

Opinion No. 57-89

May 7, 1957

BY: OPINION OF FRED M. STANDLEY, Attorney General Fred M. Calkins, Jr.,
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TO: Robert L. Thompson, Engineer, Electrical Administrative Board, 1824 Lomas Blvd.,
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QUESTIONS

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"Does the Electrical Administrative Board have jurisdiction over wiring installations in mobile homes manufactured in this State or brought into the State for sale or use here, which are designed for connection to Public Utility lines when stationary and occupied as dwellings?"

CONCLUSION

Yes.

OPINION

ANALYSIS

The Electrical Administrative Board's authority to act is found in § 67-19-4, N.M.S.A., 1953 Compilation. Among other duties under the above statutes, the Board shall issue orders prescribing the minimum standards for the installation of electrical wiring, and shall issue orders, rules and regulations regarding the same to deputy State electrical inspectors, and municipal electrical inspectors in the State of New Mexico. The authority of the electrical inspectors is stated in § 67-19-7, N.M.S.A., 1953 Compilation, and gives them authority during reasonable hours to enter any building or go upon any premises in the discharge of their official duties for the purpose of inspection or testing electrical wiring devices or appliances. They have authority to discontinue electrical service if the said devices are found to be defective, and authority to discontinue electrical service until the installations shall have been made safe and approved by the engineer.

The above provisions of the electrical code are applicable under § 67-19-1, N.M.S.A., 1953 Comp., to:

". . . all installations of electrical conductors, wiring, conduits, fixtures, devices, appliances or other electrical equipment or materials, hereinafter defined as 'electrical wiring' within or on public or private buildings, structures, or premises, except as hereinafter provided:"

The provisos listed thereafter in the Section, in our opinion, are not applicable to the instant situation.

If the Electrical Administrative Board has authority over mobile homes manufactured in the State or brought into the State for sale and use here, which are designated for connection to public utility lines when stationary and occupied as dwellings, the mobile homes must be a facility coming under the definition of a public or private building, structure or premises. We are of the opinion that a mobile home, which is intended to be occupied as a dwelling, comes under the provisions of the electrical code, and that the Electrical Administrative Board has jurisdiction over electrical installations contained therein. In WORDS AND PHRASES, VOL. 5, PERMANENT EDITION, the word "building" in its legal sense has been defined to be many different kinds of structures and edifices erected by man. They include factories, prisons, homes, a palace, a house boat, and even a tent and a dugout or artificial cave. The word "building" construed in the strictest sense of the word is:

"An edifice constructed for use or convenience as a house, shop, etc., attached to and becoming a part of the land itself."

See **Ross v. W. P. Ellison**, 89 NJL 416, 99 Atl., 119. We believe that a mobile home when stationary, used as a dwelling, and connected with utility installations such as water, gas and electricity, fits the above definition.

The stated purpose of the electrical code is for safeguarding life and property from electrical hazards and promoting the welfare of the public. In order to effect the above stated purpose we feel that a liberal interpretation of the act should be given, and therefore hold that a mobile house is a building or structure subject to the jurisdiction of the Electrical Administrative Board.