

## **Opinion No. 62-64**

April 30, 1962

**BY:** OPINION OF EARL E. HARTLEY, Attorney General William E Snead, Assistant Attorney General

**TO:** Robert L. Thompson, Engineer, Electrical Administrative Board, 1824 Lomas Boulevard N.E., Albuquerque, New Mexico

### **QUESTION**

#### QUESTION

Can the Electrical Administrative Board set up a system of inspecting electrical signs in the shop where they are fabricated, either in addition to or in lieu of, its regular field inspection after the sign has been erected?

#### CONCLUSION

Yes, in addition to its regular field inspection.

### **OPINION**

#### ANALYSIS

From my previous conversations with you, it seems that the problem revolves around the following situation. Many electrical signs are very difficult, if not impossible to inspect properly because of their high position off of the ground and due to the fact that an inspector cannot make the detailed inspection necessary to ascertain conformity with legal standards once the sign has been fully erected. On the other hand, if the sign is in the shop where it is readily accessible to close inspection, the inspector can easily determine whether the sign is within the acceptable standards of safety to life and property.

The purpose of the act relating to licensing of electricians and the inspection for which the statute provides is obviously to insure that the persons doing electrical work are qualified and that the product of their work is as safe as possible. The statute should be construed to effectuate as nearly as possible the purposes of this act.

The fact that the electrical signs are in a shop presents no problem because Sec. 67-19-7, N.M.S.A., 1953 Comp., authorizes the inspectors to enter any building or go on any premises in the discharge of their official duties. Persons working in electrical service and repair shops, especially those in which motors are repaired, come within the provisions of the act; (Attorney General's Opinion No. 4412, rendered in 1943). Furthermore, this office has previously decided that sign men dealing with neon signs

must secure a permit before erecting them. (Attorney General's Opinion No. 5331, rendered in 1950). The only question then is whether an inspection may be made before the sign is actually erected. The resolution of this question requires a construction of Sec. 67-19-7 which defines the authority of inspectors. This section provides that:

"The electrical engineer and every municipal and deputy state electrical inspector shall have the right, during reasonable hours, to enter any building or go upon any premises in the discharge of their official duties, **for the purpose of making any inspection, reinspection or test of the electrical wiring, devices, appliances and equipment**, and shall have the authority to cut or disconnect, or to have cut or disconnected in cases of emergency, any wire or connection or device when necessary for safety to life or property, or where such wiring may interfere with the work of a fire department. Said electrical engineer and every municipal and deputy state electrical inspector having jurisdiction is hereby authorized to disconnect, or order the discontinuance of electrical service to **any wire, device, appliance** or equipment found to be dangerous to life or property **because they are defective** or defectively installed **until such wiring, devices, appliances or equipment** and their installation **shall have been made safe** and approved by said electrical engineer, Provided, however, that the rights and powers granted by this section to any municipal inspector shall be in effect only in the localities where he is authorized to make inspection.

Any municipal electrical inspector may delegate any of his powers to any of his assistants." (Emphasis supplied).

It is noted immediately that there is no provision requiring the wire, device, etc., to be installed before an inspection is made. Furthermore, the inspector is authorized to disconnect or discontinue electrical service to any wiring, device, etc., which is defective itself **or** defectively installed, until such wiring, device, etc., shall have been made safe **and** the installation made safe. It is therefore clear that inspection of the wiring, device, etc., is a completely separate matter from questions concerning installations. When the statute is viewed in light of the purposes of the act, it is the opinion of this office that the purpose of this act will be best effectuated by allowing inspectors to inspect electrical signs in the shops where they are fabricated. In light of this reasoning, the most logical construction that can be given to the statute under construction is that the Electrical Administrative Board is authorized to set up system of inspecting electrical signs in the shop where they are fabricated in addition to the regular field inspection.