevator Inspection Report (2025).doc
2. Emergency Rule Lab 1305.docx

This list shows only files that have already been uploaded.
* denotes files uploaded by Rules

State of New Hampshire

Department of Labor

Hugh J. Gallen
State Office Park
Spaulding Building
95 Pleasant Street
Concord, NH 03301
603/271-3176
TDD Access: Relay NH
1-800-735-2964
FAX: 603/271-6149
http://www.nh.gov/labor

Ken Merrifield
Commissioner of Labor

Danielle N. Albert
Deputy Labor
Commissioner

November 2, 2026

Douglas J. Osterhoudt, Esq., Director
Office of Legislative Services
Division of Administrative Rules
25 Capitol Street
State House Annex, Room 219
Concord, NH 03301

Re: Emergency Rule Submission

Dear Director Osterhoudt:

Attached please find the New Hampshire Department of Labor's submission of an emergency rule for LAB 1305.

Sincerely,

Danielle Albert
Deputy Commissioner

PART Lab 1305 PROCEDURE FOR INSPECTION OF ELEVATORS AND ACCESSIBILITY LIFTS

Readopt Lab 1305.01, effective 7-11-2025 (Document #14313), to read as follows:

Lab 1305.01 Purpose. As of the 2025 effective date of this part, elevators and accessibility lifts shall be inspected according to applicable safety codes pursuant to legislative authority.

Readopt Lab 1305.02, effective 7-11-2025 (Document #14313), to read as follows:

Lab 1305.02 Reports of Inspections. Reports of inspections under this Part shall be completed on the form "Elevator Inspection Report" (October 2026) produced and maintained by the department.

Readopt Lab 1305.03, effective 7-11-2025, (Document #14313), to read as follows:

Lab 1305.03 New Elevators and Accessibility Lifts; Construction.

(a) Detailed plans for the construction and implementation of a new elevator or accessibility lift, as such unit is defined in RSA 157-B:2, shall be submitted to the department for approval before construction may begin.

(b) The department shall inspect the new elevator or accessibility lift, once constructed, and the department's approval shall be required before the new unit is released to the facility owner to be operated.

(c) The owner shall coordinate the required inspection through the department.

(d) Upon completing a passing inspection, the department shall issue a certificate. The department shall void that certificate if the owner fails to pay the required fee within 30 days.

(e) The inspection shall not be complete until the department has issued a certificate certifying the unit.

Readopt Lab 1305.04, effective 7-11-2025, (Document #14313), to read as follows:

Lab 1305.04 Existing Elevators and Accessibility Lifts; Alterations.

(a) Detailed plans for the alteration of an existing elevator or accessibility lift, as such unit is defined in RSA 157-B:2, shall be reviewed and approved by the department before any step in such alteration begins.

(b) The alteration shall satisfy the current ASME code in effect at the time the plans for the alteration is approved.

(c) The department shall inspect the alteration, once completed, and the department's approval shall be required before the altered unit is released to the facility owner to be operated.

(d) The owner shall coordinate the required inspection through the department.

(e) The inspection shall not be complete until the department has certified the unit.

Adopt new Lab 1305.05 to read as follows:

Lab 1305.05 Department-Approved Alternative for Inspection

(a) In the event that department staff are unavailable or otherwise unable to inspect a new elevator or accessibility lift per Lab 1305.03 (b) or an alteration per Lab 1503.04(c), the commissioner of labor may

provide written approval to an owner for a qualified third-party inspector to inspect the unit. An independent third-party inspector engaged shall be qualified if they:

(1) Are actively licensed in accordance with RSA 157-B:8; and

(2) Employed by a different company than the company that installed the new unit or performed the modification or alteration.

(b) Any owner, seeking approval under (a) shall provide the department with the following information regarding the qualified third-party inspector selected to inspect the unit:

(1) First and last name;

(2) New Hampshire Elevator Inspector License number;

(3) Name of the company the inspector is employed with; and

(4) Name of the company that installed the unit that requires inspection.

(c) A qualified third-party inspector engaged to perform an inspection of a new elevator, new accessibility lift, or alteration of an existing unit shall report the results of the inspection on form "Elevator Inspection Report" (October 2026) to the department within 24 hours of inspection of the unit.

(d) The department shall issue a certificate in accordance with Lab 1503.03(d) or Lab 1305.04 (e) following receipt of an "Elevator Inspection Report" (October 2026) demonstrating the unit passes inspection.

Readopt and renumber Lab 1305.05, effective 7-11-2025 (Document #14313) as Lab 1305.06 to read as follows:

Lab 1305.06~~5~~ Suspension of Certificate of Operation; Failed Inspection.

(a) If an elevator or accessibility lift fails inspection, the owner or owner's designee shall be apprised of the reasons for the failure, citing specific references to applicable sections of RSA Chapter 157-B, and the steps needed to be taken to cure the deficiencies.

(b) If an elevator or accessibility lift fails inspection, the department shall provide 30 days to cure the violation.

(c) Notwithstanding (b) above, if the elevator or accessibility lift, as determined by the inspector, will endanger life or limb, the department shall immediately suspend the right to operate the unit.

(d) The owner or owner's designee may request that a certificate to operate an elevator or accessibility lift be suspended for the purpose of making needed repairs to the unit. A service fee shall be assessed in accordance with Lab 1305.07.

