

**Opinion No. 50-5311**

July 20, 1950

**BY:** JOE L. MARTINEZ, Attorney General

**TO:** Honorable Victor C. Breen Assistant District Attorney Tucumcari, New Mexico

{\*169} In reply to your letter dated April 24, 1950, requesting an opinion as to whether or not a sign man, particularly one dealing in neon or gas operated signs, is required to obtain a permit for erecting the same when actually the sign has not been connected to electricity by the sign man himself.

You also want to know if this man fails to obtain a permit, is he subject to penalties as provided in § 51-2210 N.M.S.A. 1941, or not.

The pertinent part of § 51-2210 reads as follows:

"Before any electrical wiring shall be installed within or on any building, structure or premises, publicly or privately owned, or before any alteration or addition be made in any such existing installation, a permit therefor shall be secured from the electrical inspector in whose jurisdiction such installation, alteration or addition is to be made, except as provided in section 1 \* \* \*"

The above pertinent part of § 51-2210 is mandatory and specifically provides that before any electrical wiring shall be **installed** within or on any building, structure or premises, publicly or privately owned, or before any alteration, or addition be made, in any such existing installation, permit should be secured.

It is my belief that the facts in your case do not come under the exceptions A, B or C in § 51-2210, N.M.S.A. 1941.

I also believe that under exceptions A, B, C and D in § 51-2201 N.M.S.A. 1941 the facts in your case do not come within these exceptions, nor do they come within the exception provided in § 51-2201 of the 1941 Cumulative Pocket Supplement.

I further believe that under the definition of an electrical contractor, under § 51-2202 of the 1941 Compilation, this sign man that you refer to is an electrical contractor or journeyman electrician.

Section 51-2202 N.M.S.A. 1941 Compilation reads as follows:

"(A) 'Electrical contractor' shall mean and include any person, firm, partnership or corporation engaged in the business of, or holding themselves out to the public as being engaged in the business of installing or repairing, or contracting to install or repair any electrical wiring, conduits, devices, fixtures, equipment, or other electrical materials for

carrying, using or consuming electrical energy for which a permit is required by section 11 (§ 51-2210).

"(B) 'Journeyman electrician' shall mean and include every person doing any work of installing, repairing or maintaining any electrical wiring or equipment subject to the provisions of this act.

"(C) 'Electrical wiring' shall mean and include all wiring, conductors, fixtures, devices, conduits, appliances or other equipment, including generating equipment of not over ten (10) kilowatt capacity, used in connection with the general distribution or utilization of electrical energy with a potential of twenty-four (24) volts or more between conductors."

{\*170} In view of the above statutes it is my opinion that this sign man has to obtain a permit and his failure to obtain one would subject him to the penalties as provided in § 51-2210, N.M.S.A. 1941.