(e) Once repairs or deficiencies prompting suspension have been corrected, the owner or owner's designee shall notify the department so that it can arrange to inspect the elevator or accessibility lift for compliance.

(f) Before a suspended elevator or accessibility lift can be returned to operation, all issues

identified in the suspension order shall be corrected and shall be cleared through an inspection performed by a licensed inspector.

Readopt and renumber Lab 1306.06, effective 7-11-2025 (Document #14313), as Lab 1305.07 to read as follows:

Lab 1305.07~~6~~ Illegal Operation.

(a) If an elevator or accessibility lift is determined to be operating without a valid certificate and outside the period provided by the department to cure the violation, the unit shall be taken out of service and the right to operate it suspended until the department has issued a new and valid certificate allowing the unit to be operated.

(b) If an elevator or accessibility lift is found to be operating in error under Lab 1305.05(a) above, and its operation suspended, the owner or owner's designee shall be notified, and apprised of the procedure for reinstating the right to operate the unit.

(c) Following suspension for illegal operation, the elevator or accessibility lift shall be inspected in accordance with the code or rule that applied during the year it was installed as well as in accordance with any later codes or rules applicable to any specific alterations made to the elevator or accessibility lift.

Readopt and renumber Lab 1305.07, effective 7-11-2025 (Document #14313), as Lab 1305.08 to read as follows:

Lab 1305.08~~7~~ Inspection Fees Charged to Owners.

(a) The department shall charge a minimum of $100.00 for inspections performed by its employees.

(b) Inspections requiring more than one hour shall be charged at the rate of $100.00 per hour calculated in half hour increments.

Readopt and renumber Lab 1305.08, effective 7-11-2025 (Document #14313), as Lab 1305.09 to read as follows:

Lab 1305.09~~8~~ Expiration of Approved Plans. Approved plans for installation of a new elevator, new accessibility lift, or alteration shall remain in effect for a period of 3 years from the date the plans were approved and shall expire if construction has not then commenced.

Readopt and renumber Lab 1305.09, effective 7-11-2025 (Document #14313), as Lab 1305.10 to read as follows:

Lab 1305.10~~9~~ Certificates: Issuance.

(a) Certificates of operation shall be issued and be in effect for a period of 12 months from the date of the initial inspection.

(b) Subsequent annual inspections shall be completed within the month of the initial inspection.

(c) No certificate shall be issued for a period greater than 12 months from the date of initial or annual inspection.

(d) Should the owner want to change the date of the annual inspection, it shall request that change in writing and submit the request before the then-effective certificate expires.

Readopt and renumber Lab 1305.10, effective 7-11-2025 (Document #14313), as Lab 1305.11 to read as follows:

Lab 1305.11~~0~~ Owner's Lessee. If the owner intends to obligate its lessee to comply with these rules jointly with the owner, it shall provide the department with a legible copy of the lease and shall provide the department, in writing, with the identity, mailing address, and contact information of the lessee.

Readopt and renumber Lab 1305.11, effective 7-11-2025 (Document #14313), as Lab 1305.12 to read as follows:

Lab 1305.12~~1~~ Changes of Address.

(a) The holder of title to the building in which the elevator or accessibility lift is located shall submit to the department, in writing, any changes of address applicable to the owner or the lessee.

(b) Any changes of address under Lab 1305.11(a) shall be reflected in the "Elevator Inspection Report Form" (October 2026).

APPENDIX I

Rule	Specific State Statute the Rule Implements
Lab 1305	RSA 157-B:3-6

State of New Hampshire

Department of Labor

Elevator Inspection Report

NH Department of Labor
PO Box 2076
Concord, NH 03302-2076
Email: B.E.Inspection@dol.nh.gov

Phone: 603-271-2585
TDD Access: Relay NH
1-800-735-2964
Fax: 603-271-2668
http://www.nh.gov/labor

Location Information		Owner Information		Billing Information	
Name:		Name:		Legal Name:	
Address:		Address:		Address:	
City:		City:		City:	
State:	Zip:	State:	Zip:	State:	Zip:
Phone:		Phone:		Phone:	
Email:		Email:		Email:	
Contact:		Contact:		Contact:	

NHE#:	Type: -	Date of Inspection:	Time:
Anniversary Date:			

Certificate to be issued…….…… Yes		… No			
Fire service operation tests passed (Phase 1 / Phase 2) ……Yes		… No			
Was the unit operating upon arrival…… Yes		… No			
Was the unit operating upon departure……...…….…….Yes		… No			
Was the current certificate displayed……...…….……Yes		… No			

Type of Inspection:

Acceptance Test……		CAT 1 Safety Test ……..……	
Annual Certification Inspection……		CAT 5 Load Test …….	
Decommission……		Accident Investigation……	
Suspension……		Other……	

Inspector Name: _____ NH Inspector Number: _____
Mechanic Name: _____ NH Mechanic Number: _____

Violations/Recommendations (Add attachment if necessary):

_____
_____
_____
_____

Please identify the owner of the building property where unit exists or agent (including title) of the owner whom violations were explained. If you spoke to the agent, please identify reasons your believe you were speaking to agent of the owner?

_____

Note: Attach a copy of the building lease agreement if the lessee is responsible for the maintenance of the lift. If not then the owner remains responsible for timely curing any violations cited.